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1 A bill to be entitled
2 An act relating to unemployment compensation; amending s.
3 213.053, F.S.; increasing the number of employer payroll
4 service providers who qualify for access to unemployment
5 tax information by filing a memorandum of understanding;
6 amending s. 443.031, F.S.; revising provisions relating to
7 statutory construction; amending s. 443.036, F.S.;
8 revising definitions; revising the term "misconduct" to
9 include conduct outside of the workplace and additional
10 lapses in behavior; amending s. 443.041, F.S.; conforming
11 a cross-reference; amending s. 443.091, F.S.; requiring
12 that an applicant for benefits complete an initial skills
13 review; providing exceptions; amending s. 443.101, F.S.;
14 clarifying "good cause" for voluntarily leaving
15 employment; disqualifying a person for benefits due to the
16 receipt of severance pay; revising provisions relating to
17 the effects of criminal acts on eligibility for benefits;
18 amending s. 443.111, F.S.; providing a definition;
19 reducing the amount and revising the calculation of the
20 number of weeks of a claimant's benefit eligibility;
21 amending s. 443.131, F.S.; providing definitions; revising
22 an employer's unemployment compensation contribution rate
23 by certain factors; amending s. 443.141, F.S.; providing
24 an employer payment schedule for 2012, 2013, and 2014
25 contributions; amending s. 443.151, F.S.; revising
26 allowable forms of evidence in benefit appeals; revising
27 the judicial venue for reviewing commission orders;
28 amending s. 443.171, F.S.; specifying that evidence of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 mailing an agency document is based on the date stated on
 30 the document; reviving, readopting, and amending s.
 31 443.1117, F.S., relating to temporary extended benefits;
 32 providing for retroactive application; establishing
 33 temporary state extended benefits for weeks of
 34 unemployment; revising definitions; providing for state
 35 extended benefits for certain weeks and for periods of
 36 high unemployment; providing applicability; providing that
 37 the act fulfills an important state interest; providing
 38 effective dates.

39

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

41

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

44 213.053 Confidentiality and information sharing.—

45 (4) The department, while providing unemployment tax
 46 collection services under contract with the Agency for Workforce
 47 Innovation through an interagency agreement pursuant to s.
 48 443.1316, may release unemployment tax rate information to the
 49 agent of an employer who, ~~which agent~~ provides payroll services
 50 for more than 100 ~~500~~ employers, pursuant to the terms of a
 51 memorandum of understanding. The memorandum of understanding
 52 must state that the agent affirms, subject to the criminal
 53 penalties contained in ss. 443.171 and 443.1715, that the agent
 54 will retain the confidentiality of the information, that the
 55 agent has in effect a power of attorney from the employer which
 56 permits the agent to obtain unemployment tax rate information,

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57 | and that the agent shall provide the department with a copy of
 58 | the employer's power of attorney upon request.

59 | Section 2. Section 443.031, Florida Statutes, is amended
 60 | to read:

61 | 443.031 Rule of ~~liberal~~ construction.—This chapter may not
 62 | ~~shall be liberally~~ construed to in favor or disfavor of a
 63 | claimant of unemployment benefits who is unemployed through no
 64 | fault of his or her own. Any doubt as to the proper construction
 65 | of this chapter shall be resolved in favor of conformity with
 66 | federal law, including, but not limited to, the Federal
 67 | Unemployment Tax Act, the Social Security Act, the Wagner-Peyser
 68 | Act, and the Workforce Investment Act.

69 | Section 3. Subsections (6), (9), (29), and (43) of section
 70 | 443.036, Florida Statutes, are amended to read:

71 | 443.036 Definitions.—As used in this chapter, the term:

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

74 | (9) "Benefit year" means, for an individual, the 1-year
 75 | period beginning with the first day of the first week for which
 76 | the individual first files a valid claim for benefits and,
 77 | thereafter, the 1-year period beginning with the first day of
 78 | the first week for which the individual next files a valid claim
 79 | for benefits after the termination of his or her last preceding
 80 | benefit year. Each claim for benefits made in accordance with s.
 81 | 443.151(2) is a valid claim under this subsection if the
 82 | individual was paid wages for insured work in accordance with s.
 83 | 443.091(1) (h) ~~(g)~~ and is unemployed as defined in subsection (43)
 84 | at the time of filing the claim. However, the Agency for

85 Workforce Innovation may adopt rules providing for the
 86 establishment of a uniform benefit year for all workers in one
 87 or more groups or classes of service or within a particular
 88 industry if the agency determines, after notice to the industry
 89 and to the workers in the industry and an opportunity to be
 90 heard in the matter, that those groups or classes of workers in
 91 a particular industry periodically experience unemployment
 92 resulting from layoffs or shutdowns for limited periods of time.

93 (29) "Misconduct," irrespective of whether the misconduct
 94 occurs at the workplace or during working hours, includes, but
 95 is not limited to, the following, which may not be construed in
 96 pari materia with each other:

97 (a) Conduct demonstrating conscious ~~willful or wanton~~
 98 disregard of an employer's interests and found to be a
 99 deliberate violation or disregard of the reasonable standards of
 100 behavior which the employer expects ~~has a right to expect~~ of his
 101 or her employee. ~~;~~ ~~or~~

102 (b) Carelessness or negligence to a degree or recurrence
 103 that manifests culpability, wrongful intent, ~~or evil design~~ or
 104 shows an intentional and substantial disregard of the employer's
 105 interests or of the employee's duties and obligations to his or
 106 her employer.

107 (c) Chronic absenteeism or tardiness in deliberate
 108 violation of a known policy of the employer or one or more
 109 unapproved absences following a written reprimand or warning
 110 relating to more than one unapproved absence.

111 (d) A willful and deliberate violation of a standard or
 112 regulation of this state by an employee of an employer licensed

113 or certified by this state, which violation would cause the
 114 employer to be sanctioned or have its license or certification
 115 suspended by this state.

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

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

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

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

123 (43) "Unemployment" or "unemployed" means:

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

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

139 Section 4. Paragraph (b) of subsection (2) of section
 140 443.041, Florida Statutes, is amended to read:

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141 443.041 Waiver of rights; fees; privileged
 142 communications.—

143 (2) FEES.—

144 (b) An attorney at law representing a claimant for
 145 benefits in any district court of appeal of this state or in the
 146 Supreme Court of Florida is entitled to counsel fees payable by
 147 the Agency for Workforce Innovation as set by the court if the
 148 petition for review or appeal is initiated by the claimant and
 149 results in a decision awarding more benefits than provided in
 150 the decision from which appeal was taken. The amount of the fee
 151 may not exceed 50 percent of the total amount of regular
 152 benefits permitted under s. 443.111(5) (b) ~~(a)~~ during the benefit
 153 year.

154 Section 5. Paragraphs (c) through (h) of subsection (1) of
 155 section 443.091, Florida Statutes, are redesignated as
 156 paragraphs (d) through (i), respectively, present paragraph (d)
 157 is amended, and paragraph (c) is added to that subsection, to
 158 read:

159 443.091 Benefit eligibility conditions.—

160 (1) An unemployed individual is eligible to receive
 161 benefits for any week only if the Agency for Workforce
 162 Innovation finds that:

163 (c) She or he has completed an initial skills review using
 164 an online education or training program within 14 days after
 165 making an initial claim for benefits. An online education or
 166 training program, such as that established in s. 1004.99, that
 167 is approved by the Agency for Workforce Innovation and designed

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168 to measure an individual's mastery level of workplace skills
169 meets the requirement of this paragraph.

170 1. This requirement does not apply to persons who are:

171 a. Non-Florida residents;

172 b. On a temporary layoff, as defined in s. 443.036(42);

173 c. Union members who customarily obtain employment through
174 a union hiring hall; or

175 d. Claiming benefits under an approved short-time
176 compensation plan as provided in s. 443.1116.

177 2. The administrator or operator of the online education
178 or training program must notify the Agency for Workforce
179 Innovation when the claimant completes the initial skills review
180 and must report the results of the claimant's initial skills
181 review to the regional workforce board or the one-stop career
182 center as directed by the regional workforce board for use for
183 reemployment services.

184 (e)-(d) She or he is able to work and is available for
185 work. In order to assess eligibility for a claimed week of
186 unemployment, the agency shall develop criteria to determine a
187 claimant's ability to work and availability for work. However:

188 1. Notwithstanding any other provision of this paragraph
189 or paragraphs (b) and (f) ~~(e)~~, an otherwise eligible individual
190 may not be denied benefits for any week because she or he is in
191 training with the approval of the agency, or by reason of s.
192 443.101(2) relating to failure to apply for, or refusal to
193 accept, suitable work. Training may be approved by the agency in
194 accordance with criteria prescribed by rule. A claimant's
195 eligibility during approved training is contingent upon

196 satisfying eligibility conditions prescribed by rule.

197 2. Notwithstanding any other provision of this chapter, an
 198 otherwise eligible individual who is in training approved under
 199 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
 200 determined ineligible or disqualified for benefits due to her or
 201 his enrollment in such training or because of leaving work that
 202 is not suitable employment to enter such training. As used in
 203 this subparagraph, the term "suitable employment" means work of
 204 a substantially equal or higher skill level than the worker's
 205 past adversely affected employment, as defined for purposes of
 206 the Trade Act of 1974, as amended, the wages for which are at
 207 least 80 percent of the worker's average weekly wage as
 208 determined for purposes of the Trade Act of 1974, as amended.

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

213 Section 6. Paragraph (a) of subsection (1) and subsections
 214 (2), (3), and (9) of section 443.101, Florida Statutes, are
 215 amended, and subsection (12) is added to that section, to read:

216 443.101 Disqualification for benefits.—An individual shall
 217 be disqualified for benefits:

218 (1) (a) For the week in which he or she has voluntarily
 219 left work without good cause attributable to his or her
 220 employing unit or in which the individual has been discharged by
 221 the employing unit for misconduct connected with his or her
 222 work, based on a finding by the Agency for Workforce Innovation.
 223 As used in this paragraph, the term "work" means any work,

224 whether full-time, part-time, or temporary.

225 1. Disqualification for voluntarily quitting continues for
 226 the full period of unemployment next ensuing after the
 227 individual has left his or her full-time, part-time, or
 228 temporary work voluntarily without good cause and until the
 229 individual has earned income equal to or in excess of 17 times
 230 his or her weekly benefit amount. As used in this subsection,
 231 the term "good cause" includes only that cause attributable to
 232 the employing unit that would compel a reasonable employee to
 233 cease his or her work or which consists of the individual's
 234 illness or disability requiring separation from his or her work.
 235 Any other disqualification may not be imposed. An individual is
 236 not disqualified under this subsection for voluntarily leaving
 237 temporary work to return immediately when called to work by the
 238 permanent employing unit that temporarily terminated his or her
 239 work within the previous 6 calendar months. An individual is not
 240 disqualified under this subsection for voluntarily leaving work
 241 to relocate as a result of his or her military-connected
 242 spouse's permanent change of station orders, activation orders,
 243 or unit deployment orders.

244 2. Disqualification for being discharged for misconduct
 245 connected with his or her work continues for the full period of
 246 unemployment next ensuing after having been discharged and until
 247 the individual is reemployed and has earned income of at least
 248 17 times his or her weekly benefit amount and for not more than
 249 52 weeks that immediately follow that week, as determined by the
 250 agency in each case according to the circumstances in each case
 251 or the seriousness of the misconduct, under the agency's rules

252 adopted for determinations of disqualification for benefits for
 253 misconduct.

254 3. If an individual has provided notification to the
 255 employing unit of his or her intent to voluntarily leave work
 256 and the employing unit discharges the individual for reasons
 257 other than misconduct before the date the voluntary quit was to
 258 take effect, the individual, if otherwise entitled, shall
 259 receive benefits from the date of the employer's discharge until
 260 the effective date of his or her voluntary quit.

261 4. If an individual is notified by the employing unit of
 262 the employer's intent to discharge the individual for reasons
 263 other than misconduct and the individual quits without good
 264 cause, as defined in this section, before the date the discharge
 265 was to take effect, the claimant is ineligible for benefits
 266 pursuant to s. 443.091(1) (e) ~~(d)~~ for failing to be available for
 267 work for the week or weeks of unemployment occurring before the
 268 effective date of the discharge.

269 (2) If the Agency for Workforce Innovation finds that the
 270 individual has failed without good cause to actively seek work,
 271 apply for available suitable work ~~when directed by the agency or~~
 272 ~~the one-stop career center,~~ ~~to~~ accept suitable work when offered
 273 to him or her, or ~~to~~ return to the individual's customary self-
 274 employment when directed by the agency, the disqualification
 275 continues for the full period of unemployment next ensuing after
 276 he or she failed without good cause to actively seek work, apply
 277 for available suitable work, ~~to~~ accept suitable work, or ~~to~~
 278 return to his or her customary self-employment, under this
 279 subsection, and until the individual has earned income at least

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280 17 times his or her weekly benefit amount. The Agency for
281 Workforce Innovation shall by rule adopt criteria for
282 determining the "suitability of work," as used in this section.
283 The Agency for Workforce Innovation in developing these rules
284 shall consider the duration of a claimant's unemployment in
285 determining the suitability of work and the suitability of
286 proposed rates of compensation for available work. Further,
287 after an individual has received 19 ~~25~~ weeks of benefits in a
288 single year, suitable work is a job that pays the minimum wage
289 and is 120 percent or more of the weekly benefit amount the
290 individual is drawing.

291 (a) In determining whether or not any work is suitable for
292 an individual, the Agency for Workforce Innovation shall
293 consider the degree of risk involved to his or her health,
294 safety, and morals; his or her physical fitness and prior
295 training; the individual's experience and prior earnings; his or
296 her length of unemployment and prospects for securing local work
297 in his or her customary occupation; and the distance of the
298 available work from his or her residence.

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

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

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

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

311 (c) If the Agency for Workforce Innovation finds that an
 312 individual was rejected for offered employment as the direct
 313 result of a positive, confirmed drug test required as a
 314 condition of employment, the individual is disqualified for
 315 refusing to accept an offer of suitable work.

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

318 (a) Wages in lieu of notice.

319 (b) Severance pay. The number of weeks that an
 320 individual's severance pay disqualifies the individual is equal
 321 to the amount of the severance pay divided by that individual's
 322 average weekly wage received from his or her most recent
 323 employer, rounded down to the nearest whole number, beginning
 324 with the week the individual is separated from employment.

325 ~~(c) (b) 1.~~ Compensation for temporary total disability or
 326 permanent total disability under the workers' compensation law
 327 of any state or under a similar law of the United States.

328
 329 ~~2. However,~~ If the remuneration referred to in this subsection
 330 ~~paragraphs (a) and (b)~~ is less than the benefits that would
 331 otherwise be due under this chapter, an individual who is
 332 otherwise eligible ~~he or she~~ is entitled to receive for that
 333 week, ~~if otherwise eligible,~~ benefits reduced by the amount of
 334 the remuneration.

335 (9) If the individual was terminated from his or her work

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336 | for violation of any criminal law punishable by imprisonment, or
337 | for any dishonest act, in connection with his or her work, as
338 | follows:

339 | (a) If the Agency for Workforce Innovation or the
340 | Unemployment Appeals Commission finds that the individual was
341 | terminated from ~~his or her~~ work for violation of any criminal
342 | law, under any jurisdiction, which was punishable by
343 | ~~imprisonment~~ in connection with his or her work or affected his
344 | or her ability to work, and the individual was convicted ~~found~~
345 | ~~guilty of the offense, made an admission of guilt in a court of~~
346 | ~~law, or entered a plea of~~ guilty or nolo contendere ~~no contest~~,
347 | the individual is not entitled to unemployment benefits for up
348 | to 52 weeks, pursuant to ~~under~~ rules adopted by the agency ~~for~~
349 | ~~Workforce Innovation~~, and until he or she has earned income of
350 | at least 17 times his or her weekly benefit amount. If, before
351 | an adjudication of guilt, an admission of guilt, or a plea of
352 | nolo contendere ~~no contest~~, the employer proves by competent
353 | substantial evidence to ~~shows~~ the agency ~~for Workforce~~
354 | ~~Innovation~~ that the arrest was due to a crime against the
355 | employer or the employer's business, customers, or invitees ~~and,~~
356 | ~~after considering all the evidence, the Agency for Workforce~~
357 | ~~Innovation finds misconduct in connection with the individual's~~
358 | ~~work~~, the individual is not entitled to unemployment benefits.

359 | (b) If the Agency for Workforce Innovation or the
360 | Unemployment Appeals Commission finds that the individual was
361 | terminated from work for any dishonest act in connection with
362 | his or her work, the individual is not entitled to unemployment
363 | benefits for up to 52 weeks, under rules adopted by the Agency

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364 for Workforce Innovation, and until he or she has earned income
 365 of at least 17 times his or her weekly benefit amount. In
 366 addition, if the employer terminates an individual as a result
 367 of a dishonest act in connection with his or her work and the
 368 Agency for Workforce Innovation finds misconduct in connection
 369 with his or her work, the individual is not entitled to
 370 unemployment benefits.

371
 372 With respect to an individual disqualified for benefits, the
 373 account of the terminating employer, if the employer is in the
 374 base period, is noncharged at the time the disqualification is
 375 imposed.

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

378 Section 7. Effective April 1, 2011, subsection (5) of
 379 section 443.111, Florida Statutes, is amended to read:

380 443.111 Payment of benefits.—

381 (5) DURATION OF BENEFITS.—

382 (a) As used in this section, the term "Florida average
 383 unemployment rate" means the average of the three months for the
 384 most recent third calendar year quarter of the seasonally
 385 adjusted statewide unemployment rates as published by the Agency
 386 for Workforce Innovation.

387 (b)1. Each otherwise eligible individual is entitled
 388 during any benefit year to a total amount of benefits equal to
 389 25 percent of the total wages in his or her base period, not to
 390 exceed \$5,500 or the product arrived at by multiplying the
 391 weekly benefit amount with the number of weeks determined in

392 paragraph (c), whichever is less \$7,150. However, the total
 393 amount of benefits, if not a multiple of \$1, is rounded downward
 394 to the nearest full dollar amount. These benefits are payable at
 395 a weekly rate no greater than the weekly benefit amount.

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

398 1. 12 weeks if the Florida average unemployment rate is at
 399 or below 5 percent.

400 2. An additional week in addition to the 12 weeks for each
 401 0.5 percent increment in the Florida average unemployment rate
 402 above 5 percent.

403 3. Up to a maximum of 20 weeks if the Florida average
 404 unemployment rate equals or exceeds 9 percent.

405 (d)2- For the purposes of this subsection, wages are
 406 counted as "wages for insured work" for benefit purposes with
 407 respect to any benefit year only if the benefit year begins
 408 after the date the employing unit by whom the wages were paid
 409 has satisfied the conditions of this chapter for becoming an
 410 employer.

411 (e)(b) If the remuneration of an individual is not based
 412 upon a fixed period or duration of time or if the individual's
 413 wages are paid at irregular intervals or in a manner that does
 414 not extend regularly over the period of employment, the wages
 415 for any week or for any calendar quarter for the purpose of
 416 computing an individual's right to employment benefits only are
 417 determined in the manner prescribed by rule. These rules, to the
 418 extent practicable, must secure results reasonably similar to
 419 those that would prevail if the individual were paid her or his

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420 wages at regular intervals.

421 Section 8. Effective upon this act becoming law and
422 retroactive to June 30, 2010, paragraphs (b) and (e) of
423 subsection (3) of section 443.131, Florida Statutes, are amended
424 to read:

425 443.131 Contributions.—

426 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
427 EXPERIENCE.—

428 (b) Benefit ratio.—

429 1. As used in this paragraph, the term "annual payroll"
430 means the calendar quarter taxable payroll reported to the tax
431 collection service provider for the quarters used in computing
432 the benefit ratio. The term does not include a penalty resulting
433 from the untimely filing of required wage and tax reports. All
434 of the taxable payroll reported to the tax collection service
435 provider by the end of the quarter preceding the quarter for
436 which the contribution rate is to be computed must be used in
437 the computation.

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

441 a. 1.0 for benefits paid prior to July 1, 2007.

442 b. 0.9 for benefits paid during the period beginning on
443 July 1, 2007, and ending March 31, 2011.

444 c. 1.0 for benefits paid after March 31, 2011.

445 3.2. For each calendar year, the tax collection service
446 provider shall compute a benefit ratio for each employer whose
447 employment record was chargeable for benefits during the 12

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448 consecutive quarters ending June 30 of the calendar year
449 preceding the calendar year for which the benefit ratio is
450 computed. An employer's benefit ratio is the quotient obtained
451 by dividing the total benefits charged to the employer's
452 employment record during the 3-year period ending June 30 of the
453 preceding calendar year by the total of the employer's annual
454 payroll for the 3-year period ending June 30 of the preceding
455 calendar year. The benefit ratio shall be computed to the fifth
456 decimal place and rounded to the fourth decimal place.

457 ~~4.3.~~ The tax collection service provider shall compute a
458 benefit ratio for each employer who was not previously eligible
459 under subparagraph 3. 2., whose contribution rate is set at the
460 initial contribution rate in paragraph (2) (a), and whose
461 employment record was chargeable for benefits during at least 8
462 calendar quarters immediately preceding the calendar quarter for
463 which the benefit ratio is computed. The employer's benefit
464 ratio is the quotient obtained by dividing the total benefits
465 charged to the employer's employment record during the first 6
466 of the 8 completed calendar quarters immediately preceding the
467 calendar quarter for which the benefit ratio is computed by the
468 total of the employer's annual payroll during the first 7 of the
469 9 completed calendar quarters immediately preceding the calendar
470 quarter for which the benefit ratio is computed. The benefit
471 ratio shall be computed to the fifth decimal place and rounded
472 to the fourth decimal place and applies for the remainder of the
473 calendar year. The employer must subsequently be rated on an
474 annual basis using up to 12 calendar quarters of benefits
475 charged and up to 12 calendar quarters of annual payroll. That

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476 employer's benefit ratio is the quotient obtained by dividing
477 the total benefits charged to the employer's employment record
478 by the total of the employer's annual payroll during the
479 quarters used in his or her first computation plus the
480 subsequent quarters reported through June 30 of the preceding
481 calendar year. Each subsequent calendar year, the rate shall be
482 computed under subparagraph 3. 2. The tax collection service
483 provider shall assign a variation from the standard rate of
484 contributions in paragraph (c) on a quarterly basis to each
485 eligible employer in the same manner as an assignment for a
486 calendar year under paragraph (e).

487 (e) Assignment of variations from the standard rate.—

488 1. As used in this paragraph, the terms "total benefit
489 payments," "benefits paid to an individual," and "benefits
490 charged to the employment record of an employer" mean the amount
491 of benefits paid to individuals multiplied by:

492 a. 1.0 for benefits paid prior to July 1, 2007.

493 b. 0.9 for benefits paid during the period beginning on
494 July 1, 2007, and ending March 31, 2011.

495 c. 1.0 for benefits paid after March 31, 2011.

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

498 a.1. The tax collection service provider shall assign a
499 variation from the standard rate of contributions for each
500 calendar year to each eligible employer. In determining the
501 contribution rate, varying from the standard rate to be assigned
502 each employer, adjustment factors computed under sub-sub-
503 subparagraphs (I)-(IV) sub-subparagraphs a.-d. are added to the

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504 benefit ratio. This addition shall be accomplished in two steps
505 by adding a variable adjustment factor and a final adjustment
506 factor. The sum of these adjustment factors computed under sub-
507 sub-subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ shall first
508 be algebraically summed. The sum of these adjustment factors
509 shall next be divided by a gross benefit ratio determined as
510 follows: Total benefit payments for the 3-year period described
511 in subparagraph (b)3. ~~(b)2.~~ are charged to employers eligible
512 for a variation from the standard rate, minus excess payments
513 for the same period, divided by taxable payroll entering into
514 the computation of individual benefit ratios for the calendar
515 year for which the contribution rate is being computed. The
516 ratio of the sum of the adjustment factors computed under sub-
517 sub-subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ to the gross
518 benefit ratio is multiplied by each individual benefit ratio
519 that is less than the maximum contribution rate to obtain
520 variable adjustment factors; except that if the sum of an
521 employer's individual benefit ratio and variable adjustment
522 factor exceeds the maximum contribution rate, the variable
523 adjustment factor is reduced in order for the sum to equal the
524 maximum contribution rate. The variable adjustment factor for
525 each of these employers is multiplied by his or her taxable
526 payroll entering into the computation of his or her benefit
527 ratio. The sum of these products is divided by the taxable
528 payroll of the employers who entered into the computation of
529 their benefit ratios. The resulting ratio is subtracted from the
530 sum of the adjustment factors computed under sub-sub-
531 subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ to obtain the

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532 final adjustment factor. The variable adjustment factors and the
533 final adjustment factor must be computed to five decimal places
534 and rounded to the fourth decimal place. This final adjustment
535 factor is added to the variable adjustment factor and benefit
536 ratio of each employer to obtain each employer's contribution
537 rate. An employer's contribution rate may not, however, be
538 rounded to less than 0.1 percent.

539 (I)a. An adjustment factor for noncharge benefits is
540 computed to the fifth decimal place and rounded to the fourth
541 decimal place by dividing the amount of noncharge benefits
542 during the 3-year period described in subparagraph (b)3. ~~(b)2.~~
543 by the taxable payroll of employers eligible for a variation
544 from the standard rate who have a benefit ratio for the current
545 year which is less than the maximum contribution rate. For
546 purposes of computing this adjustment factor, the taxable
547 payroll of these employers is the taxable payrolls for the 3
548 years ending June 30 of the current calendar year as reported to
549 the tax collection service provider by September 30 of the same
550 calendar year. As used in this sub-sub-subparagraph ~~sub-~~
551 ~~subparagraph~~, the term "noncharge benefits" means benefits paid
552 to an individual from the Unemployment Compensation Trust Fund,
553 but which were not charged to the employment record of any
554 employer.

555 (II)b. An adjustment factor for excess payments is
556 computed to the fifth decimal place, and rounded to the fourth
557 decimal place by dividing the total excess payments during the
558 3-year period described in subparagraph (b)3. ~~(b)2.~~ by the
559 taxable payroll of employers eligible for a variation from the

560 standard rate who have a benefit ratio for the current year
 561 which is less than the maximum contribution rate. For purposes
 562 of computing this adjustment factor, the taxable payroll of
 563 these employers is the same figure used to compute the
 564 adjustment factor for noncharge benefits under sub-sub-
 565 subparagraph (I) ~~sub-subparagraph a.~~ As used in this sub-
 566 subparagraph, the term "excess payments" means the amount of
 567 benefits charged to the employment record of an employer during
 568 the 3-year period described in subparagraph (b)3. ~~(b)2.~~, less
 569 the product of the maximum contribution rate and the employer's
 570 taxable payroll for the 3 years ending June 30 of the current
 571 calendar year as reported to the tax collection service provider
 572 by September 30 of the same calendar year. As used in this sub-
 573 sub-subparagraph ~~sub-subparagraph~~, the term "total excess
 574 payments" means the sum of the individual employer excess
 575 payments for those employers that were eligible for assignment
 576 of a contribution rate different from the standard rate.

577 (III)e. With respect to computing a positive adjustment
 578 factor:

579 (A)(I) Beginning January 1, 2012, if the balance of the
 580 Unemployment Compensation Trust Fund on September 30 of the
 581 calendar year immediately preceding the calendar year for which
 582 the contribution rate is being computed is less than 4 percent
 583 of the taxable payrolls for the year ending June 30 as reported
 584 to the tax collection service provider by September 30 of that
 585 calendar year, a positive adjustment factor shall be computed.
 586 The positive adjustment factor is computed annually to the fifth
 587 decimal place and rounded to the fourth decimal place by

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588 dividing the sum of the total taxable payrolls for the year
589 ending June 30 of the current calendar year as reported to the
590 tax collection service provider by September 30 of that calendar
591 year into a sum equal to one-third of the difference between the
592 balance of the fund as of September 30 of that calendar year and
593 the sum of 5 percent of the total taxable payrolls for that
594 year. The positive adjustment factor remains in effect for
595 subsequent years until the balance of the Unemployment
596 Compensation Trust Fund as of September 30 of the year
597 immediately preceding the effective date of the contribution
598 rate equals or exceeds 5 percent of the taxable payrolls for the
599 year ending June 30 of the current calendar year as reported to
600 the tax collection service provider by September 30 of that
601 calendar year.

602 (B)~~(H)~~ Beginning January 1, 2015, and for each year
603 thereafter, the positive adjustment shall be computed by
604 dividing the sum of the total taxable payrolls for the year
605 ending June 30 of the current calendar year as reported to the
606 tax collection service provider by September 30 of that calendar
607 year into a sum equal to one-fourth of the difference between
608 the balance of the fund as of September 30 of that calendar year
609 and the sum of 5 percent of the total taxable payrolls for that
610 year. The positive adjustment factor remains in effect for
611 subsequent years until the balance of the Unemployment
612 Compensation Trust Fund as of September 30 of the year
613 immediately preceding the effective date of the contribution
614 rate equals or exceeds 4 percent of the taxable payrolls for the
615 year ending June 30 of the current calendar year as reported to

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616 the tax collection service provider by September 30 of that
617 calendar year.

618 (IV)~~d.~~ If, beginning January 1, 2015, and each year
619 thereafter, the balance of the Unemployment Compensation Trust
620 Fund as of September 30 of the year immediately preceding the
621 calendar year for which the contribution rate is being computed
622 exceeds 5 percent of the taxable payrolls for the year ending
623 June 30 of the current calendar year as reported to the tax
624 collection service provider by September 30 of that calendar
625 year, a negative adjustment factor must be computed. The
626 negative adjustment factor shall be computed annually beginning
627 on January 1, 2015, and each year thereafter, to the fifth
628 decimal place and rounded to the fourth decimal place by
629 dividing the sum of the total taxable payrolls for the year
630 ending June 30 of the current calendar year as reported to the
631 tax collection service provider by September 30 of the calendar
632 year into a sum equal to one-fourth of the difference between
633 the balance of the fund as of September 30 of the current
634 calendar year and 5 percent of the total taxable payrolls of
635 that year. The negative adjustment factor remains in effect for
636 subsequent years until the balance of the Unemployment
637 Compensation Trust Fund as of September 30 of the year
638 immediately preceding the effective date of the contribution
639 rate is less than 5 percent, but more than 4 percent of the
640 taxable payrolls for the year ending June 30 of the current
641 calendar year as reported to the tax collection service provider
642 by September 30 of that calendar year. The negative adjustment
643 authorized by this section is suspended in any calendar year in

644 | which repayment of the principal amount of an advance received
 645 | from the federal Unemployment Compensation Trust Fund under 42
 646 | U.S.C. s. 1321 is due to the Federal Government.

647 | (V)~~e~~. The maximum contribution rate that may be assigned
 648 | to an employer is 5.4 percent, except employers participating in
 649 | an approved short-time compensation plan may be assigned a
 650 | maximum contribution rate that is 1 percent greater than the
 651 | maximum contribution rate for other employers in any calendar
 652 | year in which short-time compensation benefits are charged to
 653 | the employer's employment record.

654 | (VI)~~f~~. As used in this subsection, "taxable payroll" shall
 655 | be determined by excluding any part of the remuneration paid to
 656 | an individual by an employer for employment during a calendar
 657 | year in excess of the first \$7,000. Beginning January 1, 2012,
 658 | "taxable payroll" shall be determined by excluding any part of
 659 | the remuneration paid to an individual by an employer for
 660 | employment during a calendar year as described in s.
 661 | 443.1217(2). For the purposes of the employer rate calculation
 662 | that will take effect in January 1, 2012, and in January 1,
 663 | 2013, the tax collection service provider shall use the data
 664 | available for taxable payroll from 2009 based on excluding any
 665 | part of the remuneration paid to an individual by an employer
 666 | for employment during a calendar year in excess of the first
 667 | \$7,000, and from 2010 and 2011, the data available for taxable
 668 | payroll based on excluding any part of the remuneration paid to
 669 | an individual by an employer for employment during a calendar
 670 | year in excess of the first \$8,500.

671 | b.2. If the transfer of an employer's employment record to

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672 an employing unit under paragraph (f) which, before the
673 transfer, was an employer, the tax collection service provider
674 shall recompute a benefit ratio for the successor employer based
675 on the combined employment records and reassign an appropriate
676 contribution rate to the successor employer effective on the
677 first day of the calendar quarter immediately after the
678 effective date of the transfer.

679 Section 9. Present paragraph (f) of subsection (1) of
680 section 443.141, Florida Statutes, is redesignated as paragraph
681 (g), and new paragraph (f) is added to that subsection to read:

682 443.141 Collection of contributions and reimbursements.—

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

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

690 1. For contributions due for wages paid in the first
691 quarter of each year, one-fourth of the contributions due must
692 be paid on or before April 30, one-fourth must be paid on or
693 before July 31, one-fourth must be paid on or before October 31,
694 and one-fourth must be paid on or before December 31.

695 2. In addition to the payments specified in subparagraph
696 1., for contributions due for wages paid in the second quarter
697 of each year, one-third of the contributions due must be paid on
698 or before July 31, one-third must be paid on or before October
699 31, and one-third must be paid on or before December 31.

700 3. In addition to the payments specified in subparagraphs
 701 1. and 2., for contributions due for wages paid in the third
 702 quarter of each year, one-half of the contributions due must be
 703 paid on or before October 31, and one-half must be paid on or
 704 before December 31.

705 4. The annual administrative fee assessed for electing to
 706 pay under the installment method shall be collected at the time
 707 the employer makes the first installment payment each year. The
 708 fee shall be segregated from the payment and deposited into the
 709 Operating Trust Fund of the Department of Revenue.

710 5. Interest does not accrue on any contribution that
 711 becomes due for wages paid in the first three quarters of each
 712 year if the employer pays the contribution in accordance with
 713 subparagraphs 1.-4. Interest and fees continue to accrue on
 714 prior delinquent contributions and commence accruing on all
 715 contributions due for wages paid in the first three quarters of
 716 each year which are not paid in accordance with subparagraphs
 717 1.-3. Penalties may be assessed in accordance with this chapter.
 718 The contributions due for wages paid in the fourth quarter of
 719 2012, 2013, and 2014 are not affected by this paragraph and are
 720 due and payable in accordance with this chapter.

721 Section 10. Paragraphs (b) and (d) of subsection (3) and
 722 paragraphs (b) and (e) of subsection (4) of section 443.151,
 723 Florida Statutes, are amended to read:

724 443.151 Procedure concerning claims.—

725 (3) DETERMINATION OF ELIGIBILITY.—

726 (b) Monetary determinations.—In addition to the notice of
 727 claim, the Agency for Workforce Innovation must ~~shall~~ also

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728 promptly provide an initial monetary determination to the
729 claimant and each base period employer whose account is subject
730 to being charged for its respective share of benefits on the
731 claim. The monetary determination must include a statement of
732 whether and in what amount the claimant is entitled to benefits,
733 and, in the event of a denial, must state the reasons for the
734 denial. A monetary determination for the first week of a benefit
735 year must also include a statement of whether the claimant was
736 paid the wages required under s. 443.091(1) (h) ~~(g)~~ and, if so,
737 the first day of the benefit year, the claimant's weekly benefit
738 amount, and the maximum total amount of benefits payable to the
739 claimant for a benefit year. The monetary determination is final
740 unless within 20 days after the mailing of the notices to the
741 parties' last known addresses, or in lieu of mailing, within 20
742 days after the delivery of the notices, an appeal or written
743 request for reconsideration is filed by the claimant or other
744 party entitled to notice. The agency may adopt rules as
745 necessary to implement the processes described in this paragraph
746 relating to notices of monetary determinations and the appeals
747 or reconsideration requests filed in response to such notices.

748 (d) Determinations in labor dispute cases.—If a ~~Whenever~~
749 ~~any~~ claim involves a labor dispute described in s. 443.101(4),
750 the Agency for Workforce Innovation shall promptly assign the
751 claim to a special examiner who shall make a determination on
752 the issues involving unemployment due to the labor dispute. The
753 special examiner shall make the determination after an
754 investigation, as necessary. The claimant or another party
755 entitled to notice of the determination may appeal a

756 determination under subsection (4).

757 (4) APPEALS.—

758 (b) Filing and hearing.—

759 1. The claimant or any other party entitled to notice of a
 760 determination may appeal an adverse determination to an appeals
 761 referee within 20 days after the date of mailing of the notice
 762 to her or his last known address or, if the notice is not
 763 mailed, within 20 days after the date of delivery of the notice.

764 2. Unless the appeal is untimely or withdrawn or review is
 765 initiated by the commission, the appeals referee, after mailing
 766 all parties and attorneys of record a notice of hearing at least
 767 10 days before the date of hearing, notwithstanding the 14-day
 768 notice requirement in s. 120.569(2)(b), may only affirm, modify,
 769 or reverse the determination. An appeal may not be withdrawn
 770 without the permission of the appeals referee.

771 3. However, when an appeal appears to have been filed
 772 after the permissible time limit, the Office of Appeals may
 773 issue an order to show cause to the appellant, requiring the
 774 appellant to show why the appeal should not be dismissed as
 775 untimely. If the appellant does not, within 15 days after the
 776 mailing date of the order to show cause, provide written
 777 evidence of timely filing or good cause for failure to appeal
 778 timely, the appeal shall be dismissed.

779 4. When an appeal involves a question of whether services
 780 were performed by a claimant in employment or for an employer,
 781 the referee must give special notice of the question and of the
 782 pendency of the appeal to the employing unit and to the Agency
 783 for Workforce Innovation, both of which become parties to the

784 proceeding.

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

788 b. Irrelevant, immaterial, or unduly repetitious evidence
 789 shall be excluded, but all other evidence of a type commonly
 790 relied upon by reasonably prudent persons in the conduct of
 791 their affairs shall be admissible, whether or not such evidence
 792 would be admissible in a trial in the courts of the state.

793 c. Hearsay evidence may be used for the purpose of
 794 supplementing or explaining other evidence, or to support a
 795 finding if it would be admissible over objection in civil
 796 actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may
 797 support a finding of fact if:

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

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

804 ~~6.5.~~ The parties must be notified promptly of the
 805 referee's decision. The referee's decision is final unless
 806 further review is initiated under paragraph (c) within 20 days
 807 after the date of mailing notice of the decision to the party's
 808 last known address or, in lieu of mailing, within 20 days after
 809 the delivery of the notice.

810 (e) Judicial review.—Orders of the commission entered
 811 under paragraph (c) are subject to appellate review ~~only by~~

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812 ~~notice of appeal~~ in the district court of appeal in the
813 appellate district in which a claimant resides or the job
814 separation arose ~~the issues involved were decided by an appeals~~
815 ~~referee.~~ However, if the notice of appeal is submitted to the
816 commission, the commission shall file the notice in the district
817 court of appeal in the appellate district in which the order was
818 issued. Notwithstanding chapter 120, the commission is a party
819 respondent to every such proceeding. The Agency for Workforce
820 Innovation may initiate judicial review of orders in the same
821 manner and to the same extent as any other party.

822 Section 11. Section (10) is added to section 443.171,
823 Florida Statutes, to read:

824 443.171 Agency for Workforce Innovation and commission;
825 powers and duties; records and reports; proceedings; state-
826 federal cooperation.—

827 (10) EVIDENCE OF MAILING.—The existence of a mailing date
828 on any notice, determination, decision, order, or other document
829 mailed by the Agency for Workforce Innovation or its tax
830 collection service provider pursuant to this chapter creates a
831 rebuttable presumption that such notice, determination, order,
832 or other document was mailed on the date indicated.

833 Section 12. Notwithstanding the expiration date contained
834 in section 1 of chapter 2010-90, Laws of Florida, operating
835 retroactive to June 2, 2010, and expiring January 4, 2012,
836 section 443.1117, Florida Statutes, is revived, readopted, and
837 amended to read:

838 443.1117 Temporary extended benefits.—

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

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

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

847 (b) "Eligibility period" means the weeks in an
 848 individual's benefit year or emergency benefit period which
 849 begin in an extended benefit period and, if the benefit year or
 850 emergency benefit period ends within that extended benefit
 851 period, any subsequent weeks beginning in that period.

852 (c) "Emergency benefits" means Emergency Unemployment
 853 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.
 854 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-
 855 118, Pub. L. No. 111-144, ~~and~~ Pub. L. No. 111-157, Pub. L. No.
 856 111-205, and Pub. L. No. 111-312.

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

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

860 2. Ends with any of the following weeks, whichever occurs
 861 later:

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

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

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

869 (e) "Emergency benefit period" means the period during
 870 which an individual receives emergency benefits ~~as defined in~~
 871 ~~paragraph (c).~~

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

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

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

891 3.a. Has no right to unemployment benefits or allowances
 892 under the Railroad Unemployment Insurance Act or other federal

893 laws as specified in regulations issued by the United States
 894 Secretary of Labor; and

895 b. Has not received and is not seeking unemployment
 896 benefits under the unemployment compensation law of Canada; but
 897 if an individual is seeking those benefits and the appropriate
 898 agency finally determines that she or he is not entitled to
 899 benefits under that law, she or he is considered an exhaustee.

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

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

910 2. Equals or exceeds 6.5 percent.

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

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

921 2. Equals or exceeds 8 percent.

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

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

927 (a) For any week for which there is an "on" indicator
 928 pursuant to paragraph (2)(g), the total extended benefit amount
 929 payable to an eligible individual for her or his applicable
 930 benefit year is the lesser of:

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

933 2. Thirteen times the weekly benefit amount payable under
 934 this chapter for a week of total unemployment in the applicable
 935 benefit year.

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

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

941 2. Twenty times the weekly benefit amount payable under
 942 this chapter for a week of total unemployment in the applicable
 943 benefit year.

944 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any
 945 other provision of this chapter, if the benefit year of an
 946 individual ends within an extended benefit period, the number of
 947 weeks of extended benefits the individual is entitled to receive
 948 in that extended benefit period for weeks of unemployment

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949 beginning after the end of the benefit year, except as provided
950 in this section, is reduced, but not to below zero, by the
951 number of weeks for which the individual received, within that
952 benefit year, trade readjustment allowances under the Trade Act
953 of 1974, as amended.

954 Section 13. The provisions of s. 443.1117, Florida
955 Statutes, as revived, readopted, and amended by this act, apply
956 only to claims for weeks of unemployment in which an exhaustee
957 establishes entitlement to extended benefits pursuant to that
958 section which are established for the period between December
959 17, 2010, and January 4, 2012.

960 Section 14. The Legislature finds that this act fulfills
961 an important state interest.

962 Section 15. Except as otherwise expressly provided in this
963 act, this act shall take effect upon becoming a law.