

HB 737

2016

1 A bill to be entitled

2 An act relating to unemployment compensation; amending
3 s. 443.101, F.S.; clarifying application of a
4 provision relating to disqualification for benefits;
5 providing that certain victims of domestic violence
6 may not be disqualified for benefits for voluntarily
7 leaving work; providing an effective date.

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

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11 Section 1. Paragraph (a) of subsection (1) of section
12 443.101, Florida Statutes, is amended to read:

13 443.101 Disqualification for benefits.—An individual shall
14 be disqualified for benefits:

15 (1) (a) For the week in which he or she has voluntarily
16 left work without good cause attributable to his or her
17 employing unit or for the week in which he or she has been
18 discharged by the employing unit for misconduct connected with
19 his or her work, based on a finding by the Department of
20 Economic Opportunity. As used in this paragraph, the term "work"
21 means any work, whether full-time, part-time, or temporary.

22 1. Disqualification for voluntarily quitting continues for
23 the full period of unemployment next ensuing after the
24 individual has left his or her full-time, part-time, or
25 temporary work voluntarily without good cause and until the
26 individual has earned income equal to or greater than 17 times

27 | his or her weekly benefit amount. As used in this subsection,
 28 | the term "good cause" includes only that cause attributable to
 29 | the employing unit which would compel a reasonable employee to
 30 | cease working or attributable to the individual's illness or
 31 | disability requiring separation from his or her work. Additional
 32 | disqualifications ~~Any other disqualification~~ may not be imposed.

33 | 2. An individual who otherwise satisfies the eligibility
 34 | requirements of this subsection may ~~is~~ not be disqualified ~~under~~
 35 | this subsection for benefits due to the following reasons:

36 | a. Voluntarily leaving temporary work to return
 37 | immediately when called to work by the permanent employing unit
 38 | that temporarily terminated his or her work within the previous
 39 | 6 calendar months;

40 | b. ~~, or for~~ Voluntarily leaving work to relocate as a
 41 | result of his or her military-connected spouse's permanent
 42 | change of station orders, activation orders, or unit deployment
 43 | orders; ~~or.~~

44 | c. Voluntarily leaving work if he or she proves that his
 45 | or her discontinued employment is a direct result of
 46 | circumstances related to domestic violence as defined in s.
 47 | 741.28.

48 | 3. An individual who voluntarily leaves work due to
 49 | circumstances identified under sub-subparagraph 2.c. must:

50 | a. Provide evidence such as an injunction, a protective
 51 | order, or other documentation authorized by state law which
 52 | reasonably proves that domestic violence has occurred; and

53 b. Reasonably believe that he or she is likely to be the
54 victim of a future act of domestic violence, including
55 aggravated stalking as described in s. 784.048(3), (4), or (5),
56 committed by a family or household member, as defined in s.
57 741.28, at, in transit to, or departing from the individual's
58 place of employment.

59 4. Unless the individual establishes that such remedies
60 are likely to be futile or to increase the risk of future
61 incidents of domestic violence, he or she must make reasonable
62 efforts to preserve employment, which may include seeking a
63 protective injunction, relocating to a secure place, or seeking
64 reasonable accommodation from the employing unit such as a
65 transfer or change of assignment.

66 5. An individual who is otherwise eligible for benefits
67 under this paragraph is ineligible for each week that he or she:

68 a. Fails to meet the requirements of s. 443.091(1);

69 b. Does not meet the criteria described in sub-
70 subparagraph 3.b.; or

71 c. Refuses a reasonable accommodation offered in good
72 faith by his or her employing unit.

73 6. The employment record of an employing unit may not be
74 charged for the payment of benefits to an individual who has
75 voluntarily left work under this paragraph.

76 ~~7.2.~~ Disqualification for being discharged for misconduct
77 connected with his or her work continues for the full period of
78 unemployment next ensuing after having been discharged and until

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79 | the individual is reemployed and has earned income of at least
80 | 17 times his or her weekly benefit amount and for not more than
81 | 52 weeks immediately following that week, as determined by the
82 | department in each case according to the circumstances or the
83 | seriousness of the misconduct, under the department's rules
84 | ~~adopted for determining determinations of~~ disqualification for
85 | benefits for misconduct.

86 | 8.3. If an individual has provided notification to the
87 | employing unit of his or her intent to voluntarily leave work
88 | and the employing unit discharges the individual for reasons
89 | other than misconduct before the date the voluntary quit was to
90 | take effect, the individual, if otherwise entitled, shall
91 | receive benefits from the date of the employer's discharge until
92 | the effective date of his or her voluntary quit.

93 | 9.4. If an individual is notified by the employing unit of
94 | the employer's intent to discharge the individual for reasons
95 | other than misconduct and the individual quits without good
96 | cause before the date the discharge was to take effect, the
97 | claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
98 | for failing to be available for work for the week or weeks of
99 | unemployment occurring before the effective date of the
100 | discharge.

101 | Section 2. This act shall take effect July 1, 2016.