

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 and providing definitions; revising the term
9 "misconduct" to include conduct outside of the workplace
10 and additional lapses in behavior; amending s. 443.041,
11 F.S.; conforming a cross-reference; amending s. 443.091,
12 F.S.; conforming provisions to changes made by the act;
13 requiring that an applicant for benefits participate in an
14 initial skills review; providing exceptions; requiring the
15 administrator or operator of the initial skills review to
16 notify specified entities regarding review completion and
17 results; amending s. 443.101, F.S.; clarifying "good
18 cause" for voluntarily leaving employment; disqualifying a
19 person for benefits due to the receipt of severance pay;
20 revising provisions relating to the effects of criminal
21 acts on eligibility for benefits; amending s. 443.111,
22 F.S.; providing a definition; reducing the amount and
23 revising the calculation of the number of weeks of a
24 claimant's benefit eligibility; amending s. 443.1216,
25 F.S.; conforming provisions to changes made by the act;
26 amending s. 443.131, F.S.; providing definitions; revising
27 an employer's unemployment compensation contribution rate
28 by certain factors; amending s. 443.141, F.S.; providing

29 an employer payment schedule for 2012, 2013, and 2014
 30 contributions; amending s. 443.151, F.S.; revising
 31 allowable forms of evidence in benefit appeals; revising
 32 the judicial venue for reviewing commission orders;
 33 amending s. 443.171, F.S.; specifying that evidence of
 34 mailing an agency document is based on the date stated on
 35 the document; reviving, readopting, and amending s.
 36 443.1117, F.S., relating to temporary extended benefits;
 37 providing for retroactive application; establishing
 38 temporary state extended benefits for weeks of
 39 unemployment; revising definitions; providing for state
 40 extended benefits for certain weeks and for periods of
 41 high unemployment; providing severability; providing
 42 applicability; providing appropriations for purposes of
 43 implementation; providing that the act fulfills an
 44 important state interest; providing effective dates.

45

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

47

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

50 213.053 Confidentiality and information sharing.—

51 (4) The department, while providing unemployment tax
 52 collection services under contract with the Agency for Workforce
 53 Innovation through an interagency agreement pursuant to s.
 54 443.1316, may release unemployment tax rate information to the
 55 agent of an employer who, ~~which agent~~ provides payroll services
 56 for more than 100 ~~500~~ employers, pursuant to the terms of a

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57 memorandum of understanding. The memorandum of understanding
58 must state that the agent affirms, subject to the criminal
59 penalties contained in ss. 443.171 and 443.1715, that the agent
60 will retain the confidentiality of the information, that the
61 agent has in effect a power of attorney from the employer which
62 permits the agent to obtain unemployment tax rate information,
63 and that the agent shall provide the department with a copy of
64 the employer's power of attorney upon request.

65 Section 2. Section 443.031, Florida Statutes, is amended
66 to read:

67 443.031 Rule of liberal construction.—This chapter shall
68 be liberally construed to accomplish its purpose to promote
69 employment security by increasing opportunities for reemployment
70 and to provide, through the accumulation of reserves, for the
71 payment of compensation to individuals with respect to their
72 unemployment. The Legislature hereby declares its intention to
73 provide for carrying out the purposes of this chapter in
74 cooperation with the appropriate agencies of other states and of
75 the Federal Government as part of a nationwide employment
76 security program, and particularly to provide for meeting the
77 requirements of Title III, the requirements of the Federal
78 Unemployment Tax Act, and the Wagner-Peyser Act of June 6, 1933,
79 entitled "An Act to provide for the establishment of a national
80 employment system and for cooperation with the states in the
81 promotion of such system, and for other purposes," each as
82 amended, in order to secure for this state and its citizens the
83 grants and privileges available under such acts. All doubts ~~in~~
84 favor of a claimant of unemployment benefits who is unemployed

85 ~~through no fault of his or her own. Any doubt~~ as to the proper
 86 construction of any provision of this chapter shall be resolved
 87 in favor of conformity with such requirements ~~federal law,~~
 88 ~~including, but not limited to, the Federal Unemployment Tax Act,~~
 89 ~~the Social Security Act, the Wagner-Peyser Act, and the~~
 90 ~~Workforce Investment Act.~~

91 Section 3. Present subsections (26) through (45) of
 92 section 443.036, Florida Statutes, are renumbered as subsections
 93 (28) through (47), respectively, new subsections (26) and (27)
 94 are added to that section, and present subsections (6), (9),
 95 (29), and (43) of that section are amended, to read:

96 443.036 Definitions.—As used in this chapter, the term:

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

99 (9) "Benefit year" means, for an individual, the 1-year
 100 period beginning with the first day of the first week for which
 101 the individual first files a valid claim for benefits and,
 102 thereafter, the 1-year period beginning with the first day of
 103 the first week for which the individual next files a valid claim
 104 for benefits after the termination of his or her last preceding
 105 benefit year. Each claim for benefits made in accordance with s.
 106 443.151(2) is a valid claim under this subsection if the
 107 individual was paid wages for insured work in accordance with s.
 108 443.091(1)(g) and is unemployed as defined in subsection (45)
 109 ~~(43)~~ at the time of filing the claim. However, the Agency for
 110 Workforce Innovation may adopt rules providing for the
 111 establishment of a uniform benefit year for all workers in one
 112 or more groups or classes of service or within a particular

113 industry if the agency determines, after notice to the industry
114 and to the workers in the industry and an opportunity to be
115 heard in the matter, that those groups or classes of workers in
116 a particular industry periodically experience unemployment
117 resulting from layoffs or shutdowns for limited periods of time.

118 (26) "Individual in continued reporting status" means an
119 individual who has been determined to be eligible pursuant to s.
120 443.091 who is reporting to the Agency for Workforce Innovation
121 in accordance with s. 443.091(1) (c).

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

127 (31)-(29) "Misconduct," irrespective of whether the
128 misconduct occurs at the workplace or during working hours,
129 includes, but is not limited to, the following, which may not be
130 construed in pari materia with each other:

131 (a) Conduct demonstrating conscious ~~willful or wanton~~
132 disregard of an employer's interests and found to be a
133 deliberate violation or disregard of the reasonable standards of
134 behavior which the employer expects ~~has a right to expect~~ of his
135 or her employee. ~~;~~ ~~or~~

136 (b) Carelessness or negligence to a degree or recurrence
137 that manifests culpability, wrongful intent, ~~or evil design~~ or
138 shows an intentional and substantial disregard of the employer's
139 interests or of the employee's duties and obligations to his or
140 her employer.

141 (c) Chronic absenteeism or tardiness in deliberate
 142 violation of a known policy of the employer or one or more
 143 unapproved absences following a written reprimand or warning
 144 relating to more than one unapproved absence.

145 (d) A willful and deliberate violation of a standard or
 146 regulation of this state by an employee of an employer licensed
 147 or certified by this state, which violation would cause the
 148 employer to be sanctioned or have its license or certification
 149 suspended by this state.

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

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

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

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

157 (45)-(43) "Unemployment" or "unemployed" means:

158 (a) An individual is "totally unemployed" in any week
 159 during which he or she does not perform any services and for
 160 which earned income is not payable to him or her. An individual
 161 is "partially unemployed" in any week of less than full-time
 162 work if the earned income payable to him or her for that week is
 163 less than his or her weekly benefit amount. The Agency for
 164 Workforce Innovation may adopt rules prescribing distinctions in
 165 the procedures for unemployed individuals based on total
 166 unemployment, part-time unemployment, partial unemployment of
 167 individuals attached to their regular jobs, and other forms of
 168 short-time work.

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

173 Section 4. Paragraph (b) of subsection (2) of section
 174 443.041, Florida Statutes, is amended to read:

175 443.041 Waiver of rights; fees; privileged
 176 communications.—

177 (2) FEES.—

178 (b) An attorney at law representing a claimant for
 179 benefits in any district court of appeal of this state or in the
 180 Supreme Court of Florida is entitled to counsel fees payable by
 181 the Agency for Workforce Innovation as set by the court if the
 182 petition for review or appeal is initiated by the claimant and
 183 results in a decision awarding more benefits than provided in
 184 the decision from which appeal was taken. The amount of the fee
 185 may not exceed 50 percent of the total amount of regular
 186 benefits permitted under s. 443.111(5) (b) ~~(a)~~ during the benefit
 187 year.

188 Section 5. Paragraph (b) of subsection (1) of section
 189 443.091, Florida Statutes, is amended to read:

190 443.091 Benefit eligibility conditions.—

191 (1) An unemployed individual is eligible to receive
 192 benefits for any week only if the Agency for Workforce
 193 Innovation finds that:

194 (b) She or he has registered with the agency for work and
 195 subsequently reports to the one-stop career center as directed
 196 by the regional workforce board for reemployment services. This

197 requirement does not apply to persons who are:

- 198 1. Non-Florida residents;
- 199 2. On a temporary layoff, as defined in s. 443.036~~(42)~~;
- 200 3. Union members who customarily obtain employment through
- 201 a union hiring hall; or
- 202 4. Claiming benefits under an approved short-time
- 203 compensation plan as provided in s. 443.1116.

204 Section 6. Effective August 1, 2011, paragraph (c) of
 205 subsection (1) of section 443.091, Florida Statutes, is amended
 206 to read:

207 443.091 Benefit eligibility conditions.—

208 (1) An unemployed individual is eligible to receive
 209 benefits for any week only if the Agency for Workforce
 210 Innovation finds that:

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

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

217 2. An individual in continued reporting status must
 218 participate in an initial skills review as directed by the
 219 agency. The failure of the individual to comply with this
 220 subparagraph will result in the individual being determined
 221 ineligible for the week in which the noncompliance occurred and
 222 for any subsequent week of unemployment until the requirement is
 223 satisfied. However, this subparagraph does not apply if the
 224 individual is able to affirmatively attest to being unable to

225 complete such review due to illiteracy, language barrier, or
226 technological impediment.

227 3. The administrator or operator of the initial skills
228 review must notify the agency when the individual completes
229 participation in the initial skills review. The administrator or
230 operator of the initial skills review must also report the
231 results of the individual's initial skills review to the
232 regional workforce board or the one-stop career center as
233 directed by the workforce board for reemployment services.

234 Section 7. Paragraph (a) of subsection (1) and subsections
235 (2), (3), and (9) of section 443.101, Florida Statutes, are
236 amended, and subsection (12) is added to that section, to read:

237 443.101 Disqualification for benefits.—An individual shall
238 be disqualified for benefits:

239 (1) (a) For the week in which he or she has voluntarily
240 left work without good cause attributable to his or her
241 employing unit or in which the individual has been discharged by
242 the employing unit for misconduct connected with his or her
243 work, based on a finding by the Agency for Workforce Innovation.
244 As used in this paragraph, the term "work" means any work,
245 whether full-time, part-time, or temporary.

246 1. Disqualification for voluntarily quitting continues for
247 the full period of unemployment next ensuing after the
248 individual has left his or her full-time, part-time, or
249 temporary work voluntarily without good cause and until the
250 individual has earned income equal to or in excess of 17 times
251 his or her weekly benefit amount. As used in this subsection,
252 the term "good cause" includes only that cause attributable to

253 | the employing unit that would compel a reasonable employee to
254 | cease his or her work or which consists of the individual's
255 | illness or disability requiring separation from his or her work.
256 | Any other disqualification may not be imposed. An individual is
257 | not disqualified under this subsection for voluntarily leaving
258 | temporary work to return immediately when called to work by the
259 | permanent employing unit that temporarily terminated his or her
260 | work within the previous 6 calendar months. An individual is not
261 | disqualified under this subsection for voluntarily leaving work
262 | to relocate as a result of his or her military-connected
263 | spouse's permanent change of station orders, activation orders,
264 | or unit deployment orders.

265 | 2. Disqualification for being discharged for misconduct
266 | connected with his or her work continues for the full period of
267 | unemployment next ensuing after having been discharged and until
268 | the individual is reemployed and has earned income of at least
269 | 17 times his or her weekly benefit amount and for not more than
270 | 52 weeks that immediately follow that week, as determined by the
271 | agency in each case according to the circumstances in each case
272 | or the seriousness of the misconduct, under the agency's rules
273 | adopted for determinations of disqualification for benefits for
274 | misconduct.

275 | 3. If an individual has provided notification to the
276 | employing unit of his or her intent to voluntarily leave work
277 | and the employing unit discharges the individual for reasons
278 | other than misconduct before the date the voluntary quit was to
279 | take effect, the individual, if otherwise entitled, shall
280 | receive benefits from the date of the employer's discharge until

281 the effective date of his or her voluntary quit.

282 4. If an individual is notified by the employing unit of
 283 the employer's intent to discharge the individual for reasons
 284 other than misconduct and the individual quits without good
 285 cause, as defined in this section, before the date the discharge
 286 was to take effect, the claimant is ineligible for benefits
 287 pursuant to s. 443.091(1)(d) for failing to be available for
 288 work for the week or weeks of unemployment occurring before the
 289 effective date of the discharge.

290 (2) If the Agency for Workforce Innovation finds that the
 291 individual has failed without good cause to actively seek work,
 292 apply for available suitable work ~~when directed by the agency or~~
 293 ~~the one-stop career center,~~ ~~to~~ accept suitable work when offered
 294 to him or her, or ~~to~~ return to the individual's customary self-
 295 employment when directed by the agency, the disqualification
 296 continues for the full period of unemployment next ensuing after
 297 he or she failed without good cause to actively seek work, apply
 298 for available suitable work, ~~to~~ accept suitable work, or ~~to~~
 299 return to his or her customary self-employment, under this
 300 subsection, and until the individual has earned income at least
 301 17 times his or her weekly benefit amount. The Agency for
 302 Workforce Innovation shall by rule adopt criteria for
 303 determining the "suitability of work," as used in this section.
 304 The Agency for Workforce Innovation in developing these rules
 305 shall consider the duration of a claimant's unemployment in
 306 determining the suitability of work and the suitability of
 307 proposed rates of compensation for available work. Further,
 308 after an individual has received 19 ~~25~~ weeks of benefits in a

309 single year, suitable work is a job that pays the minimum wage
310 and is 120 percent or more of the weekly benefit amount the
311 individual is drawing.

312 (a) In determining whether or not any work is suitable for
313 an individual, the Agency for Workforce Innovation shall
314 consider the degree of risk involved to his or her health,
315 safety, and morals; his or her physical fitness and prior
316 training; the individual's experience and prior earnings; his or
317 her length of unemployment and prospects for securing local work
318 in his or her customary occupation; and the distance of the
319 available work from his or her residence.

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

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

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

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

332 (c) If the Agency for Workforce Innovation finds that an
333 individual was rejected for offered employment as the direct
334 result of a positive, confirmed drug test required as a
335 condition of employment, the individual is disqualified for
336 refusing to accept an offer of suitable work.

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

339 (a) Wages in lieu of notice.

340 (b) Severance pay. The number of weeks that an
 341 individual's severance pay disqualifies the individual is equal
 342 to the amount of the severance pay divided by that individual's
 343 average weekly wage received from the employer that paid the
 344 severance pay, rounded down to the nearest whole number,
 345 beginning with the week the individual is separated from
 346 employment.

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

350
 351 ~~2. However,~~ If the remuneration referred to in this subsection
 352 ~~paragraphs (a) and (b)~~ is less than the benefits that would
 353 otherwise be due under this chapter, an individual who is
 354 otherwise eligible ~~he or she~~ is entitled to receive for that
 355 week, ~~if otherwise eligible,~~ benefits reduced by the amount of
 356 the remuneration.

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

361 (a) If the Agency for Workforce Innovation or the
 362 Unemployment Appeals Commission finds that the individual was
 363 terminated from ~~his or her~~ work for violation of any criminal
 364 law, under any jurisdiction, which was ~~punishable by~~

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365 ~~imprisonment~~ in connection with his or her work, and the
366 individual was convicted ~~found guilty of the offense, made an~~
367 ~~admission of guilt in a court of law,~~ or entered a plea of
368 guilty or nolo contendere ~~no contest,~~ the individual is not
369 entitled to unemployment benefits for up to 52 weeks, pursuant
370 to ~~under~~ rules adopted by the agency ~~for Workforce Innovation,~~
371 and until he or she has earned income of at least 17 times his
372 or her weekly benefit amount. If, before an adjudication of
373 guilt, an admission of guilt, or a plea of nolo contendere ~~no~~
374 ~~contest,~~ the employer proves by competent substantial evidence
375 to ~~shows~~ the agency ~~for Workforce Innovation~~ that the arrest was
376 due to a crime against the employer or the employer's business,
377 customers, or invitees ~~and, after considering all the evidence,~~
378 ~~the Agency for Workforce Innovation finds misconduct in~~
379 ~~connection with the individual's work,~~ the individual is not
380 entitled to unemployment benefits.

381 (b) If the Agency for Workforce Innovation or the
382 Unemployment Appeals Commission finds that the individual was
383 terminated from work for any dishonest act in connection with
384 his or her work, the individual is not entitled to unemployment
385 benefits for up to 52 weeks, under rules adopted by the Agency
386 for Workforce Innovation, and until he or she has earned income
387 of at least 17 times his or her weekly benefit amount. In
388 addition, if the employer terminates an individual as a result
389 of a dishonest act in connection with his or her work and the
390 Agency for Workforce Innovation finds misconduct in connection
391 with his or her work, the individual is not entitled to
392 unemployment benefits.

393
 394 With respect to an individual disqualified for benefits, the
 395 account of the terminating employer, if the employer is in the
 396 base period, is noncharged at the time the disqualification is
 397 imposed.

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

400 Section 8. Effective April 1, 2011, subsection (5) of
 401 section 443.111, Florida Statutes, is amended to read:

402 443.111 Payment of benefits.—

403 (5) DURATION OF BENEFITS.—

404 (a) As used in this section, the term "Florida average
 405 unemployment rate" means the average of the three months for the
 406 most recent third calendar year quarter of the seasonally
 407 adjusted statewide unemployment rates as published by the Agency
 408 for Workforce Innovation.

409 (b)1. Each otherwise eligible individual is entitled
 410 during any benefit year to a total amount of benefits equal to
 411 25 percent of the total wages in his or her base period, not to
 412 exceed \$5,500 or the product arrived at by multiplying the
 413 weekly benefit amount with the number of weeks determined in
 414 paragraph (c), whichever is less \$7,150. However, the total
 415 amount of benefits, if not a multiple of \$1, is rounded downward
 416 to the nearest full dollar amount. These benefits are payable at
 417 a weekly rate no greater than the weekly benefit amount.

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

420 1. 12 weeks if the Florida average unemployment rate is at

421 or below 5 percent.

422 2. An additional week in addition to the 12 weeks for each
 423 0.5 percent increment in the Florida average unemployment rate
 424 above 5 percent.

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

427 (d)2- For the purposes of this subsection, wages are
 428 counted as "wages for insured work" for benefit purposes with
 429 respect to any benefit year only if the benefit year begins
 430 after the date the employing unit by whom the wages were paid
 431 has satisfied the conditions of this chapter for becoming an
 432 employer.

433 (e)(b) If the remuneration of an individual is not based
 434 upon a fixed period or duration of time or if the individual's
 435 wages are paid at irregular intervals or in a manner that does
 436 not extend regularly over the period of employment, the wages
 437 for any week or for any calendar quarter for the purpose of
 438 computing an individual's right to employment benefits only are
 439 determined in the manner prescribed by rule. These rules, to the
 440 extent practicable, must secure results reasonably similar to
 441 those that would prevail if the individual were paid her or his
 442 wages at regular intervals.

443 Section 9. Paragraph (f) of subsection (13) of section
 444 443.1216, Florida Statutes, is amended to read:

445 443.1216 Employment.—Employment, as defined in s. 443.036,
 446 is subject to this chapter under the following conditions:

447 (13) The following are exempt from coverage under this
 448 chapter:

449 (f) Service performed in the employ of a public employer
 450 as defined in s. 443.036, except as provided in subsection (2),
 451 and service performed in the employ of an instrumentality of a
 452 public employer as described in s. 443.036 (37) ~~(35)~~ (b) or (c), to
 453 the extent that the instrumentality is immune under the United
 454 States Constitution from the tax imposed by s. 3301 of the
 455 Internal Revenue Code for that service.

456 Section 10. Effective upon this act becoming a law and
 457 retroactive to June 30, 2010, for tax rates effective on or
 458 after January 1, 2011, paragraphs (b) and (e) of subsection (3)
 459 of section 443.131, Florida Statutes, are amended to read:

460 443.131 Contributions.—

461 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 462 EXPERIENCE.—

463 (b) Benefit ratio.—

464 1. As used in this paragraph, the term "annual payroll"
 465 means the calendar quarter taxable payroll reported to the tax
 466 collection service provider for the quarters used in computing
 467 the benefit ratio. The term does not include a penalty resulting
 468 from the untimely filing of required wage and tax reports. All
 469 of the taxable payroll reported to the tax collection service
 470 provider by the end of the quarter preceding the quarter for
 471 which the contribution rate is to be computed must be used in
 472 the computation.

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

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

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

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

480 ~~3.2.~~ For each calendar year, the tax collection service
481 provider shall compute a benefit ratio for each employer whose
482 employment record was chargeable for benefits during the 12
483 consecutive quarters ending June 30 of the calendar year
484 preceding the calendar year for which the benefit ratio is
485 computed. An employer's benefit ratio is the quotient obtained
486 by dividing the total benefits charged to the employer's
487 employment record during the 3-year period ending June 30 of the
488 preceding calendar year by the total of the employer's annual
489 payroll for the 3-year period ending June 30 of the preceding
490 calendar year. The benefit ratio shall be computed to the fifth
491 decimal place and rounded to the fourth decimal place.

492 ~~4.3.~~ The tax collection service provider shall compute a
493 benefit ratio for each employer who was not previously eligible
494 under subparagraph ~~3. 2.~~, whose contribution rate is set at the
495 initial contribution rate in paragraph (2) (a), and whose
496 employment record was chargeable for benefits during at least 8
497 calendar quarters immediately preceding the calendar quarter for
498 which the benefit ratio is computed. The employer's benefit
499 ratio is the quotient obtained by dividing the total benefits
500 charged to the employer's employment record during the first 6
501 of the 8 completed calendar quarters immediately preceding the
502 calendar quarter for which the benefit ratio is computed by the
503 total of the employer's annual payroll during the first 7 of the
504 9 completed calendar quarters immediately preceding the calendar

505 quarter for which the benefit ratio is computed. The benefit
506 ratio shall be computed to the fifth decimal place and rounded
507 to the fourth decimal place and applies for the remainder of the
508 calendar year. The employer must subsequently be rated on an
509 annual basis using up to 12 calendar quarters of benefits
510 charged and up to 12 calendar quarters of annual payroll. That
511 employer's benefit ratio is the quotient obtained by dividing
512 the total benefits charged to the employer's employment record
513 by the total of the employer's annual payroll during the
514 quarters used in his or her first computation plus the
515 subsequent quarters reported through June 30 of the preceding
516 calendar year. Each subsequent calendar year, the rate shall be
517 computed under subparagraph 3. 2. The tax collection service
518 provider shall assign a variation from the standard rate of
519 contributions in paragraph (c) on a quarterly basis to each
520 eligible employer in the same manner as an assignment for a
521 calendar year under paragraph (e).

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

523 1. As used in this paragraph, the terms "total benefit
524 payments," "benefits paid to an individual," and "benefits
525 charged to the employment record of an employer" mean the amount
526 of benefits paid to individuals multiplied by:

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

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

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

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

533 | ~~a.1.~~ The tax collection service provider shall assign a
534 | variation from the standard rate of contributions for each
535 | calendar year to each eligible employer. In determining the
536 | contribution rate, varying from the standard rate to be assigned
537 | each employer, adjustment factors computed under sub-sub-
538 | subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ are added to the
539 | benefit ratio. This addition shall be accomplished in two steps
540 | by adding a variable adjustment factor and a final adjustment
541 | factor. The sum of these adjustment factors computed under sub-
542 | sub-subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ shall first
543 | be algebraically summed. The sum of these adjustment factors
544 | shall next be divided by a gross benefit ratio determined as
545 | follows: Total benefit payments for the 3-year period described
546 | in subparagraph (b)3. ~~(b)2.~~ are charged to employers eligible
547 | for a variation from the standard rate, minus excess payments
548 | for the same period, divided by taxable payroll entering into
549 | the computation of individual benefit ratios for the calendar
550 | year for which the contribution rate is being computed. The
551 | ratio of the sum of the adjustment factors computed under sub-
552 | sub-subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ to the gross
553 | benefit ratio is multiplied by each individual benefit ratio
554 | that is less than the maximum contribution rate to obtain
555 | variable adjustment factors; except that if the sum of an
556 | employer's individual benefit ratio and variable adjustment
557 | factor exceeds the maximum contribution rate, the variable
558 | adjustment factor is reduced in order for the sum to equal the
559 | maximum contribution rate. The variable adjustment factor for
560 | each of these employers is multiplied by his or her taxable

561 payroll entering into the computation of his or her benefit
562 ratio. The sum of these products is divided by the taxable
563 payroll of the employers who entered into the computation of
564 their benefit ratios. The resulting ratio is subtracted from the
565 sum of the adjustment factors computed under sub-sub-
566 subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ to obtain the
567 final adjustment factor. The variable adjustment factors and the
568 final adjustment factor must be computed to five decimal places
569 and rounded to the fourth decimal place. This final adjustment
570 factor is added to the variable adjustment factor and benefit
571 ratio of each employer to obtain each employer's contribution
572 rate. An employer's contribution rate may not, however, be
573 rounded to less than 0.1 percent.

574 (I) ~~a.~~ An adjustment factor for noncharge benefits is
575 computed to the fifth decimal place and rounded to the fourth
576 decimal place by dividing the amount of noncharge benefits
577 during the 3-year period described in subparagraph (b)3. ~~(b)2.~~
578 by the taxable payroll of employers eligible for a variation
579 from the standard rate who have a benefit ratio for the current
580 year which is less than the maximum contribution rate. For
581 purposes of computing this adjustment factor, the taxable
582 payroll of these employers is the taxable payrolls for the 3
583 years ending June 30 of the current calendar year as reported to
584 the tax collection service provider by September 30 of the same
585 calendar year. As used in this sub-sub-subparagraph ~~sub-~~
586 ~~subparagraph~~, the term "noncharge benefits" means benefits paid
587 to an individual from the Unemployment Compensation Trust Fund,
588 but which were not charged to the employment record of any

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589 employer.

590 (II)~~b.~~ An adjustment factor for excess payments is
591 computed to the fifth decimal place, and rounded to the fourth
592 decimal place by dividing the total excess payments during the
593 3-year period described in subparagraph (b)3. ~~(b)2.~~ by the
594 taxable payroll of employers eligible for a variation from the
595 standard rate who have a benefit ratio for the current year
596 which is less than the maximum contribution rate. For purposes
597 of computing this adjustment factor, the taxable payroll of
598 these employers is the same figure used to compute the
599 adjustment factor for noncharge benefits under sub-sub-
600 subparagraph (I) ~~sub-subparagraph a.~~ As used in this sub-
601 subparagraph, the term "excess payments" means the amount of
602 benefits charged to the employment record of an employer during
603 the 3-year period described in subparagraph (b)3. ~~(b)2.~~, less
604 the product of the maximum contribution rate and the employer's
605 taxable payroll for the 3 years ending June 30 of the current
606 calendar year as reported to the tax collection service provider
607 by September 30 of the same calendar year. As used in this sub-
608 sub-subparagraph ~~sub-subparagraph~~, the term "total excess
609 payments" means the sum of the individual employer excess
610 payments for those employers that were eligible for assignment
611 of a contribution rate different from the standard rate.

612 (III)~~e.~~ With respect to computing a positive adjustment
613 factor:

614 (A)~~(I)~~ Beginning January 1, 2012, if the balance of the
615 Unemployment Compensation Trust Fund on September 30 of the
616 calendar year immediately preceding the calendar year for which

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617 | the contribution rate is being computed is less than 4 percent
618 | of the taxable payrolls for the year ending June 30 as reported
619 | to the tax collection service provider by September 30 of that
620 | calendar year, a positive adjustment factor shall be computed.
621 | The positive adjustment factor is computed annually to the fifth
622 | decimal place and rounded to the fourth decimal place by
623 | dividing the sum of the total taxable payrolls for the year
624 | ending June 30 of the current calendar year as reported to the
625 | tax collection service provider by September 30 of that calendar
626 | year into a sum equal to one-third of the difference between the
627 | balance of the fund as of September 30 of that calendar year and
628 | the sum of 5 percent of the total taxable payrolls for that
629 | year. The positive adjustment factor remains in effect for
630 | subsequent years until the balance of the Unemployment
631 | Compensation Trust Fund as of September 30 of the year
632 | immediately preceding the effective date of the contribution
633 | rate equals or exceeds 5 percent of the taxable payrolls for the
634 | year ending June 30 of the current calendar year as reported to
635 | the tax collection service provider by September 30 of that
636 | calendar year.

637 | (B) ~~(H)~~ Beginning January 1, 2015, and for each year
638 | thereafter, the positive adjustment shall be computed by
639 | dividing the sum of the total taxable payrolls for the year
640 | ending June 30 of the current calendar year as reported to the
641 | tax collection service provider by September 30 of that calendar
642 | year into a sum equal to one-fourth of the difference between
643 | the balance of the fund as of September 30 of that calendar year
644 | and the sum of 5 percent of the total taxable payrolls for that

645 | year. The positive adjustment factor remains in effect for
646 | subsequent years until the balance of the Unemployment
647 | Compensation Trust Fund as of September 30 of the year
648 | immediately preceding the effective date of the contribution
649 | rate equals or exceeds 4 percent of the taxable payrolls for the
650 | year ending June 30 of the current calendar year as reported to
651 | the tax collection service provider by September 30 of that
652 | calendar year.

653 | (IV)~~d.~~ If, beginning January 1, 2015, and each year
654 | thereafter, the balance of the Unemployment Compensation Trust
655 | Fund as of September 30 of the year immediately preceding the
656 | calendar year for which the contribution rate is being computed
657 | exceeds 5 percent of the taxable payrolls for the year ending
658 | June 30 of the current calendar year as reported to the tax
659 | collection service provider by September 30 of that calendar
660 | year, a negative adjustment factor must be computed. The
661 | negative adjustment factor shall be computed annually beginning
662 | on January 1, 2015, and each year thereafter, to the fifth
663 | decimal place and rounded to the fourth decimal place by
664 | dividing the sum of the total taxable payrolls for the year
665 | ending June 30 of the current calendar year as reported to the
666 | tax collection service provider by September 30 of the calendar
667 | year into a sum equal to one-fourth of the difference between
668 | the balance of the fund as of September 30 of the current
669 | calendar year and 5 percent of the total taxable payrolls of
670 | that year. The negative adjustment factor remains in effect for
671 | subsequent years until the balance of the Unemployment
672 | Compensation Trust Fund as of September 30 of the year

673 immediately preceding the effective date of the contribution
 674 rate is less than 5 percent, but more than 4 percent of the
 675 taxable payrolls for the year ending June 30 of the current
 676 calendar year as reported to the tax collection service provider
 677 by September 30 of that calendar year. The negative adjustment
 678 authorized by this section is suspended in any calendar year in
 679 which repayment of the principal amount of an advance received
 680 from the federal Unemployment Compensation Trust Fund under 42
 681 U.S.C. s. 1321 is due to the Federal Government.

682 (V)~~e~~. The maximum contribution rate that may be assigned
 683 to an employer is 5.4 percent, except employers participating in
 684 an approved short-time compensation plan may be assigned a
 685 maximum contribution rate that is 1 percent greater than the
 686 maximum contribution rate for other employers in any calendar
 687 year in which short-time compensation benefits are charged to
 688 the employer's employment record.

689 (VI)~~f~~. As used in this subsection, "taxable payroll" shall
 690 be determined by excluding any part of the remuneration paid to
 691 an individual by an employer for employment during a calendar
 692 year in excess of the first \$7,000. Beginning January 1, 2012,
 693 "taxable payroll" shall be determined by excluding any part of
 694 the remuneration paid to an individual by an employer for
 695 employment during a calendar year as described in s.
 696 443.1217(2). For the purposes of the employer rate calculation
 697 that will take effect in January 1, 2012, and in January 1,
 698 2013, the tax collection service provider shall use the data
 699 available for taxable payroll from 2009 based on excluding any
 700 part of the remuneration paid to an individual by an employer

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701 for employment during a calendar year in excess of the first
702 \$7,000, and from 2010 and 2011, the data available for taxable
703 payroll based on excluding any part of the remuneration paid to
704 an individual by an employer for employment during a calendar
705 year in excess of the first \$8,500.

706 ~~b.2.~~ If the transfer of an employer's employment record to
707 an employing unit under paragraph (f) which, before the
708 transfer, was an employer, the tax collection service provider
709 shall recompute a benefit ratio for the successor employer based
710 on the combined employment records and reassign an appropriate
711 contribution rate to the successor employer effective on the
712 first day of the calendar quarter immediately after the
713 effective date of the transfer.

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

717 443.141 Collection of contributions and reimbursements.—

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

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

725 1. For contributions due for wages paid in the first
726 quarter of each year, one-fourth of the contributions due must
727 be paid on or before April 30, one-fourth must be paid on or
728 before July 31, one-fourth must be paid on or before October 31,

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729 and one-fourth must be paid on or before December 31.

730 2. In addition to the payments specified in subparagraph
731 1., for contributions due for wages paid in the second quarter
732 of each year, one-third of the contributions due must be paid on
733 or before July 31, one-third must be paid on or before October
734 31, and one-third must be paid on or before December 31.

735 3. In addition to the payments specified in subparagraphs
736 1. and 2., for contributions due for wages paid in the third
737 quarter of each year, one-half of the contributions due must be
738 paid on or before October 31, and one-half must be paid on or
739 before December 31.

740 4. The annual administrative fee assessed for electing to
741 pay under the installment method shall be collected at the time
742 the employer makes the first installment payment each year. The
743 fee shall be segregated from the payment and deposited into the
744 Operating Trust Fund of the Department of Revenue.

745 5. Interest does not accrue on any contribution that
746 becomes due for wages paid in the first three quarters of each
747 year if the employer pays the contribution in accordance with
748 subparagraphs 1.-4. Interest and fees continue to accrue on
749 prior delinquent contributions and commence accruing on all
750 contributions due for wages paid in the first three quarters of
751 each year which are not paid in accordance with subparagraphs
752 1.-3. Penalties may be assessed in accordance with this chapter.
753 The contributions due for wages paid in the fourth quarter of
754 2012, 2013, and 2014 are not affected by this paragraph and are
755 due and payable in accordance with this chapter.

756 Section 12. Paragraphs (b) and (d) of subsection (3) and

757 paragraphs (b) and (e) of subsection (4) of section 443.151,
 758 Florida Statutes, are amended to read:

759 443.151 Procedure concerning claims.—

760 (3) DETERMINATION OF ELIGIBILITY.—

761 (b) Monetary determinations.—In addition to the notice of
 762 claim, the Agency for Workforce Innovation ~~shall~~ also
 763 promptly provide an initial monetary determination to the
 764 claimant and each base period employer whose account is subject
 765 to being charged for its respective share of benefits on the
 766 claim. The monetary determination must include a statement of
 767 whether and in what amount the claimant is entitled to benefits,
 768 and, in the event of a denial, must state the reasons for the
 769 denial. A monetary determination for the first week of a benefit
 770 year must also include a statement of whether the claimant was
 771 paid the wages required under s. 443.091(1)(g) and, if so, the
 772 first day of the benefit year, the claimant's weekly benefit
 773 amount, and the maximum total amount of benefits payable to the
 774 claimant for a benefit year. The monetary determination is final
 775 unless within 20 days after the mailing of the notices to the
 776 parties' last known addresses, or in lieu of mailing, within 20
 777 days after the delivery of the notices, an appeal or written
 778 request for reconsideration is filed by the claimant or other
 779 party entitled to notice. The agency may adopt rules as
 780 necessary to implement the processes described in this paragraph
 781 relating to notices of monetary determinations and the appeals
 782 or reconsideration requests filed in response to such notices.

783 (d) Determinations in labor dispute cases.—If a ~~Whenever~~
 784 ~~any~~ claim involves a labor dispute described in s. 443.101(4),

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785 the Agency for Workforce Innovation shall promptly assign the
786 claim to a special examiner who shall make a determination on
787 the issues involving unemployment due to the labor dispute. The
788 special examiner shall make the determination after an
789 investigation, as necessary. The claimant or another party
790 entitled to notice of the determination may appeal a
791 determination under subsection (4).

792 (4) APPEALS.—

793 (b) Filing and hearing.—

794 1. The claimant or any other party entitled to notice of a
795 determination may appeal an adverse determination to an appeals
796 referee within 20 days after the date of mailing of the notice
797 to her or his last known address or, if the notice is not
798 mailed, within 20 days after the date of delivery of the notice.

799 2. Unless the appeal is untimely or withdrawn or review is
800 initiated by the commission, the appeals referee, after mailing
801 all parties and attorneys of record a notice of hearing at least
802 10 days before the date of hearing, notwithstanding the 14-day
803 notice requirement in s. 120.569(2)(b), may only affirm, modify,
804 or reverse the determination. An appeal may not be withdrawn
805 without the permission of the appeals referee.

806 3. However, when an appeal appears to have been filed
807 after the permissible time limit, the Office of Appeals may
808 issue an order to show cause to the appellant, requiring the
809 appellant to show why the appeal should not be dismissed as
810 untimely. If the appellant does not, within 15 days after the
811 mailing date of the order to show cause, provide written
812 evidence of timely filing or good cause for failure to appeal

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813 timely, the appeal shall be dismissed.

814 4. When an appeal involves a question of whether services
815 were performed by a claimant in employment or for an employer,
816 the referee must give special notice of the question and of the
817 pendency of the appeal to the employing unit and to the Agency
818 for Workforce Innovation, both of which become parties to the
819 proceeding.

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

823 b. Irrelevant, immaterial, or unduly repetitious evidence
824 shall be excluded, but all other evidence of a type commonly
825 relied upon by reasonably prudent persons in the conduct of
826 their affairs shall be admissible, whether or not such evidence
827 would be admissible in a trial in the courts of the state.

828 c. Hearsay evidence may be used for the purpose of
829 supplementing or explaining other evidence, or to support a
830 finding if it would be admissible over objection in civil
831 actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may
832 support a finding of fact if:

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

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

839 ~~6.5.~~ The parties must be notified promptly of the
840 referee's decision. The referee's decision is final unless

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841 further review is initiated under paragraph (c) within 20 days
842 after the date of mailing notice of the decision to the party's
843 last known address or, in lieu of mailing, within 20 days after
844 the delivery of the notice.

845 (e) Judicial review.—Orders of the commission entered
846 under paragraph (c) are subject to review only by notice of
847 appeal in the district court of appeal in the appellate district
848 in which a claimant resides or the job separation arose or in
849 the appellate district where the order was issued ~~the issues~~
850 ~~involved were decided by an appeals referee.~~ However, if the
851 notice of appeal is filed solely with the commission, the appeal
852 shall be filed in the district court of appeal in the appellate
853 district in which the order was issued. Notwithstanding chapter
854 120, the commission is a party respondent to every such
855 proceeding. The Agency for Workforce Innovation may initiate
856 judicial review of orders in the same manner and to the same
857 extent as any other party.

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

860 443.171 Agency for Workforce Innovation and commission;
861 powers and duties; records and reports; proceedings; state-
862 federal cooperation.—

863 (10) EVIDENCE OF MAILING.—The existence of a mailing date
864 on any notice, determination, decision, order, or other document
865 mailed by the Agency for Workforce Innovation or its tax
866 collection service provider pursuant to this chapter creates a
867 rebuttable presumption that such notice, determination, order,
868 or other document was mailed on the date indicated.

869 Section 14. Notwithstanding the expiration date contained
 870 in section 1 of chapter 2010-90, Laws of Florida, operating
 871 retroactive to June 2, 2010, and expiring January 4, 2012,
 872 section 443.1117, Florida Statutes, is revived, readopted, and
 873 amended to read:

874 443.1117 Temporary extended benefits.—

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

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

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

883 (b) "Eligibility period" means the weeks in an
 884 individual's benefit year or emergency benefit period which
 885 begin in an extended benefit period and, if the benefit year or
 886 emergency benefit period ends within that extended benefit
 887 period, any subsequent weeks beginning in that period.

888 (c) "Emergency benefits" means Emergency Unemployment
 889 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.
 890 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-
 891 118, Pub. L. No. 111-144, ~~and~~ Pub. L. No. 111-157, Pub. L. No.
 892 111-205, and Pub. L. No. 111-312.

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

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

896 2. Ends with any of the following weeks, whichever occurs
897 later:

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

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

901

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

905 (e) "Emergency benefit period" means the period during
906 which an individual receives emergency benefits ~~as defined in~~
907 ~~paragraph (c)~~.

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

910 1. Has received, before that week, all of the regular
911 benefits and emergency benefits, if any, available under this
912 chapter or any other law, including dependents' allowances and
913 benefits payable to federal civilian employees and ex-
914 servicemembers under 5 U.S.C. ss. 8501-8525, in the current
915 benefit year or emergency benefit period that includes that
916 week. For the purposes of this subparagraph, an individual has
917 received all of the regular benefits and emergency benefits, if
918 any, available even if ~~although~~, as a result of a pending appeal
919 for wages paid for insured work which were not considered in the
920 original monetary determination in the benefit year, she or he
921 may subsequently be determined to be entitled to added regular
922 benefits;

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

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

931 b. Has not received and is not seeking unemployment
 932 benefits under the unemployment compensation law of Canada; but
 933 if an individual is seeking those benefits and the appropriate
 934 agency finally determines that she or he is not entitled to
 935 benefits under that law, she or he is considered an exhaustee.

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

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

946 2. Equals or exceeds 6.5 percent.

947 (h) "High unemployment period" means, with respect to
 948 weeks of unemployment ~~beginning on or after February 1, 2009,~~
 949 ~~and~~ ending on or before December 10, 2011 ~~May 8, 2010,~~ any week
 950 in which the average total unemployment rate, seasonally

951 | adjusted, as determined by the United States Secretary of Labor,
 952 | for the most recent 3 months for which data for all states are
 953 | published by the United States Department of Labor:

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

957 | 2. Equals or exceeds 8 percent.

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

961 | (3) TOTAL EXTENDED BENEFIT AMOUNT.—Except as provided in
 962 | subsection (4):

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

967 | 1. Fifty percent of the total regular benefits payable
 968 | under this chapter in the applicable benefit year; or

969 | 2. Thirteen times the weekly benefit amount payable under
 970 | this chapter for a week of total unemployment in the applicable
 971 | benefit year.

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

975 | 1. Eighty percent of the total regular benefits payable
 976 | under this chapter in the applicable benefit year; or

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977 2. Twenty times the weekly benefit amount payable under
978 this chapter for a week of total unemployment in the applicable
979 benefit year.

980 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any
981 other provision of this chapter, if the benefit year of an
982 individual ends within an extended benefit period, the number of
983 weeks of extended benefits the individual is entitled to receive
984 in that extended benefit period for weeks of unemployment
985 beginning after the end of the benefit year, except as provided
986 in this section, is reduced, but not to below zero, by the
987 number of weeks for which the individual received, within that
988 benefit year, trade readjustment allowances under the Trade Act
989 of 1974, as amended.

990 Section 15. If any provision of this act or its
991 application to any person or circumstance is held invalid, the
992 invalidity does not affect other provisions or applications of
993 the act which can be given effect without the invalid provision
994 or application, and to this end the provisions of this act are
995 severable.

996 Section 16. The provisions of s. 443.1117, Florida
997 Statutes, as revived, readopted, and amended by this act, apply
998 only to claims for weeks of unemployment in which an exhaustee
999 establishes entitlement to extended benefits pursuant to that
1000 section which are established for the period between December
1001 17, 2010, and January 4, 2012.

1002 Section 17. For the 2011-2012 fiscal year, the sum of
1003 \$242,300 in nonrecurring funds is appropriated from the
1004 Operating Trust Fund to the Administration of Unemployment

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1005 Compensation Tax Special Category in the Department of Revenue
1006 to be used to implement this act. In addition, for the 2010-2011
1007 fiscal year, the sum of \$256,891 in nonrecurring funds is
1008 appropriated from the Employment Security Administration Trust
1009 Fund in the contracted services appropriation category to the
1010 Agency for Workforce Innovation to be used to contract with the
1011 Department of Revenue for tax-related services as required to
1012 implement this act.

1013 Section 18. The Legislature finds that this act fulfills
1014 an important state interest.

1015 Section 19. Except as otherwise expressly provided in this
1016 act, this act shall take effect upon becoming a law.