

1 (b) "Employer" has the same meaning as in s.
2 440.02(16)(a).

3 (c) "Family or household member" has the same meaning
4 as in s. 741.28.

5 (d) "Victim" means an individual who has been
6 subjected to domestic violence.

7 (2)(a) An employer shall permit an employee to request
8 or take up to 3 working days of leave from work in any 90-day
9 period if the employee or a family or household member of an
10 employee is the victim of domestic violence. This leave may be
11 with or without pay, at the discretion of the employer.

12 (b) This section applies if an employee uses the leave
13 from work to:

14 1. Seek an injunction for protection against domestic
15 violence or an injunction for protection in cases of repeat
16 violence, dating violence, or sexual violence;

17 2. Obtain medical care or mental health counseling, or
18 both, for the employee or a family or household member to
19 address physical or psychological injuries resulting from the
20 act of domestic violence;

21 3. Obtain services from a victim-services
22 organization, including, but not limited to, a domestic
23 violence shelter, program, or a rape crisis center as a result
24 of the act of domestic violence;

25 4. Make the employee's home secure from the
26 perpetrator of the domestic violence or to seek new housing to
27 escape the perpetrator; or

28 5. Seek legal assistance to address issues arising
29 from the act of domestic violence and to attend and prepare
30 for court-related proceedings arising from the act of domestic
31 violence.

1 (3) This section applies to an employer who employs 50
2 or more employees and to an employee who has been employed by
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
6 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)1. A private employer must keep all information
18 relating to the employee's leave under this section
19 confidential.

20 2. An agency, as defined in s. 119.011, must keep all
21 information relating to the employee's leave under this
22 section confidential and exempt pursuant to this section.

23 (5)(a) An employer may not interfere with, restrain,
24 or deny the exercise of or any attempt by an employee to
25 exercise any right provided under this section.

26 (b) An employer may not discharge, demote, suspend,
27 retaliate, or in any other manner discriminate against an
28 employee for exercising his or her rights under this section.

29 (c) An employee has no greater rights to continued
30 employment or to other benefits and conditions of employment
31 than if the employee was not entitled to leave under this

1 section. This section does not limit the employer's right to
2 discipline or terminate any employee for any reason,
3 including, but not limited to, reductions in work force or
4 termination for cause or for no reason at all, other than
5 exercising his or her rights under this section.

6 (6) Notwithstanding any other law to the contrary, the
7 sole remedy for any person claiming to be aggrieved by a
8 violation of this section is to bring a civil suit for damages
9 or equitable relief, or both, in circuit court. The person may
10 claim as damages all wages and benefits that would have been
11 due the person up to and including the date of the judgment
12 had the act violating this section not occurred, but the
13 person may not claim wages or benefits for a period of leave
14 granted without pay as provided in paragraph (2)(a). However,
15 this section does not relieve the person from the obligation
16 to mitigate his or her damages.

17 Section 2. This act shall take effect July 1, 2006.

18
19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 CS for Senate Bill 498

22 Deletes section of bill related to authorizing the court to
23 issue an emergency protection order immediately following an
incidence of domestic violence.

24 Deletes section of bill related to requirement that the
25 judicial branch collect and maintain records regarding certain
26 noncriminal actions related to domestic violence.