

By the Committee on Commerce and Economic Opportunities; and  
Senators Mitchell and Forman

310-1952-00

1                                   A bill to be entitled  
2           An act relating to unemployment compensation;  
3           amending s. 443.101, F.S.; providing that being  
4           a victim of domestic violence which results in  
5           separation from work constitutes "good cause"  
6           for purposes of eligibility for unemployment  
7           compensation; prescribing conditions; requiring  
8           satisfactory proof; requiring referral to a  
9           certified domestic violence center;  
10          conditioning payment of claims based on  
11          domestic violence upon specific appropriation;  
12          providing an appropriation; providing an  
13          effective date.

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

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17           Section 1. Paragraph (a) of subsection (1) of section  
18 443.101, Florida Statutes, is amended to read:

19           443.101 Disqualification for benefits.--An individual  
20 shall be disqualified for benefits:

21           (1)(a) For the week in which he or she has voluntarily  
22 left his or her work without good cause attributable to his or  
23 her employing unit or in which the individual has been  
24 discharged by his or her employing unit for misconduct  
25 connected with his or her work, if so found by the division.  
26 The term "work," as used in this paragraph, means any work,  
27 whether full-time, part-time, or temporary.

28           1. Disqualification for voluntarily quitting shall  
29 continue for the full period of unemployment next ensuing  
30 after he or she has left his or her full-time, part-time, or  
31 temporary work voluntarily without good cause and until such

1 individual has earned income equal to or in excess of 17 times  
2 his or her weekly benefit amount. No other disqualification  
3 may be imposed. The term "good cause" as used in this  
4 subsection includes only such cause as is attributable to the  
5 employing unit or which consists of illness or disability of  
6 the individual requiring separation from his or her work or  
7 being a victim of domestic violence which results in being  
8 separated from work due to circumstances directly resulting  
9 from the individual's experience of domestic violence as  
10 defined in s. 414.0252. In addition, the victim must relocate  
11 to avoid the domestic violence.

12 a. An individual's separation from work shall be  
13 treated as due to circumstances directly resulting from the  
14 individual's experience of domestic violence if the individual  
15 establishes satisfactory proof, including corroborating  
16 evidence, which may include, but is not limited to, one of the  
17 following:

- 18 i. A restraining order or equitable relief;  
19 ii. Police record documenting domestic violence;  
20 iii. Proof of conviction of the domestic violence  
21 perpetrator;  
22 iv. Medical documentation of domestic violence;  
23 v. Certification from a certified domestic violence  
24 specialist that the individual is a domestic violence victim;  
25 or  
26 vi. Other documentation from a social worker, clergy  
27 member, shelter worker, or other professional who assisted the  
28 domestic violence victim in dealing with domestic violence.

29 b. If an individual's separation from work is  
30 determined by the Division of Unemployment Compensation to be  
31 due to circumstances directly resulting from the individual's

1 experience of domestic violence, the individual shall be  
2 referred to a certified domestic violence center to develop a  
3 plan to prepare the individual for self-sufficiency, while  
4 providing for the safety of the individual and the  
5 individual's dependents.

6 c. Funding for unemployment compensation claims based  
7 upon domestic violence shall be made only if provided by  
8 specific appropriation in this act or in the General  
9 Appropriations Act specific to this purpose. The department  
10 must determine that no other qualifying conditions for  
11 unemployment compensation benefits exist prior to qualifying a  
12 victim of domestic violence for the benefits provided in this  
13 section. If there are not sufficient funds available to pay an  
14 unemployment compensation claim, the domestic violence victim  
15 shall be referred to the appropriate agency, organization, or  
16 domestic violence center that provides counseling and  
17 supportive services. These referrals shall be made in such a  
18 manner as to protect the individual's confidentiality.

19 d. ~~No other disqualification may be imposed.~~An  
20 individual shall not be disqualified under this subsection for  
21 voluntarily leaving temporary work to return immediately when  
22 called to work by the permanent employing unit that  
23 temporarily terminated his or her work within the previous 6  
24 calendar months.

25 2. Disqualification for being discharged for  
26 misconduct connected with his or her work shall continue for  
27 the full period of unemployment next ensuing after having been  
28 discharged and until such individual has become reemployed and  
29 has earned income not less than 17 times his or her weekly  
30 benefit amount and for not more than 52 weeks that immediately  
31 follow such week, as determined by the division in each case

1 according to the circumstances in each case or the seriousness  
2 of the misconduct, pursuant to rules of the division enacted  
3 for determinations of disqualification for benefits for  
4 misconduct.

5           Section 2. There is appropriated from the General  
6 Revenue Fund to the Department of Labor and Employment  
7 Security, Division of Unemployment Compensation, the sum of  
8 \$200,000 for the purpose of paying unemployment claims for  
9 victims of domestic violence as provided in section  
10 443.101(1)(a)1., Florida Statutes.

11           Section 3. This act shall take effect July 1, 2000.

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13                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14                           COMMITTEE SUBSTITUTE FOR  
15                           SB 1442

16 The committee substitute differs from SB 1442 in that it:  
17 Specifies that domestic violence is defined as set forth in s.  
18 414.0252, F.S.;

19 Requires the domestic violence victim to relocate to avoid  
20 domestic violence;

21 Mandates that if the individual establishes satisfactory  
22 proof, including corroborating evidence, the individual's  
23 separation from work is to be treated as due to circumstances  
24 directly resulting from the individual's experience of  
25 domestic violence; the committee substitute sets forth such  
26 satisfactory proof;

27 Requires the Division of Unemployment Compensation to refer  
28 affected individuals to a certified domestic violence center  
29 to develop a plan to prepare the individuals for  
30 self-sufficiency, while providing for their safety and the  
31 safety of their dependents;

Specifies that funding for payment of benefits for affected  
individuals is to come from a specific appropriation in this  
act or from the General Appropriations Act specific to this  
purpose; and

Appropriates from the General Revenue Fund to the Department  
of Labor and Employment Security, Division of Unemployment  
Compensation, \$200,000 to pay for unemployment claims for  
victims of domestic violence as provided for in the committee  
substitute.