

## SURVIVOR STATE EMPLOYMENT GUIDE

# FLORIDA

### **INTRODUCTION**

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

### **ANTI-DISCRIMINATION PROTECTIONS**

At the time of publication, Florida law does not provide anti-discrimination workplace protections for survivors of domestic violence, sexual assault, or stalking. However, under Florida law (**Fla. Stat. 92.57**), a person who testifies in a judicial proceeding in response to a subpoena may not be dismissed from employment because of the nature of the person's testimony or because of absences from employment resulting from compliance with the subpoena.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **REASONABLE ACCOMMODATIONS**

At the time of publication, Florida has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

### **LEAVE/TIME OFF WORK**

- **Time Off to Address Domestic Violence or Sexual Assault:** Under Florida law (**Fla. Stat. 741.313**), employees who work for employers with 50 or more employees may request and take up to three working days of leave in any 12-month period if the employee or family/household member of the employee is a victim of domestic or sexual violence. The employee must have been working for the employer for at least three months.

The leave may be used to:

- Seek an injunction for protection against domestic violence, dating violence, or sexual violence;
- Obtain medical care or mental health counseling for the employee or family/household member;
- Obtain services from a victim-service organization;
- Make the employee's home secure from the perpetrator or seek new housing; or
- Seek legal assistance or attend and prepare for court-related proceedings.

The leave may be paid or unpaid at the employer's discretion. An employee seeking leave under this section must, before receiving the leave, exhaust all annual or vacation leave, personal leave, and sick leave that is available to the employee, unless the employer waives this requirement.

Except in cases of imminent danger to the health or safety of the employee or family/household member, an employee seeking leave from work under this section must provide appropriate advance notice to their employer as required by the employer's policy along with sufficient documentation of the act of domestic violence or sexual violence as required by the employer.

- **Time Off for Court:** Under Florida law ([Fla. Stat. 92.57](#)), a person who testifies in a judicial proceeding in response to a subpoena may not be dismissed from employment because of the nature of the person's testimony or because of absences from employment resulting from compliance with the subpoena.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

## **UNEMPLOYMENT INSURANCE**

Under Florida law ([Fla. Stat. 443.101](#)), an individual can be eligible for unemployment insurance benefits if they voluntarily left work and can prove that they left as a direct result of circumstances related to domestic violence. Under this section, domestic violence is defined as "any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member." ([See Fla. Stat. 741.28](#)).

To be eligible, the individual must meet these three factors:

- Make a reasonable effort to stay at their job, unless the individual says that doing so would have been futile or increased the risk of future incidents of domestic violence. Examples of reasonable efforts include seeking a protective injunction, relocating to a secure place, or seeking a reasonable accommodation (ex. transfer, change of assignment) from the employer;
  - Provide evidence that reasonably proves that domestic violence has occurred, which can include an injunction, protective order, or other documentation authorized by state law; and
  - Reasonably believe that he or she is likely to be the victim of a future act of domestic violence at, in transit to, or departing from his or her place of employment.
- *Do I have to show proof of domestic violence?* Under Florida law [Fla. Stat. 443.101](#), an individual must provide evidence that reasonably proves that domestic violence has occurred. This can be shown through an injunction, a protective order, or other documentation authorized by state law.