

By Senator Simmons

10-00537B-13

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1 A bill to be entitled
2 An act relating to the regulation of family or medical
3 leave benefits for employees; providing definitions;
4 prohibiting a political subdivision from requiring or
5 otherwise regulating family or medical leave benefits
6 for employees; preempting regulation of family or
7 medical leave benefits to the state; establishing
8 certain family or medical leave benefits for specified
9 employees; providing that the act does not prohibit a
10 political subdivision from establishing family or
11 medical leave benefits for its employees; providing
12 that the act does not prohibit a federally authorized
13 or recognized tribal government from requiring family
14 or medical leave benefits under certain conditions;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Ordinances relating to family or medical leave
20 benefits for employees.-

21 (1) As used in this section, the term:

22 (a) "Employee" and the term "employer" have the same
23 meanings as established in the federal Fair Labor Standards Act
24 of 1938, 29 U.S.C. s. 203.

25 (b) "Family or medical leave" means a period of absence
26 from employment, paid or unpaid, used by an employee to deal
27 with a health condition or seek medical attention, to assist
28 another person dealing with a health condition or seeking
29 medical attention, or to give birth to or adopt a child.

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30 (c) "Political subdivision" means a county, municipality,
31 department, commission, special district, board, or other public
32 body, whether corporate or otherwise, created by or under state
33 law.

34 (2) A political subdivision may not require an employer to
35 provide family or medical leave benefits to an employee and may
36 not otherwise regulate such leave. For purposes of uniform
37 application of this section throughout the state, with the
38 exception of family or medical leave benefits regulated under
39 federal law or regulations, the regulation of family and medical
40 leave benefits is expressly preempted to the state.

41 (3) In addition to any family or medical leave benefits
42 available to an employee pursuant to applicable federal or state
43 laws, an employee who has worked for an employer in this state
44 for a total of 12 months and has worked a minimum of 1,250 hours
45 over the previous 12 months, is entitled to the following
46 rights:

47 (a) An employee may be absent from his or her employment
48 for up to 5 days during a calendar year, without risk of
49 termination, in the event of the illness of the employee or a
50 dependent child of the employee which is documented by a signed
51 letter from a licensed medical professional.

52 (b) An employee may, without risk of termination, leave
53 work for up to 1 day during a calendar year due to a medical
54 emergency involving the employee, a dependent child of the
55 employee, the employee's spouse, or a member of the household
56 which is documented by a signed letter from a licensed medical
57 professional which attests to the existence of a medical
58 emergency.

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59 (c) An employee may, in consultation with his or her
60 employer, obtain an adjustment of the employee's work schedule
61 in order to accommodate up to a total of five doctor or dentist
62 appointments each calendar year for the employee or a dependent
63 child of the employee. The employee shall provide reasonable
64 notice to his or her employer of the appointments.

65 (d) As a condition of receiving the benefits specified in
66 paragraphs (a)-(c), an employer may provide, and require an
67 employee to participate in, a wellness or preventive health care
68 program.

69 (4) This section does not limit the authority of a
70 political subdivision to establish family or medical leave
71 benefits for the employees of the political subdivision.

72 (5) This section does not prohibit a federally authorized
73 and recognized tribal government from requiring family or
74 medical leave benefits for a person employed within a territory
75 over which the tribe has jurisdiction.

76 Section 2. This act shall take effect upon becoming a law.