

By Senator Campbell

32-706-04

1 A bill to be entitled
 2 An act relating to school visitation rights;
 3 providing a short title; providing legislative
 4 findings and intent; defining terms; requiring
 5 employers to grant leave for a school
 6 conference or activity to parents and guardians
 7 under specified conditions; providing for
 8 employees to make up the leave time taken,
 9 under specified conditions; requiring the
 10 Commissioner of Education to give notice of
 11 this act to schools; requiring schools to give
 12 notice to parents; requiring the Agency for
 13 Workforce Innovation to give notice to
 14 employers; requiring employees who take such
 15 leave to obtain documentation from the school
 16 and to submit the documentation to the
 17 employer; providing for consequences of a
 18 failure to submit such documentation;
 19 preserving certain employee rights; providing
 20 penalties for violations by employers;
 21 providing limitations on the granting of such
 22 leave; providing an effective date.

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

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 26 Section 1. School visitation rights.--
 27 (1) SHORT TITLE.--This section may be cited as the
 28 "School Visitation Rights Act."
 29 (2) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
 30 finds that the basis of a strong economy is an educational
 31 system that relies upon parental involvement. The Legislature

1 intends that this section provide to employed parents and
2 guardians who are unable to meet with educators because of a
3 work conflict the right to have time during the school year
4 for attending necessary educational or behavioral conferences
5 at their respective children's schools.

6 (3) DEFINITIONS.--As used in this section, the term:

7 (a) "Child" means a biological, adopted, or foster
8 child; a stepchild; or a legal ward of an employee, which
9 child is enrolled in a primary or secondary public or private
10 school in this state or a state that shares a common boundary
11 with this state.

12 (b) "Employee" means a person who performs services
13 for hire for an employer for:

14 1. At least 6 consecutive months immediately preceding
15 a request for leave under this section; and

16 2. An average number of hours per week which is equal
17 to at least one-half the full-time-equivalent position in the
18 employer's job classification, as defined by the employer's
19 personnel policies or practices or in accordance with a
20 collective bargaining agreement, during those 6 months.

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22 The term "employee" excludes an independent contractor.

23 (c) "Employer" includes an agency, officer, or
24 department of the state; a unit of local government; a school
25 district; an individual; a corporation; a partnership; an
26 association; or a nonprofit organization, any of which employs
27 50 or more individuals in this state.

28 (d) "School" means any public or private primary or
29 secondary school or educational facility located in this state
30 or a state that shares a common boundary with this state.

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1 (e) "School administrator" means the principal or a
2 similar administrator who is responsible for the operations of
3 the school.

4 (4) LEAVE FOR A SCHOOL CONFERENCE OR ACTIVITY.--

5 (a) An employer must grant an employee up to a total
6 of 8 hours of leave time during any school year, no more than
7 4 hours of which may be taken on any given day, to attend
8 school conferences or classroom activities related to the
9 employee's child if the conferences or classroom activities
10 cannot be scheduled during nonwork hours; however, an employee
11 of an employer that is subject to this act may not take such
12 leave until the employee has exhausted all accrued vacation
13 leave, personal leave, compensatory leave, and any other leave
14 that has been granted to the employee except sick leave and
15 disability leave. Before arranging attendance at the
16 conference or activity, the employee must provide the employer
17 with a written request for leave at least 7 days before the
18 time the employee intends to use the leave. In an emergency,
19 no more than 24 hours' notice is required. The employee must
20 consult with the employer to schedule the leave so as not to
21 disrupt unduly the operations of the employer.

22 (b) This act does not require that the leave granted
23 under this section be paid leave.

24 (c) For regularly scheduled, nonemergency visitations,
25 a school must make time available during regular school hours
26 and evening hours.

27 (5) COMPENSATION.--An employee who exercises or seeks
28 to exercise the rights afforded under this section may choose
29 to make up the leave time taken under this act on a different
30 day or shift as directed by the employer. An employee who
31 exercises his rights under this section may not be required to

1 make up the leave time taken, but if the employee does not
2 make up the leave time taken, the employee may not be
3 compensated for the time. An employee who does make up the
4 leave time taken must be paid at the same rate of pay which he
5 or she receives for normal working time. The employer shall
6 make a good-faith effort to permit the employee to make up the
7 leave time taken under this section. If a reasonable
8 opportunity for the employee to make up the leave time does
9 not exist, the employee may not be paid for the leave taken. A
10 reasonable opportunity to make up the time taken does not
11 include the scheduling of make-up time in a manner that would
12 require the payment of overtime wages. Notwithstanding any
13 other provision of this section, if unpaid leave taken under
14 this section conflicts with the unreduced compensation
15 requirement for exempt employees under the federal Fair Labor
16 Standards Act, an employer may require an employee to make up
17 the leave time within the same pay period in which the leave
18 was taken.

19 (6) NOTIFICATION.--The Commissioner of Education shall
20 provide notice of this section to each public and private
21 primary and secondary school. Each public and private primary
22 and secondary school shall notify the parents or guardians of
23 the school's students of their school visitation rights. The
24 Agency for Workforce Innovation shall provide notice of this
25 section to employers.

26 (7) VERIFICATION.--Upon completion of school
27 visitation rights by a parent or guardian, the school
28 administrator shall provide the parent or guardian with
29 documentation of the school visitation. The parent or guardian
30 must submit such verification to the employer. The
31 Commissioner of Education and the director of Workforce

1 Innovation must provide a standard form for documenting school
2 visitation to schools for use as required by this section. The
3 standard form for documentation must include, but need not be
4 limited to, the exact time and date the visitation occurred
5 and ended. The failure of a parent or guardian to submit the
6 documentation form completed by the school to his or her
7 employer within 2 working days after the school visitation
8 occurs subjects the employee to the standard disciplinary
9 procedures imposed by the employer for unexcused absences from
10 work.

11 (8) EMPLOYEE RIGHTS.--An employee may not lose any
12 employee benefits, except as provided in subsection (5), for
13 exercising his or her rights under this section. This section
14 does not affect an employer's obligation to comply with any
15 collective bargaining agreement or employee benefit plan. This
16 section does not prevent an employer from providing school
17 visitation rights in excess of the requirements of this
18 section. The rights provided under this section may not be
19 diminished by any collective bargaining act or by any employee
20 benefit plan.

21 (9) VIOLATION.--An employer who violates this section
22 commits a noncriminal violation and may be fined by the Agency
23 for Workforce Innovation in an amount not exceeding \$100 for
24 each offense.

25 (10) LIMITS ON LEAVE.--An employer that is subject to
26 this section need not grant school visitation leave to an
27 employee if granting the leave would result in more than 5
28 percent of the employer's work force or 5 percent of an
29 employer's work force shift taking leave time for a school
30 conference or activity at the same time.

31 Section 2. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Creates the "School Visitation Rights Act." Provides legislative findings and intent. Defines terms. Requires employers to grant leave time for a school conference or activity to parents and guardians under specified conditions. Provides for employees to make up the leave time taken, under specified conditions. Requires the Commissioner of Education to give notice of this act to schools. Requires schools to give notice to parents. Requires the Agency for Workforce Innovation to give notice to employers. Requires employees who take such leave to obtain documentation from the school and to submit the documentation to the employer. Provides for consequences of a failure to submit such documentation. Preserves certain employee rights. Provides penalties for violations by employers. Provides that an employer need not grant such leave under specified circumstances.