

By Senator Cruz

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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 Secretary of
29 Economic Opportunity to conduct an investigation upon

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

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

85

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

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

90 CHAPTER 444

91 THE FLORIDA FAMILY AND MEDICAL LEAVE ACT

92 444.001 Short title.—This chapter may be cited as the
93 “Florida Family and Medical Leave Act.”

94 444.002 Legislative findings and intent.—The Legislature
95 finds that it is in the public interest to provide paid family
96 and medical leave to employees for the birth, adoption, or
97 foster care placement of a new child. The need for paid family
98 and medical leave has increased as the rate of participation of
99 both parents in the workforce has increased and the number of
100 single parents has grown. Despite knowing the importance of time
101 spent bonding with a new child, the majority of employees in
102 this state are unable to take family and medical leave because
103 they are unable to afford leave without pay. When an employee
104 does not receive income during a leave of absence, his or her
105 family suffers as a result of the employee’s loss of income,
106 increasing demand on the state’s reemployment assistance program
107 and dependence on the state’s welfare system. Therefore, in an
108 effort to assist employees in reconciling the demands of work
109 and family, the Legislature intends to require employers to
110 allow employees to take paid family and medical leave to bond
111 with their minor child during the first 12 months after the
112 birth, adoption, or foster care placement of a new child.

113 444.003 Definitions.—As used in this chapter, the term:

114 (1) “Adverse action” includes:

115 (a) Discharge.

116 (b) Demotion.

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

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146 employees for each working day in each of 20 or more calendar
147 weeks in the current or preceding calendar year, and any
148 representative of such person.

149 (7) "Family and medical leave" means a paid leave of
150 absence from employment given to an employee because of the
151 birth, adoption, or foster care placement of a new child.

152 (8) "Family and medical leave insurance benefits" or
153 "insurance benefits" means the benefits provided under this
154 chapter.

155 (9) "Health care provider" means a birth center licensed
156 under chapter 383; a hospital or an ambulatory surgical center
157 as defined and licensed under chapter 395; or a person licensed
158 under chapter 458, chapter 459, chapter 460, chapter 461,
159 chapter 462, chapter 463, part I of chapter 464, chapter 466,
160 chapter 467, part XIV of chapter 468, or chapter 486.

161 (10) "Secretary" means the Secretary of Economic
162 Opportunity.

163 444.004 Eligibility for family and medical leave.—

164 (1) Beginning July 1, 2022, family and medical leave is
165 available to an employee who needs paid leave to bond with his
166 or her child during the first 12 months after the birth of the
167 child or the placement of the child with the employee through
168 the foster care system or by adoption.

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

172 (3) In order to receive family and medical leave, an
173 employee must:

174 (a) Notify his or her employer at least 30 days before the

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175 first day of leave or as soon as practicable if the need for
176 leave is not foreseeable or it is otherwise not possible for the
177 employee to provide 30 days' notice; and

178 (b) Notify the employer of the anticipated duration of the
179 leave.

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

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

191 (6) Family and medical leave taken under this section must
192 be taken concurrently with leave taken under the federal Family
193 and Medical Leave Act.

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

200 (8) An employer must return an employee to the same
201 position after the period of leave to which the employee is
202 entitled has expired. If the same position is no longer
203 available, an employer must offer the employee a position that

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204 is comparable in terms of pay, location, job content, and
205 advancement opportunities.

206 (9) An employer may not otherwise interfere with, restrain,
207 or deny the employee's exercise of, or the attempt to exercise,
208 any right provided under this chapter.

209 444.005 Notice requirements.—

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

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

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

218 (b) A statement regarding the prohibition of the employer
219 taking adverse action against an employee who exercises or
220 attempts to exercise a right under this chapter.

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

224 (d) Information regarding the right of an employee to
225 report an alleged violation of this chapter by the employer to
226 the secretary or to bring a civil action under s. 444.006.

227 (3) The department shall create and make available to
228 employers a model notice that employers may use to comply with
229 subsection (1). The model notice must be printed in English,
230 Spanish, Haitian Creole, and any other language the secretary
231 determines is necessary to notify employees of their rights
232 under this chapter.

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- 233 (4) An employer is deemed to be in compliance with
234 subsection (1) if the employer does any of the following:
235 (a) Posts the notice in a conspicuous and accessible area
236 at the site where employees work.
237 (b) Includes the notice in an employee handbook or other
238 written guide for employees concerning employee benefits or
239 leave provided by the employer.
240 (c) Provides the notice to each employee at the time of
241 initial hiring and annually thereafter.
242 (5) In lieu of posting the notice, an employer may
243 distribute the notice to employees by electronic means.
244 (6) An employer who violates this section is subject to a
245 civil penalty of not more than \$500 for the first violation and
246 not more than \$1,000 for each subsequent violation.
247 444.006 Violations of chapter; civil action; penalties.-
248 (1) Upon receiving a written complaint from an employee,
249 the secretary shall conduct an investigation to determine
250 whether the employer has violated this chapter.
251 (2) (a) There is a rebuttable presumption that an employer
252 has violated this chapter if the employer takes adverse action
253 against an employee within 90 days after the employee:
254 1. Files a complaint with the secretary alleging a
255 violation of this chapter or files a civil action under this
256 section;
257 2. Informs a person about an alleged violation of this
258 chapter by his or her employer;
259 3. Cooperates with the secretary or another person in the
260 investigation or prosecution of an alleged violation of this
261 chapter by his or her employer;

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262 4. Opposes a policy or practice of his or her employer or
263 an act committed by the employer which is prohibited under this
264 chapter; or

265 5. Takes or requests family and medical leave under this
266 chapter.

267 (b) Such presumption may be rebutted by clear and
268 convincing evidence.

269 (3) If the secretary determines that a violation of this
270 chapter has occurred, the secretary may do any of the following:

271 (a) With the written consent of the employee, attempt to
272 informally resolve any pertinent issue through mediation.

273 (b) With the written consent of the employee, request that
274 the Attorney General file a civil action on behalf of the
275 employee in accordance with this section.

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

278 (4) An employee may file a civil action in a court of
279 competent jurisdiction against his or her employer for a
280 violation of this chapter regardless of whether the employee has
281 first filed a complaint with the secretary.

282 (5) A civil action brought under subsection (3) or
283 subsection (4) must be filed within 3 years after the occurrence
284 of the act upon which the action is based.

285 (6) (a) If a court finds that an employer violated this
286 chapter in an action brought under subsection (3) or subsection
287 (4), the court may award the employee:

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

290 2. Actual economic damages suffered by the employee as a

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291 result of the employer's violation of this chapter.

292 3. An additional amount not exceeding three times the
293 damages awarded under subparagraph 2.

294 4. Reasonable attorney fees and other costs.

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

297 (b) If the full monetary value of any unpaid family and
298 medical leave of an employee is recovered under this subsection,
299 such leave must be paid to the employee without cost to the
300 employee.

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

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

310 444.007 Intermittent or reduced leave schedule.-

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

317 (2) An employee shall make reasonable efforts to schedule
318 family and medical leave under this section so as to not unduly
319 disrupt the operations of the employer. The employee shall

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320 provide the employer with advance notice of his or her
321 intermittent or reduced leave schedule to the extent
322 practicable. Family and medical leave taken under this section
323 may not result in a reduction of the total amount of leave to
324 which a covered individual is entitled beyond the amount of
325 leave actually taken.

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

328 444.008 Family and medical leave insurance benefits
329 program.—

330 (1) By January 1, 2023, the department shall establish a
331 family and medical leave insurance benefits program. By January
332 1, 2024, the department may begin receiving applications from,
333 and paying family and medical leave insurance benefits to,
334 covered individuals.

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

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

345 (4) With the written consent of the covered individual, the
346 department may use information sharing and integration
347 technology to facilitate the disclosure of relevant information
348 or records.

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

356 444.009 Amount and duration of insurance benefits.—

357 (1) The amount of family and medical leave insurance
358 benefits must be determined as follows:

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

365 (b) The minimum weekly benefit may not be less than \$100
366 per week; however, if the covered individual's average weekly
367 wage is less than \$100 per week, the minimum weekly benefit is
368 the same as the covered individual's full weekly wage.

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

374 (d) Family and medical leave insurance benefits are not
375 payable for fewer than 8 hours in any given work week.

376 (2) The maximum number of weeks for which family and
377 medical leave insurance benefits are payable is 12 weeks per

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378 year, regardless of whether the application for benefits is for
379 a single purpose or a combination of purposes.

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

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

387 444.01 Appeals.—

388 (1) The department shall establish a system for appealing a
389 denial of family and medical leave insurance benefits. The
390 department may use any procedures and mechanisms available in
391 establishing the system.

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

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

399 444.011 Disqualification for insurance benefits and
400 erroneous payments.—

401 (1) A covered individual is disqualified from family and
402 medical leave insurance benefits for 1 year if the department
403 determines that he or she willfully or intentionally made a
404 false statement or misrepresentation regarding a material fact
405 or withheld a material fact to obtain insurance benefits under
406 this chapter.

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

413 444.012 Contributions.-

414 (1) Beginning January 1, 2023, the Department of Financial
415 Services shall collect payroll contributions from employers and
416 employees and deposit the contributions into the Family and
417 Medical Leave Insurance Benefits Fund.

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

425 444.013 Elective coverage.-

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

434 (2) A self-employed person who has elected coverage may
435 withdraw from coverage within 30 days after the end of the

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436 coverage period, or at such other time as the department may
437 prescribe by rule, by filing a written notice of withdrawal with
438 the department. A withdrawal from coverage may not take effect
439 sooner than 30 days after filing the notice of withdrawal.

440 444.014 Federal income tax.—If the Internal Revenue Service
441 determines that family and medical leave insurance benefits
442 provided under this chapter are subject to federal income tax,
443 the department must advise a covered individual at the time he
444 or she files an application for insurance benefits that:

445 (1) The Internal Revenue Service has determined that
446 insurance benefits under this chapter are subject to federal
447 income tax.

448 (2) Requirements exist pertaining to estimated tax
449 payments.

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

453 (4) The covered individual may change a previously elected
454 withholding status.

455 444.016 Reports.—Beginning with the 2025 calendar year, the
456 department shall submit to the Legislature by April 1 of each
457 year a report on projected and actual family and medical leave
458 insurance benefits program participation broken down by purpose
459 and by gender, race, ethnicity, and age of each beneficiary. The
460 report also must include the amount of benefits paid to each
461 beneficiary per week, premium rates, Family and Medical Leave
462 Insurance Benefits Fund balances, and public education efforts.

463 444.017 Public education.—The department shall conduct a
464 public education campaign to inform employees and employers of

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465 the availability of family and medical leave and insurance
466 benefits. Such information must be available in English,
467 Spanish, Haitian Creole, and any other language the secretary
468 determines is necessary.

469 444.018 Rules.—The department may adopt rules to implement
470 and administer this chapter.

471 444.019 Construction.—

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

478 (2) An employee's right to family and medical leave and
479 insurance benefits under this chapter may not be diminished by a
480 collective bargaining agreement entered into or renewed, or an
481 employer policy adopted or retained, on or after January 1,
482 2023. Any agreement by an employee to waive his or her rights
483 under this chapter is deemed against public policy and is void
484 and unenforceable.

485 Section 2. Present subsections (2) through (10) of section
486 760.10, Florida Statutes, are redesignated as subsections (3)
487 through (11), respectively, and a new subsection (2) is added to
488 that section, to read:

489 760.10 Unlawful employment practices.—

490 (2) In addition to the provisions of subsection (1)
491 regarding pregnancy, it is an unlawful employment practice for
492 an employer to:

493 (a) Refuse to allow an employee disabled by pregnancy,

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

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

514 1. The employee fails to return to work after the period of
515 leave to which the employee is entitled has concluded; and

516 2. The employee's failure to return to work is for a reason
517 other than the employee taking family and medical leave under
518 chapter 444 or other than the continuation, recurrence, or onset
519 of a medical condition that entitles the employee to leave under
520 paragraph (a) or circumstances beyond the employee's control.

521 (c) Refuse to provide reasonable accommodation for an
522 employee, if she so requests with the advice of her health care

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

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

540 (e) Otherwise interfere with, restrain, or deny the
541 exercise of, or the attempt to exercise, any right provided
542 under this subsection.

543
544 This subsection may not be construed to affect any other law
545 relating to pregnancy, or in any way to diminish the coverage of
546 pregnancy, childbirth, or a medical condition related to
547 pregnancy or childbirth under any other law, including chapter
548 444. An employee is entitled to take leave under this subsection
549 in addition to any family and medical leave the employee may be
550 eligible to receive under chapter 444.

551 Section 3. Subsection (1) of section 760.11, Florida

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552 Statutes, is reenacted and amended to read:

553 760.11 Administrative and civil remedies; construction.—

554 (1) Any person aggrieved by a violation of ss. 760.01-
555 760.10 may file a complaint with the commission within 365 days
556 of the alleged violation, naming the employer, employment
557 agency, labor organization, or joint labor-management committee,
558 or, in the case of an alleged violation of s. 760.10(6) ~~s.~~
559 ~~760.10(5)~~, the person responsible for the violation and
560 describing the violation. Any person aggrieved by a violation of
561 s. 509.092 may file a complaint with the commission within 365
562 days of the alleged violation naming the person responsible for
563 the violation and describing the violation. The commission, a
564 commissioner, or the Attorney General may in like manner file
565 such a complaint. On the same day the complaint is filed with
566 the commission, the commission shall clearly stamp on the face
567 of the complaint the date the complaint was filed with the
568 commission. In lieu of filing the complaint with the commission,
569 a complaint under this section may be filed with the federal
570 Equal Employment Opportunity Commission or with any unit of
571 government of the state which is a fair-employment-practice
572 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
573 complaint is filed is clearly stamped on the face of the
574 complaint, that date is the date of filing. The date the
575 complaint is filed with the commission for purposes of this
576 section is the earliest date of filing with the Equal Employment
577 Opportunity Commission, the fair-employment-practice agency, or
578 the commission. The complaint shall contain a short and plain
579 statement of the facts describing the violation and the relief
580 sought. The commission may require additional information to be

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581 in the complaint. The commission, within 5 days of the complaint
582 being filed, shall by registered mail send a copy of the
583 complaint to the person who allegedly committed the violation.
584 The person who allegedly committed the violation may file an
585 answer to the complaint within 25 days of the date the complaint
586 was filed with the commission. Any answer filed shall be mailed
587 to the aggrieved person by the person filing the answer. Both
588 the complaint and the answer shall be verified.

589 Section 4. This act shall take effect July 1, 2022.