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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/27/2011	.	
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The Committee on Budget (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) of section 213.053, Florida
Statutes, is amended to read:

213.053 Confidentiality and information sharing.-

(4) The department, while providing unemployment tax
collection services under contract with the Agency for Workforce
Innovation through an interagency agreement pursuant to s.
443.1316, may release unemployment tax rate information to the
agent of an employer ~~who, which agent~~ provides payroll services
for more than 100 ~~500~~ employers, pursuant to the terms of a



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14 memorandum of understanding. The memorandum of understanding
15 must state that the agent affirms, subject to the criminal
16 penalties contained in ss. 443.171 and 443.1715, that the agent
17 will retain the confidentiality of the information, that the
18 agent has in effect a power of attorney from the employer which
19 permits the agent to obtain unemployment tax rate information,
20 and that the agent shall provide the department with a copy of
21 the employer's power of attorney upon request.

22 Section 2. Section 443.031, Florida Statutes, is amended to
23 read:

24 443.031 Rule of liberal construction.—This chapter shall be
25 liberally construed to accomplish its purpose to promote
26 employment security by increasing opportunities for reemployment
27 and to provide, through the accumulation of reserves, for the
28 payment of compensation to individuals with respect to their
29 unemployment. The Legislature hereby declares its intention to
30 provide for carrying out the purposes of this chapter in
31 cooperation with the appropriate agencies of other states and of
32 the Federal Government as part of a nationwide employment
33 security program, and particularly to provide for meeting the
34 requirements of Title III, the requirements of the Federal
35 Unemployment Tax Act, and the Wagner-Peyser Act of June 6, 1933,
36 entitled "An Act to provide for the establishment of a national
37 employment system and for cooperation with the states in the
38 promotion of such system, and for other purposes," each as
39 amended, in order to secure for this state and its citizens the
40 grants and privileges available under such acts. All doubts ~~in~~
41 favor of a claimant of unemployment benefits who is unemployed
42 through no fault of his or her own. Any doubt as to the proper



43 construction of any provision of this chapter shall be resolved
44 in favor of conformity with such requirements ~~federal law,~~
45 ~~including, but not limited to, the Federal Unemployment Tax Act,~~
46 ~~the Social Security Act, the Wagner-Peyser Act, and the~~
47 ~~Workforce Investment Act.~~

48 Section 3. Present subsections (26) through (45) of section
49 443.036, Florida Statutes, are renumbered as subsections (28)
50 through (47), respectively, new subsections (26) and (27) are
51 added to that section, and present subsections (6), (9), (29),
52 and (43) of that section are amended, to read:

53 443.036 Definitions.—As used in this chapter, the term:

54 (6) "Available for work" means actively seeking and being
55 ready and willing to accept suitable work ~~employment.~~

56 (9) "Benefit year" means, for an individual, the 1-year
57 period beginning with the first day of the first week for which
58 the individual first files a valid claim for benefits and,
59 thereafter, the 1-year period beginning with the first day of
60 the first week for which the individual next files a valid claim
61 for benefits after the termination of his or her last preceding
62 benefit year. Each claim for benefits made in accordance with s.
63 443.151(2) is a valid claim under this subsection if the
64 individual was paid wages for insured work in accordance with s.
65 443.091(1)(g) and is unemployed as defined in subsection (45)
66 ~~(43)~~ at the time of filing the claim. However, the Agency for
67 Workforce Innovation may adopt rules providing for the
68 establishment of a uniform benefit year for all workers in one
69 or more groups or classes of service or within a particular
70 industry if the agency determines, after notice to the industry
71 and to the workers in the industry and an opportunity to be



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72 heard in the matter, that those groups or classes of workers in
73 a particular industry periodically experience unemployment
74 resulting from layoffs or shutdowns for limited periods of time.

75 (26) "Individual in continued reporting status" means an
76 individual who has been determined to be eligible pursuant to s.
77 443.091 who is reporting to the Agency for Workforce Innovation
78 in accordance with s. 443.091(1) (c).

79 (27) "Initial skills review" means an online education or
80 training program, such as that established under s. 1004.99,
81 that is approved by the Agency for Workforce Innovation and
82 designed to measure an individual's mastery level of workplace
83 skills.

84 (31)~~(29)~~ "Misconduct," irrespective of whether the
85 misconduct occurs at the workplace or during working hours,
86 includes, but is not limited to, the following, which may not be
87 construed in pari materia with each other:

88 (a) Conduct demonstrating conscious ~~willful or wanton~~
89 disregard of an employer's interests and found to be a
90 deliberate violation or disregard of the reasonable standards of
91 behavior which the employer expects ~~has a right to expect~~ of his
92 or her employee. ~~;~~ ~~or~~

93 (b) Carelessness or negligence to a degree or recurrence
94 that manifests culpability, wrongful intent, ~~or evil design~~ or
95 shows an intentional and substantial disregard of the employer's
96 interests or of the employee's duties and obligations to his or
97 her employer.

98 (c) Chronic absenteeism or tardiness in deliberate
99 violation of a known policy of the employer or one or more
100 unapproved absences following a written reprimand or warning



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101 relating to more than one unapproved absence.

102 (d) A willful and deliberate violation of a standard or
103 regulation of this state by an employee of an employer licensed
104 or certified by this state, which violation would cause the
105 employer to be sanctioned or have its license or certification
106 suspended by this state.

107 (e) A violation of an employer's rule, unless the claimant
108 can demonstrate that:

109 1. He or she did not know, and could not reasonably know,
110 of the rule's requirements;

111 2. The rule is not lawful or not reasonably related to the
112 job environment and performance; or

113 3. The rule is not fairly or consistently enforced.

114 (45)-(43) "Unemployment" or "unemployed" means:

115 (a) An individual is "totally unemployed" in any week
116 during which he or she does not perform any services and for
117 which earned income is not payable to him or her. An individual
118 is "partially unemployed" in any week of less than full-time
119 work if the earned income payable to him or her for that week is
120 less than his or her weekly benefit amount. The Agency for
121 Workforce Innovation may adopt rules prescribing distinctions in
122 the procedures for unemployed individuals based on total
123 unemployment, part-time unemployment, partial unemployment of
124 individuals attached to their regular jobs, and other forms of
125 short-time work.

126 (b) An individual's week of unemployment commences only
127 after his or her registration with the Agency for Workforce
128 Innovation as required in s. 443.091, ~~except as the agency may~~
129 ~~otherwise prescribe by rule.~~



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130 Section 4. Paragraph (b) of subsection (2) of section
131 443.041, Florida Statutes, is amended to read:

132 443.041 Waiver of rights; fees; privileged communications.—

133 (2) FEES.—

134 (b) An attorney at law representing a claimant for benefits
135 in any district court of appeal of this state or in the Supreme
136 Court of Florida is entitled to counsel fees payable by the
137 Agency for Workforce Innovation as set by the court if the
138 petition for review or appeal is initiated by the claimant and
139 results in a decision awarding more benefits than provided in
140 the decision from which appeal was taken. The amount of the fee
141 may not exceed 50 percent of the total amount of regular
142 benefits permitted under s. 443.111(5) (b) ~~(a)~~ during the benefit
143 year.

144 Section 5. Paragraph (b) of subsection (1) of section
145 443.091, Florida Statutes, is amended to read:

146 443.091 Benefit eligibility conditions.—

147 (1) An unemployed individual is eligible to receive
148 benefits for any week only if the Agency for Workforce
149 Innovation finds that:

150 (b) She or he has registered with the agency for work and
151 subsequently reports to the one-stop career center as directed
152 by the regional workforce board for reemployment services. This
153 requirement does not apply to persons who are:

- 154 1. Non-Florida residents;
- 155 2. On a temporary layoff, ~~as defined in s. 443.036(42);~~
- 156 3. Union members who customarily obtain employment through
157 a union hiring hall; or
- 158 4. Claiming benefits under an approved short-time



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159 compensation plan as provided in s. 443.1116.

160 Section 6. Effective August 1, 2011, paragraph (c) of
161 subsection (1) of section 443.091, Florida Statutes, is amended
162 to read:

163 443.091 Benefit eligibility conditions.—

164 (1) An unemployed individual is eligible to receive
165 benefits for any week only if the Agency for Workforce
166 Innovation finds that:

167 (c) To make continued claims for benefits, she or he is
168 reporting to the agency in accordance with its rules.

169 1. These rules may not conflict with s. 443.111(1)(b),
170 including the requirement that each claimant continue to report
171 regardless of any pending appeal relating to her or his
172 eligibility or disqualification for benefits.

173 2. An individual in continued reporting status must
174 participate in an initial skills review as directed by the
175 agency. The failure of the individual to comply with this
176 subparagraph will result in the individual being determined
177 ineligible for the week in which the noncompliance occurred and
178 for any subsequent week of unemployment until the requirement is
179 satisfied. However, this subparagraph does not apply if the
180 individual is able to affirmatively attest to being unable to
181 complete such review due to illiteracy, language barrier, or
182 technological impediment.

183 3. The administrator or operator of the initial skills
184 review must notify the agency when the individual completes
185 participation in the initial skills review. The administrator or
186 operator of the initial skills review must also report the
187 results of the individual's initial skills review to the



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188 regional workforce board or the one-stop career center as
189 directed by the workforce board for reemployment services.

190 Section 7. Effective August 1, 2011, paragraph (a) of
191 subsection (1) and subsections (2), (3), and (9) of section
192 443.101, Florida Statutes, are amended, and subsection (12) is
193 added to that section, to read:

194 443.101 Disqualification for benefits.—An individual shall
195 be disqualified for benefits:

196 (1)(a) For the week in which he or she has voluntarily left
197 work without good cause attributable to his or her employing
198 unit or in which the individual has been discharged by the
199 employing unit for misconduct connected with his or her work,
200 based on a finding by the Agency for Workforce Innovation. As
201 used in this paragraph, the term "work" means any work, whether
202 full-time, part-time, or temporary.

203 1. Disqualification for voluntarily quitting continues for
204 the full period of unemployment next ensuing after the
205 individual has left his or her full-time, part-time, or
206 temporary work voluntarily without good cause and until the
207 individual has earned income equal to or in excess of 17 times
208 his or her weekly benefit amount. As used in this subsection,
209 the term "good cause" includes only that cause attributable to
210 the employing unit that would compel a reasonable employee to
211 cease his or her work or which consists of the individual's
212 illness or disability requiring separation from his or her work.
213 Any other disqualification may not be imposed. An individual is
214 not disqualified under this subsection for voluntarily leaving
215 temporary work to return immediately when called to work by the
216 permanent employing unit that temporarily terminated his or her



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217 work within the previous 6 calendar months. An individual is not
218 disqualified under this subsection for voluntarily leaving work
219 to relocate as a result of his or her military-connected
220 spouse's permanent change of station orders, activation orders,
221 or unit deployment orders.

222 2. Disqualification for being discharged for misconduct
223 connected with his or her work continues for the full period of
224 unemployment next ensuing after having been discharged and until
225 the individual is reemployed and has earned income of at least
226 17 times his or her weekly benefit amount and for not more than
227 52 weeks that immediately follow that week, as determined by the
228 agency in each case according to the circumstances in each case
229 or the seriousness of the misconduct, under the agency's rules
230 adopted for determinations of disqualification for benefits for
231 misconduct.

232 3. If an individual has provided notification to the
233 employing unit of his or her intent to voluntarily leave work
234 and the employing unit discharges the individual for reasons
235 other than misconduct before the date the voluntary quit was to
236 take effect, the individual, if otherwise entitled, shall
237 receive benefits from the date of the employer's discharge until
238 the effective date of his or her voluntary quit.

239 4. If an individual is notified by the employing unit of
240 the employer's intent to discharge the individual for reasons
241 other than misconduct and the individual quits without good
242 cause, as defined in this section, before the date the discharge
243 was to take effect, the claimant is ineligible for benefits
244 pursuant to s. 443.091(1)(d) for failing to be available for
245 work for the week or weeks of unemployment occurring before the



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246 effective date of the discharge.

247 (2) If the Agency for Workforce Innovation finds that the
248 individual has failed without good cause to actively seek work,
249 apply for available suitable work ~~when directed by the agency or~~
250 ~~the one-stop career center,~~ ~~to~~ accept suitable work when offered
251 to him or her, or ~~to~~ return to the individual's customary self-
252 employment when directed by the agency, the disqualification
253 continues for the full period of unemployment next ensuing after
254 he or she failed without good cause to actively seek work, apply
255 for available suitable work, ~~to~~ accept suitable work, or ~~to~~
256 return to his or her customary self-employment, under this
257 subsection, and until the individual has earned income at least
258 17 times his or her weekly benefit amount. The Agency for
259 Workforce Innovation shall by rule adopt criteria for
260 determining the "suitability of work," as used in this section.
261 The Agency for Workforce Innovation in developing these rules
262 shall consider the duration of a claimant's unemployment in
263 determining the suitability of work and the suitability of
264 proposed rates of compensation for available work. Further,
265 after an individual has received 19 ~~25~~ weeks of benefits in a
266 single year, suitable work is a job that pays the minimum wage
267 and is 120 percent or more of the weekly benefit amount the
268 individual is drawing.

269 (a) In determining whether or not any work is suitable for
270 an individual, the Agency for Workforce Innovation shall
271 consider the degree of risk involved to his or her health,
272 safety, and morals; his or her physical fitness and prior
273 training; the individual's experience and prior earnings; his or
274 her length of unemployment and prospects for securing local work



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275 in his or her customary occupation; and the distance of the
276 available work from his or her residence.

277 (b) Notwithstanding any other provisions of this chapter,
278 work is not deemed suitable and benefits may not be denied under
279 this chapter to any otherwise eligible individual for refusing
280 to accept new work under any of the following conditions:

281 1. If the position offered is vacant due directly to a
282 strike, lockout, or other labor dispute.

283 2. If the wages, hours, or other conditions of the work
284 offered are substantially less favorable to the individual than
285 those prevailing for similar work in the locality.

286 3. If as a condition of being employed, the individual
287 would be required to join a company union or to resign from or
288 refrain from joining any bona fide labor organization.

289 (c) If the Agency for Workforce Innovation finds that an
290 individual was rejected for offered employment as the direct
291 result of a positive, confirmed drug test required as a
292 condition of employment, the individual is disqualified for
293 refusing to accept an offer of suitable work.

294 (3) For any week with respect to which he or she is
295 receiving or has received remuneration in the form of:

296 (a) Wages in lieu of notice.

297 (b) Severance pay. The number of weeks that an individual's
298 severance pay disqualifies the individual is equal to the amount
299 of the severance pay divided by that individual's average weekly
300 wage received from the employer that paid the severance pay,
301 rounded down to the nearest whole number, beginning with the
302 week the individual is separated from employment.

303 (c) ~~(b)~~1. Compensation for temporary total disability or



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304 permanent total disability under the workers' compensation law
305 of any state or under a similar law of the United States.

306
307 ~~2. However,~~ If the remuneration referred to in this subsection
308 ~~paragraphs (a) and (b)~~ is less than the benefits that would
309 otherwise be due under this chapter, an individual who is
310 otherwise eligible ~~he or she~~ is entitled to receive for that
311 week, ~~if otherwise eligible,~~ benefits reduced by the amount of
312 the remuneration.

313 (9) If the individual was terminated from his or her work
314 ~~for violation of any criminal law punishable by imprisonment, or~~
315 ~~for any dishonest act, in connection with his or her work,~~ as
316 follows:

317 (a) If the Agency for Workforce Innovation or the
318 Unemployment Appeals Commission finds that the individual was
319 terminated from ~~his or her~~ work for violation of any criminal
320 law, under any jurisdiction, which was punishable by
321 ~~imprisonment~~ in connection with his or her work, and the
322 individual was convicted ~~found guilty of the offense, made an~~
323 ~~admission of guilt in a court of law,~~ or entered a plea of
324 guilty or nolo contendere ~~no contest,~~ the individual is not
325 entitled to unemployment benefits for up to 52 weeks, pursuant
326 ~~to~~ ~~under~~ rules adopted by the agency ~~for Workforce Innovation,~~
327 and until he or she has earned income of at least 17 times his
328 or her weekly benefit amount. If, before an adjudication of
329 guilt, an admission of guilt, or a plea of nolo contendere ~~no~~
330 ~~contest,~~ the employer proves by competent substantial evidence
331 to ~~shows~~ the agency ~~for Workforce Innovation~~ that the arrest was
332 due to a crime against the employer or the employer's business,



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333 ~~customers, or invitees and, after considering all the evidence,~~
334 ~~the Agency for Workforce Innovation finds misconduct in~~
335 ~~connection with the individual's work,~~ the individual is not
336 entitled to unemployment benefits.

337 (b) If the Agency for Workforce Innovation or the
338 Unemployment Appeals Commission finds that the individual was
339 terminated from work for any dishonest act in connection with
340 his or her work, the individual is not entitled to unemployment
341 benefits for up to 52 weeks, under rules adopted by the Agency
342 for Workforce Innovation, and until he or she has earned income
343 of at least 17 times his or her weekly benefit amount. In
344 addition, if the employer terminates an individual as a result
345 of a dishonest act in connection with his or her work and the
346 Agency for Workforce Innovation finds misconduct in connection
347 with his or her work, the individual is not entitled to
348 unemployment benefits.

349
350 With respect to an individual disqualified for benefits, the
351 account of the terminating employer, if the employer is in the
352 base period, is noncharged at the time the disqualification is
353 imposed.

354 (12) For any week in which the individual is unavailable
355 for work due to incarceration or imprisonment.

356 Section 8. Effective January 1, 2012, subsection (5) of
357 section 443.111, Florida Statutes, is amended to read:

358 443.111 Payment of benefits.—

359 (5) DURATION OF BENEFITS.—

360 (a) As used in this section, the term "Florida average
361 unemployment rate" means the average of the 3 months for the



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362 most recent third calendar year quarter of the seasonally
363 adjusted statewide unemployment rates as published by the Agency
364 for Workforce Innovation.

365 (b)1- Each otherwise eligible individual is entitled during
366 any benefit year to a total amount of benefits equal to 25
367 percent of the total wages in his or her base period, not to
368 exceed \$5,500 or the product arrived at by multiplying the
369 weekly benefit amount with the number of weeks determined in
370 paragraph (c), whichever is less \$7,150. However, the total
371 amount of benefits, if not a multiple of \$1, is rounded downward
372 to the nearest full dollar amount. These benefits are payable at
373 a weekly rate no greater than the weekly benefit amount.

374 (c) For claims submitted during a calendar year, the
375 duration of benefits is limited to:

376 1. Twelve weeks if this state's average unemployment rate
377 is at or below 5 percent.

378 2. An additional week in addition to the 12 weeks for each
379 0.5 percent increment in this state's average unemployment rate
380 above 5 percent.

381 3. Up to a maximum of 20 weeks if this state's average
382 unemployment rate equals or exceeds 9 percent.

383 (d)2- For the purposes of this subsection, wages are
384 counted as "wages for insured work" for benefit purposes with
385 respect to any benefit year only if the benefit year begins
386 after the date the employing unit by whom the wages were paid
387 has satisfied the conditions of this chapter for becoming an
388 employer.

389 (e)1- If the remuneration of an individual is not based
390 upon a fixed period or duration of time or if the individual's



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391 wages are paid at irregular intervals or in a manner that does
392 not extend regularly over the period of employment, the wages
393 for any week or for any calendar quarter for the purpose of
394 computing an individual's right to employment benefits only are
395 determined in the manner prescribed by rule. These rules, to the
396 extent practicable, must secure results reasonably similar to
397 those that would prevail if the individual were paid her or his
398 wages at regular intervals.

399 Section 9. Paragraph (f) of subsection (13) of section
400 443.1216, Florida Statutes, is amended to read:

401 443.1216 Employment.—Employment, as defined in s. 443.036,
402 is subject to this chapter under the following conditions:

403 (13) The following are exempt from coverage under this
404 chapter:

405 (f) Service performed in the employ of a public employer as
406 defined in s. 443.036, except as provided in subsection (2), and
407 service performed in the employ of an instrumentality of a
408 public employer as described in s. 443.036 (37) ~~(35)~~ (b) or (c), to
409 the extent that the instrumentality is immune under the United
410 States Constitution from the tax imposed by s. 3301 of the
411 Internal Revenue Code for that service.

412 Section 10. Effective upon this act becoming a law, for tax
413 rates effective on or after January 1, 2012, paragraphs (b) and
414 (e) of subsection (3) of section 443.131, Florida Statutes, are
415 amended to read:

416 443.131 Contributions.—

417 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
418 EXPERIENCE.—

419 (b) *Benefit ratio*.—



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420 1. As used in this paragraph, the term "annual payroll"
421 means the calendar quarter taxable payroll reported to the tax
422 collection service provider for the quarters used in computing
423 the benefit ratio. The term does not include a penalty resulting
424 from the untimely filing of required wage and tax reports. All
425 of the taxable payroll reported to the tax collection service
426 provider by the end of the quarter preceding the quarter for
427 which the contribution rate is to be computed must be used in
428 the computation.

429 2. As used in this paragraph, the term "benefits charged to
430 the employer's employment record" means the amount of benefits
431 paid to individuals multiplied by:

432 a. One for benefits paid prior to July 1, 2007.

433 b. Nine-tenths for benefits paid during the period
434 beginning on July 1, 2007, and ending March 31, 2011.

435 c. One for benefits paid after March 31, 2011.

436 ~~3.2.~~ For each calendar year, the tax collection service
437 provider shall compute a benefit ratio for each employer whose
438 employment record was chargeable for benefits during the 12
439 consecutive quarters ending June 30 of the calendar year
440 preceding the calendar year for which the benefit ratio is
441 computed. An employer's benefit ratio is the quotient obtained
442 by dividing the total benefits charged to the employer's
443 employment record during the 3-year period ending June 30 of the
444 preceding calendar year by the total of the employer's annual
445 payroll for the 3-year period ending June 30 of the preceding
446 calendar year. The benefit ratio shall be computed to the fifth
447 decimal place and rounded to the fourth decimal place.

448 ~~4.3.~~ The tax collection service provider shall compute a



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449 benefit ratio for each employer who was not previously eligible
450 under subparagraph 3. 2-, whose contribution rate is set at the
451 initial contribution rate in paragraph (2) (a), and whose
452 employment record was chargeable for benefits during at least 8
453 calendar quarters immediately preceding the calendar quarter for
454 which the benefit ratio is computed. The employer's benefit
455 ratio is the quotient obtained by dividing the total benefits
456 charged to the employer's employment record during the first 6
457 of the 8 completed calendar quarters immediately preceding the
458 calendar quarter for which the benefit ratio is computed by the
459 total of the employer's annual payroll during the first 7 of the
460 9 completed calendar quarters immediately preceding the calendar
461 quarter for which the benefit ratio is computed. The benefit
462 ratio shall be computed to the fifth decimal place and rounded
463 to the fourth decimal place and applies for the remainder of the
464 calendar year. The employer must subsequently be rated on an
465 annual basis using up to 12 calendar quarters of benefits
466 charged and up to 12 calendar quarters of annual payroll. That
467 employer's benefit ratio is the quotient obtained by dividing
468 the total benefits charged to the employer's employment record
469 by the total of the employer's annual payroll during the
470 quarters used in his or her first computation plus the
471 subsequent quarters reported through June 30 of the preceding
472 calendar year. Each subsequent calendar year, the rate shall be
473 computed under subparagraph 3. 2-. The tax collection service
474 provider shall assign a variation from the standard rate of
475 contributions in paragraph (c) on a quarterly basis to each
476 eligible employer in the same manner as an assignment for a
477 calendar year under paragraph (e).



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478 (e) *Assignment of variations from the standard rate.*-

479 1. As used in this paragraph, the terms "total benefit
480 payments," "benefits paid to an individual," and "benefits
481 charged to the employment record of an employer" mean the amount
482 of benefits paid to individuals multiplied by:

483 a. One for benefits paid prior to July 1, 2007.

484 b. Nine-tenths for benefits paid during the period
485 beginning on July 1, 2007, and ending March 31, 2011.

486 c. One for benefits paid after March 31, 2011.

487 2. For the calculation of contribution rates effective
488 January 1, 2010, and thereafter:

489 a.1- The tax collection service provider shall assign a
490 variation from the standard rate of contributions for each
491 calendar year to each eligible employer. In determining the
492 contribution rate, varying from the standard rate to be assigned
493 each employer, adjustment factors computed under sub-sub-
494 subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ are added to the
495 benefit ratio. This addition shall be accomplished in two steps
496 by adding a variable adjustment factor and a final adjustment
497 factor. The sum of these adjustment factors computed under sub-
498 sub-subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ shall first
499 be algebraically summed. The sum of these adjustment factors
500 shall next be divided by a gross benefit ratio determined as
501 follows: Total benefit payments for the 3-year period described
502 in subparagraph (b)3. ~~(b)2.~~ are charged to employers eligible
503 for a variation from the standard rate, minus excess payments
504 for the same period, divided by taxable payroll entering into
505 the computation of individual benefit ratios for the calendar
506 year for which the contribution rate is being computed. The



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507 ratio of the sum of the adjustment factors computed under sub-
508 sub-subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ to the gross
509 benefit ratio is multiplied by each individual benefit ratio
510 that is less than the maximum contribution rate to obtain
511 variable adjustment factors; except that if the sum of an
512 employer's individual benefit ratio and variable adjustment
513 factor exceeds the maximum contribution rate, the variable
514 adjustment factor is reduced in order for the sum to equal the
515 maximum contribution rate. The variable adjustment factor for
516 each of these employers is multiplied by his or her taxable
517 payroll entering into the computation of his or her benefit
518 ratio. The sum of these products is divided by the taxable
519 payroll of the employers who entered into the computation of
520 their benefit ratios. The resulting ratio is subtracted from the
521 sum of the adjustment factors computed under sub-sub-
522 subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ to obtain the
523 final adjustment factor. The variable adjustment factors and the
524 final adjustment factor must be computed to five decimal places
525 and rounded to the fourth decimal place. This final adjustment
526 factor is added to the variable adjustment factor and benefit
527 ratio of each employer to obtain each employer's contribution
528 rate. An employer's contribution rate may not, however, be
529 rounded to less than 0.1 percent.

530 (I)a. An adjustment factor for noncharge benefits is
531 computed to the fifth decimal place and rounded to the fourth
532 decimal place by dividing the amount of noncharge benefits
533 during the 3-year period described in subparagraph (b)3. ~~(b)2.~~
534 by the taxable payroll of employers eligible for a variation
535 from the standard rate who have a benefit ratio for the current



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536 year which is less than the maximum contribution rate. For
537 purposes of computing this adjustment factor, the taxable
538 payroll of these employers is the taxable payrolls for the 3
539 years ending June 30 of the current calendar year as reported to
540 the tax collection service provider by September 30 of the same
541 calendar year. As used in this sub-sub-subparagraph ~~sub-~~
542 ~~subparagraph~~, the term "noncharge benefits" means benefits paid
543 to an individual from the Unemployment Compensation Trust Fund,
544 but which were not charged to the employment record of any
545 employer.

546 (II)~~b~~. An adjustment factor for excess payments is computed
547 to the fifth decimal place, and rounded to the fourth decimal
548 place by dividing the total excess payments during the 3-year
549 period described in subparagraph (b)3. ~~(b)2.~~ by the taxable
550 payroll of employers eligible for a variation from the standard
551 rate who have a benefit ratio for the current year which is less
552 than the maximum contribution rate. For purposes of computing
553 this adjustment factor, the taxable payroll of these employers
554 is the same figure used to compute the adjustment factor for
555 noncharge benefits under sub-sub-subparagraph (I) ~~sub-~~
556 ~~subparagraph a~~. As used in this sub-subparagraph, the term
557 "excess payments" means the amount of benefits charged to the
558 employment record of an employer during the 3-year period
559 described in subparagraph (b)3. ~~(b)2.~~, less the product of the
560 maximum contribution rate and the employer's taxable payroll for
561 the 3 years ending June 30 of the current calendar year as
562 reported to the tax collection service provider by September 30
563 of the same calendar year. As used in this sub-sub-subparagraph
564 ~~sub-subparagraph~~, the term "total excess payments" means the sum



565 of the individual employer excess payments for those employers
566 that were eligible for assignment of a contribution rate
567 different from the standard rate.

568 (III)~~e.~~ With respect to computing a positive adjustment
569 factor:

570 (A)~~(I)~~ Beginning January 1, 2012, if the balance of the
571 Unemployment Compensation Trust Fund on September 30 of the
572 calendar year immediately preceding the calendar year for which
573 the contribution rate is being computed is less than 4 percent
574 of the taxable payrolls for the year ending June 30 as reported
575 to the tax collection service provider by September 30 of that
576 calendar year, a positive adjustment factor shall be computed.
577 The positive adjustment factor is computed annually to the fifth
578 decimal place and rounded to the fourth decimal place by
579 dividing the sum of the total taxable payrolls for the year
580 ending June 30 of the current calendar year as reported to the
581 tax collection service provider by September 30 of that calendar
582 year into a sum equal to one-third of the difference between the
583 balance of the fund as of September 30 of that calendar year and
584 the sum of 5 percent of the total taxable payrolls for that
585 year. The positive adjustment factor remains in effect for
586 subsequent years until the balance of the Unemployment
587 Compensation Trust Fund as of September 30 of the year
588 immediately preceding the effective date of the contribution
589 rate equals or exceeds 5 percent of the taxable payrolls for the
590 year ending June 30 of the current calendar year as reported to
591 the tax collection service provider by September 30 of that
592 calendar year.

593 (B)~~(II)~~ Beginning January 1, 2015, and for each year



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594 thereafter, the positive adjustment shall be computed by
595 dividing the sum of the total taxable payrolls for the year
596 ending June 30 of the current calendar year as reported to the
597 tax collection service provider by September 30 of that calendar
598 year into a sum equal to one-fourth of the difference between
599 the balance of the fund as of September 30 of that calendar year
600 and the sum of 5 percent of the total taxable payrolls for that
601 year. The positive adjustment factor remains in effect for
602 subsequent years until the balance of the Unemployment
603 Compensation Trust Fund as of September 30 of the year
604 immediately preceding the effective date of the contribution
605 rate equals or exceeds 4 percent of the taxable payrolls for the
606 year ending June 30 of the current calendar year as reported to
607 the tax collection service provider by September 30 of that
608 calendar year.

609 (IV) ~~d.~~ If, beginning January 1, 2015, and each year
610 thereafter, the balance of the Unemployment Compensation Trust
611 Fund as of September 30 of the year immediately preceding the
612 calendar year for which the contribution rate is being computed
613 exceeds 5 percent of the taxable payrolls for the year ending
614 June 30 of the current calendar year as reported to the tax
615 collection service provider by September 30 of that calendar
616 year, a negative adjustment factor must be computed. The
617 negative adjustment factor shall be computed annually beginning
618 on January 1, 2015, and each year thereafter, to the fifth
619 decimal place and rounded to the fourth decimal place by
620 dividing the sum of the total taxable payrolls for the year
621 ending June 30 of the current calendar year as reported to the
622 tax collection service provider by September 30 of the calendar



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623 year into a sum equal to one-fourth of the difference between
624 the balance of the fund as of September 30 of the current
625 calendar year and 5 percent of the total taxable payrolls of
626 that year. The negative adjustment factor remains in effect for
627 subsequent years until the balance of the Unemployment
628 Compensation Trust Fund as of September 30 of the year
629 immediately preceding the effective date of the contribution
630 rate is less than 5 percent, but more than 4 percent of the
631 taxable payrolls for the year ending June 30 of the current
632 calendar year as reported to the tax collection service provider
633 by September 30 of that calendar year. The negative adjustment
634 authorized by this section is suspended in any calendar year in
635 which repayment of the principal amount of an advance received
636 from the federal Unemployment Compensation Trust Fund under 42
637 U.S.C. s. 1321 is due to the Federal Government.

638 (V)~~e~~. The maximum contribution rate that may be assigned to
639 an employer is 5.4 percent, except employers participating in an
640 approved short-time compensation plan may be assigned a maximum
641 contribution rate that is 1 percent greater than the maximum
642 contribution rate for other employers in any calendar year in
643 which short-time compensation benefits are charged to the
644 employer's employment record.

645 (VI)~~f~~. As used in this subsection, "taxable payroll" shall
646 be determined by excluding any part of the remuneration paid to
647 an individual by an employer for employment during a calendar
648 year in excess of the first \$7,000. Beginning January 1, 2012,
649 "taxable payroll" shall be determined by excluding any part of
650 the remuneration paid to an individual by an employer for
651 employment during a calendar year as described in s.



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652 443.1217(2). For the purposes of the employer rate calculation
653 that will take effect in January 1, 2012, and in January 1,
654 2013, the tax collection service provider shall use the data
655 available for taxable payroll from 2009 based on excluding any
656 part of the remuneration paid to an individual by an employer
657 for employment during a calendar year in excess of the first
658 \$7,000, and from 2010 and 2011, the data available for taxable
659 payroll based on excluding any part of the remuneration paid to
660 an individual by an employer for employment during a calendar
661 year in excess of the first \$8,500.

662 ~~b.2.~~ If the transfer of an employer's employment record to
663 an employing unit under paragraph (f) which, before the
664 transfer, was an employer, the tax collection service provider
665 shall recompute a benefit ratio for the successor employer based
666 on the combined employment records and reassign an appropriate
667 contribution rate to the successor employer effective on the
668 first day of the calendar quarter immediately after the
669 effective date of the transfer.

670 Section 11. Present paragraph (f) of subsection (1) of
671 section 443.141, Florida Statutes, is redesignated as paragraph
672 (g), and new paragraph (f) is added to that subsection to read:

673 443.141 Collection of contributions and reimbursements.—

674 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
675 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

676 (f) Payments for 2012, 2013, and 2014 Contributions.—For an
677 annual administrative fee not to exceed \$5, a contributing
678 employer may pay its quarterly contributions due for wages paid
679 in the first three quarters of 2012, 2013, and 2014 in equal
680 installments if those contributions are paid as follows:



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681 1. For contributions due for wages paid in the first
682 quarter of each year, one-fourth of the contributions due must
683 be paid on or before April 30, one-fourth must be paid on or
684 before July 31, one-fourth must be paid on or before October 31,
685 and one-fourth must be paid on or before December 31.

686 2. In addition to the payments specified in subparagraph
687 1., for contributions due for wages paid in the second quarter
688 of each year, one-third of the contributions due must be paid on
689 or before July 31, one-third must be paid on or before October
690 31, and one-third must be paid on or before December 31.

691 3. In addition to the payments specified in subparagraphs
692 1. and 2., for contributions due for wages paid in the third
693 quarter of each year, one-half of the contributions due must be
694 paid on or before October 31, and one-half must be paid on or
695 before December 31.

696 4. The annual administrative fee assessed for electing to
697 pay under the installment method shall be collected at the time
698 the employer makes the first installment payment each year. The
699 fee shall be segregated from the payment and deposited into the
700 Operating Trust Fund of the Department of Revenue.

701 5. Interest does not accrue on any contribution that
702 becomes due for wages paid in the first three quarters of each
703 year if the employer pays the contribution in accordance with
704 subparagraphs 1.-4. Interest and fees continue to accrue on
705 prior delinquent contributions and commence accruing on all
706 contributions due for wages paid in the first three quarters of
707 each year which are not paid in accordance with subparagraphs
708 1.-3. Penalties may be assessed in accordance with this chapter.
709 The contributions due for wages paid in the fourth quarter of



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710 2012, 2013, and 2014 are not affected by this paragraph and are
711 due and payable in accordance with this chapter.

712 Section 12. Paragraphs (b) and (d) of subsection (3) and
713 paragraphs (b) and (e) of subsection (4) of section 443.151,
714 Florida Statutes, are amended to read:

715 443.151 Procedure concerning claims.—

716 (3) DETERMINATION OF ELIGIBILITY.—

717 (b) *Monetary determinations.*—In addition to the notice of
718 claim, the Agency for Workforce Innovation must ~~shall~~ also
719 promptly provide an initial monetary determination to the
720 claimant and each base period employer whose account is subject
721 to being charged for its respective share of benefits on the
722 claim. The monetary determination must include a statement of
723 whether and in what amount the claimant is entitled to benefits,
724 and, in the event of a denial, must state the reasons for the
725 denial. A monetary determination for the first week of a benefit
726 year must also include a statement of whether the claimant was
727 paid the wages required under s. 443.091(1)(g) and, if so, the
728 first day of the benefit year, the claimant's weekly benefit
729 amount, and the maximum total amount of benefits payable to the
730 claimant for a benefit year. The monetary determination is final
731 unless within 20 days after the mailing of the notices to the
732 parties' last known addresses, or in lieu of mailing, within 20
733 days after the delivery of the notices, an appeal or written
734 request for reconsideration is filed by the claimant or other
735 party entitled to notice. The agency may adopt rules as
736 necessary to implement the processes described in this paragraph
737 relating to notices of monetary determinations and the appeals
738 or reconsideration requests filed in response to such notices.



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739 (d) *Determinations in labor dispute cases.*—~~If a~~ ~~Whenever~~
740 ~~any~~ claim involves a labor dispute described in s. 443.101(4),
741 the Agency for Workforce Innovation shall promptly assign the
742 claim to a special examiner who shall make a determination on
743 the issues involving unemployment due to the labor dispute. The
744 special examiner shall make the determination after an
745 investigation, as necessary. The claimant or another party
746 entitled to notice of the determination may appeal a
747 determination under subsection (4).

748 (4) APPEALS.—

749 (b) *Filing and hearing.*—

750 1. The claimant or any other party entitled to notice of a
751 determination may appeal an adverse determination to an appeals
752 referee within 20 days after the date of mailing of the notice
753 to her or his last known address or, if the notice is not
754 mailed, within 20 days after the date of delivery of the notice.

755 2. Unless the appeal is untimely or withdrawn or review is
756 initiated by the commission, the appeals referee, after mailing
757 all parties and attorneys of record a notice of hearing at least
758 10 days before the date of hearing, notwithstanding the 14-day
759 notice requirement in s. 120.569(2)(b), may only affirm, modify,
760 or reverse the determination. An appeal may not be withdrawn
761 without the permission of the appeals referee.

762 3. However, when an appeal appears to have been filed after
763 the permissible time limit, the Office of Appeals may issue an
764 order to show cause to the appellant, requiring the appellant to
765 show why the appeal should not be dismissed as untimely. If the
766 appellant does not, within 15 days after the mailing date of the
767 order to show cause, provide written evidence of timely filing



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768 or good cause for failure to appeal timely, the appeal shall be
769 dismissed.

770 4. When an appeal involves a question of whether services
771 were performed by a claimant in employment or for an employer,
772 the referee must give special notice of the question and of the
773 pendency of the appeal to the employing unit and to the Agency
774 for Workforce Innovation, both of which become parties to the
775 proceeding.

776 5.a. Any part of the evidence may be received in written
777 form, and all testimony of parties and witnesses shall be made
778 under oath.

779 b. Irrelevant, immaterial, or unduly repetitious evidence
780 shall be excluded, but all other evidence of a type commonly
781 relied upon by reasonably prudent persons in the conduct of
782 their affairs shall be admissible, whether or not such evidence
783 would be admissible in a trial in the courts of the state.

784 c. Hearsay evidence may be used for the purpose of
785 supplementing or explaining other evidence, or to support a
786 finding if it would be admissible over objection in civil
787 actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may
788 support a finding of fact if:

789 (I) The party against whom it is offered has a reasonable
790 opportunity to review such evidence prior to the hearing; and

791 (II) The appeals referee or special deputy determines,
792 after considering all relevant facts and circumstances, that the
793 evidence is trustworthy and probative and that the interests of
794 justice will best be served by its admission into evidence.

795 6.5. The parties must be notified promptly of the referee's
796 decision. The referee's decision is final unless further review



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797 is initiated under paragraph (c) within 20 days after the date
798 of mailing notice of the decision to the party's last known
799 address or, in lieu of mailing, within 20 days after the
800 delivery of the notice.

801 (e) *Judicial review.*—Orders of the commission entered under
802 paragraph (c) are subject to review only by notice of appeal in
803 the district court of appeal in the appellate district in which
804 a claimant resides or the job separation arose or in the
805 appellate district where the order was issued ~~the issues~~
806 ~~involved were decided by an appeals referee.~~ However, if the
807 notice of appeal is filed solely with the commission, the appeal
808 shall be filed in the district court of appeal in the appellate
809 district in which the order was issued. Notwithstanding chapter
810 120, the commission is a party respondent to every such
811 proceeding. The Agency for Workforce Innovation may initiate
812 judicial review of orders in the same manner and to the same
813 extent as any other party.

814 Section 13. Section (10) is added to section 443.171,
815 Florida Statutes, to read:

816 443.171 Agency for Workforce Innovation and commission;
817 powers and duties; records and reports; proceedings; state-
818 federal cooperation.—

819 (10) EVIDENCE OF MAILING.—The existence of a mailing date
820 on any notice, determination, decision, order, or other document
821 mailed by the Agency for Workforce Innovation or its tax
822 collection service provider pursuant to this chapter creates a
823 rebuttable presumption that such notice, determination, order,
824 or other document was mailed on the date indicated.

825 Section 14. Notwithstanding the expiration date contained



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826 in section 1 of chapter 2010-90, Laws of Florida, operating
827 retroactive to June 2, 2010, and expiring January 4, 2012,
828 section 443.1117, Florida Statutes, is revived, readopted, and
829 amended to read:

830 443.1117 Temporary extended benefits.—

831 (1) APPLICABILITY OF EXTENDED BENEFITS STATUTE.—Except if
832 the result is inconsistent with other provisions of this
833 section, s. 443.1115(2), (3), (4), (6), and (7) apply to all
834 claims covered by this section.

835 (2) DEFINITIONS.—As used in ~~For the purposes of~~ this
836 section, the term:

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

839 (b) "Eligibility period" means the weeks in an individual's
840 benefit year or emergency benefit period which begin in an
841 extended benefit period and, if the benefit year or emergency
842 benefit period ends within that extended benefit period, any
843 subsequent weeks beginning in that period.

844 (c) "Emergency benefits" means Emergency Unemployment
845 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.
846 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-
847 118, Pub. L. No. 111-144, ~~and~~ Pub. L. No. 111-157, Pub. L. No.
848 111-205, and Pub. L. No. 111-312.

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

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

852 2. Ends with any of the following weeks, whichever occurs
853 later:

854 a. The third week after the first week for which there is a



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855 state "off" indicator; or

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

857

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

861 (e) "Emergency benefit period" means the period during
862 which an individual receives emergency benefits ~~as defined in~~
863 ~~paragraph (c)~~.

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

866 1. Has received, before that week, all of the regular
867 benefits and emergency benefits, if any, available under this
868 chapter or any other law, including dependents' allowances and
869 benefits payable to federal civilian employees and ex-
870 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
871 benefit year or emergency benefit period that includes that
872 week. For the purposes of this subparagraph, an individual has
873 received all of the regular benefits and emergency benefits, if
874 any, available even if ~~although~~, as a result of a pending appeal
875 for wages paid for insured work which were not considered in the
876 original monetary determination in the benefit year, she or he
877 may subsequently be determined to be entitled to added regular
878 benefits;

879 2. Had a benefit year that ~~which~~ expired before that week,
880 and was paid no, or insufficient, wages for insured work on the
881 basis of which she or he could establish a new benefit year that
882 includes that week; and

883 3.a. Has no right to unemployment benefits or allowances



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884 under the Railroad Unemployment Insurance Act or other federal
885 laws as specified in regulations issued by the United States
886 Secretary of Labor; and

887 b. Has not received and is not seeking unemployment
888 benefits under the unemployment compensation law of Canada; but
889 if an individual is seeking those benefits and the appropriate
890 agency finally determines that she or he is not entitled to
891 benefits under that law, she or he is considered an exhaustee.

892 (g) "State 'on' indicator" means, with respect to weeks of
893 unemployment ~~beginning on or after February 1, 2009, and ending~~
894 on or before December 10, 2011 ~~May 8, 2010~~, the occurrence of a
895 week in which the average total unemployment rate, seasonally
896 adjusted, as determined by the United States Secretary of Labor,
897 for the most recent 3 months for which data for all states are
898 published by the United States Department of Labor:

899 1. Equals or exceeds 110 percent of the average of those
900 rates for the corresponding 3-month period ending in any or all
901 ~~each~~ of the preceding 3 ~~2~~ calendar years; and

902 2. Equals or exceeds 6.5 percent.

903 (h) "High unemployment period" means, with respect to weeks
904 of unemployment ~~beginning on or after February 1, 2009, and~~
905 ending on or before December 10, 2011 ~~May 8, 2010~~, any week in
906 which the average total unemployment rate, seasonally adjusted,
907 as determined by the United States Secretary of Labor, for the
908 most recent 3 months for which data for all states are published
909 by the United States Department of Labor:

910 1. Equals or exceeds 110 percent of the average of those
911 rates for the corresponding 3-month period ending in any or all
912 ~~each~~ of the preceding 3 ~~2~~ calendar years; and



913 2. Equals or exceeds 8 percent.
914 (i) "State 'off' indicator" means the occurrence of a week
915 in which there is no state "on" indicator or which does not
916 constitute a high unemployment period.
917 (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
918 subsection (4):
919 (a) For any week for which there is an "on" indicator
920 pursuant to paragraph (2)(g), the total extended benefit amount
921 payable to an eligible individual for her or his applicable
922 benefit year is the lesser of:
923 1. Fifty percent of the total regular benefits payable
924 under this chapter in the applicable benefit year; or
925 2. Thirteen times the weekly benefit amount payable under
926 this chapter for a week of total unemployment in the applicable
927 benefit year.
928 (b) For any high unemployment period, the total extended
929 benefit amount payable to an eligible individual for her or his
930 applicable benefit year is the lesser of:
931 1. Eighty percent of the total regular benefits payable
932 under this chapter in the applicable benefit year; or
933 2. Twenty times the weekly benefit amount payable under
934 this chapter for a week of total unemployment in the applicable
935 benefit year.
936 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any other
937 provision of this chapter, if the benefit year of an individual
938 ends within an extended benefit period, the number of weeks of
939 extended benefits the individual is entitled to receive in that
940 extended benefit period for weeks of unemployment beginning
941 after the end of the benefit year, except as provided in this



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942 section, is reduced, but not to below zero, by the number of
943 weeks for which the individual received, within that benefit
944 year, trade readjustment allowances under the Trade Act of 1974,
945 as amended.

946 Section 15. If any provision of this act or its application
947 to any person or circumstance is held invalid, the invalidity
948 does not affect other provisions or applications of the act
949 which can be given effect without the invalid provision or
950 application, and to this end the provisions of this act are
951 severable.

952 Section 16. The provisions of s. 443.1117, Florida
953 Statutes, as revived, readopted, and amended by this act, apply
954 only to claims for weeks of unemployment in which an exhaustee
955 establishes entitlement to extended benefits pursuant to that
956 section which are established for the period between December
957 17, 2010, and January 4, 2012.

958 Section 17. For the 2011-2012 fiscal year, the sum of
959 \$242,300 in nonrecurring funds is appropriated from the
960 Operating Trust Fund to the Administration of Unemployment
961 Compensation Tax Special Category in the Department of Revenue
962 to be used to implement this act. In addition, for the 2010-2011
963 fiscal year, the sum of \$256,891 in nonrecurring funds is
964 appropriated from the Employment Security Administration Trust
965 Fund in the contracted services appropriation category to the
966 Agency for Workforce Innovation to be used to contract with the
967 Department of Revenue for tax-related services as required to
968 implement this act.

969 Section 18. The Legislature finds that this act fulfills an
970 important state interest.



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971 Section 19. Except as otherwise expressly provided in this
972 act, this act shall take effect upon becoming a law.

973

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

975 And the title is amended as follows:

976 Delete everything before the enacting clause
977 and insert:

978 A bill to be entitled
979 An act relating to unemployment compensation; amending
980 s. 213.053, F.S.; increasing the number of employer
981 payroll service providers who qualify for access to
982 unemployment tax information by filing a memorandum of
983 understanding; amending s. 443.031, F.S.; revising
984 provisions relating to statutory construction;
985 amending s. 443.036, F.S.; revising and providing
986 definitions; revising the term "misconduct" to include
987 conduct outside of the workplace and additional lapses
988 in behavior; amending s. 443.041, F.S.; conforming a
989 cross-reference; amending s. 443.091, F.S.; conforming
990 provisions to changes made by the act; requiring that
991 an applicant for benefits participate in an initial
992 skills review; providing exceptions; requiring the
993 administrator or operator of the initial skills review
994 to notify specified entities regarding review
995 completion and results; amending s. 443.101, F.S.;
996 clarifying "good cause" for voluntarily leaving
997 employment; disqualifying a person for benefits due to
998 the receipt of severance pay; revising provisions
999 relating to the effects of criminal acts on



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1000 eligibility for benefits; amending s. 443.111, F.S.;

1001 providing a definition; reducing the amount and

1002 revising the calculation of the number of weeks of a

1003 claimant's benefit eligibility; amending s. 443.1216,

1004 F.S.; conforming provisions to changes made by the

1005 act; amending s. 443.131, F.S.; providing definitions;

1006 revising an employer's unemployment compensation

1007 contribution rate by certain factors; amending s.

1008 443.141, F.S.; providing an employer payment schedule

1009 for 2012, 2013, and 2014 contributions; amending s.

1010 443.151, F.S.; revising allowable forms of evidence in

1011 benefit appeals; revising the judicial venue for

1012 reviewing commission orders; amending s. 443.171,

1013 F.S.; specifying that evidence of mailing an agency

1014 document is based on the date stated on the document;

1015 reviving, readopting, and amending s. 443.1117, F.S.,

1016 relating to temporary extended benefits; providing for

1017 retroactive application; establishing temporary state

1018 extended benefits for weeks of unemployment; revising

1019 definitions; providing for state extended benefits for

1020 certain weeks and for periods of high unemployment;

1021 providing severability; providing applicability;

1022 providing appropriations for purposes of

1023 implementation; providing that the act fulfills an

1024 important state interest; providing effective dates.