Florida Senate - 2006

By Senator Aronberg

27-220-06

	27 220 00
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" and "family or household member";
5	requiring that an employer permit an employee
6	to take leave from work to undertake activities
7	resulting from an act of domestic violence;
8	specifying the activities for which the
9	employee may take leave; requiring the employee
10	to notify the employer of the leave; providing
11	exceptions; requiring that an employer keep
12	information relating to the employee's leave
13	confidential; prohibiting an employer from
14	taking certain actions against the employee for
15	exercising rights specified in the act;
16	providing a recourse for violation of the act;
17	providing an effective date.
18	
19	Be It Enacted by the Legislature of the State of Florida:
20	
21	Section 1. Section 741.313, Florida Statutes, is
22	created to read:
23	741.313 Unlawful action against employees seeking
24	protection
25	(1) As used in this section, the term:
26	<u>(a) "Domestic violence" means domestic violence, as</u>
27	<u>defined in s. 741.28(2); stalking or aggravated stalking, as</u>
28	defined in s. 784.048; sexual battery, as defined in s.
29	794.011(1); dating violence, as defined in s. 784.046(1); or
30	any crime, the underlying factual basis of which has been
31	found by a court to include an act of domestic violence.
	-

1

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

Florida Senate - 2006 27-220-06

1 (b) "Family or household member" has the same meaning 2 as in s. 741.28. (c) "Victim" means an individual who has been 3 4 subjected to domestic violence. 5 (2)(a) An employer shall permit an employee to request б or take up to 3 working days of leave from work in any 7 12-month period, with or without pay, if the employee or a 8 family or household member of an employee is the victim of domesti<u>c violence.</u> 9 10 (b) This section applies if an employee uses the leave from work to: 11 12 1. Seek an injunction for protection against domestic 13 violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence; 14 2. Obtain medical care or mental health counseling, or 15 both, for the employee or a family or household member to 16 17 address physical or psychological injuries resulting from the 18 act of domestic violence; 3. Obtain services from a victim-services 19 organization, including, but not limited to, a domestic 20 21 violence shelter, program, or a rape crisis center as a result 2.2 of the act of domestic violence; 23 4. Make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to 2.4 escape the perpetrator; or 25 5. Seek legal assistance to address issues arising 26 27 from the act of domestic violence and to attend and prepare 28 for court-related proceedings arising from the act of domestic 29 <u>violence.</u> 30 31

2

CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2006 27-220-06

1	(3) This section applies to an employer who employs 50
2	<u>or more employees and to an employee who has been employed by</u>
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
б	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) An employer must keep all information relating to
18	the employee's leave under this section confidential.
19	(5)(a) An employer may not interfere with, restrain,
20	or deny the exercise of or any attempt by an employee to
21	exercise any right provided under this section.
22	(b) An employer may not discharge, demote, suspend,
23	retaliate, or in any other manner discriminate against an
24	employee for exercising his or her rights under this section.
25	(c) An employee has no greater rights to continued
26	employment or to other benefits and conditions of employment
27	than if the employee was not entitled to leave under this
28	section. This section does not limit the employer's right to
29	discipline or terminate any employee for any reason,
30	including, but not limited to, reductions in work force or
31	

3

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1	termination for cause or for no reason at all, other than
2	exercising his or her rights under this section.
3	(6) Notwithstanding any other law to the contrary, the
4	sole remedy for any person claiming to be aggrieved by a
5	violation of this section is to bring a civil suit for damages
6	or equitable relief, or both, in circuit court. The person may
7	claim as damages all wages and benefits that would have been
8	due the person up to and including the date of the judgment
9	had the act violating this section not occurred. However,
10	this section does not relieve the person from the obligation
11	to mitigate his or her damages.
12	Section 2. This act shall take effect July 1, 2006.
13	
14	* * * * * * * * * * * * * * * * * * * *
15	SENATE SUMMARY
16	Requires an employer to allow an employee to take leave
17	from work to undertake activities resulting from an act of domestic violence. Specifies the activities for which
18	the employee may take leave. Requires the employee to notify the employer of the leave. Requires an employer to
19	keep information relating to the employee's leave confidential. Prohibits an employer from taking certain
20	actions against the employee for exercising rights specified in the act. Provides a recourse for violating
21 the act.	the act.
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	

CODING: Words stricken are deletions; words <u>underlined</u> are additions.