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CS/HB 563, Engrossed 1

2019 Legislature

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 2 An act relating to unemployment compensation; amending
 3 s. 443.101, F.S.; making editorial changes;
 4 prohibiting certain victims of domestic violence from
 5 being disqualified for benefits for voluntarily
 6 leaving work; prohibiting the employment record of an
 7 employing unit from being charged in certain
 8 circumstances; amending s. 443.131, F.S.; adding a
 9 circumstance under which the employment record of an
 10 employing unit may not be charged; providing an
 11 effective date.

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

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 15 Section 1. Paragraph (a) of subsection (1) of section
 16 443.101, Florida Statutes, is amended to read:

17 443.101 Disqualification for benefits.—An individual shall
 18 be disqualified for benefits:

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

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26 | 1. Disqualification for voluntarily quitting continues for
 27 | the full period of unemployment next ensuing after the
 28 | individual has left his or her full-time, part-time, or
 29 | temporary work voluntarily without good cause and until the
 30 | individual has earned income equal to or greater than 17 times
 31 | his or her weekly benefit amount. As used in this subsection,
 32 | the term "good cause" includes only that cause attributable to
 33 | the employing unit which would compel a reasonable employee to
 34 | cease working or attributable to the individual's illness or
 35 | disability requiring separation from his or her work. Any other
 36 | disqualification may not be imposed.

37 | 2. An individual is not disqualified under this subsection
 38 | for:

39 | a. Voluntarily leaving temporary work to return
 40 | immediately when called to work by the permanent employing unit
 41 | that temporarily terminated his or her work within the previous
 42 | 6 calendar months;

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

47 | c. Voluntarily leaving work if he or she proves that his
 48 | or her discontinued employment is a direct result of
 49 | circumstances related to domestic violence as defined in s.
 50 | 741.28. An individual who voluntarily leaves work under this

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51 sub-subparagraph must:

52 (I) Make reasonable efforts to preserve employment, unless
53 the individual establishes that such remedies are likely to be
54 futile or to increase the risk of future incidents of domestic
55 violence. Such efforts may include seeking a protective
56 injunction, relocating to a secure place, or seeking reasonable
57 accommodation from the employing unit, such as a transfer or
58 change of assignment;

59 (II) Provide evidence such as an injunction, a protective
60 order, or other documentation authorized by state law which
61 reasonably proves that domestic violence has occurred; and

62 (III) Reasonably believe that he or she is likely to be
63 the victim of a future act of domestic violence at, in transit
64 to, or departing from his or her place of employment. An
65 individual who is otherwise eligible for benefits under this
66 sub-subparagraph is ineligible for each week that he or she no
67 longer meets such criteria or refuses a reasonable accommodation
68 offered in good faith by his or her employing unit.

69 3. The employment record of an employing unit may not be
70 charged for the payment of benefits to an individual who has
71 voluntarily left work under sub-subparagraph 2.c.

72 4.2- Disqualification for being discharged for misconduct
73 connected with his or her work continues for the full period of
74 unemployment next ensuing after having been discharged and until
75 the individual is reemployed and has earned income of at least

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76 | 17 times his or her weekly benefit amount and for not more than
 77 | 52 weeks immediately following that week, as determined by the
 78 | department in each case according to the circumstances or the
 79 | seriousness of the misconduct, under the department's rules
 80 | ~~adopted for~~ determining ~~determinations of~~ disqualification for
 81 | benefits for misconduct.

82 | ~~5.3.~~ If an individual has provided notification to the
 83 | employing unit of his or her intent to voluntarily leave work
 84 | and the employing unit discharges the individual for reasons
 85 | other than misconduct before the date the voluntary quit was to
 86 | take effect, the individual, if otherwise entitled, shall
 87 | receive benefits from the date of the employer's discharge until
 88 | the effective date of his or her voluntary quit.

89 | ~~6.4.~~ If an individual is notified by the employing unit of
 90 | the employer's intent to discharge the individual for reasons
 91 | other than misconduct and the individual quits without good
 92 | cause before the date the discharge was to take effect, the
 93 | claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
 94 | for failing to be available for work for the week or weeks of
 95 | unemployment occurring before the effective date of the
 96 | discharge.

97 | Section 2. Paragraph (a) of subsection (3) of section
 98 | 443.131, Florida Statutes, is amended to read:

99 | 443.131 Contributions.—

100 | (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT

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101 EXPERIENCE.—

102 (a) Employment records.—The regular and short-time
103 compensation benefits paid to an eligible individual shall be
104 charged to the employment record of each employer who paid the
105 individual wages of at least \$100 during the individual's base
106 period in proportion to the total wages paid by all employers
107 who paid the individual wages during the individual's base
108 period. Benefits may not be charged to the employment record of
109 an employer who furnishes part-time work to an individual who,
110 because of loss of employment with one or more other employers,
111 is eligible for partial benefits while being furnished part-time
112 work by the employer on substantially the same basis and in
113 substantially the same amount as the individual's employment
114 during his or her base period, regardless of whether this part-
115 time work is simultaneous or successive to the individual's lost
116 employment. Further, as provided in s. 443.151(3), benefits may
117 not be charged to the employment record of an employer who
118 furnishes the Department of Economic Opportunity with notice, as
119 prescribed in rules of the department, that any of the following
120 apply:

121 1. If an individual leaves his or her work without good
122 cause attributable to the employer or is discharged by the
123 employer for misconduct connected with his or her work, benefits
124 subsequently paid to the individual based on wages paid by the
125 employer before the separation may not be charged to the

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126 | employment record of the employer.

127 | 2. If an individual is discharged by the employer for
128 | unsatisfactory performance during an initial employment
129 | probationary period, benefits subsequently paid to the
130 | individual based on wages paid during the probationary period by
131 | the employer before the separation may not be charged to the
132 | employer's employment record. As used in this subparagraph, the
133 | term "initial employment probationary period" means an
134 | established probationary plan that applies to all employees or a
135 | specific group of employees and that does not exceed 90 calendar
136 | days following the first day a new employee begins work. The
137 | employee must be informed of the probationary period within the
138 | first 7 days of work. The employer must demonstrate by
139 | conclusive evidence that the individual was separated because of
140 | unsatisfactory work performance and not because of lack of work
141 | due to temporary, seasonal, casual, or other similar employment
142 | that is not of a regular, permanent, and year-round nature.

143 | 3. Benefits subsequently paid to an individual after his
144 | or her refusal without good cause to accept suitable work from
145 | an employer may not be charged to the employment record of the
146 | employer if any part of those benefits are based on wages paid
147 | by the employer before the individual's refusal to accept
148 | suitable work. As used in this subparagraph, the term "good
149 | cause" does not include distance to employment caused by a
150 | change of residence by the individual. The department shall

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151 adopt rules prescribing for the payment of all benefits whether
152 this subparagraph applies regardless of whether a
153 disqualification under s. 443.101 applies to the claim.

154 4. If an individual is separated from work as a direct
155 result of a natural disaster declared under the Robert T.
156 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
157 ss. 5121 et seq., benefits subsequently paid to the individual
158 based on wages paid by the employer before the separation may
159 not be charged to the employment record of the employer.

160 5. If an individual is separated from work as a direct
161 result of an oil spill, terrorist attack, or other similar
162 disaster of national significance not subject to a declaration
163 under the Robert T. Stafford Disaster Relief and Emergency
164 Assistance Act, benefits subsequently paid to the individual
165 based on wages paid by the employer before the separation may
166 not be charged to the employment record of the employer.

167 6. If an individual is separated from work as a direct
168 result of domestic violence and meets all requirements in s.
169 443.101(1)(a)2.c., benefits subsequently paid to the individual
170 based on wages paid by the employer before separation may not be
171 charged to the employment record of the employer.

172 Section 3. This act shall take effect July 1, 2019.