



WHAT YOU NEED TO KNOW  
**ABOUT FLORIDA**  
UNEMPLOYMENT BENEFITS

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A man in a dark suit and tie is looking at a laptop on a desk. The desk is cluttered with several cardboard boxes, some of which are open. The man's hands are visible, one pointing at the laptop screen and the other near the bottom of the frame. The background is a plain wall. The entire image has a blue tint.

# Introduction

# INTRODUCTION

There's a lot of information to sift through before you file for unemployment benefits in Florida—from determining your eligibility to all the steps you have to take to obtain benefits to what you have to do to continue to receive benefits. And then if you're denied benefits, what recourse do you have to ensure that you weren't wrongfully denied benefits?

If you've been let go from your job through no fault of your own, you likely have several questions about Florida unemployment benefits. We created this eBook to provide you with a handy resource to better understand Florida unemployment benefits and help answer your Florida unemployment benefits questions. It was designed to give you a little peace of mind during a difficult time.

It's not always easy to collect unemployment benefits in Florida, so it's important to be well informed about what you can expect from the Department of Economic Opportunity (DEO), which oversees the unemployment benefits program. In addition, it's imperative that you know how long unemployment benefits last and how much you can collect.

Once you have a firm grasp on what to expect from the unemployment benefits process, you'll be better prepared to assess your situation and determine your next steps.





# How to File for Unemployment and Get It

Have you found yourself unemployed? Not sure how to file for unemployment benefits? Here's what you need to know to get the process started and get back on track.

## AM I ELIGIBLE FOR UNEMPLOYMENT BENEFITS IN FLORIDA?

One of the most common questions from those who have just lost their job is, "**Do I qualify for Unemployment Benefits?**"

If you've been **terminated through no fault of your own**, you may qualify.

Being fired because of company "cut-backs" or the job just "wasn't a good fit" may qualify you for benefits. However, if your termination was due to misconduct, this could make you ineligible for benefits.

Requirements for eligibility vary from state to state, so be sure to check with your state's unemployment office to find out what they are.



# FILING FOR UNEMPLOYMENT BENEFITS? GET ORGANIZED.

When filing for unemployment, having the right information on hand will make the filing process much easier and improve your chances of garnering benefits.

Some examples of information you should have on hand,

- Mailing address, including zip code
- Phone number
- Driver's License number, if available
- Name, Address and Phone Number of your last employer
- Employer's Federal ID number, located on your pay stub or W2
- Date employment began and date it ended
- Your salary or hourly rate of pay

Any information you can collect and have on hand regarding your former employer will assist you in the filing process.

Also, prepare yourself for any questions that may be asked regarding the reason for your termination, including, if you were **owed vacation or holiday pay** at the time of your termination.

**APPLICATION FOR UNEMPLOYMENT INSURANCE BENEFITS**

**CLAIMANT INFORMATION** (Information Fields Must Be Completed)

TODAY'S DATE: \_\_\_\_\_ SOCIAL SECURITY NUMBER: \_\_\_\_\_ EFFECTIVE DATE (Local Office Only): \_\_\_\_\_

Have you filed an unemployment claim in another state in the last 12 months? (Other than Arkansas)  Yes  No \*If yes which State? \_\_\_\_\_

FIRST NAME: \_\_\_\_\_ MIDDLE INITIAL: \_\_\_\_\_ LAST NAME: \_\_\_\_\_

**Mailing Address:** ADDRESS - Line 1: \_\_\_\_\_ ADDRESS - Line 2: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

**Physical Address (if different than above):** ADDRESS - Line 1: \_\_\_\_\_ ADDRESS - Line 2: \_\_\_\_\_

CITY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

State of Residence: \_\_\_\_\_ County of Residence: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ MESSAGE ONLY: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ GENDER:  Male  Female YEARS OF EDUCATION: \_\_\_\_\_

ETHNICITY:  Non-Hispanic  Hispanic

RACE:  White  Black  Asian  American Indian or Alaska Native  Native Hawaiian or Pacific Islander  Other (Specify or Subtotal)

Are you handicapped/disabled?  Yes  No

Are you a citizen of the United States?  Yes  No

If not a citizen, were you legally authorized to work in the United States during the past 18 months?  Yes  No

If yes, Federal Number: \_\_\_\_\_

How you worked for an Educational Institution within the last 18 months?  Yes  No

If Yes, Were you laid off with reasonable assurance of recall the next semester?  Yes  No

If No, Are you on holiday recess or spring break with reasonable assurance of recall following the holiday or spring break?  Yes  No

**LAST EMPLOYER INFORMATION** (Current Employer if working - or - if not working, last employer)

EMPLOYER NAME: \_\_\_\_\_ ACCOUNT NUMBER (Local Office Only): \_\_\_\_\_ UNIT NUMBER (Local Office Only): \_\_\_\_\_

STREET NAME: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ COUNTY: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

EMPLOYER PHONE: \_\_\_\_\_ DATE LAST WORK ENDED: \_\_\_\_\_

Are you scheduled to return to work or start a new job within 10 weeks?  Yes  No

If yes date you are scheduled to return to work: \_\_\_\_\_

Was your last work?  1 - Full Time (40 hrs)  2 - Part Time (Less than 40 hrs)  3 - Temporary (30 days or less)

**Type of separation:**

<b>Last On:</b>	<b>Quit:</b>	<b>Discharged:</b>	<b>School Employee:</b>	<b>Other:</b>
<input type="checkbox"/> Weather	<input type="checkbox"/> Personal Emergency	<input type="checkbox"/> Sleeping	<input type="checkbox"/> Spring Break	<input type="checkbox"/> Suspension
<input type="checkbox"/> Lack of Work	<input type="checkbox"/> Health	<input type="checkbox"/> Fighting	<input type="checkbox"/> Summer Break	<input type="checkbox"/> Shared Work
<input type="checkbox"/> Finished Job	<input type="checkbox"/> General	<input type="checkbox"/> Absent/Tardy	<input type="checkbox"/> Holiday	<input type="checkbox"/> Vacation
<input type="checkbox"/> Business Closed		<input type="checkbox"/> Insubordination		<input type="checkbox"/> Layoff
		<input type="checkbox"/> Drinking/Drug Test		<input type="checkbox"/> Family Medical Leave
		<input type="checkbox"/> General		<input type="checkbox"/> Reduced from full time (40 hrs)
		<input type="checkbox"/> Military		<input type="checkbox"/> Medical Leave
				<input type="checkbox"/> Strike
				<input type="checkbox"/> Hold Days
				<input type="checkbox"/> Not Working Part time

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# HOW TO FILE FOR UNEMPLOYMENT BENEFITS

The first step in filing for unemployment is contacting your state's unemployment office. In the State of Florida, you can file online by visiting, [www.floridajobs.org](http://www.floridajobs.org).

Filing online offers you the convenience of:

- Filing for benefits weekly or biweekly
- Checking the status of your claim
- Checking the remaining balance of your benefits

Online filing also offers detailed information regarding the filing process, what to expect and whom to contact if you should have any questions.

You also have the option of accepting your benefits via check, debit card or direct deposit.

Florida offers work search assistance online to make it easier to get back to work.

## MOVED AND SEEKING UNEMPLOYMENT

Did you work remotely from another state? Or, did you move from the state in which you worked?

Don't worry. You can still file for unemployment benefits.

You can contact the Unemployment Office in the state in which you worked. Or, you could simply contact the Unemployment Office in the state in which you currently reside. They can assist in providing you with information as to how to file your claim due to your situation.

Help is available.



# MY UNEMPLOYMENT CLAIM WAS DENIED

If you've gone through the unemployment process and received a denial claim, all is not lost. You can file an appeal. Of course, that doesn't guarantee that your benefits will be granted the second time around.

Before filing for benefits, do your due diligence to make sure you qualify. If you have evidence supporting your claim, it's imperative that it's presented when filing for benefits and also through the denial process.

For more information regarding the denial process, be sure to contact your state's unemployment office.

# START THE UNEMPLOYMENT PROCESS

Finding yourself suddenly unemployed and not knowing where your next paycheck is coming from or how you are going to put food on the table can be overwhelming and stressful.

Unemployment benefits were designed to help you get back on your feet and give you some peace of mind.

So, utilize them. Contact your state's Unemployment Office to get the process started today.



# 6 Reasons Why You May Be Denied Unemployment Benefits in Florida



If you've recently lost your job, there are several reasons you may be denied unemployment benefits in Florida. Most of them can be tied to employee misconduct, but it's important to know that many eligible Florida residents can be denied unemployment benefits for a number of other reasons and sometimes through no fault of their own.

Here are six of the most common reasons you may be denied unemployment benefits by the Florida Department of Economic Opportunity (DEO).

## 6 MOST COMMON REASONS UNEMPLOYMENT BENEFITS ARE DENIED IN FLORIDA

### 1. EMPLOYEE MISCONDUCT

In 2011, Florida's Unemployment Compensation Law was amended to expand the definition of employee misconduct. This was important because it made it less difficult for employers to prove misconduct and employees were no longer presumed to be entitled to unemployment benefits. Prior to the amendment, misconduct was defined as:

- "Conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of the employee."
- "Carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of an employer's interests or of the employee's duties and obligations to the employer."

Prior to the amendment, the definition was pretty cut-and-dried, but now employee **misconduct is more difficult to define**. In addition to slightly altering the original definition above, the definition was expanded. For example, under subsection a) as an employee, your misconduct now needs only to be in "conscious" (rather than "willful or wanton") disregard of reasonable standards established by your employer. This certainly reduces the burden of proof for the employer.

The new subsections of the law address "chronic absenteeism or tardiness"; "subjecting your employer to sanctions or loss of licensure"; and "violating an employer's rule." This last subsection is the most troubling for the employee because rules are often not consistently or fairly enforced by employers. Also under the new law, employee misconduct can occur outside of the workplace, which is not easily defined.

Although employee misconduct can be a bit nebulous at times, the following four reasons for denial by the DEO are fairly explicit.

## 2. VOLUNTARY RESIGNATION

If you voluntarily resign from your job without good cause, you are not eligible for unemployment benefits in Florida. However, if you resigned because of unsolvable problems at work, such as discrimination, harassment, or unsafe working conditions, you may be granted benefits, as long as the conditions were documented and your employer was aware of them.



## 3. REFUSAL TO ACCEPT SUITABLE WORK

If you refuse to apply for or accept suitable work, you are not eligible for unemployment benefits in Florida. There are a number of factors taken into consideration when evaluating whether a position is suitable for an individual, including degree of health, safety, and moral risk; physical fitness and prior training; experience and prior earnings; and distance of available work.

## 4. NOT MEETING EARNINGS REQUIREMENTS

Like most states, **Florida has a minimum earnings requirement** for those who are eligible to collect unemployment benefits. During a 12-month base period, you must have earned at least \$3,400. If you did not, you are not eligible for unemployment benefits.

## 5. PROBLEMS WITH FLORIDA'S UNEMPLOYMENT SYSTEM

The State of Florida pays out unemployment benefits at one of the lowest rates in the United States. Part of this had to do with the state's skills test, which until 2014 was mandatory (since then, it's voluntary) and had to be completed online by those applying for unemployment benefits. Unfortunately, there have also been issues with the website applicants must use to apply for benefits. It's difficult to navigate, applicants can't communicate directly with staff to fix issues, and the DEO sometimes claims that individuals have been paid too much or have committed fraud. Many applicants simply give up after several attempts, and others don't receive benefits in a timely manner. In addition, Florida has strenuous requirements for applicants to document their job searches.


## 6. NOT MEETING THE DEO'S REQUIREMENTS

Even if you've been granted unemployment benefits in Florida, you still have to be able, available, and actively looking and documenting your search for a job. If you don't meet these requirements, you will likely lose your benefits. Also, if you provided inaccurate information on your application, you will likely be denied benefits if this is discovered by the DEO. And more seriously, if you falsify information, you could be prosecuted under Florida laws.

If you **applied for unemployment benefits** and feel that you were unfairly denied those benefits, you may want to consider appealing the decision. For example, if you were let go due to perceived misconduct that may have some room for interpretation, you may have a case. You should first take a close look at the **right to appeal page** on the Florida DEO website. Here you'll find pertinent information on important deadlines, what to include in your appeal, and instructions regarding the hearing process. You must act quickly- the time within which to appeal is set out in your determination letter.

If you decide to move forward with your appeal, you may want to consider speaking to an attorney who can answer any questions you might have about your case and also give you a sense of whether the fees will make it worth your while. After all, in Florida, the current maximum amount you can collect per week in unemployment benefits is \$275 for 12 to 23 weeks, depending on the current unemployment rate in the state.



A man and a woman in business attire are sitting at a desk, looking at documents. The man is on the left, looking down at a document. The woman is on the right, looking towards the man. They are both wearing dark suits. The background shows a whiteboard and a window with blinds. A teal banner is overlaid on the image, containing the text "Top 12 Florida Unemployment Questions Answered".

# Top 12 Florida Unemployment Questions Answered

If you've been let go from your job through no fault of your own, you probably have a lot of questions regarding unemployment compensation. Florida has its own rules regarding who is eligible, benefit amounts, and prior earnings requirements. If you meet the state's requirements and are available, able, and actively looking for a new job, you may be eligible for unemployment benefits.

Here are answers to **12 common Florida unemployment questions** that will help you better understand what you need to know about Florida unemployment benefits.

## TOP FLORIDA UNEMPLOYMENT QUESTIONS

### 1. WHO IS ELIGIBLE FOR FLORIDA UNEMPLOYMENT BENEFITS?

To qualify for unemployment benefits in Florida, you must be out of work through no fault of your own. In addition, you have to have earned \$3,400 during a 12-month base period—the first four of the five calendar quarters prior to filing your Florida unemployment benefits claim. You also must:

- Be a U.S. citizen or have a permit to work in the United States.
- Have worked for an employer covered by the state's unemployment insurance law.
- Be able and available for work.
- Register online with the [Employ Florida marketplace](#).

### 2. IF YOU QUIT YOUR JOB ARE YOU ELIGIBLE FOR UNEMPLOYMENT BENEFITS?

If you quit your last job voluntarily, you are not eligible for Florida unemployment benefits. However, you could be eligible if:

- It was necessary for you to quit due to illness or disability.
- You quit due to unsolvable problems at work, such as [discrimination](#), harassment, or unsafe working conditions.
- You quit because your spouse is in the military and was ordered to permanently relocate.

### 3. IF YOU WERE FIRED ARE YOU ELIGIBLE FOR UNEMPLOYMENT BENEFITS?

If you were fired due to misconduct, you are not eligible for unemployment benefits. In Florida, misconduct can be defined as:

- Conduct that disregards your employer's interests and violates reasonable standards of behavior, including theft or property damage.
- Carelessness or negligence on such a scale that shows culpability or intentional disregard of your employer's interests and your obligations.
- Repeated absenteeism or lateness that violates your employer's policy or one or more unapproved absences after a written warning related to that absence.
- Subjecting your employer to sanctions or loss of licensure through violating a standard or regulation.
- Violating your employer's rules that are known and consistently and fairly enforced.

### 4. HOW DO I APPLY FOR FLORIDA UNEMPLOYMENT BENEFITS?

Visit the [Florida Department of Economic Opportunity's website](#) for details about applying for unemployment benefits and the following:

- **Information you will need** to provide to apply for unemployment benefits.
- How to apply online.
- How to calculate what you could receive in unemployment benefits.
- How to continue to receive unemployment benefits.



## 5. WHEN SHOULD YOU FILE FOR FLORIDA UNEMPLOYMENT BENEFITS?

You should begin filing your unemployment benefits claim within a week of becoming unemployed. Before you can collect benefits, you will have to completely finish your application and claims are retroactive to the prior Sunday before you filed your claim. For example, if you filed your claim on a Thursday, your benefits would go into effect the Sunday prior to that Thursday. That said, the DEO deems the first week a "waiting week," so no benefits are paid out for that week.

It's important to note that all claims must be filed online, and the application process typically takes between 30 and 60 minutes. Once you start, you have 72 hours to complete the application process. If you don't, you will have to start over.

If you don't have access to a computer or require assistance, you can file your claim at the nearest **One-Stop Career Center**, where a representative can help you. After you file your claim, you will receive a confirmation notice that your claim has been received. If you do not receive confirmation, you should contact the Claims Assistance Center at 1-800-204-2418.

## 6. HOW LONG DOES IT TAKE TO RECEIVE YOUR FIRST PAYMENT?

If the DEO accepts your claim, they say that you should receive your first payment within three to four weeks. However, Florida has been one of the worst states for paying out unemployment benefits in recent years. Part of that has to do with qualified applicants giving up during the application process because it's so arduous. Another reason is because so few applications for unemployment benefits are accepted. In 2015, only 39% of those who made it through the application process received their first payment, which was the second-lowest rate in the country.



## 7. HOW MUCH WILL I COLLECT IN FLORIDA UNEMPLOYMENT BENEFITS?

Your weekly benefit amount is based on the aforementioned base-period salary; it's 1/26th of your earnings during the highest paid quarter of that period. The least you can earn per week is \$32 and the most is \$275.

## 8. CAN I EARN MONEY WHILE COLLECTING FLORIDA UNEMPLOYMENT BENEFITS?

You won't be eligible for unemployment benefits once you get a new job if it pays more than you are receiving in weekly compensation. However, if you simply pick up small jobs along the way and earn less than the weekly benefit amount, you should be able to receive unemployment benefits. That said, if you earn more than \$58 a week, the state will deduct a small portion, which acts as a further incentive for you to find a job. In addition, you have to report your gross income and your earnings each time you request a benefit payment. And the payment has to be reported the week you earned it, not the week you received your paycheck.

## 9. HOW LONG WILL MY UNEMPLOYMENT BENEFITS LAST?

**Florida's unemployment rate** at the time you apply for unemployment benefits determines how long you can receive compensation. The maximum number of weeks you can collect is 23, but during times of high unemployment (for example, during the Great Recession, which started in 2008), you may be able to apply for extended benefits (EB) and/or emergency unemployment compensation (EUC). However, neither program is available at this time due to lower unemployment rates.



## 10. WHAT DO I HAVE TO DO TO KEEP RECEIVING UNEMPLOYMENT BENEFITS?

Once the Florida Department of Economic Opportunity approves your application, you have to do a number of things to remain eligible for unemployment benefits:

- Remain unemployed or underemployed, which typically means earning less than what you would receive in unemployment benefits (see above).
- Be able and available to work.
- Actively look for work.
- File to continue to receive unemployment benefits.

For more information on each of these eligibility requirements, access the [Florida DEO's CONNECT Claimant Guide](#).

## 11. CAN I APPEAL A DENIAL OF UNEMPLOYMENT BENEFITS?

If you are denied Florida unemployment benefits by the DEO (or they allocate a lower amount than you feel you are entitled to), you can appeal. But it's important to note that you only have 20 days to do so. The Florida DEO's website and Claimant Guide has more information on:

- Instructions, forms, and the deadline for filing an appeal.
- How and where to file an appeal.
- The length of the appeal process.
- What you should do if you file after the appeal deadline.
- What happens to your benefits while waiting for the DEO's decision.


## 12. DO I NEED AN ATTORNEY TO RECEIVE UNEMPLOYMENT BENEFITS IN FLORIDA?

You should consider consulting with **an experienced unemployment compensation attorney** if you feel as though you've been unfairly denied Florida unemployment benefits. An attorney can:

- Determine whether you are eligible for unemployment benefits.
- Determine whether your employer's reason for letting you go was lawful and it stopped you from receiving unemployment benefits.
- Help you with your appeal to the Florida DEO, if you've been denied unemployment benefits.
- Counsel you on how you can continue to receive unemployment benefits.

Before hiring an attorney, you may want to visit the **Florida DEO's right to appeal page**, which will give you a sense of the appeal process, deadlines, and instructions about your potential hearing. If you go forward with the appeal process, it's a good idea to consider hiring an attorney because your former employer is likely to have one. Your attorney can advise you on the evidence that will help your case, question witnesses, and argue on your behalf as to why you should be awarded unemployment benefits.





# Additional Questions You May Have About Unemployment Compensation/Benefits in Florida

If you've lost your job and want to receive Florida unemployment benefits, you likely have a lot of questions you'd like answered. Many of the answers can be found throughout this eBook, particularly in the "Top 12 Florida Unemployment Questions Answered" section that precedes this section, but here are a few others you might be curious about.

## CAN YOUR FORMER EMPLOYER DENY YOU FROM RECEIVING UNEMPLOYMENT BENEFITS?

No. Your former employer can challenge your eligibility to receive unemployment benefits, but the Florida DEO will make the final decision regarding your eligibility. And both you and your former employer have the right to appeal the DEO's decision.

## WHAT IS CONSTRUCTIVE DISCHARGE?

If you quit or resign due to unbearable or illegal working conditions created by your employer, you may be eligible for unemployment benefits, even though you left voluntarily. You may also have a legal case because you were essentially forced to quit by your employer because of those intolerable conditions.

## HOW IS "ABLE TO WORK" DEFINED?

To qualify for Florida unemployment benefits, you must have the physical and mental capability to work. If you have an injury or illness, you may not be eligible for benefits. However, if you have a disability and could work if afforded reasonable accommodations, you'll likely be eligible for benefits.

# HOW IS "AVAILABLE TO WORK" DEFINED?

In addition to being able to work, you must also be available to work to collect Florida unemployment benefits. This means that there aren't any circumstances that would stand in your way from accepting a job. You may be ineligible for benefits if any of the following apply:

- **You are unwilling to work certain hours of the day.** In other words, if your schedule is not very flexible, the DEO is more likely not to grant your unemployment benefits.
- **You can't get to work.** If you don't have a means of transportation or can't/won't use public transportation to get to a job that's reasonably close to your home, you could be denied benefits.
- **Your time is limited by your personal life.** If you can't make arrangements for child care or can't prove that you could make them in a timely manner if you're offered a job, you may be denied benefits. Similarly, if you had been planning to take a vacation, you'll be denied benefits because you obviously can't work while you're out of town.



# DO YOU HAVE TO LOOK FOR A JOB TO RECEIVE FLORIDA UNEMPLOYMENT BENEFITS?

In addition to being able and available to work, as mentioned, you have to register with the Employ Florida Marketplace, unless you:

- Have a mental or physical impairment
- Have a language or literacy impediment
- Don't live in Florida
- Were temporarily laid off from your job for no more than 8 weeks
- Are a union member who typically gets work through a union hall
- Are legally banned from using a computer

You also have to actively look for, document, and report your job search to the DEO. This entails contacting at least five employers per week. You also must document your contact with them, what happened with each contact, and note each employer's contact information. In some cases, you may be able to use a meeting with a representative at a **One-Stop Career Center** to replace your weekly minimum contact requirements.

Finally, if you don't accept a suitable job, you could lose your unemployment benefits. And when you accept a job, you have to notify the DEO immediately because you can't continue to receive benefits once you have a job (though you can request to receive benefits up until the week you start working).





# WHO PAYS FOR UNEMPLOYMENT BENEFITS IN FLORIDA?

Florida employers pay for unemployment benefits, or reemployment assistance, as it's termed by the DEO, through a tax administered by the Florida Department of Revenue. It's one of the costs included in doing business in Florida. Employees do not pay any of these taxes.

# CAN YOU RECEIVE UNEMPLOYMENT BENEFITS IN FLORIDA IF YOU'RE NOW WORKING PART TIME?

If your hours have been cut by your employer against your will, you still may be eligible to receive partial unemployment benefits. If your gross earnings (prior to taxes being taken out) are less than \$275 a week, you can file a claim with the DEO to find out if you're eligible to get partial benefits..

# ARE UNEMPLOYMENT BENEFITS TAXABLE?

Yes, unemployment benefits are considered taxable income. You can choose to withhold 10% of your weekly benefits when you review your account information online. Regardless, you will receive Form 1099-G in January so that you can include the unemployment benefits income when you file your taxes.

# WHEN IS IT BENEFICIAL TO HIRE A FLORIDA UNEMPLOYMENT BENEFITS ATTORNEY?

There are a number of reasons you may want to consider hiring an unemployment benefits attorney, such as if you resigned for "good cause" due to unsolvable problems at work. These might include:

- Harassment
- Discrimination
- Not being paid
- Unsafe working conditions
- Change in your job duties
- Certain types of family emergencies



Another reason to hire an attorney would be if you were fired for “misconduct,” which is not always easily definable; for example, if you were fired for being tardy to work.

As mentioned, it may be a good idea to hire an attorney, particularly if you think you may have a case beyond simply trying to get unemployment benefits from the DEO. For example, if you were terminated illegally. Otherwise, it may not be cost-effective to only recover \$275 a week in unemployment benefits when you have to pay attorney fees. Your financial situation may not allow for it.

Attorney fees may vary, depending on whether they are hourly or contingent-based. But if the law firm you’re planning to contact offers **free consultations**, you should be able to get a sense of the fee agreements and what it may cost you before you decide to move forward with your appeal.



# Unemployment Benefits in Florida: Learn How to Survive Losing Your Job

# WHAT TO EXPECT FROM YOUR FLORIDA UNEMPLOYMENT BENEFITS

So, you qualify for unemployment. What's next?

You've probably got some questions regarding your benefits. Let's see if we can help answer them.

- **How long will my benefits last?** Typically, benefits last up to 26 weeks or until you've gained employment; although in 2017, it's only 12 weeks due to Florida's lower unemployment rate. However, if you can only locate part-time or temporary employment, your benefits may not end.
- **What do I do if I've found a full-time job?** You'll need to contact your unemployment office to report your new job and earnings.
- **What do I do if I was overpaid for my unemployment benefits?** You'll need to report all earnings, including any unemployment overpayments, so proper deductions can be made and so you can avoid **Unemployment Fraud**.

## WHAT IF I DON'T QUALIFY FOR UNEMPLOYMENT BENEFITS?

if you've discovered your unemployment benefits have been denied, all hope is not lost. You can file an appeal but you only have 20 days to do so. You can file online, via phone or fax. A telephone hearing will be had to review your appeal and reconsider your unemployment claim. However, if you've been wrongfully terminated and cannot receive unemployment benefits, you'll need to hire an attorney to represent your case. Contact our office today to **schedule your free consultation**.

## HELPFUL LINKS

Looking for more unemployment information? Here are some helpful links to help you out.

- **UI Online** – File for unemployment benefits
- **Benefits.gov** – Information available regarding unemployment benefits and other government assistance in Florida
- **FloridaJobs.org** – Florida Department of Economic Opportunity
- **EmployFlorida.com** – Employ Florida Marketplace: Resources for job listings, education and training opportunities.
- **www.StateofFlorida.com** – Florida Unemployment Guide



# 5 Reasons You Need to Hire a Florida Unemployment Attorney



If you've been denied Florida unemployment benefits by the DEO, an experienced attorney can help you get the results you're looking for. Here are five ways you can benefit from an unemployment compensation attorney's expertise:

**1. YOU WILL KNOW IF YOU HAVE A STRONG CASE.**

An experienced attorney will take the time to meet with you and go over the facts of your case, including why you were let go by your former employer and denied unemployment benefits. He or she will be able to determine whether you have a strong case and offer guidance for moving forward.

**2. YOUR FORMER EMPLOYER IS LIKELY TO HAVE AN ATTORNEY REPRESENTING THEM AT THE UNEMPLOYMENT BENEFITS APPEALS HEARING.**

It makes sense for you to do the same. After all, an experienced attorney can take a lot of the burden off you by being intimately familiar with the procedures of the appeals hearing. In addition, an experienced attorney will:

- Testify on your behalf
- Present necessary documents, evidence, and testimony
- Question your witnesses
- Question your former employer's witnesses
- Examine and object to the evidence presented
- Explain or rebut the evidence presented
- Make a closing statement on your behalf at the conclusion of the hearing

### **3. YOU WILL BE PREPARED.**

Your appeals hearing is the only chance you will have to present evidence and testimony on your behalf and argue your case, so an experienced attorney will make sure you have your ducks in a row and will ensure that the appeals referee has all the needed information that supports your case. Also, he or she will help you prepare prior to the hearing so that you can confidently answer all of the appeals referee's questions. And you only have 20 days to file your appeal, so an experienced attorney will help you be better prepared than if you had to handle things on your own.

### **4. YOU WILL HAVE THE BEST CHANCE TO WIN.**

An experienced attorney knows what he or she is doing and has represented several individuals just like you in unemployment benefits appeals hearings. He or she will look out for your best interest while giving you the best chance to win.

### **5. YOU MAY HAVE A CASE FOR WRONGFUL TERMINATION.**

An experienced attorney can determine whether you actually committed misconduct and will ensure that the burden to prove that misconduct is on your former employer. After all, you may have been wrongfully terminated by your former employer. If that's the case, you will definitely want to ensure that you have legal representation because you may be able to move forward with a wrongful termination case.



There are some instances in which it could be beneficial for you to hire an experienced attorney to help with your unemployment benefits appeals hearing. For example:

Filing online offers you the convenience of:

- if you feel as though you were wrongfully terminated because of your race or for retaliatory reasons;
- you were fired through no fault of your own;
- you quit due to unbearable working conditions or because of an illness or disability; or
- if you feel as though you simply have the right to receive unemployment benefits

At Wenzel Fenton Cabassa, P.A., we can answer all of your Florida unemployment benefits questions and help determine if you were wrongfully denied unemployment compensation by the Florida Department of Economic Opportunity. **Contact us today** to schedule your free consultation.





# About the Author



# ABOUT THE AUTHOR



Matthew K. Fenton has been a member of the Florida Bar since 1994 and has been practicing exclusively in matters arising from the employment relationship since 1997. He received his law degree from the University of Florida, with honors, in 1993, where he served on the Editorial Board of the University of Florida Law Review. Shortly after graduation, he served as law clerk to U.S. Magistrate Judge Mark A. Pizzo from 1995 to 1997.

Mr. Fenton is a trial lawyer who has tried numerous employment law cases in both state and federal courts.

He has been selected by his peers for inclusion in every edition of the Best Lawyers in America since 2009 and has been repeatedly selected by his peers as a Florida Super Lawyer in Employment Law, which denotes status as one of the top 5 percent of Florida's lawyers. He has also been selected as a member of the Legal Elite in Employment Law by Florida Trend Magazine, representing approximately 2 percent of the active Florida bar members who practice in Florida. In 2016, Mr. Fenton was selected by Best Lawyers in America as the "Lawyer of the Year" for individuals in Tampa Employment Law.

Mr. Fenton has spoken on employment law topics and authored numerous publications on employment law, most recently contributing a chapter to the American Bar Association's practice guide "Litigating the Workplace Harassment Case." Mr. Fenton is a member of several voluntary bar organizations, including the Hillsborough County Bar Association where he is a past Co-Chair of the Labor and Employment Law Section.

Mr. Fenton is active in both the Florida and national chapters of National Employment Law Association, the Tampa Bay Trial Lawyers Association and the Florida Justice Association. Mr. Fenton has been admitted to practice in all Florida courts, in the United States District Court for the Middle District of Florida, the United States District Court for the Southern District of Florida and in the Eleventh Circuit Court of Appeals.

Mr. Fenton, a lifelong resident of Tampa, Florida, is proud to be married to a first generation Cuban-American, Rebeca Fenton, and father to two wonderful boys. When he is not fighting for employee rights, Mr. Fenton enjoys traveling with his family, collecting and listening to music from a broad variety of musical genres, spending time at the beach, and watching or attending Florida Gator football and basketball.



# About the Firm

# ABOUT THE FIRM

At Wenzel Fenton Cabassa, P.A., we represent workers who have been wronged by their employers. We strive to get to know each client's unique circumstances, and we advise them on the best course of action. Our objective is to secure justice for our clients and to hold their employers accountable.

At our firm, our attorneys have decades of experience representing employees, so we are uniquely positioned to advise you on the best course of action, whether you've been fired or you're facing problems in your current job.

At Wenzel Fenton Cabassa, we know that good work doesn't always get rewarded. Our firm handles cases involving employment discrimination and harassment, whistle-blowing, civil rights, wrongful termination, the Family Medical Leave Act (FMLA), wage and overtime disputes, workers compensation issues, contract disputes, severance-related issues, EEOC mediations, government investigations, and violations of non-compete and trade secret agreements, among others.

We offer a free initial consultation, during which we will listen to your employment-related issues and discuss the steps we can take to resolve them.

**Disclaimer:** The facts and circumstances of your case may differ from the matters in which results have been provided. All results of cases handled by the lawyer/firm are not provided. The results provided are not necessarily representative of results obtained by all clients or others with the lawyer/firm. Every case is different, and each client's case must be evaluated and handled on its own merits.

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**813-579-2483**

**OR VISIT US AT**

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Employee Rights Attorneys