## Florida Senate - 2007

**By** the Committees on Judiciary; Children, Families, and Elder Affairs; and Senators Aronberg, Lynn and Crist

590-2224-07 1 A bill to be entitled 2 An act relating to domestic violence; creating s. 741.313, F.S.; defining the terms "domestic 3 4 violence," "employee," "employer," "family or 5 household member, " and "victim"; requiring that б certain employers permit an employee to take 7 leave from work to undertake activities 8 resulting from an act of domestic violence; specifying the activities for which the 9 10 employee may take leave; requiring the employee to notify the employer of the leave; providing 11 12 exceptions; requiring a private employer to 13 keep information relating to the employee's leave confidential; requiring a governmental 14 agency to keep such information confidential 15 16 and exempt to the extent authorized by statute; 17 prohibiting an employer from taking certain 18 actions against the employee for exercising rights specified in the act; providing a 19 recourse for violation of the act; providing an 20 21 effective date. 22 23 Be It Enacted by the Legislature of the State of Florida: 2.4 25 Section 1. Section 741.313, Florida Statutes, is created to read: 26 27 741.313 Unlawful action against employees seeking 2.8 protection. --29 (1) As used in this section, the term: (a) "Domestic violence" means domestic violence, as 30 defined in s. 741.28, or any crime the underlying factual 31

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1 basis of which has been found by a court to include an act of 2 domestic violence. (b) "Employee" has the same meaning as in s. 3 4 440.02(15). 5 (c) "Employer" has the same meaning as in s. б 440.02(16). 7 (d) "Family or household member" has the same meaning 8 <u>as in s. 741.28.</u> 9 (e) "Victim" means an individual who has been 10 subjected to domestic violence. (2)(a) An employer shall permit an employee to request 11 12 and take up to 3 working days of leave from work in any 12-month period if the employee or a family or household 13 member of an employee is the victim of domestic violence. This 14 leave may be with or without pay, at the discretion of the 15 16 employer. 17 (b) This section applies if an employee uses the leave 18 from work to: 1. Seek an injunction for protection against domestic 19 violence or an injunction for protection in cases of repeat 20 21 violence, dating violence, or sexual violence; 22 2. Obtain medical care or mental health counseling, or 23 both, for the employee or a family or household member to address physical or psychological injuries resulting from the 2.4 act of domestic violence; 25 3. Obtain services from a victim-services 26 27 organization, including, but not limited to, a domestic 28 violence shelter or program or a rape crisis center as a result of the act of domestic violence; 29 30 31

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14. Make the employee's home secure from the2perpetrator of the domestic violence or to seek new housing to3escape the perpetrator; or45. Seek legal assistance in addressing issues arising5from the act of domestic violence or to attend and prepare for6court-related proceedings arising from the act of domestic7violence.8(3) This section applies to an employer who employes 509or more employees and to an employee who has been employed by10the employer for 3 or more months.11(4)(a) Except in cases of imminent danger to the12health or safety of the employee, or to the health or safety13of a family or household member, an employee seeking leave14from work under this section must provide to his or her15employer appropriate advance notice of the leave as required16by the employer's policy along with sufficient documentation17of the act of domestic violence as required by the employer.18(b) An employee seeking leave under this section must.19before receiving the leave, exhaust all annual or vacation12ieave, personal leave, and sick leave, if applicable, which is13available to the employee's leave under this section14confidential.15. An agency, as defined in s. 119.011, must keep16information relating to the employee's leave under this17authorized by subsection (7).18authorized by subsection (7).		
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1	<u>(5)(a) An employer may not interfere with, restrain,</u>
2	or deny the exercise of, or any attempt by an employee to
3	exercise, any right provided under this section.
4	(b) An employer may not discharge, demote, suspend,
5	retaliate, or in any other manner discriminate against an
6	employee for exercising his or her rights under this section.
7	(c) An employee has no greater rights to continued
8	employment or to other benefits and conditions of employment
9	than if the employee was not entitled to leave under this
10	section. This section does not limit the employer's right to
11	discipline or terminate any employee for any reason,
12	including, but not limited to, reductions in work force or
13	termination for cause or for no reason at all, other than
14	exercising his or her rights under this section.
15	(6) Notwithstanding any other law to the contrary, the
16	sole remedy for any person claiming to be aggrieved by a
17	violation of this section is to bring a civil suit for damages
18	or equitable relief, or both, in circuit court. The person may
19	claim as damages all wages and benefits that would have been
20	due the person up to and including the date of the judgment
21	had the act violating this section not occurred, but the
22	person may not claim wages or benefits for a period of leave
23	granted without pay as provided in paragraph (2)(a). However,
24	this section does not relieve the person from the obligation
25	to mitigate his or her damages.
26	Section 2. This act shall take effect July 1, 2007.
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**Florida Senate - 2007** 590-2224-07

## CS for CS for SB 188

1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>CS for SB 188</u>
3	
4	Adds definition of "employee" as currently defined in s. 440.02(15), F.S.
5	Clarifies that the requirement for an agency to keep
б	information relating to the employee's leave confidential and exempt is as authorized by statute.
7	exempt is as authorized by statute.
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