

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 applicability; providing
 42 | appropriations for purposes of implementation; providing
 43 | that the act fulfills an important state interest;
 44 | 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 may not
 68 ~~shall be liberally~~ construed to in favor or disfavor of a
 69 claimant of unemployment benefits who is unemployed through no
 70 fault of his or her own. Any doubt as to the proper construction
 71 of this chapter shall be resolved in favor of conformity with
 72 federal law, including, but not limited to, the Federal
 73 Unemployment Tax Act, the Social Security Act, the Wagner-Peyser
 74 Act, and the Workforce Investment Act.

75 Section 3. Present subsections (26) through (45) of
 76 section 443.036, Florida Statutes, are renumbered as subsections
 77 (28) through (47), respectively, new subsections (26) and (27)
 78 are added to that section, and present subsections (6), (9),
 79 (29), and (43) of that section are amended, to read:

80 443.036 Definitions.—As used in this chapter, the term:

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

83 (9) "Benefit year" means, for an individual, the 1-year
 84 period beginning with the first day of the first week for which

85 | the individual first files a valid claim for benefits and,
 86 | thereafter, the 1-year period beginning with the first day of
 87 | the first week for which the individual next files a valid claim
 88 | for benefits after the termination of his or her last preceding
 89 | benefit year. Each claim for benefits made in accordance with s.
 90 | 443.151(2) is a valid claim under this subsection if the
 91 | individual was paid wages for insured work in accordance with s.
 92 | 443.091(1)(g) and is unemployed as defined in subsection (45)
 93 | ~~(43)~~ at the time of filing the claim. However, the Agency for
 94 | Workforce Innovation may adopt rules providing for the
 95 | establishment of a uniform benefit year for all workers in one
 96 | or more groups or classes of service or within a particular
 97 | industry if the agency determines, after notice to the industry
 98 | and to the workers in the industry and an opportunity to be
 99 | heard in the matter, that those groups or classes of workers in
 100 | a particular industry periodically experience unemployment
 101 | resulting from layoffs or shutdowns for limited periods of time.

102 | (26) "Individual in continued reporting status" means an
 103 | individual who has been determined to be eligible pursuant to s.
 104 | 443.091 who is reporting to the Agency for Workforce Innovation
 105 | in accordance with s. 443.091(1)(c).

106 | (27) "Initial skills review" means an online education or
 107 | training program, such as that established under s. 1004.99,
 108 | that is approved by the Agency for Workforce Innovation and
 109 | designed to measure an individual's mastery level of workplace
 110 | skills.

111 | (31)~~(29)~~ "Misconduct," irrespective of whether the
 112 | misconduct occurs at the workplace or during working hours,

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113 includes, but is not limited to, the following, which may not be
 114 construed in pari materia with each other:

115 (a) Conduct demonstrating conscious ~~willful or wanton~~
 116 disregard of an employer's interests and found to be a
 117 deliberate violation or disregard of the reasonable standards of
 118 behavior which the employer expects ~~has a right to expect~~ of his
 119 or her employee. ~~;~~ ~~or~~

120 (b) Carelessness or negligence to a degree or recurrence
 121 that manifests culpability, wrongful intent, ~~or evil design~~ or
 122 shows an intentional and substantial disregard of the employer's
 123 interests or of the employee's duties and obligations to his or
 124 her employer.

125 (c) Chronic absenteeism or tardiness in deliberate
 126 violation of a known policy of the employer or one or more
 127 unapproved absences following a written reprimand or warning
 128 relating to more than one unapproved absence.

129 (d) A willful and deliberate violation of a standard or
 130 regulation of this state by an employee of an employer licensed
 131 or certified by this state, which violation would cause the
 132 employer to be sanctioned or have its license or certification
 133 suspended by this state.

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

- 136 1. He or she did not know, and could not reasonably know,
 137 of the rule's requirements;
- 138 2. The rule is not lawful or not reasonably related to the
 139 job environment and performance; or
- 140 3. The rule is not fairly or consistently enforced.

141 (45)~~(43)~~ "Unemployment" or "unemployed" means:

142 (a) An individual is "totally unemployed" in any week
 143 during which he or she does not perform any services and for
 144 which earned income is not payable to him or her. An individual
 145 is "partially unemployed" in any week of less than full-time
 146 work if the earned income payable to him or her for that week is
 147 less than his or her weekly benefit amount. The Agency for
 148 Workforce Innovation may adopt rules prescribing distinctions in
 149 the procedures for unemployed individuals based on total
 150 unemployment, part-time unemployment, partial unemployment of
 151 individuals attached to their regular jobs, and other forms of
 152 short-time work.

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

157 Section 4. Paragraph (b) of subsection (2) of section
 158 443.041, Florida Statutes, is amended to read:

159 443.041 Waiver of rights; fees; privileged
 160 communications.—

161 (2) FEES.—

162 (b) An attorney at law representing a claimant for
 163 benefits in any district court of appeal of this state or in the
 164 Supreme Court of Florida is entitled to counsel fees payable by
 165 the Agency for Workforce Innovation as set by the court if the
 166 petition for review or appeal is initiated by the claimant and
 167 results in a decision awarding more benefits than provided in
 168 the decision from which appeal was taken. The amount of the fee

169 may not exceed 50 percent of the total amount of regular
 170 benefits permitted under s. 443.111(5) (b) ~~(a)~~ during the benefit
 171 year.

172 Section 5. Paragraph (b) of subsection (1) of section
 173 443.091, Florida Statutes, is amended to read:

174 443.091 Benefit eligibility conditions.—

175 (1) An unemployed individual is eligible to receive
 176 benefits for any week only if the Agency for Workforce
 177 Innovation finds that:

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

- 182 1. Non-Florida residents;
- 183 2. On a temporary layoff, as defined in s. 443.036~~(42)~~;
- 184 3. Union members who customarily obtain employment through
 185 a union hiring hall; or
- 186 4. Claiming benefits under an approved short-time
 187 compensation plan as provided in s. 443.1116.

188 Section 6. Effective August 1, 2011, paragraph (c) of
 189 subsection (1) of section 443.091, Florida Statutes, is amended
 190 to read:

191 443.091 Benefit eligibility conditions.—

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

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

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

201 2. An individual in continued reporting status must
202 participate in an initial skills review as directed by the
203 agency. The failure of the individual to comply with this
204 subparagraph will result in the individual being determined
205 ineligible for the week in which the noncompliance occurred and
206 for any subsequent week of unemployment until the requirement is
207 satisfied. However, this subparagraph does not apply if the
208 individual is able to affirmatively attest to being unable to
209 complete such review due to illiteracy, language barrier, or
210 technological impediment.

211 3. The administrator or operator of the initial skills
212 review must notify the agency when the individual completes
213 participation in the initial skills review. The administrator or
214 operator of the initial skills review must also report the
215 results of the individual's initial skills review to the
216 regional workforce board or the one-stop career center as
217 directed by the workforce board for reemployment services.

218 Section 7. Paragraph (a) of subsection (1) and subsections
219 (2), (3), and (9) of section 443.101, Florida Statutes, are
220 amended, and subsection (12) is added to that section, to read:

221 443.101 Disqualification for benefits.—An individual shall
222 be disqualified for benefits:

223 (1)(a) For the week in which he or she has voluntarily
224 left work without good cause attributable to his or her

225 | employing unit or in which the individual has been discharged by
 226 | the employing unit for misconduct connected with his or her
 227 | work, based on a finding by the Agency for Workforce Innovation.
 228 | As used in this paragraph, the term "work" means any work,
 229 | whether full-time, part-time, or temporary.

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

249 | 2. Disqualification for being discharged for misconduct
 250 | connected with his or her work continues for the full period of
 251 | unemployment next ensuing after having been discharged and until
 252 | the individual is reemployed and has earned income of at least

253 17 times his or her weekly benefit amount and for not more than
 254 52 weeks that immediately follow that week, as determined by the
 255 agency in each case according to the circumstances in each case
 256 or the seriousness of the misconduct, under the agency's rules
 257 adopted for determinations of disqualification for benefits for
 258 misconduct.

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

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

274 (2) If the Agency for Workforce Innovation finds that the
 275 individual has failed without good cause to actively seek work,
 276 apply for available suitable work ~~when directed by the agency or~~
 277 ~~the one-stop career center,~~ ~~to~~ accept suitable work when offered
 278 to him or her, or ~~to~~ return to the individual's customary self-
 279 employment when directed by the agency, the disqualification
 280 continues for the full period of unemployment next ensuing after

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281 he or she failed without good cause to actively seek work, apply
282 for available suitable work, ~~to~~ accept suitable work, or ~~to~~
283 return to his or her customary self-employment, under this
284 subsection, and until the individual has earned income at least
285 17 times his or her weekly benefit amount. The Agency for
286 Workforce Innovation shall by rule adopt criteria for
287 determining the "suitability of work," as used in this section.
288 The Agency for Workforce Innovation in developing these rules
289 shall consider the duration of a claimant's unemployment in
290 determining the suitability of work and the suitability of
291 proposed rates of compensation for available work. Further,
292 after an individual has received 19 ~~25~~ weeks of benefits in a
293 single year, suitable work is a job that pays the minimum wage
294 and is 120 percent or more of the weekly benefit amount the
295 individual is drawing.

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

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

308 1. If the position offered is vacant due directly to a

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309 strike, lockout, or other labor dispute.

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

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

316 (c) If the Agency for Workforce Innovation finds that an
317 individual was rejected for offered employment as the direct
318 result of a positive, confirmed drug test required as a
319 condition of employment, the individual is disqualified for
320 refusing to accept an offer of suitable work.

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

323 (a) Wages in lieu of notice.

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

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

333
334 ~~2. However,~~ If the remuneration referred to in this subsection
335 ~~paragraphs (a) and (b)~~ is less than the benefits that would
336 otherwise be due under this chapter, an individual who is

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337 otherwise eligible ~~he or she~~ is entitled to receive for that
338 week, ~~if otherwise eligible,~~ benefits reduced by the amount of
339 the remuneration.

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

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

364 (b) If the Agency for Workforce Innovation or the

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365 Unemployment Appeals Commission finds that the individual was
 366 terminated from work for any dishonest act in connection with
 367 his or her work, the individual is not entitled to unemployment
 368 benefits for up to 52 weeks, under rules adopted by the Agency
 369 for Workforce Innovation, and until he or she has earned income
 370 of at least 17 times his or her weekly benefit amount. In
 371 addition, if the employer terminates an individual as a result
 372 of a dishonest act in connection with his or her work and the
 373 Agency for Workforce Innovation finds misconduct in connection
 374 with his or her work, the individual is not entitled to
 375 unemployment benefits.

376
 377 With respect to an individual disqualified for benefits, the
 378 account of the terminating employer, if the employer is in the
 379 base period, is noncharged at the time the disqualification is
 380 imposed.

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

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

385 443.111 Payment of benefits.—

386 (5) DURATION OF BENEFITS.—

387 (a) As used in this section, the term "Florida average
 388 unemployment rate" means the average of the three months for the
 389 most recent third calendar year quarter of the seasonally
 390 adjusted statewide unemployment rates as published by the Agency
 391 for Workforce Innovation.

392 (b)1. Each otherwise eligible individual is entitled

393 during any benefit year to a total amount of benefits equal to
 394 25 percent of the total wages in his or her base period, not to
 395 exceed \$5,500 or the product arrived at by multiplying the
 396 weekly benefit amount with the number of weeks determined in
 397 paragraph (c), whichever is less \$7,150. However, the total
 398 amount of benefits, if not a multiple of \$1, is rounded downward
 399 to the nearest full dollar amount. These benefits are payable at
 400 a weekly rate no greater than the weekly benefit amount.

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

403 1. 12 weeks if the Florida average unemployment rate is at
 404 or below 5 percent.

405 2. An additional week in addition to the 12 weeks for each
 406 0.5 percent increment in the Florida average unemployment rate
 407 above 5 percent.

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

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

416 (e) ~~(b)~~ If the remuneration of an individual is not based
 417 upon a fixed period or duration of time or if the individual's
 418 wages are paid at irregular intervals or in a manner that does
 419 not extend regularly over the period of employment, the wages
 420 for any week or for any calendar quarter for the purpose of

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421 computing an individual's right to employment benefits only are
 422 determined in the manner prescribed by rule. These rules, to the
 423 extent practicable, must secure results reasonably similar to
 424 those that would prevail if the individual were paid her or his
 425 wages at regular intervals.

426 Section 9. Paragraph (f) of subsection (13) of section
 427 443.1216, Florida Statutes, is amended to read:

428 443.1216 Employment.—Employment, as defined in s. 443.036,
 429 is subject to this chapter under the following conditions:

430 (13) The following are exempt from coverage under this
 431 chapter:

432 (f) Service performed in the employ of a public employer
 433 as defined in s. 443.036, except as provided in subsection (2),
 434 and service performed in the employ of an instrumentality of a
 435 public employer as described in s. 443.036(37)~~(35)~~(b) or (c), to
 436 the extent that the instrumentality is immune under the United
 437 States Constitution from the tax imposed by s. 3301 of the
 438 Internal Revenue Code for that service.

439 Section 10. Effective upon this act becoming a law and
 440 retroactive to June 30, 2010, paragraphs (b) and (e) of
 441 subsection (3) of section 443.131, Florida Statutes, are amended
 442 to read:

443 443.131 Contributions.—

444 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 445 EXPERIENCE.—

446 (b) Benefit ratio.—

447 1. As used in this paragraph, the term "annual payroll"
 448 means the calendar quarter taxable payroll reported to the tax

449 collection service provider for the quarters used in computing
450 the benefit ratio. The term does not include a penalty resulting
451 from the untimely filing of required wage and tax reports. All
452 of the taxable payroll reported to the tax collection service
453 provider by the end of the quarter preceding the quarter for
454 which the contribution rate is to be computed must be used in
455 the computation.

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

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

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

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

463 ~~3.2.~~ For each calendar year, the tax collection service
464 provider shall compute a benefit ratio for each employer whose
465 employment record was chargeable for benefits during the 12
466 consecutive quarters ending June 30 of the calendar year
467 preceding the calendar year for which the benefit ratio is
468 computed. An employer's benefit ratio is the quotient obtained
469 by dividing the total benefits charged to the employer's
470 employment record during the 3-year period ending June 30 of the
471 preceding calendar year by the total of the employer's annual
472 payroll for the 3-year period ending June 30 of the preceding
473 calendar year. The benefit ratio shall be computed to the fifth
474 decimal place and rounded to the fourth decimal place.

475 ~~4.3.~~ The tax collection service provider shall compute a
476 benefit ratio for each employer who was not previously eligible

477 | under subparagraph 3. 2-, whose contribution rate is set at the
478 | initial contribution rate in paragraph (2) (a), and whose
479 | employment record was chargeable for benefits during at least 8
480 | calendar quarters immediately preceding the calendar quarter for
481 | which the benefit ratio is computed. The employer's benefit
482 | ratio is the quotient obtained by dividing the total benefits
483 | charged to the employer's employment record during the first 6
484 | of the 8 completed calendar quarters immediately preceding the
485 | calendar quarter for which the benefit ratio is computed by the
486 | total of the employer's annual payroll during the first 7 of the
487 | 9 completed calendar quarters immediately preceding the calendar
488 | quarter for which the benefit ratio is computed. The benefit
489 | ratio shall be computed to the fifth decimal place and rounded
490 | to the fourth decimal place and applies for the remainder of the
491 | calendar year. The employer must subsequently be rated on an
492 | annual basis using up to 12 calendar quarters of benefits
493 | charged and up to 12 calendar quarters of annual payroll. That
494 | employer's benefit ratio is the quotient obtained by dividing
495 | the total benefits charged to the employer's employment record
496 | by the total of the employer's annual payroll during the
497 | quarters used in his or her first computation plus the
498 | subsequent quarters reported through June 30 of the preceding
499 | calendar year. Each subsequent calendar year, the rate shall be
500 | computed under subparagraph 3. 2-. The tax collection service
501 | provider shall assign a variation from the standard rate of
502 | contributions in paragraph (c) on a quarterly basis to each
503 | eligible employer in the same manner as an assignment for a
504 | calendar year under paragraph (e).

505 (e) Assignment of variations from the standard rate.—
506 1. As used in this paragraph, the terms "total benefit
507 payments," "benefits paid to an individual," and "benefits
508 charged to the employment record of an employer" mean the amount
509 of benefits paid to individuals multiplied by:

510 a. 1.0 for benefits paid prior to July 1, 2007.
511 b. 0.9 for benefits paid during the period beginning on
512 July 1, 2007, and ending March 31, 2011.

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

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

516 a.1. The tax collection service provider shall assign a
517 variation from the standard rate of contributions for each
518 calendar year to each eligible employer. In determining the
519 contribution rate, varying from the standard rate to be assigned
520 each employer, adjustment factors computed under sub-sub-
521 subparagraphs (I)-(IV) sub-subparagraphs a.-d. are added to the
522 benefit ratio. This addition shall be accomplished in two steps
523 by adding a variable adjustment factor and a final adjustment
524 factor. The sum of these adjustment factors computed under sub-
525 sub-subparagraphs (I)-(IV) sub-subparagraphs a.-d. shall first
526 be algebraically summed. The sum of these adjustment factors
527 shall next be divided by a gross benefit ratio determined as
528 follows: Total benefit payments for the 3-year period described
529 in subparagraph (b)3. ~~(b)2.~~ are charged to employers eligible
530 for a variation from the standard rate, minus excess payments
531 for the same period, divided by taxable payroll entering into
532 the computation of individual benefit ratios for the calendar

533 year for which the contribution rate is being computed. The
 534 ratio of the sum of the adjustment factors computed under sub-
 535 sub-subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ to the gross
 536 benefit ratio is multiplied by each individual benefit ratio
 537 that is less than the maximum contribution rate to obtain
 538 variable adjustment factors; except that if the sum of an
 539 employer's individual benefit ratio and variable adjustment
 540 factor exceeds the maximum contribution rate, the variable
 541 adjustment factor is reduced in order for the sum to equal the
 542 maximum contribution rate. The variable adjustment factor for
 543 each of these employers is multiplied by his or her taxable
 544 payroll entering into the computation of his or her benefit
 545 ratio. The sum of these products is divided by the taxable
 546 payroll of the employers who entered into the computation of
 547 their benefit ratios. The resulting ratio is subtracted from the
 548 sum of the adjustment factors computed under sub-sub-
 549 subparagraphs (I)-(IV) ~~sub-subparagraphs a.-d.~~ to obtain the
 550 final adjustment factor. The variable adjustment factors and the
 551 final adjustment factor must be computed to five decimal places
 552 and rounded to the fourth decimal place. This final adjustment
 553 factor is added to the variable adjustment factor and benefit
 554 ratio of each employer to obtain each employer's contribution
 555 rate. An employer's contribution rate may not, however, be
 556 rounded to less than 0.1 percent.

557 (I)a. An adjustment factor for noncharge benefits is
 558 computed to the fifth decimal place and rounded to the fourth
 559 decimal place by dividing the amount of noncharge benefits
 560 during the 3-year period described in subparagraph (b)3. ~~(b)2.~~

561 by the taxable payroll of employers eligible for a variation
 562 from the standard rate who have a benefit ratio for the current
 563 year which is less than the maximum contribution rate. For
 564 purposes of computing this adjustment factor, the taxable
 565 payroll of these employers is the taxable payrolls for the 3
 566 years ending June 30 of the current calendar year as reported to
 567 the tax collection service provider by September 30 of the same
 568 calendar year. As used in this sub-sub-subparagraph ~~sub-~~
 569 ~~subparagraph~~, the term "noncharge benefits" means benefits paid
 570 to an individual from the Unemployment Compensation Trust Fund,
 571 but which were not charged to the employment record of any
 572 employer.

573 (II) ~~b.~~ An adjustment factor for excess payments is
 574 computed to the fifth decimal place, and rounded to the fourth
 575 decimal place by dividing the total excess payments during the
 576 3-year period described in subparagraph (b)3. ~~(b)2.~~ by the
 577 taxable payroll of employers eligible for a variation from the
 578 standard rate who have a benefit ratio for the current year
 579 which is less than the maximum contribution rate. For purposes
 580 of computing this adjustment factor, the taxable payroll of
 581 these employers is the same figure used to compute the
 582 adjustment factor for noncharge benefits under sub-sub-
 583 subparagraph (I) ~~sub-subparagraph a.~~ As used in this sub-
 584 subparagraph, the term "excess payments" means the amount of
 585 benefits charged to the employment record of an employer during
 586 the 3-year period described in subparagraph (b)3. ~~(b)2.~~, less
 587 the product of the maximum contribution rate and the employer's
 588 taxable payroll for the 3 years ending June 30 of the current

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589 | calendar year as reported to the tax collection service provider
590 | by September 30 of the same calendar year. As used in this sub-
591 | sub-subparagraph ~~sub-subparagraph~~, the term "total excess
592 | payments" means the sum of the individual employer excess
593 | payments for those employers that were eligible for assignment
594 | of a contribution rate different from the standard rate.

595 | (III)e. With respect to computing a positive adjustment
596 | factor:

597 | (A) ~~(I)~~ Beginning January 1, 2012, if the balance of the
598 | Unemployment Compensation Trust Fund on September 30 of the
599 | calendar year immediately preceding the calendar year for which
600 | the contribution rate is being computed is less than 4 percent
601 | of the taxable payrolls for the year ending June 30 as reported
602 | to the tax collection service provider by September 30 of that
603 | calendar year, a positive adjustment factor shall be computed.
604 | The positive adjustment factor is computed annually to the fifth
605 | decimal place and rounded to the fourth decimal place by
606 | dividing the sum of the total taxable payrolls for the year
607 | ending June 30 of the current calendar year as reported to the
608 | tax collection service provider by September 30 of that calendar
609 | year into a sum equal to one-third of the difference between the
610 | balance of the fund as of September 30 of that calendar year and
611 | the sum of 5 percent of the total taxable payrolls for that
612 | year. The positive adjustment factor remains in effect for
613 | subsequent years until the balance of the Unemployment
614 | Compensation Trust Fund as of September 30 of the year
615 | immediately preceding the effective date of the contribution
616 | rate equals or exceeds 5 percent of the taxable payrolls for the

617 | year ending June 30 of the current calendar year as reported to
 618 | the tax collection service provider by September 30 of that
 619 | calendar year.

620 | (B)~~(H)~~ Beginning January 1, 2015, and for each year
 621 | thereafter, the positive adjustment shall be computed by
 622 | dividing the sum of the total taxable payrolls for the year
 623 | ending June 30 of the current calendar year as reported to the
 624 | tax collection service provider by September 30 of that calendar
 625 | year into a sum equal to one-fourth of the difference between
 626 | the balance of the fund as of September 30 of that calendar year
 627 | and the sum of 5 percent of the total taxable payrolls for that
 628 | year. The positive adjustment factor remains in effect for
 629 | subsequent years until the balance of the Unemployment
 630 | Compensation Trust Fund as of September 30 of the year
 631 | immediately preceding the effective date of the contribution
 632 | rate equals or exceeds 4 percent of the taxable payrolls for the
 633 | year ending June 30 of the current calendar year as reported to
 634 | the tax collection service provider by September 30 of that
 635 | calendar year.

636 | (IV)~~d.~~ If, beginning January 1, 2015, and each year
 637 | thereafter, the balance of the Unemployment Compensation Trust
 638 | Fund as of September 30 of the year immediately preceding the
 639 | calendar year for which the contribution rate is being computed
 640 | exceeds 5 percent of the taxable payrolls for the year ending
 641 | June 30 of the current calendar year as reported to the tax
 642 | collection service provider by September 30 of that calendar
 643 | year, a negative adjustment factor must be computed. The
 644 | negative adjustment factor shall be computed annually beginning

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645 on January 1, 2015, and each year thereafter, to the fifth
646 decimal place and rounded to the fourth decimal place by
647 dividing the sum of the total taxable payrolls for the year
648 ending June 30 of the current calendar year as reported to the
649 tax collection service provider by September 30 of the calendar
650 year into a sum equal to one-fourth of the difference between
651 the balance of the fund as of September 30 of the current
652 calendar year and 5 percent of the total taxable payrolls of
653 that year. The negative adjustment factor remains in effect for
654 subsequent years until the balance of the Unemployment
655 Compensation Trust Fund as of September 30 of the year
656 immediately preceding the effective date of the contribution
657 rate is less than 5 percent, but more than 4 percent of the
658 taxable payrolls for the year ending June 30 of the current
659 calendar year as reported to the tax collection service provider
660 by September 30 of that calendar year. The negative adjustment
661 authorized by this section is suspended in any calendar year in
662 which repayment of the principal amount of an advance received
663 from the federal Unemployment Compensation Trust Fund under 42
664 U.S.C. s. 1321 is due to the Federal Government.

665 (V)~~e.~~ The maximum contribution rate that may be assigned
666 to an employer is 5.4 percent, except employers participating in
667 an approved short-time compensation plan may be assigned a
668 maximum contribution rate that is 1 percent greater than the
669 maximum contribution rate for other employers in any calendar
670 year in which short-time compensation benefits are charged to
671 the employer's employment record.

672 (VI)~~f.~~ As used in this subsection, "taxable payroll" shall

673 | be determined by excluding any part of the remuneration paid to
 674 | an individual by an employer for employment during a calendar
 675 | year in excess of the first \$7,000. Beginning January 1, 2012,
 676 | "taxable payroll" shall be determined by excluding any part of
 677 | the remuneration paid to an individual by an employer for
 678 | employment during a calendar year as described in s.

679 | 443.1217(2). For the purposes of the employer rate calculation
 680 | that will take effect in January 1, 2012, and in January 1,
 681 | 2013, the tax collection service provider shall use the data
 682 | available for taxable payroll from 2009 based on excluding any
 683 | part of the remuneration paid to an individual by an employer
 684 | for employment during a calendar year in excess of the first
 685 | \$7,000, and from 2010 and 2011, the data available for taxable
 686 | payroll based on excluding any part of the remuneration paid to
 687 | an individual by an employer for employment during a calendar
 688 | year in excess of the first \$8,500.

689 | b.2. If the transfer of an employer's employment record to
 690 | an employing unit under paragraph (f) which, before the
 691 | transfer, was an employer, the tax collection service provider
 692 | shall recompute a benefit ratio for the successor employer based
 693 | on the combined employment records and reassign an appropriate
 694 | contribution rate to the successor employer effective on the
 695 | first day of the calendar quarter immediately after the
 696 | effective date of the transfer.

697 | Section 11. Present paragraph (f) of subsection (1) of
 698 | section 443.141, Florida Statutes, is redesignated as paragraph
 699 | (g), and new paragraph (f) is added to that subsection to read:
 700 | 443.141 Collection of contributions and reimbursements.—

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

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

708 1. For contributions due for wages paid in the first
709 quarter of each year, one-fourth of the contributions due must
710 be paid on or before April 30, one-fourth must be paid on or
711 before July 31, one-fourth must be paid on or before October 31,
712 and one-fourth must be paid on or before December 31.

713 2. In addition to the payments specified in subparagraph
714 1., for contributions due for wages paid in the second quarter
715 of each year, one-third of the contributions due must be paid on
716 or before July 31, one-third must be paid on or before October
717 31, and one-third must be paid on or before December 31.

718 3. In addition to the payments specified in subparagraphs
719 1. and 2., for contributions due for wages paid in the third
720 quarter of each year, one-half of the contributions due must be
721 paid on or before October 31, and one-half must be paid on or
722 before December 31.

723 4. The annual administrative fee assessed for electing to
724 pay under the installment method shall be collected at the time
725 the employer makes the first installment payment each year. The
726 fee shall be segregated from the payment and deposited into the
727 Operating Trust Fund of the Department of Revenue.

728 5. Interest does not accrue on any contribution that

729 becomes due for wages paid in the first three quarters of each
 730 year if the employer pays the contribution in accordance with
 731 subparagraphs 1.-4. Interest and fees continue to accrue on
 732 prior delinquent contributions and commence accruing on all
 733 contributions due for wages paid in the first three quarters of
 734 each year which are not paid in accordance with subparagraphs
 735 1.-3. Penalties may be assessed in accordance with this chapter.
 736 The contributions due for wages paid in the fourth quarter of
 737 2012, 2013, and 2014 are not affected by this paragraph and are
 738 due and payable in accordance with this chapter.

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

742 443.151 Procedure concerning claims.—

743 (3) DETERMINATION OF ELIGIBILITY.—

744 (b) Monetary determinations.—In addition to the notice of
 745 claim, the Agency for Workforce Innovation must ~~shall~~ also
 746 promptly provide an initial monetary determination to the
 747 claimant and each base period employer whose account is subject
 748 to being charged for its respective share of benefits on the
 749 claim. The monetary determination must include a statement of
 750 whether and in what amount the claimant is entitled to benefits,
 751 and, in the event of a denial, must state the reasons for the
 752 denial. A monetary determination for the first week of a benefit
 753 year must also include a statement of whether the claimant was
 754 paid the wages required under s. 443.091(1)(g) and, if so, the
 755 first day of the benefit year, the claimant's weekly benefit
 756 amount, and the maximum total amount of benefits payable to the

757 claimant for a benefit year. The monetary determination is final
 758 unless within 20 days after the mailing of the notices to the
 759 parties' last known addresses, or in lieu of mailing, within 20
 760 days after the delivery of the notices, an appeal or written
 761 request for reconsideration is filed by the claimant or other
 762 party entitled to notice. The agency may adopt rules as
 763 necessary to implement the processes described in this paragraph
 764 relating to notices of monetary determinations and the appeals
 765 or reconsideration requests filed in response to such notices.

766 (d) Determinations in labor dispute cases.—~~If a~~ Whenever
 767 ~~any~~ claim involves a labor dispute described in s. 443.101(4),
 768 the Agency for Workforce Innovation shall promptly assign the
 769 claim to a special examiner who shall make a determination on
 770 the issues involving unemployment due to the labor dispute. The
 771 special examiner shall make the determination after an
 772 investigation, as necessary. The claimant or another party
 773 entitled to notice of the determination may appeal a
 774 determination under subsection (4).

775 (4) APPEALS.—

776 (b) Filing and hearing.—

777 1. The claimant or any other party entitled to notice of a
 778 determination may appeal an adverse determination to an appeals
 779 referee within 20 days after the date of mailing of the notice
 780 to her or his last known address or, if the notice is not
 781 mailed, within 20 days after the date of delivery of the notice.

782 2. Unless the appeal is untimely or withdrawn or review is
 783 initiated by the commission, the appeals referee, after mailing
 784 all parties and attorneys of record a notice of hearing at least

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785 10 days before the date of hearing, notwithstanding the 14-day
786 notice requirement in s. 120.569(2)(b), may only affirm, modify,
787 or reverse the determination. An appeal may not be withdrawn
788 without the permission of the appeals referee.

789 3. However, when an appeal appears to have been filed
790 after the permissible time limit, the Office of Appeals may
791 issue an order to show cause to the appellant, requiring the
792 appellant to show why the appeal should not be dismissed as
793 untimely. If the appellant does not, within 15 days after the
794 mailing date of the order to show cause, provide written
795 evidence of timely filing or good cause for failure to appeal
796 timely, the appeal shall be dismissed.

797 4. When an appeal involves a question of whether services
798 were performed by a claimant in employment or for an employer,
799 the referee must give special notice of the question and of the
800 pendency of the appeal to the employing unit and to the Agency
801 for Workforce Innovation, both of which become parties to the
802 proceeding.

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

806 b. Irrelevant, immaterial, or unduly repetitious evidence
807 shall be excluded, but all other evidence of a type commonly
808 relied upon by reasonably prudent persons in the conduct of
809 their affairs shall be admissible, whether or not such evidence
810 would be admissible in a trial in the courts of the state.

811 c. Hearsay evidence may be used for the purpose of
812 supplementing or explaining other evidence, or to support a

813 finding if it would be admissible over objection in civil
 814 actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may
 815 support a finding of fact if:

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

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

822 ~~6.5.~~ The parties must be notified promptly of the
 823 referee's decision. The referee's decision is final unless
 824 further review is initiated under paragraph (c) within 20 days
 825 after the date of mailing notice of the decision to the party's
 826 last known address or, in lieu of mailing, within 20 days after
 827 the delivery of the notice.

828 (e) Judicial review.—Orders of the commission entered
 829 under paragraph (c) are subject to appellate review ~~only by~~
 830 ~~notice of appeal~~ in the district court of appeal in the
 831 appellate district in which a claimant resides or the job
 832 separation arose ~~the issues involved were decided by an appeals~~
 833 ~~referee.~~ However, if the notice of appeal is submitted to the
 834 commission, the commission shall file the notice in the district
 835 court of appeal in the appellate district in which the order was
 836 issued. Notwithstanding chapter 120, the commission is a party
 837 respondent to every such proceeding. The Agency for Workforce
 838 Innovation may initiate judicial review of orders in the same
 839 manner and to the same extent as any other party.

840 Section 13. Section (10) is added to section 443.171,

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841 Florida Statutes, to read:

842 443.171 Agency for Workforce Innovation and commission;
843 powers and duties; records and reports; proceedings; state-
844 federal cooperation.—

845 (10) EVIDENCE OF MAILING.—The existence of a mailing date
846 on any notice, determination, decision, order, or other document
847 mailed by the Agency for Workforce Innovation or its tax
848 collection service provider pursuant to this chapter creates a
849 rebuttable presumption that such notice, determination, order,
850 or other document was mailed on the date indicated.

851 Section 14. Notwithstanding the expiration date contained
852 in section 1 of chapter 2010-90, Laws of Florida, operating
853 retroactive to June 2, 2010, and expiring January 4, 2012,
854 section 443.1117, Florida Statutes, is revived, readopted, and
855 amended to read:

856 443.1117 Temporary extended benefits.—

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

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

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

865 (b) "Eligibility period" means the weeks in an
866 individual's benefit year or emergency benefit period which
867 begin in an extended benefit period and, if the benefit year or

868 emergency benefit period ends within that extended benefit
 869 period, any subsequent weeks beginning in that period.

870 (c) "Emergency benefits" means Emergency Unemployment
 871 Compensation paid pursuant to Pub. L. No. 110-252, Pub. L. No.
 872 110-449, Pub. L. No. 111-5, Pub. L. No. 111-92, Pub. L. No. 111-
 873 118, Pub. L. No. 111-144, ~~and~~ Pub. L. No. 111-157, Pub. L. No.
 874 111-205, and Pub. L. No. 111-312.

875 (d) "Extended benefit period" means a period that:
 876 1. Begins with the third week after a week for which there
 877 is a state "on" indicator; and
 878 2. Ends with any of the following weeks, whichever occurs
 879 later:
 880 a. The third week after the first week for which there is
 881 a state "off" indicator; or
 882 b. The 13th consecutive week of that period.

883
 884 However, an extended benefit period may not begin by reason of a
 885 state "on" indicator before the 14th week after the end of a
 886 prior extended benefit period that was in effect for this state.

887 (e) "Emergency benefit period" means the period during
 888 which an individual receives emergency benefits ~~as defined in~~
 889 ~~paragraph (c).~~

890 (f) "Exhaustee" means an individual who, for any week of
 891 unemployment in her or his eligibility period:
 892 1. Has received, before that week, all of the regular
 893 benefits and emergency benefits, if any, available under this
 894 chapter or any other law, including dependents' allowances and
 895 benefits payable to federal civilian employees and ex-

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896 | servicemembers under 5 U.S.C. ss. 8501-8525, in the current
897 | benefit year or emergency benefit period that includes that
898 | week. For the purposes of this subparagraph, an individual has
899 | received all of the regular benefits and emergency benefits, if
900 | any, available even if ~~although~~, as a result of a pending appeal
901 | for wages paid for insured work which were not considered in the
902 | original monetary determination in the benefit year, she or he
903 | may subsequently be determined to be entitled to added regular
904 | benefits;

905 | 2. Had a benefit year that ~~which~~ expired before that week,
906 | and was paid no, or insufficient, wages for insured work on the
907 | basis of which she or he could establish a new benefit year that
908 | includes that week; and

909 | 3.a. Has no right to unemployment benefits or allowances
910 | under the Railroad Unemployment Insurance Act or other federal
911 | laws as specified in regulations issued by the United States
912 | Secretary of Labor; and

913 | b. Has not received and is not seeking unemployment
914 | benefits under the unemployment compensation law of Canada; but
915 | if an individual is seeking those benefits and the appropriate
916 | agency finally determines that she or he is not entitled to
917 | benefits under that law, she or he is considered an exhaustee.

918 | (g) "State 'on' indicator" means, with respect to weeks of
919 | unemployment ~~beginning on or after February 1, 2009, and ending~~
920 | on or before December 10, 2011 ~~May 8, 2010~~, the occurrence of a
921 | week in which the average total unemployment rate, seasonally
922 | adjusted, as determined by the United States Secretary of Labor,

923 for the most recent 3 months for which data for all states are
 924 published by the United States Department of Labor:

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

928 2. Equals or exceeds 6.5 percent.

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

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

939 2. Equals or exceeds 8 percent.

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

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

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

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

951 2. Thirteen times the weekly benefit amount payable under
 952 this chapter for a week of total unemployment in the applicable
 953 benefit year.

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

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

959 2. Twenty times the weekly benefit amount payable under
 960 this chapter for a week of total unemployment in the applicable
 961 benefit year.

962 (4) EFFECT ON TRADE READJUSTMENT.—Notwithstanding any
 963 other provision of this chapter, if the benefit year of an
 964 individual ends within an extended benefit period, the number of
 965 weeks of extended benefits the individual is entitled to receive
 966 in that extended benefit period for weeks of unemployment
 967 beginning after the end of the benefit year, except as provided
 968 in this section, is reduced, but not to below zero, by the
 969 number of weeks for which the individual received, within that
 970 benefit year, trade readjustment allowances under the Trade Act
 971 of 1974, as amended.

972 Section 15. The provisions of s. 443.1117, Florida
 973 Statutes, as revived, readopted, and amended by this act, apply
 974 only to claims for weeks of unemployment in which an exhaustee
 975 establishes entitlement to extended benefits pursuant to that
 976 section which are established for the period between December
 977 17, 2010, and January 4, 2012.

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978 Section 16. For the 2011-2012 fiscal year, the sum of
979 \$242,300 in nonrecurring funds is appropriated from the
980 Operating Trust Fund to the Administration of Unemployment
981 Compensation Tax Special Category in the Department of Revenue
982 to be used to implement this act. In addition, for the 2010-2011
983 fiscal year, the sum of \$256,891 in nonrecurring funds is
984 appropriated from the Employment Security Administration Trust
985 Fund in the contracted services appropriation category to the
986 Agency for Workforce Innovation to be used to contract with the
987 Department of Revenue for tax-related services as required to
988 implement this act.

989 Section 17. The Legislature finds that this act fulfills
990 an important state interest.

991 Section 18. Except as otherwise expressly provided in this
992 act, this act shall take effect upon becoming a law.