

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Joseph offered the following:

Amendment (with title amendment)

Between lines 93 and 94, insert:

Section 2. Subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

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

(a) Employment records.—The regular and short-time compensation benefits paid to an eligible individual shall be charged to the employment record of each employer who paid the individual wages of at least \$100 during the individual's base period in proportion to the total wages paid by all employers who paid the individual wages during the individual's base

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17 period. Benefits may not be charged to the employment record of
18 an employer who furnishes part-time work to an individual who,
19 because of loss of employment with one or more other employers,
20 is eligible for partial benefits while being furnished part-time
21 work by the employer on substantially the same basis and in
22 substantially the same amount as the individual's employment
23 during his or her base period, regardless of whether this part-
24 time work is simultaneous or successive to the individual's lost
25 employment. Further, as provided in s. 443.151(3), benefits may
26 not be charged to the employment record of an employer who
27 furnishes the Department of Economic Opportunity with notice, as
28 prescribed in rules of the department, that any of the following
29 apply:

30 1. If an individual leaves his or her work without good
31 cause attributable to the employer or is discharged by the
32 employer for misconduct connected with his or her work, benefits
33 subsequently paid to the individual based on wages paid by the
34 employer before the separation may not be charged to the
35 employment record of the employer.

36 2. If an individual is discharged by the employer for
37 unsatisfactory performance during an initial employment
38 probationary period, benefits subsequently paid to the
39 individual based on wages paid during the probationary period by
40 the employer before the separation may not be charged to the
41 employer's employment record. As used in this subparagraph, the

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42 term "initial employment probationary period" means an
43 established probationary plan that applies to all employees or a
44 specific group of employees and that does not exceed 90 calendar
45 days following the first day a new employee begins work. The
46 employee must be informed of the probationary period within the
47 first 7 days of work. The employer must demonstrate by
48 conclusive evidence that the individual was separated because of
49 unsatisfactory work performance and not because of lack of work
50 due to temporary, seasonal, casual, or other similar employment
51 that is not of a regular, permanent, and year-round nature.

52 3. Benefits subsequently paid to an individual after his
53 or her refusal without good cause to accept suitable work from
54 an employer may not be charged to the employment record of the
55 employer if any part of those benefits are based on wages paid
56 by the employer before the individual's refusal to accept
57 suitable work. As used in this subparagraph, the term "good
58 cause" does not include distance to employment caused by a
59 change of residence by the individual. The department shall
60 adopt rules prescribing for the payment of all benefits whether
61 this subparagraph applies regardless of whether a
62 disqualification under s. 443.101 applies to the claim.

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

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

69 5. If an individual is separated from work as a direct
70 result of an oil spill, terrorist attack, or other similar
71 disaster of national significance not subject to a declaration
72 under the Robert T. Stafford Disaster Relief and Emergency
73 Assistance Act, benefits subsequently paid to the individual
74 based on wages paid by the employer before the separation may
75 not be charged to the employment record of the employer.

76 6. If an individual is separated from work as a direct
77 result of domestic violence and meets all requirements in s.
78 443.101(1)(a)2.c., benefits subsequently paid to the individual
79 based on wages paid by the employer before separation may not be
80 charged to the employment record of the employer.

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T I T L E A M E N D M E N T

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Remove line 8 and insert:

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