

By Senator Braynon

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20151096__

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.

8
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 left
16 work without good cause attributable to his or her employing
17 unit or for the week in which he or she has been discharged by
18 the employing unit for misconduct connected with his or her
19 work, based on a finding by the Department of Economic
20 Opportunity. As used in this paragraph, the term "work" means
21 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

36-00241-15

20151096__

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 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;

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 or
45 her discontinued employment is a direct result of circumstances
46 related to domestic violence as defined in s. 741.28.

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

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

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

58 4. Unless the individual establishes that such remedies are

36-00241-15

20151096__

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

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

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

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

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

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

75 7.2- Disqualification for being discharged for misconduct
76 connected with his or her work continues for the full period of
77 unemployment next ensuing after having been discharged and until
78 the individual is reemployed and has earned income of at least
79 17 times his or her weekly benefit amount and for not more than
80 52 weeks immediately following that week, as determined by the
81 department in each case according to the circumstances or the
82 seriousness of the misconduct, under the department's rules
83 ~~adopted for determining determinations of~~ disqualification for
84 benefits for misconduct.

85 8.3- If an individual has provided notification to the
86 employing unit of his or her intent to voluntarily leave work
87 and the employing unit discharges the individual for reasons

36-00241-15

20151096__

88 other than misconduct before the date the voluntary quit was to
89 take effect, the individual, if otherwise entitled, shall
90 receive benefits from the date of the employer's discharge until
91 the effective date of his or her voluntary quit.

92 ~~9.4.~~ If an individual is notified by the employing unit of
93 the employer's intent to discharge the individual for reasons
94 other than misconduct and the individual quits without good
95 cause before the date the discharge was to take effect, the
96 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)
97 for failing to be available for work for the week or weeks of
98 unemployment occurring before the effective date of the
99 discharge.

100 Section 2. This act shall take effect July 1, 2015.