By the Committees on Judiciary; Commerce and Consumer Services; and Senator Aronberg

590-2327-06

1	A bill to be entitled
2	An act relating to domestic violence; creating
3	s. 741.313, F.S.; defining the terms "domestic
4	violence," "employer," "family or household
5	member, " and "victim"; requiring that an
6	employer permit an employee to take leave from
7	work to undertake activities resulting from an
8	act of domestic violence; specifying the
9	activities for which the employee may take
10	leave; requiring the employee to notify the
11	employer of the leave; providing exceptions;
12	requiring that an employer keep information
13	relating to the employee's leave confidential;
14	prohibiting an employer from taking certain
15	actions against the employee for exercising
16	rights specified in the act; providing a
17	recourse for violation of the act; providing an
18	effective date.
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20	Be It Enacted by the Legislature of the State of Florida:
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22	Section 1. Section 741.313, Florida Statutes, is
23	created to read:
24	741.313 Unlawful action against employees seeking
25	protection
26	(1) As used in this section, the term:
27	(a) "Domestic violence" means domestic violence, as
28	defined in s. 741.28(2), or any crime the underlying factual
29	basis of which has been found by a court to include an act of
30	domestic violence.
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1	(b) "Employer" has the same meaning as in s.
2	440.02(16)(a).
3	(c) "Family or household member" has the same meaning
4	as in s. 741.28.
5	(d) "Victim" means an individual who has been
6	subjected to domestic violence.
7	(2)(a) An employer shall permit an employee to request
8	or take up to 3 working days of leave from work in any 90-day
9	period if the employee or a family or household member of an
10	employee is the victim of domestic violence. This leave may be
11	with or without pay, at the discretion of the employer.
12	(b) This section applies if an employee uses the leave
13	from work to:
14	1. Seek an injunction for protection against domestic
15	violence or an injunction for protection in cases of repeat
16	violence, dating violence, or sexual violence;
17	2. Obtain medical care or mental health counseling, or
18	both, for the employee or a family or household member to
19	address physical or psychological injuries resulting from the
20	act of domestic violence;
21	3. Obtain services from a victim-services
22	organization, including, but not limited to, a domestic
23	violence shelter, program, or a rape crisis center as a result
24	of the act of domestic violence;
25	4. Make the employee's home secure from the
26	perpetrator of the domestic violence or to seek new housing to
27	escape the perpetrator; or
28	5. Seek legal assistance to address issues arising
29	from the act of domestic violence and to attend and prepare
30	for court-related proceedings arising from the act of domestic
31	violence.

1	(3) This section applies to an employer who employs 50
2	or more employees and to an employee who has been employed by
3	the employer for 12 or more months.
4	(4)(a) Except in cases of imminent danger to the
5	health or safety of the employee, or to the health or safety
6	of a family or household member, an employee seeking leave
7	from work under this section must provide his or her employer
8	with appropriate advance notice of the leave as may be
9	required by the employer's policy and with sufficient
10	documentation of the act of domestic violence as may be
11	required by the employer.
12	(b) An employee seeking leave under this section must,
13	before receiving the leave, exhaust all annual or vacation
14	leave, personal leave, and sick leave, if applicable, which is
15	available to the employee, unless the employer waives this
16	requirement.
17	(c)1. A private employer must keep all information
18	relating to the employee's leave under this section
19	confidential.
20	2. An agency, as defined in s. 119.011, must keep all
21	information relating to the employee's leave under this
22	section confidential and exempt pursuant to this section.
23	(5)(a) An employer may not interfere with, restrain,
24	or deny the exercise of or any attempt by an employee to
25	exercise any right provided under this section.
26	(b) An employer may not discharge, demote, suspend,
27	retaliate, or in any other manner discriminate against an
28	employee for exercising his or her rights under this section.
29	(c) An employee has no greater rights to continued
30	employment or to other benefits and conditions of employment
31	than if the employee was not entitled to leave under this

1	section. This section does not limit the employer's right to
2	discipline or terminate any employee for any reason,
3	including, but not limited to, reductions in work force or
4	termination for cause or for no reason at all, other than
5	exercising his or her rights under this section.
6	(6) Notwithstanding any other law to the contrary, the
7	sole remedy for any person claiming to be aggrieved by a
8	violation of this section is to bring a civil suit for damages
9	or equitable relief, or both, in circuit court. The person may
10	claim as damages all wages and benefits that would have been
11	due the person up to and including the date of the judgment
12	had the act violating this section not occurred, but the
13	person may not claim wages or benefits for a period of leave
14	granted without pay as provided in paragraph (2)(a). However,
15	this section does not relieve the person from the obligation
16	to mitigate his or her damages.
17	Section 2. This act shall take effect July 1, 2006.
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19	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
20	CS for Senate Bill 498
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	Deletes section of bill related to authorizing the court to
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