

By Senator Gibson

6-01404A-19

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1                                   A bill to be entitled  
2       An act relating to unemployment compensation; amending  
3       s. 443.101, F.S.; making editorial changes;  
4       prohibiting certain victims of domestic violence from  
5       being disqualified for benefits for voluntarily  
6       leaving work; prohibiting the employment record of an  
7       employing unit from being charged in certain  
8       circumstances; providing an effective date.

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

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12       Section 1. Paragraph (a) of subsection (1) of section  
13       443.101, Florida Statutes, is amended to read:

14       443.101 Disqualification for benefits.—An individual shall  
15       be disqualified for benefits:

16       (1) (a) For the week in which he or she has voluntarily left  
17       work without good cause attributable to his or her employing  
18       unit or for the week in which he or she has been discharged by  
19       the employing unit for misconduct connected with his or her  
20       work, based on a finding by the Department of Economic  
21       Opportunity. As used in this paragraph, the term "work" means  
22       any work, whether full-time, part-time, or temporary.

23       1. Disqualification for voluntarily quitting continues for  
24       the full period of unemployment next ensuing after the  
25       individual has left his or her full-time, part-time, or  
26       temporary work voluntarily without good cause and until the  
27       individual has earned income equal to or greater than 17 times  
28       his or her weekly benefit amount. As used in this subsection,  
29       the term "good cause" includes only that cause attributable to

6-01404A-19

2019990\_\_

30 the employing unit which would compel a reasonable employee to  
31 cease working or attributable to the individual's illness or  
32 disability requiring separation from his or her work. Additional  
33 disqualifications ~~Any other disqualification~~ may not be imposed.

34 2. An individual is not disqualified under this subsection  
35 for:

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. An  
47 individual who voluntarily leaves work under this sub-  
48 subparagraph must:

49 (I) Make reasonable efforts to preserve employment or to  
50 decrease the risk of future incidents of domestic violence. Such  
51 efforts may include seeking a protective injunction, relocating  
52 to a secure place, or seeking reasonable accommodation from the  
53 employing unit, such as a transfer or change of assignment;

54 (II) Provide evidence such as an injunction, a protective  
55 order, or other documentation authorized by state law which  
56 reasonably proves that domestic violence has occurred; and

57 (III) Reasonably believe that he or she is likely to be the  
58 victim of a future act of domestic violence at, in transit to,

6-01404A-19

2019990\_\_

59 or departing from his or her place of employment. An individual  
60 who is otherwise eligible for benefits under this sub-  
61 subparagraph is ineligible for each week that he or she no  
62 longer meets such criteria or refuses a reasonable accommodation  
63 offered in good faith by his or her employing unit.

64 3. The employment record of an employing unit may not be  
65 charged for the payment of benefits to an individual who has  
66 voluntarily left work under this paragraph.

67 4.2- Disqualification for being discharged for misconduct  
68 connected with his or her work continues for the full period of  
69 unemployment next ensuing after having been discharged and until  
70 the individual is reemployed and has earned income of at least  
71 17 times his or her weekly benefit amount and for not more than  
72 52 weeks immediately following that week, as determined by the  
73 department in each case according to the circumstances or the  
74 seriousness of the misconduct, under the department's rules  
75 ~~adopted for determining determinations of~~ disqualification for  
76 benefits for misconduct.

77 5.3- If an individual has provided notification to the  
78 employing unit of his or her intent to voluntarily leave work  
79 and the employing unit discharges the individual for reasons  
80 other than misconduct before the date the voluntary quit was to  
81 take effect, the individual, if otherwise entitled, shall  
82 receive benefits from the date of the employer's discharge until  
83 the effective date of his or her voluntary quit.

84 6.4- If an individual is notified by the employing unit of  
85 the employer's intent to discharge the individual for reasons  
86 other than misconduct and the individual quits without good  
87 cause before the date the discharge was to take effect, the

6-01404A-19

2019990\_\_

88 claimant is ineligible for benefits pursuant to s. 443.091(1)(d)  
89 for failing to be available for work for the week or weeks of  
90 unemployment occurring before the effective date of the  
91 discharge.

92 Section 2. This act shall take effect July 1, 2019.