

By Senator Rader

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1                   A bill to be entitled  
2           An act relating to unemployment compensation; amending  
3           s. 443.091, F.S.; requiring the Department of Economic  
4           Opportunity to designate an alternative base period in  
5           certain circumstances for benefit years commencing  
6           after a specified date; defining the term "alternative  
7           base period"; providing for the determination of  
8           eligibility for benefits when certain information is  
9           inaccessible; authorizing the department to consider  
10          an affidavit from the claimant attesting to wages;  
11          requiring that benefits be adjusted in certain  
12          circumstances; requiring the department to request by  
13          mail information on wages from employers in certain  
14          circumstances; requiring employers to provide wage  
15          information to support an individual's eligibility for  
16          benefits upon request of the department; providing a  
17          penalty for employers who fail to timely provide that  
18          information; providing that certain wages in a base  
19          period may not be used in the calculation of  
20          eligibility for benefits in a subsequent benefit year;  
21          amending s. 443.101, F.S.; redefining the term "good  
22          cause"; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Paragraph (g) of subsection (1) of section  
27   443.091, Florida Statutes, is amended to read:

28           443.091 Benefit eligibility conditions.—

29           (1) An unemployed individual is eligible to receive

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30 benefits for any week only if the Department of Economic  
31 Opportunity finds that:

32 (g) She or he has been paid wages for insured work equal to  
33 1.5 times her or his high quarter wages during her or his base  
34 period, except that an unemployed individual is not eligible to  
35 receive benefits if the base period wages are less than \$3,400.

36 1. For a benefit year commencing on or after January 1,  
37 2018, if an individual is not eligible in the base period to  
38 qualify for benefits, the department must designate an  
39 alternative base period. As used in this paragraph, the term  
40 "alternative base period" means the four completed calendar  
41 quarters immediately preceding the first day of an individual's  
42 benefit year. If the department is unable to access wage  
43 information through its mainframe database for determining  
44 eligibility for benefits based on the individual's alternative  
45 base period, the department may base the determination on  
46 information submitted in an affidavit submitted by the claimant  
47 attesting to his or her wages for those calendar quarters. The  
48 individual must also furnish payroll information, if available,  
49 in support of the affidavit. Benefits based on an alternative  
50 base period must be adjusted if the quarterly report of wage  
51 information received from the employer under s. 443.141 results  
52 in a change in the monetary determination.

53 2. If information regarding wages for the calendar quarters  
54 immediately preceding the benefit year has not been entered into  
55 the department's mainframe database from the Employers Quarterly  
56 Reports (UCT-6) submitted under s. 443.163 or is otherwise  
57 unavailable, the department shall request the information from  
58 the employer by mail. The employer shall provide the requested

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59 information within 10 days after the department mails the  
60 request. An employer who fails to provide the requested wage  
61 information within the required time is subject to the penalty  
62 for delinquent reports imposed under s. 443.141.

63 3. Base period wages that were used in the calculation of  
64 eligibility for benefits in 1 benefit year may not be used in  
65 the calculation of eligibility in a subsequent benefit year.

66 Section 2. Paragraph (a) of subsection (1) of section  
67 443.101, Florida Statutes, is amended to read:

68 443.101 Disqualification for benefits.—An individual shall  
69 be disqualified for benefits:

70 (1) (a) For the week in which he or she has voluntarily left  
71 work without good cause attributable to his or her employing  
72 unit or has been discharged by the employing unit for misconduct  
73 connected with his or her work, based on a finding by the  
74 Department of Economic Opportunity. As used in this paragraph,  
75 the term "work" means any work, whether full-time, part-time, or  
76 temporary.

77 1. Disqualification for voluntarily quitting continues for  
78 the full period of unemployment next ensuing after the  
79 individual has left his or her full-time, part-time, or  
80 temporary work voluntarily without good cause and until the  
81 individual has earned income equal to or greater than 17 times  
82 his or her weekly benefit amount. ~~As used in this subsection,~~  
83 ~~the term "good cause" includes only that cause attributable to~~  
84 ~~the employing unit which would compel a reasonable employee to~~  
85 ~~cease working or attributable to the individual's illness or~~  
86 ~~disability requiring separation from his or her work.~~ Any other  
87 disqualification may not be imposed. An individual is not

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88 disqualified under this subsection for voluntarily leaving  
89 temporary work to return immediately when called to work by the  
90 permanent employing unit that temporarily terminated his or her  
91 work within the previous 6 calendar months, or for voluntarily  
92 leaving work to relocate as a result of his or her military-  
93 connected spouse's permanent change of station orders,  
94 activation orders, or unit deployment orders.

95       2. Disqualification for being discharged for misconduct  
96 connected with his or her work continues for the full period of  
97 unemployment next ensuing after having been discharged and until  
98 the individual is reemployed and has earned income of at least  
99 17 times his or her weekly benefit amount and for not more than  
100 52 weeks immediately following that week, as determined by the  
101 department in each case according to the circumstances or the  
102 seriousness of the misconduct, under the department's rules  
103 adopted for determinations of disqualification for benefits for  
104 misconduct.

105       3. If an individual has provided notification to the  
106 employing unit of his or her intent to voluntarily leave work  
107 and the employing unit discharges the individual for reasons  
108 other than misconduct before the date the voluntary quit was to  
109 take effect, the individual, if otherwise entitled, shall  
110 receive benefits from the date of the employer's discharge until  
111 the effective date of his or her voluntary quit.

112       4. If an individual is notified by the employing unit of  
113 the employer's intent to discharge the individual for reasons  
114 other than misconduct and the individual quits without good  
115 cause, as described in sub-subparagraph 5.a., before the date  
116 the discharge was to take effect, the claimant is ineligible for

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117 benefits pursuant to s. 443.091(1)(d) for failing to be  
118 available for work for the week or weeks of unemployment  
119 occurring before the effective date of the discharge.

120 5. As used in this subsection, the term "good cause" means:

121 a. Cause attributable to the employing unit which would  
122 compel a reasonable employee to cease working;

123 b. Cause attributable to an illness or disability of the  
124 individual which requires separation from work; or

125 c. Domestic violence, as defined in s. 741.28, verified by  
126 reasonable and confidential documentation, which causes the  
127 individual reasonably to believe that such individual's  
128 continued employment would jeopardize his or her safety, the  
129 safety of any member of his or her immediate family, or the  
130 safety of other employees.

131 Section 3. This act shall take effect July 1, 2017.