

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

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. Effective August 1, 2011, paragraph (a) of
235 subsection (1) and subsections (2), (3), and (9) of section
236 443.101, Florida Statutes, are amended, and subsection (12) is
237 added to that section, to read:

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

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

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

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

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

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

281 receive benefits from the date of the employer's discharge until
 282 the effective date of his or her voluntary quit.

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

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

309 after an individual has received 19 ~~25~~ weeks of benefits in a
310 single year, suitable work is a job that pays the minimum wage
311 and is 120 percent or more of the weekly benefit amount the
312 individual is drawing.

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

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

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

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

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

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

337 refusing to accept an offer of suitable work.

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

340 (a) Wages in lieu of notice.

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

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

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

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

362 (a) If the Agency for Workforce Innovation or the
 363 Unemployment Appeals Commission finds that the individual was
 364 terminated from ~~his or her~~ work for violation of any criminal

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

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

393 unemployment benefits.

394

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

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

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

403 443.111 Payment of benefits.—

404 (5) DURATION OF BENEFITS.—

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

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

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

421 1. 12 weeks if the Florida average unemployment rate is at
 422 or below 5 percent.

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

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

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

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

444 Section 9. Paragraph (f) of subsection (13) of section
 445 443.1216, Florida Statutes, is amended to read:

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

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

449 chapter:

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

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

461 443.131 Contributions.—

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

464 (b) Benefit ratio.—

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

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

477 a. 1.0 for benefits paid prior to July 1, 2007.
 478 b. 0.9 for benefits paid during the period beginning on
 479 July 1, 2007, and ending March 31, 2011.
 480 c. 1.0 for benefits paid after March 31, 2011.
 481 ~~3.2.~~ For each calendar year, the tax collection service
 482 provider shall compute a benefit ratio for each employer whose
 483 employment record was chargeable for benefits during the 12
 484 consecutive quarters ending June 30 of the calendar year
 485 preceding the calendar year for which the benefit ratio is
 486 computed. An employer's benefit ratio is the quotient obtained
 487 by dividing the total benefits charged to the employer's
 488 employment record during the 3-year period ending June 30 of the
 489 preceding calendar year by the total of the employer's annual
 490 payroll for the 3-year period ending June 30 of the preceding
 491 calendar year. The benefit ratio shall be computed to the fifth
 492 decimal place and rounded to the fourth decimal place.
 493 ~~4.3.~~ The tax collection service provider shall compute a
 494 benefit ratio for each employer who was not previously eligible
 495 under subparagraph ~~3. 2.~~, whose contribution rate is set at the
 496 initial contribution rate in paragraph (2) (a), and whose
 497 employment record was chargeable for benefits during at least 8
 498 calendar quarters immediately preceding the calendar quarter for
 499 which the benefit ratio is computed. The employer's benefit
 500 ratio is the quotient obtained by dividing the total benefits
 501 charged to the employer's employment record during the first 6
 502 of the 8 completed calendar quarters immediately preceding the
 503 calendar quarter for which the benefit ratio is computed by the
 504 total of the employer's annual payroll during the first 7 of the

505 9 completed calendar quarters immediately preceding the calendar
506 quarter for which the benefit ratio is computed. The benefit
507 ratio shall be computed to the fifth decimal place and rounded
508 to the fourth decimal place and applies for the remainder of the
509 calendar year. The employer must subsequently be rated on an
510 annual basis using up to 12 calendar quarters of benefits
511 charged and up to 12 calendar quarters of annual payroll. That
512 employer's benefit ratio is the quotient obtained by dividing
513 the total benefits charged to the employer's employment record
514 by the total of the employer's annual payroll during the
515 quarters used in his or her first computation plus the
516 subsequent quarters reported through June 30 of the preceding
517 calendar year. Each subsequent calendar year, the rate shall be
518 computed under subparagraph 3. ~~2.~~ The tax collection service
519 provider shall assign a variation from the standard rate of
520 contributions in paragraph (c) on a quarterly basis to each
521 eligible employer in the same manner as an assignment for a
522 calendar year under paragraph (e).

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

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

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

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

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

532 2. For the calculation of contribution rates effective

533 January 1, 2010, and thereafter:

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

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

575 (I)a. An adjustment factor for noncharge benefits is
576 computed to the fifth decimal place and rounded to the fourth
577 decimal place by dividing the amount of noncharge benefits
578 during the 3-year period described in subparagraph (b)3. ~~(b)2.~~
579 by the taxable payroll of employers eligible for a variation
580 from the standard rate who have a benefit ratio for the current
581 year which is less than the maximum contribution rate. For
582 purposes of computing this adjustment factor, the taxable
583 payroll of these employers is the taxable payrolls for the 3
584 years ending June 30 of the current calendar year as reported to
585 the tax collection service provider by September 30 of the same
586 calendar year. As used in this sub-sub-subparagraph ~~sub-~~
587 ~~subparagraph~~, the term "noncharge benefits" means benefits paid
588 to an individual from the Unemployment Compensation Trust Fund,

589 but which were not charged to the employment record of any
 590 employer.

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

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

615 (A)~~(I)~~ Beginning January 1, 2012, if the balance of the
 616 Unemployment Compensation Trust Fund on September 30 of the

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

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

645 and the sum of 5 percent of the total taxable payrolls for that
646 year. The positive adjustment factor remains in effect for
647 subsequent years until the balance of the Unemployment
648 Compensation Trust Fund as of September 30 of the year
649 immediately preceding the effective date of the contribution
650 rate equals or exceeds 4 percent of the taxable payrolls for the
651 year ending June 30 of the current calendar year as reported to
652 the tax collection service provider by September 30 of that
653 calendar year.

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

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

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

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

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

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

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

718 443.141 Collection of contributions and reimbursements.—

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

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

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

729 before July 31, one-fourth must be paid on or before October 31,
730 and one-fourth must be paid on or before December 31.

731 2. In addition to the payments specified in subparagraph
732 1., for contributions due for wages paid in the second quarter
733 of each year, one-third of the contributions due must be paid on
734 or before July 31, one-third must be paid on or before October
735 31, and one-third must be paid on or before December 31.

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

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

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

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

760 443.151 Procedure concerning claims.—

761 (3) DETERMINATION OF ELIGIBILITY.—

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

784 (d) Determinations in labor dispute cases.—If a ~~Whenever~~

785 ~~any~~ claim involves a labor dispute described in s. 443.101(4),
786 the Agency for Workforce Innovation shall promptly assign the
787 claim to a special examiner who shall make a determination on
788 the issues involving unemployment due to the labor dispute. The
789 special examiner shall make the determination after an
790 investigation, as necessary. The claimant or another party
791 entitled to notice of the determination may appeal a
792 determination under subsection (4).

793 (4) APPEALS.—

794 (b) Filing and hearing.—

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

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

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

813 evidence of timely filing or good cause for failure to appeal
814 timely, the appeal shall be dismissed.

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

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

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

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

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

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

840 ~~6.5.~~ The parties must be notified promptly of the

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

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

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

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

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

869 or other document was mailed on the date indicated.

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

875 443.1117 Temporary extended benefits.—

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

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

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

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

889 (c) "Emergency benefits" means Emergency Unemployment
890 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.
891 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-
892 118, Pub. L. No. 111-144, ~~and~~ Pub. L. No. 111-157, Pub. L. No.
893 111-205, and Pub. L. No. 111-312.

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

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

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

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

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

902

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

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

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

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

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

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

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

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

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

947 2. Equals or exceeds 6.5 percent.

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

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

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

958 2. Equals or exceeds 8 percent.

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

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

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

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

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

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

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

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

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

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

997 Section 16. The provisions of s. 443.1117, Florida
 998 Statutes, as revived, readopted, and amended by this act, apply
 999 only to claims for weeks of unemployment in which an exhaustee
 1000 establishes entitlement to extended benefits pursuant to that
 1001 section which are established for the period between December
 1002 17, 2010, and January 4, 2012.

1003 Section 17. For the 2011-2012 fiscal year, the sum of
 1004 \$242,300 in nonrecurring funds is appropriated from the
 1005 Operating Trust Fund to the Administration of Unemployment

CS/CS/HB 7005, Engrossed 1

2011

1006 Compensation Tax Special Category in the Department of Revenue
1007 to be used to implement this act. In addition, for the 2010-2011
1008 fiscal year, the sum of \$256,891 in nonrecurring funds is
1009 appropriated from the Employment Security Administration Trust
1010 Fund in the contracted services appropriation category to the
1011 Agency for Workforce Innovation to be used to contract with the
1012 Department of Revenue for tax-related services as required to
1013 implement this act.

1014 Section 18. The Legislature finds that this act fulfills
1015 an important state interest.

1016 Section 19. Except as otherwise expressly provided in this
1017 act, this act shall take effect upon becoming a law.