

By Senator Braynon

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1 A bill to be entitled

2 An act relating to unemployment compensation; amending
3 s. 443.101, F.S.; revising the definition of the term
4 "good cause"; revising provisions relating to an
5 individual's disqualification for benefits for
6 voluntarily leaving work; providing an exemption from
7 such disqualification for certain victims of domestic
8 violence; providing an effective date.

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

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12 Section 1. Paragraph (a) of subsection (1) of section
13 443.101, Florida Statutes, is amended to read:

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

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

23 1. Disqualification for voluntarily quitting continues for
24 the full period of unemployment next ensuing after the
25 individual has left his or her full-time, part-time, or
26 temporary work voluntarily without good cause and until the
27 individual has earned income equal to or greater than 17 times
28 his or her weekly benefit amount. As used in this subsection,
29 unless an exception described in this subsection applies, the

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30 term "good cause" includes only that cause attributable to the
31 employing unit which would compel a reasonable employee to cease
32 working or attributable to the individual's illness or
33 disability requiring separation from his or her work. Any other
34 disqualification may not be imposed.

35 2. An individual is not disqualified under this subsection
36 for voluntarily leaving temporary work to return immediately
37 when called to work by the permanent employing unit that
38 temporarily terminated his or her work within the previous 6
39 calendar months, or for voluntarily leaving work to relocate as
40 a result of his or her military-connected spouse's permanent
41 change of station orders, activation orders, or unit deployment
42 orders.

43 3. An individual is not disqualified under this subsection
44 for voluntarily leaving work if he or she proves that his or her
45 discontinued employment is a direct result of circumstances
46 related to domestic violence as defined in s. 741.28.

47 a. The individual must provide evidence, such as an
48 injunction, protective order, or other such reasonable
49 documentation authorized by state law which reasonably proves
50 that domestic violence has occurred.

51 b. The individual must reasonably believe that a future act
52 of domestic violence, including being a victim of stalking as
53 provided in s. 784.048(3), (4), or (5), is likely to occur
54 against the individual by a family or household member, as
55 defined in s. 741.28, at, en route to, or en route from, the
56 individual's place of employment.

57 c. Before voluntarily terminating employment, the
58 individual must make reasonable efforts to preserve employment.

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59 Such efforts may include:

60 (I) Seeking a protective injunction;

61 (II) Relocating to a secure place; or

62 (III) Seeking reasonable accommodation from the employer,
63 such as a transfer or different assignment.

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65 Failure to pursue such efforts may be excused if the individual
66 establishes that his or her efforts are likely to be futile or
67 increase the risk of future incidents of domestic violence.

68 d. The department must determine that the individual has
69 met all other eligibility requirements under this subsection.

70 e. An individual who is otherwise eligible for benefits
71 under this subparagraph is ineligible for each week that the
72 individual:

73 (I) Fails to meet the requirements of s. 443.091(1);

74 (II) No longer meets the criteria described in sub-
75 subparagraph b.; or

76 (III) Refuses a reasonable accommodation offered in good
77 faith by his or her employer.

78 f. The employment record of an employing unit may not be
79 charged for the payment of benefits to an individual who has
80 voluntarily left work under this subparagraph.

81 4.2- Disqualification for being discharged for misconduct
82 connected with his or her work continues for the full period of
83 unemployment next ensuing after having been discharged and until
84 the individual is reemployed and has earned income of at least
85 17 times his or her weekly benefit amount and for not more than
86 52 weeks immediately following that week, as determined by the
87 department in each case according to the circumstances or the

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88 seriousness of the misconduct, under the department's rules
89 ~~adopted~~ for determining ~~determinations of~~ disqualification for
90 benefits for misconduct.

91 ~~5.3.~~ If an individual has provided notification to the
92 employing unit of his or her intent to voluntarily leave work
93 and the employing unit discharges the individual for reasons
94 other than misconduct before the date the voluntary quit was to
95 take effect, the individual, if otherwise entitled, shall
96 receive benefits from the date of the employer's discharge until
97 the effective date of his or her voluntary quit.

98 ~~6.4.~~ If an individual is notified by the employing unit of
99 the employer's intent to discharge the individual for reasons
100 other than misconduct and the individual quits without good
101 cause before the date the discharge was to take effect, the
102 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
103 for failing to be available for work for the week or weeks of
104 unemployment occurring before the effective date of the
105 discharge.

106 Section 2. This act shall take effect July 1, 2014.