

By Senator Cruz

18-00297A-21

20211596__

1 A bill to be entitled
2 An act relating to employment practices for family and
3 medical leave; creating ch. 444, F.S., entitled the
4 "Florida Family and Medical Leave Act"; providing a
5 short title; providing legislative findings and
6 intent; defining terms; requiring an employer to allow
7 certain employees to take family and medical leave to
8 bond with a minor child upon the child's birth,
9 adoption, or foster care placement; requiring an
10 employee to take certain actions in order to receive
11 family and medical leave; prohibiting an employer from
12 taking adverse action against an employee who requests
13 or obtains family and medical leave; specifying
14 limitations and duties related to an employer's
15 administration of family and medical leave; requiring
16 that family and medical leave be taken concurrently
17 with any leave taken under federal family and medical
18 leave law; requiring an employer to provide notice to
19 employees of certain rights relating to family and
20 medical leave; prescribing notice requirements;
21 requiring the Department of Economic Opportunity to
22 create a model notice that specifies an employee's
23 rights related to family and medical leave and family
24 and medical leave insurance benefits; specifying
25 circumstances under which an employer is deemed in
26 compliance with notice requirements; providing a civil
27 penalty for an employer's failure to comply with the
28 notice requirements; requiring the executive director
29 of the department to conduct an investigation upon

18-00297A-21

20211596__

30 receiving a written complaint from an employee;
31 establishing rebuttable presumptions that an employer
32 has violated certain provisions of ch. 444, F.S.,
33 under specified circumstances; authorizing the
34 executive director to take certain actions in the
35 event of specified violations; authorizing an employee
36 to file a civil action against an employer for a
37 violation; providing a timeframe for filing such
38 action; authorizing the award of specified
39 compensation, damages, and fees; providing a civil
40 penalty; prohibiting an employee from taking certain
41 actions in bad faith; providing a criminal penalty;
42 entitling an employee to an intermittent or reduced
43 leave schedule if certain conditions are met;
44 requiring the department to establish a family and
45 medical leave insurance benefits program by a
46 specified date; specifying duties of the department
47 related to the program; providing that certain
48 information is confidential; providing exceptions;
49 providing for the amount and duration of family and
50 medical leave insurance benefits that are payable
51 under the program; requiring the department to
52 establish a system for appealing a denial of family
53 and medical leave insurance benefits; requiring the
54 department to take action to ensure the
55 confidentiality of certain information on appeal;
56 authorizing an aggrieved party to file a civil action
57 for a denial of family and medical leave insurance
58 benefits; specifying when a covered individual is

18-00297A-21

20211596__

59 disqualified from family and medical leave insurance
60 benefits; providing liability for the payment of
61 benefits to the department under certain
62 circumstances; requiring the Department of Financial
63 Services to collect payroll contributions beginning on
64 a specified date; providing requirements relating to
65 such contributions; authorizing a self-employed person
66 to elect coverage for family and medical leave
67 insurance benefits; providing when a self-employed
68 person may withdraw from coverage; requiring the
69 Department of Economic Opportunity to provide certain
70 notice if the Internal Revenue Service determines
71 family and medical leave insurance benefits are
72 subject to federal income tax; requiring the
73 department to submit an annual report to the
74 Legislature containing specified information;
75 requiring the department to conduct a public education
76 campaign relating to family and medical leave and
77 insurance benefits; authorizing the department to
78 adopt rules; providing construction; amending s.
79 760.10, F.S.; revising the Florida Civil Rights Act of
80 1992 to prohibit specified employment practices on the
81 basis of pregnancy, childbirth, or a medical condition
82 related to pregnancy or childbirth; providing
83 construction; reenacting and amending s. 760.11(1),
84 F.S., relating to administrative and civil remedies
85 for violations of the Florida Civil Rights Act of
86 1992; conforming a cross-reference; providing an
87 effective date.

18-00297A-21

20211596__

88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116

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

Section 1. Chapter 444, Florida Statutes, consisting of sections 444.001-444.019, is created to read:

CHAPTER 444

THE FLORIDA FAMILY AND MEDICAL LEAVE ACT

444.001 Short title.—This chapter may be cited as the “Florida Family and Medical Leave Act.”

444.002 Legislative findings and intent.—The Legislature finds that it is in the public interest to provide paid family and medical leave to employees for the birth, adoption, or foster care placement of a new child. The need for paid family and medical leave has increased as the participation of both parents in the workforce has increased and the number of single parents has grown. Despite knowing the importance of time spent bonding with a new child, the majority of employees in this state are unable to take family and medical leave because they are unable to afford leave without pay. When an employee does not receive income during a leave of absence, his or her family suffers as a result of the employee’s loss of income, increasing demand on the state’s reemployment assistance program and dependence on the state’s welfare system. Therefore, in an effort to assist employees in reconciling the demands of work and family, the Legislature intends to require employers to allow employees to take paid family and medical leave to bond with their minor child during the first 12 months after the birth, adoption, or foster care placement of a new child.

444.003 Definitions.—As used in this chapter, the term:

18-00297A-21

20211596__

- 117 (1) "Adverse action" includes:
118 (a) Discharge.
119 (b) Demotion.
120 (c) Suspension.
121 (d) Reduction of hours.
122 (e) Threat of discharge, demotion, suspension, or reduction
123 of hours.
124 (f) Any other retaliatory action that results in a change
125 in the terms or conditions of employment which would dissuade a
126 reasonable employee from exercising a right under this chapter.
127 (2) "Child" means a biological, adopted, or foster son or
128 daughter or a stepson or stepdaughter of an employee. The term
129 includes a legal ward of an employee and a person to whom the
130 employee stands in loco parentis.
131 (3) "Covered individual" means a person who:
132 (a) Meets the qualifying requirements set forth in s.
133 443.111(2) or, if a person's employment does not generate income
134 measured for purposes of reemployment assistance benefits,
135 equivalent eligibility criteria determined by the department;
136 (b) Is self-employed, elects coverage, and meets the
137 requirements of s. 444.013;
138 (c) Meets the administrative requirements in this chapter
139 and established by the department; or
140 (d) Submits an application for insurance benefits.
141 (4) "Department" means the Department of Economic
142 Opportunity.
143 (5) "Employee" means a person who performs services for
144 hire for an employer. The term includes all individuals employed
145 at any site owned or operated by an employer. The term does not

18-00297A-21

20211596__

146 include an independent contractor.

147 (6) "Employer" means a person employing one or more
148 employees for each working day in each of 20 or more calendar
149 weeks in the current or preceding calendar year, and any
150 representative of such person.

151 (7) "Executive director" means the executive director of
152 the Department of Economic Opportunity.

153 (8) "Family and medical leave" means a paid leave of
154 absence from employment given to an employee because of the
155 birth, adoption, or foster care placement of a new child.

156 (9) "Family and medical leave insurance benefits" or
157 "insurance benefits" means the benefits provided under this
158 chapter.

159 (10) "Health care provider" means a hospital or ambulatory
160 surgical center as defined and licensed under chapter 395; a
161 birth center licensed under chapter 383; or a person licensed
162 under chapter 458, chapter 459, chapter 460, chapter 461,
163 chapter 462, chapter 463, part I of chapter 464, chapter 466,
164 chapter 467, part XIV of chapter 468, or chapter 486.

165 444.004 Eligibility for family and medical leave.—

166 (1) Beginning July 1, 2021, family and medical leave is
167 available to an employee who needs paid leave to bond with his
168 or her child during the first 12 months after the birth of the
169 child or the placement of the child with the employee through
170 the foster care system or by adoption.

171 (2) The family and medical leave must be without diminution
172 of any privilege, benefit, or right arising out of the person's
173 employment.

174 (3) In order to receive family and medical leave, an

18-00297A-21

20211596__

175 employee must:

176 (a) Notify his or her employer at least 30 days before the
177 first day of leave or as soon as practicable if the need for
178 leave is not foreseeable or it is otherwise not possible for the
179 employee to provide 30 days' notice.

180 (b) Notify the employer of the anticipated duration of the
181 leave.

182 (4) An employer may not take adverse action against an
183 employee for requesting or obtaining family and medical leave
184 authorized under this section.

185 (5) An employer shall retain a record of family and medical
186 leave taken by an employee for at least 3 years. After giving
187 the employer notice and determining a mutually agreeable time
188 for inspection, the executive director may inspect the record
189 for the purpose of determining the employer's compliance with
190 this section. If an employer fails to retain a record as
191 required under this subsection or to allow the executive
192 director to inspect such records, the executive director may
193 take action under s. 444.006(3).

194 (6) Family and medical leave taken under this section must
195 be taken concurrently with leave taken under the Family Medical
196 Leave Act.

197 (7) An employer shall maintain and pay for coverage for a
198 group health plan as defined in s. 5000(b)(1) of the Internal
199 Revenue Code for an eligible employee who takes family and
200 medical leave under this section at the level and under the
201 conditions that coverage would have been provided if the
202 employee had continuously worked for the duration of the leave.

203 (8) An employer must return an employee to the same

18-00297A-21

20211596__

204 position after the period of leave to which the employee is
205 entitled has expired. If the same position is no longer
206 available, an employer must offer the employee a position that
207 is comparable in terms of pay, location, job content, and
208 advancement opportunities.

209 (9) An employer may not otherwise interfere with, restrain,
210 or deny the exercise of, or the attempt to exercise, any right
211 provided under this chapter.

212 444.005 Notice requirements.-

213 (1) An employer shall notify his or her employees that they
214 are entitled to family and medical leave and, upon
215 implementation of the family and medical leave insurance
216 benefits program, family and medical leave insurance benefits at
217 the time the employee is hired and annually thereafter.

218 (2) The notice must include all of the following:

219 (a) The purposes for which the employer is required to
220 allow an employee to take family and medical leave.

221 (b) A statement regarding the prohibition of the employer
222 taking adverse action against an employee who exercises a right
223 under this chapter.

224 (c) Once implemented, information regarding the family and
225 medical leave insurance benefits program and how an employee may
226 apply for those benefits.

227 (d) Information regarding the right of an employee to
228 report an alleged violation of this chapter by the employer to
229 the executive director or to bring a civil action under s.
230 444.006.

231 (3) The department shall create and make available to
232 employers a model notice that employers may use to comply with

18-00297A-21

20211596__

233 subsection (1). The model notice must be printed in English,
234 Spanish, Haitian Creole, and any other language the executive
235 director determines is necessary to notify employees of the
236 rights under this chapter.

237 (4) An employer is deemed to be in compliance with
238 subsection (1) by:

239 (a) Displaying the notice in a conspicuous and accessible
240 area at the site where employees work;

241 (b) Including the notice in an employee handbook or other
242 written guide for employees concerning employee benefits or
243 leave provided by the employer; or

244 (c) Providing the notice to each employee at the time of
245 initial hiring.

246 (5) In lieu of posting the notice, an employer may
247 distribute the notice to employees by electronic means.

248 (6) An employer who violates this section is subject to a
249 civil penalty of not more than \$500 for the first violation and
250 not more than \$1,000 for each subsequent violation.

251 444.006 Violations of chapter; civil action; penalties.—

252 (1) Upon receiving a written complaint from an employee,
253 the executive director shall conduct an investigation to
254 determine whether the employer has violated this chapter.

255 (2) (a) There is a rebuttable presumption that an employer
256 has violated this chapter if the employer takes adverse action
257 against an employee within 90 days after the employee:

258 1. Files a complaint with the executive director alleging a
259 violation of this chapter or files a civil action under this
260 section;

261 2. Informs a person about an alleged violation of this

18-00297A-21

20211596__

262 chapter by his or her employer;

263 3. Cooperates with the executive director or another person
264 in the investigation or prosecution of an alleged violation of
265 this chapter by his or her employer;

266 4. Opposes a policy or practice of his or her employer or
267 an act committed by the employer which is prohibited under this
268 chapter; or

269 5. Takes or requests family and medical leave under this
270 chapter.

271 (b) The rebuttable presumption may be overcome by clear and
272 convincing evidence.

273 (3) If the executive director determines that a violation
274 of this chapter has occurred, the executive director may:

275 (a) With the written consent of the employee, attempt to
276 informally resolve any pertinent issue through mediation;

277 (b) With the written consent of the employee, request that
278 the Attorney General file a civil action on behalf of the
279 employee in accordance with this section; or

280 (c) File a civil action on behalf of an employee in the
281 county in which the violation occurred.

282 (4) An employee may file a civil action in a court of
283 competent jurisdiction against his or her employer for a
284 violation of this chapter regardless of whether the employee has
285 first filed a complaint with the executive director.

286 (5) A civil action under subsection (3) or subsection (4)
287 must be filed within 3 years after the occurrence of the act
288 upon which the action is based.

289 (6) (a) If a court finds that an employer violated this
290 chapter in an action brought under subsection (3) or subsection

18-00297A-21

20211596__

291 (4), the court may award the employee:

292 1. The full monetary value of any unpaid family and medical
293 leave that the employee was unlawfully denied.

294 2. Actual economic damages suffered by the employee as a
295 result of the employer's violation of this chapter.

296 3. An additional amount not exceeding three times the
297 damages awarded under subparagraph 2.

298 4. Reasonable attorney fees and other costs.

299 5. Any other relief the court deems appropriate, including
300 reinstatement of employment, back pay, and injunctive relief.

301 (b) If the full monetary value of any unpaid family and
302 medical leave of an employee is recovered under this subsection,
303 such leave must be paid to the employee without cost to the
304 employee.

305 (c) If the action was filed by the Attorney General under
306 paragraph (3)(b), the court may order the employer to pay \$1,000
307 per violation to the state.

308 (7) An employee may not file a complaint in bad faith with
309 the executive director alleging a violation of this chapter or
310 file a civil action or testify in bad faith in an action under
311 this section. An employee who violates this subsection commits a
312 misdemeanor of the first degree, punishable as provided in s.
313 775.082 or s. 775.083.

314 444.007 Reduced leave schedule.—

315 (1) An employee is entitled, at his or her discretion, to
316 take family and medical leave on an intermittent or reduced
317 leave schedule where all of the leave authorized under this
318 chapter is not taken sequentially. Family and medical leave
319 insurance benefits for intermittent or reduced leave schedules

18-00297A-21

20211596__

320 shall be prorated.

321 (2) An employee shall make reasonable efforts to schedule
322 family and medical leave under this section so as to not unduly
323 disrupt the operations of the employer. The employee shall
324 provide the employer with advance notice of his or her
325 intermittent or reduced leave schedule to the extent
326 practicable. Family and medical leave taken under this section
327 may not result in a reduction of the total amount of leave to
328 which a covered individual is entitled beyond the amount of
329 leave actually taken.

330 (3) This section does not entitle an employee to more
331 family and medical leave than required under this chapter.

332 444.008 Family and medical leave insurance benefits
333 program.-

334 (1) By January 1, 2022, the department shall establish a
335 family and medical leave insurance benefits program. By January
336 1, 2023, the department may begin receiving applications from,
337 and paying family and medical leave insurance benefits to,
338 covered individuals.

339 (2) The department shall establish reasonable procedures
340 and create forms for filing applications for insurance benefits
341 under this chapter. The department must specify what
342 documentation is necessary to support a claim for insurance
343 benefits, including documentation from a health care provider
344 attesting that the covered individual needs family and medical
345 leave.

346 (3) The department shall notify the employer within 5
347 business days after an application for family and medical leave
348 insurance benefits has been filed.

18-00297A-21

20211596__

349 (4) With the written consent of the covered individual, the
350 department may use information sharing and integration
351 technology to facilitate the disclosure of relevant information
352 or records.

353 (5) Any information and records pertaining to a covered
354 individual that are confidential under state law must remain
355 confidential and may not be disclosed without the consent of the
356 individual or his or her representative. Appropriate disclosure
357 may be made without such consent to department personnel in the
358 performance of their official duties.

359 444.009 Amount and duration of insurance benefits.—

360 (1) The amount of family and medical leave insurance
361 benefits shall be determined as follows:

362 (a) The weekly benefit is 75 percent of the covered
363 individual's average weekly wages during the 12 months before he
364 or she submitted an application for benefits, or, if the covered
365 individual worked fewer than 12 months, the covered individual's
366 average weekly wages during the time the covered individual
367 worked, subject to the limits in paragraph (c).

368 (b) The minimum weekly benefit may not be less than \$100
369 per week. If the covered individual's average weekly wage is
370 less than \$100 per week, the minimum weekly benefit is the same
371 as the covered individual's full weekly wage.

372 (c) The maximum weekly benefit is \$1,000 for the first year
373 in which benefits are paid, and shall be adjusted annually
374 thereafter to equal 100 percent of the statewide average weekly
375 wage as defined in s. 440.12(2). The adjusted maximum weekly
376 benefit amount takes effect January 1st of the following year.

377 (d) Family and medical leave insurance benefits are not

18-00297A-21

20211596__

378 payable for fewer than 8 hours in any one work week.

379 (2) The maximum number of weeks that family and medical
380 leave insurance benefits are payable is 12 weeks per year,
381 regardless of whether the application for benefits is for a
382 single purpose or a combination of purposes.

383 (3) The first benefits must be paid to a covered individual
384 within 2 weeks after the application is filed. Subsequent
385 benefits must be paid every 2 weeks.

386 (4) For purposes of this chapter, an application year is
387 the 12-month period beginning on Monday of the week in which a
388 covered individual files an application for family and medical
389 leave insurance benefits.

390 444.01 Appeals.—

391 (1) The department shall establish a system for appealing a
392 denial of family and medical leave insurance benefits. The
393 department may utilize any and all procedures and mechanisms
394 available in establishing the system.

395 (2) The department shall implement procedures to ensure
396 confidentiality of all information related to applications filed
397 or appeals taken for family and medical leave insurance benefits
398 to the greatest extent permissible by law.

399 (3) An aggrieved party may file a civil action in a court
400 of competent jurisdiction after he or she has exhausted all
401 available administrative remedies established by the department.

402 444.011 Erroneous payments and disqualifications for
403 insurance benefits.—

404 (1) A covered individual is disqualified from family and
405 medical leave insurance benefits for 1 year if the department
406 determines that he or she willfully or intentionally made a

18-00297A-21

20211596

407 false statement or misrepresentation regarding a material fact
408 or withheld a material fact to obtain insurance benefits under
409 this chapter.

410 (2) A covered individual who receives insurance benefits
411 under this chapter for any reason to which he or she is not
412 entitled is liable for repaying those benefits to the
413 department. The department may waive, in whole or in part, the
414 amount of the benefits to be repaid where recovery would be
415 against equity and good conscience.

416 444.012 Contributions.-

417 (1) Beginning January 1, 2022, the Department of Financial
418 Services shall collect payroll contributions from employers and
419 employees and deposit the contributions into the Family and
420 Medical Leave Insurance Benefits Fund.

421 (2) Employers and employees shall pay contributions in a
422 one-to-one ratio and in an amount to be determined by the
423 Department of Financial Services. The Department of Financial
424 Services shall annually evaluate the amount of payroll
425 contributions necessary to finance the family and medical leave
426 insurance benefits program and adjust contribution rates
427 accordingly.

428 444.013 Elective coverage.-

429 (1) A self-employed person, including a sole proprietor,
430 partner, or joint venturer, may elect insurance coverage under
431 this chapter for an initial period of at least 3 years. The
432 self-employed person must file a notice of election in writing
433 with the department, as required by rule. The election becomes
434 effective on the date the notice of election is filed. The self-
435 employed person is required to supply any information concerning

18-00297A-21

20211596__

436 income that the department determines by rule is necessary.

437 (2) A self-employed person who has elected coverage may
438 withdraw from coverage within 30 days after the end of the
439 coverage period, or at such other time as the department may
440 prescribe by rule, by filing a written notice of withdrawal with
441 the department. A withdrawal from coverage may not take effect
442 sooner than 30 days after filing the notice of withdrawal.

443 444.014 Federal income tax.—If the Internal Revenue Service
444 determines that family and medical leave insurance benefits
445 provided under this chapter are subject to federal income tax,
446 the department must advise a covered individual at the time he
447 or she files an application for insurance benefits that:

448 (1) The Internal Revenue Service has determined that
449 insurance benefits under this chapter are subject to federal
450 income tax.

451 (2) Requirements exist pertaining to estimated tax
452 payments.

453 (3) The covered individual may elect to have federal income
454 tax deducted and withheld from his or her payment of insurance
455 benefits in the amount specified in the Internal Revenue Code.

456 (4) The covered individual is permitted to change a
457 previously elected withholding status.

458 444.016 Reports.—Beginning January 1, 2024, the department
459 shall submit to the Legislature by April 1 of each year a report
460 on projected and actual family and medical leave insurance
461 benefits program participation broken down by purpose; gender,
462 race, ethnicity, and age of each beneficiary; amount of benefits
463 paid to each beneficiary per week; premium rates; Family and
464 Medical Leave Insurance Benefits Fund balances; and public

18-00297A-21

20211596__

465 education efforts.

466 444.017 Public education.—The department shall conduct a
467 public education campaign to inform employees and employers of
468 the availability of family and medical leave and insurance
469 benefits. Such information must be available in English,
470 Spanish, Haitian Creole, and any other language the executive
471 director determines is necessary.

472 444.018 Rules.—The department may adopt rules to implement
473 and administer this chapter.

474 444.019 Construction.—

475 (1) This chapter does not diminish an employer's obligation
476 to comply with a collective bargaining agreement, a contract, an
477 employee benefit plan, or an employer policy, as applicable,
478 which requires leave in excess of that required under this
479 chapter for the birth, adoption, or foster care placement of a
480 new child.

481 (2) An employee's right to family and medical leave and
482 insurance benefits under this chapter may not be diminished by a
483 collective bargaining agreement entered into or renewed, or an
484 employer policy adopted or retained, on or after January 1,
485 2022. Any agreement by an employee to waive his or her rights
486 under this chapter is deemed against public policy and is void
487 and unenforceable.

488 Section 2. Present subsections (2) through (10) of section
489 760.10, Florida Statutes, are redesignated as subsections (3)
490 through (11), respectively, and a new subsection (2) is added to
491 that section, to read:

492 760.10 Unlawful employment practices.—

493 (2) In addition to the provisions governing pregnancy under

18-00297A-21

20211596__

494 subsection (1), it is an unlawful employment practice for an
495 employer to:

496 (a) Refuse to allow an employee disabled by pregnancy,
497 childbirth, or a medical condition related to pregnancy or
498 childbirth to take unpaid leave for a period, not to exceed 4
499 months, during which the employee is disabled on account of
500 pregnancy, childbirth, or a medical condition related to
501 pregnancy or childbirth. An employee is entitled to use any
502 accrued vacation leave in order to receive compensation during
503 the unpaid period of leave. An employer may require an employee
504 who plans to take leave under this paragraph to provide the
505 employer reasonable notice of the date the leave will commence
506 and the estimated duration of the leave.

507 (b) Refuse to maintain and pay for coverage for a group
508 health plan as defined in s. 5000(b)(1) of the Internal Revenue
509 Code for an eligible employee who takes leave under paragraph
510 (a) at the level and under the conditions that coverage would
511 have been provided if the employee had continuously worked for
512 the duration of the leave. This paragraph does not preclude an
513 employer from maintaining and paying for coverage under a group
514 health plan for a period exceeding 4 months. An employer may
515 recover the premium that the employer paid for maintaining
516 coverage as required under this paragraph if:

517 1. The employee fails to return to work after the period of
518 leave to which the employee is entitled has expired.

519 2. The employee's failure to return to work is for a reason
520 other than the employee taking family and medical leave under
521 chapter 444 or other than the continuation, recurrence, or onset
522 of a medical condition that entitles the employee to leave under

18-00297A-21

20211596__

523 paragraph (a) or circumstances beyond the employee's control.

524 (c) Refuse to provide reasonable accommodation for an
525 employee, if she so requests with the advice of her health care
526 provider, for pregnancy, childbirth, or a medical condition
527 related to pregnancy or childbirth. As an accommodation, and
528 with the advice of her health care provider, an employee may
529 request a transfer to a less strenuous or hazardous position for
530 the duration of her pregnancy. This paragraph does not require
531 an employer to create additional employment duties that the
532 employer would not otherwise have created, to discharge another
533 employee, to transfer an employee who has more seniority, or to
534 promote an employee who is not qualified to perform certain
535 duties.

536 (d) Refuse to return an employee to the same position after
537 the period of leave to which the employee is entitled has
538 expired. If her same position is no longer available, an
539 employer must offer the employee a position that is comparable
540 in terms of pay, location, job content, and advancement
541 opportunities, unless the employer can prove that no comparable
542 position exists.

543 (e) Otherwise interfere with, restrain, or deny the
544 exercise of, or the attempt to exercise, any right provided
545 under this subsection.

546
547 This subsection may not be construed to affect any other
548 provision of law relating to pregnancy, or in any way to
549 diminish the coverage of pregnancy, childbirth, or a medical
550 condition related to pregnancy or childbirth under any other
551 law, including chapter 444. An employee is entitled to take

18-00297A-21

20211596__

552 leave under this subsection in addition to any family and
553 medical leave the employee may be eligible to receive under
554 chapter 444.

555 Section 3. Subsection (1) of section 760.11, Florida
556 Statutes, is reenacted and amended to read:

557 760.11 Administrative and civil remedies; construction.—

558 (1) Any person aggrieved by a violation of ss. 760.01-
559 760.10 may file a complaint with the commission within 365 days
560 of the alleged violation, naming the employer, employment
561 agency, labor organization, or joint labor-management committee,
562 or, in the case of an alleged violation of s. 760.10(6) ~~s.~~
563 ~~760.10(5)~~, the person responsible for the violation and
564 describing the violation. Any person aggrieved by a violation of
565 s. 509.092 may file a complaint with the commission within 365
566 days of the alleged violation naming the person responsible for
567 the violation and describing the violation. The commission, a
568 commissioner, or the Attorney General may in like manner file
569 such a complaint. On the same day the complaint is filed with
570 the commission, the commission shall clearly stamp on the face
571 of the complaint the date the complaint was filed with the
572 commission. In lieu of filing the complaint with the commission,
573 a complaint under this section may be filed with the federal
574 Equal Employment Opportunity Commission or with any unit of
575 government of the state which is a fair-employment-practice
576 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
577 complaint is filed is clearly stamped on the face of the
578 complaint, that date is the date of filing. The date the
579 complaint is filed with the commission for purposes of this
580 section is the earliest date of filing with the Equal Employment

18-00297A-21

20211596__

581 Opportunity Commission, the fair-employment-practice agency, or
582 the commission. The complaint shall contain a short and plain
583 statement of the facts describing the violation and the relief
584 sought. The commission may require additional information to be
585 in the complaint. The commission, within 5 days of the complaint
586 being filed, shall by registered mail send a copy of the
587 complaint to the person who allegedly committed the violation.
588 The person who allegedly committed the violation may file an
589 answer to the complaint within 25 days of the date the complaint
590 was filed with the commission. Any answer filed shall be mailed
591 to the aggrieved person by the person filing the answer. Both
592 the complaint and the answer shall be verified.

593 Section 4. This act shall take effect July 1, 2021.