



586258

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2017	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 252.55, Florida Statutes, is amended to
read:

252.55 Civil Air Patrol, Florida Wing.—

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

(a) "Benefits" means all benefits, other than salary and wages, provided or made available to employees by an employer



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11 and includes group life insurance, health insurance, disability
12 insurance, and pensions, regardless of whether such benefits are
13 provided by a policy or practice of the employer.

14 (b) "Civil Air Patrol leave" means leave requested by an
15 employee who is a Civil Air Patrol member for the purpose of
16 participating in a Civil Air Patrol training or mission.

17 (c) "Civil Air Patrol member" means a senior member of the
18 Florida Wing of the Civil Air Patrol.

19 (d) "Employee" means any person who may be permitted,
20 required, or directed by an employer, in consideration of direct
21 or indirect gain or profit, to engage in any employment and who
22 has been employed by the same employer for at least 90 days
23 immediately preceding the commencement of Civil Air Patrol
24 leave. The term includes an independent contractor.

25 (e) "Employer" means a private or public employer, or an
26 employing or appointing authority of this state, a county, a
27 school district, a municipality, a political subdivision, a
28 career center, a Florida College System institution, or a state
29 university.

30 (2)-(1) The Florida Wing of the Civil Air Patrol, an
31 auxiliary of the United States Air Force, ~~is shall be~~ recognized
32 as a nonprofit, educational, and emergency-management-related
33 organization and ~~is shall be~~ eligible to purchase materials from
34 the various surplus warehouses of the state.

35 (3)-(2) Funds shall be appropriated annually from the
36 Emergency Management, Preparedness, and Assistance Trust Fund
37 for the purpose of acquisition, installation, conditioning, and
38 maintenance of the Florida Wing of the Civil Air Patrol.
39 However, ~~no part of~~ the annual appropriation, or any part



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40 thereof, may not ~~shall~~ be expended for the purchase of uniforms
41 or personal effects of members of the organization or for
42 compensation or salary to such members.

43 (4) ~~(3)~~ The wing commander of the Florida Wing of the Civil
44 Air Patrol may employ administrative help and purchase
45 educational materials for the training of Florida youth for
46 which funds from the annual appropriation may be used.

47 (5) ~~(4)~~ Purchase of aircraft is ~~shall be~~ limited to not more
48 than \$15,000 per year, and not more than \$15,000 per year may be
49 placed in a building reserve fund to be used for the ~~toward~~
50 acquisition of a permanent state headquarters and operations
51 facility.

52 (6) ~~(5)~~ The wing commander of the Florida Wing of the Civil
53 Air Patrol shall biennially furnish the division a 2-year
54 projection of the goals and objectives of the Civil Air Patrol
55 which shall be reported in the division's biennial report
56 submitted pursuant to s. 252.35.

57 (7) An employer:

58 (a) That employs 15 or more employees shall provide up to
59 15 days of unpaid Civil Air Patrol leave annually to an
60 employee, subject to the conditions in this section.

61 (b) May not require a Civil Air Patrol member returning to
62 employment following Civil Air Patrol leave to use vacation,
63 annual, compensatory, or similar leave for the period during
64 which the member was on Civil Air Patrol leave. However, any
65 such returning member is, upon his or her request, authorized to
66 use any vacation, annual, compensatory, or similar leave with
67 pay accrued by the member before the commencement of his or her
68 Civil Air Patrol leave.



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69 (c) May not discharge, reprimand, or otherwise penalize a
70 Civil Air Patrol member because of his or her absence by reason
71 of taking Civil Air Patrol leave.

72 (8)(a) Upon the completion of a Civil Air Patrol leave, the
73 Civil Air Patrol member shall promptly notify the employer of
74 his or her intent to return to work.

75 (b) An employer is not required to allow a Civil Air Patrol
76 member to return to work upon the completion of his or her Civil
77 Air Patrol leave if:

78 1. The employer's circumstances have so changed as to make
79 employment impossible or unreasonable;

80 2. Employment would impose an undue hardship on the
81 employer;

82 3. The employment from which the member takes such leave is
83 for a brief, nonrecurring period and there is no reasonable
84 expectation that such employment will continue indefinitely or
85 for a significant period; or

86 4. The employer had legally sufficient cause to terminate
87 the member at the time he or she commenced such leave.

88
89 The employer has the burden of proving any circumstance
90 specified in subparagraphs 1.-4. which served as the employer's
91 basis for not allowing a Civil Air Patrol member to return to
92 work upon completion of Civil Air Patrol leave.

93 (c) A Civil Air Patrol member who returns to work following
94 his or her Civil Air Patrol leave is entitled to:

95 1. The seniority that the member had at his or her place of
96 employment on the date his or her leave began and any other
97 rights and benefits that inure to the member as a result of such



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98 seniority; and

99 2. Any additional seniority that the member would have
100 attained at his or her place of employment if he or she had
101 remained continuously employed and any other rights and benefits
102 that would have inured to the member as a result of such
103 seniority.

104 (d) A Civil Air Patrol member who returns to work following
105 his or her Civil Air Patrol leave may not be discharged from
106 such employment for a period of 1 year after the date the member
107 returns to work, except for cause.

108 (9) If the wing commander of the Florida Wing of the Civil
109 Air Patrol certifies that there is probable cause to believe
110 that an employer has violated this section, an aggrieved
111 employee who had taken Civil Air Patrol leave may bring a civil
112 action against the employer in a court in the county where the
113 employer resides or has his or her principal place of business
114 or in the county where the alleged violation occurred. Upon
115 adverse adjudication, the defendant is liable for actual damages
116 or \$500, whichever is greater. The prevailing party is entitled
117 to recover reasonable attorney fees and court costs.

118 (10) The certification of probable cause may not be issued
119 until the wing commander of the Florida Wing of the Civil Air
120 Patrol, or his or her designee, has completed an investigation.
121 All employers and other personnel involved with the subject of
122 such an investigation must cooperate with the wing commander in
123 the investigation.

124 Section 2. This act shall take effect July 1, 2017.

125
126 ===== T I T L E A M E N D M E N T =====



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127 And the title is amended as follows:

128 Delete everything before the enacting clause
129 and insert:

130 A bill to be entitled

131 An act relating to the Florida Wing of the Civil Air
132 Patrol; amending s. 252.55, F.S.; defining terms;
133 requiring certain employers to provide Civil Air
134 Patrol leave; prohibiting specified public and private
135 employers from discharging, reprimanding, or
136 penalizing a Civil Air Patrol member because of his or
137 her absence by reason of taking Civil Air Patrol
138 leave; providing procedures for and requirements of
139 employees and employers with respect to Civil Air
140 Patrol leave and employment following such leave;
141 specifying rights and entitlements of a Civil Air
142 Patrol member who returns to work following Civil Air
143 Patrol leave; providing for a civil action; specifying
144 damages; authorizing the award of attorney fees and
145 costs; specifying conditions under which a
146 certification of probable cause of a violation of the
147 act may be issued; providing an effective date.