



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
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The Committee on Rules (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 32 - 91

and insert:

disability requiring separation from his or her work. Any other disqualification may not be imposed.

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

a. Voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6



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12 calendar months;

13 b. ~~or for~~ Voluntarily leaving work to relocate as a
14 result of his or her military-connected spouse's permanent
15 change of station orders, activation orders, or unit deployment
16 orders; or

17 c. Voluntarily leaving work if he or she proves that his or
18 her discontinued employment is a direct result of circumstances
19 related to domestic violence as defined in s. 741.28. An
20 individual who voluntarily leaves work under this sub-
21 paragraph must:

22 (I) Make reasonable efforts to preserve employment, unless
23 the individual establishes that such remedies are likely to be
24 futile or to increase the risk of future incidents of domestic
25 violence. Such efforts may include seeking a protective
26 injunction, relocating to a secure place, or seeking reasonable
27 accommodation from the employing unit, such as a transfer or
28 change of assignment;

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

32 (III) Reasonably believe that he or she is likely to be the
33 victim of a future act of domestic violence at, in transit to,
34 or departing from his or her place of employment. An individual
35 who is otherwise eligible for benefits under this sub-
36 paragraph is ineligible for each week that he or she no
37 longer meets such criteria or refuses a reasonable accommodation
38 offered in good faith by his or her employing unit.

39 3. The employment record of an employing unit may not be
40 charged for the payment of benefits to an individual who has



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41 voluntarily left work under sub-subparagraph 2.c.

42 ~~4.2.~~ Disqualification for being discharged for misconduct
43 connected with his or her work continues for the full period of
44 unemployment next ensuing after having been discharged and until
45 the individual is reemployed and has earned income of at least
46 17 times his or her weekly benefit amount and for not more than
47 52 weeks immediately following that week, as determined by the
48 department in each case according to the circumstances or the
49 seriousness of the misconduct, under the department's rules
50 ~~adopted for determining determinations of~~ disqualification for
51 benefits for misconduct.

52 ~~5.3.~~ If an individual has provided notification to the
53 employing unit of his or her intent to voluntarily leave work
54 and the employing unit discharges the individual for reasons
55 other than misconduct before the date the voluntary quit was to
56 take effect, the individual, if otherwise entitled, shall
57 receive benefits from the date of the employer's discharge until
58 the effective date of his or her voluntary quit.

59 ~~6.4.~~ If an individual is notified by the employing unit of
60 the employer's intent to discharge the individual for reasons
61 other than misconduct and the individual quits without good
62 cause before the date the discharge was to take effect, the
63 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
64 for failing to be available for work for the week or weeks of
65 unemployment occurring before the effective date of the
66 discharge.

67 Section 2. Paragraph (a) of subsection (3) of section
68 443.131, Florida Statutes, is amended to read:

69 443.131 Contributions.-



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70 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
71 EXPERIENCE.—

72 (a) *Employment records.*—The regular and short-time
73 compensation benefits paid to an eligible individual shall be
74 charged to the employment record of each employer who paid the
75 individual wages of at least \$100 during the individual's base
76 period in proportion to the total wages paid by all employers
77 who paid the individual wages during the individual's base
78 period. Benefits may not be charged to the employment record of
79 an employer who furnishes part-time work to an individual who,
80 because of loss of employment with one or more other employers,
81 is eligible for partial benefits while being furnished part-time
82 work by the employer on substantially the same basis and in
83 substantially the same amount as the individual's employment
84 during his or her base period, regardless of whether this part-
85 time work is simultaneous or successive to the individual's lost
86 employment. Further, as provided in s. 443.151(3), benefits may
87 not be charged to the employment record of an employer who
88 furnishes the Department of Economic Opportunity with notice, as
89 prescribed in rules of the department, that any of the following
90 apply:

91 1. If an individual leaves his or her work without good
92 cause attributable to the employer or is discharged by the
93 employer for misconduct connected with his or her work, benefits
94 subsequently paid to the individual based on wages paid by the
95 employer before the separation may not be charged to the
96 employment record of the employer.

97 2. If an individual is discharged by the employer for
98 unsatisfactory performance during an initial employment



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99 probationary period, benefits subsequently paid to the
100 individual based on wages paid during the probationary period by
101 the employer before the separation may not be charged to the
102 employer's employment record. As used in this subparagraph, the
103 term "initial employment probationary period" means an
104 established probationary plan that applies to all employees or a
105 specific group of employees and that does not exceed 90 calendar
106 days following the first day a new employee begins work. The
107 employee must be informed of the probationary period within the
108 first 7 days of work. The employer must demonstrate by
109 conclusive evidence that the individual was separated because of
110 unsatisfactory work performance and not because of lack of work
111 due to temporary, seasonal, casual, or other similar employment
112 that is not of a regular, permanent, and year-round nature.

113 3. Benefits subsequently paid to an individual after his or
114 her refusal without good cause to accept suitable work from an
115 employer may not be charged to the employment record of the
116 employer if any part of those benefits are based on wages paid
117 by the employer before the individual's refusal to accept
118 suitable work. As used in this subparagraph, the term "good
119 cause" does not include distance to employment caused by a
120 change of residence by the individual. The department shall
121 adopt rules prescribing for the payment of all benefits whether
122 this subparagraph applies regardless of whether a
123 disqualification under s. 443.101 applies to the claim.

124 4. If an individual is separated from work as a direct
125 result of a natural disaster declared under the Robert T.
126 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
127 ss. 5121 et seq., benefits subsequently paid to the individual



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128 based on wages paid by the employer before the separation may
129 not be charged to the employment record of the employer.

130 5. If an individual is separated from work as a direct
131 result of an oil spill, terrorist attack, or other similar
132 disaster of national significance not subject to a declaration
133 under the Robert T. Stafford Disaster Relief and Emergency
134 Assistance Act, benefits subsequently paid to the individual
135 based on wages paid by the employer before the separation may
136 not be charged to the employment record of the employer.

137 6. If an individual is separated from work as a direct
138 result of domestic violence and meets all requirements in s.
139 443.101(1)(a)2.c., benefits subsequently paid to the individual
140 based on wages paid by the employer before separation may not be
141 charged to the employment record of the employer.

142
143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete line 8

146 and insert:

147 circumstances; amending s. 443.131, F.S.; adding a
148 circumstance under which the employment record of an
149 employing unit may not be charged; providing an
150 effective date.