

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.; 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.

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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

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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 described 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

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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

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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, 2016.