

By Senator Latvala

20-00249-14

2014844__

1 A bill to be entitled
2 An act relating to unemployment compensation; amending
3 s. 443.131, F.S.; prohibiting benefits from being
4 charged to the employment record of an employer that
5 is forced to lay off workers for specified reasons;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (a) of subsection (3) of section
11 443.131, Florida Statutes, is amended to read:

12 443.131 Contributions.—

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

15 (a) *Employment records.*—The regular and short-time
16 compensation benefits paid to an eligible individual shall be
17 charged to the employment record of each employer who paid the
18 individual wages of at least \$100 during the individual's base
19 period in proportion to the total wages paid by all employers
20 who paid the individual wages during the individual's base
21 period. Benefits may not be charged to the employment record of
22 an employer who furnishes part-time work to an individual who,
23 because of loss of employment with one or more other employers,
24 is eligible for partial benefits while being furnished part-time
25 work by the employer on substantially the same basis and in
26 substantially the same amount as the individual's employment
27 during his or her base period, regardless of whether this part-
28 time work is simultaneous or successive to the individual's lost
29 employment. Further, as provided in s. 443.151(3), benefits may

20-00249-14

2014844__

30 not be charged to the employment record of an employer who
31 furnishes the Department of Economic Opportunity with notice, as
32 prescribed in rules of the department, that any of the following
33 apply:

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

40 2. If an individual is discharged by the employer for
41 unsatisfactory performance during an initial employment
42 probationary period, benefits subsequently paid to the
43 individual based on wages paid during the probationary period by
44 the employer before the separation may not be charged to the
45 employer's employment record. As used in this subparagraph, the
46 term "initial employment probationary period" means an
47 established probationary plan that applies to all employees or a
48 specific group of employees and that does not exceed 90 calendar
49 days following the first day a new employee begins work. The
50 employee must be informed of the probationary period within the
51 first 7 days of work. The employer must demonstrate by
52 conclusive evidence that the individual was separated because of
53 unsatisfactory work performance and not because of lack of work
54 due to temporary, seasonal, casual, or other similar employment
55 that is not of a regular, permanent, and year-round nature.

56 3. Benefits subsequently paid to an individual after his or
57 her refusal without good cause to accept suitable work from an
58 employer may not be charged to the employment record of the

20-00249-14

2014844__

59 employer if any part of those benefits are based on wages paid
60 by the employer before the individual's refusal to accept
61 suitable work. As used in this subparagraph, the term "good
62 cause" does not include distance to employment caused by a
63 change of residence by the individual. The department shall
64 adopt rules prescribing for the payment of all benefits whether
65 this subparagraph applies regardless of whether a
66 disqualification under s. 443.101 applies to the claim.

67 4. If an individual is separated from work as a direct
68 result of a natural disaster declared under the Robert T.
69 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
70 ss. 5121 et seq., benefits subsequently paid to the individual
71 based on wages paid by the employer before the separation may
72 not be charged to the employment record of the employer.

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

80 6. If an individual is separated from work as a direct
81 result of the termination of a federal contract awarded to his
82 or her employer, unless the contract is terminated for default,
83 benefits subsequently paid to the individual based on wages paid
84 by the employer before the separation may not be charged to the
85 employment record of the employer. This subparagraph expires
86 December 31, 2017.

87 7. If an individual is separated from work as a direct

20-00249-14

2014844__

88 result of a federal law, regulation, or executive order
89 mandating a higher level of security clearance or background
90 check, such as the National Agency Check with Local Agency
91 Checks and Credit Check, for doing the same or similar work when
92 the individual was previously under no such mandate, and the
93 Federal Government determines that the individual's eligibility
94 is denied to continue such work, benefits subsequently paid to
95 the individual based on wages paid by the employer before the
96 separation may not be charged to the employment record of the
97 employer.

98 Section 2. This act shall take effect July 1, 2014.