Florida Senate - 2007

By Senator Aronberg

27-143A-07

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SB 188

1	<u>(c) "Victim" means an individual who has been</u>
2	subjected to domestic violence.
3	(2)(a) An employer shall permit an employee to request
4	or take up to 3 working days of leave from work in any
5	12-month period if the employee or a family or household
6	member of an employee is the victim of domestic violence. This
7	leave may be with or without pay, at the discretion of the
8	employer.
9	(b) This section applies if an employee uses the leave
10	from work to:
11	1. Seek an injunction for protection against domestic
12	violence or an injunction for protection in cases of repeat
13	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	address physical or psychological injuries resulting from the
17	act of domestic violence;
18	3. Obtain services from a victim-services
19	organization, including, but not limited to, a domestic
20	violence shelter or program or a rape crisis center as a
21	result of the act of domestic violence;
22	4. Make the employee's home secure from the
23	perpetrator of the domestic violence or to seek new housing to
24	escape the perpetrator; or
25	5. Seek legal assistance in addressing issues arising
26	from the act of domestic violence or to attend and prepare for
27	court-related proceedings arising from the act of domestic
28	violence.
29	(3) This section applies to an employer who employs 50
30	or more employees and to an employee who has been employed by
31	the employer for 3 or more months.

SB 188

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

1	(4)(a) Except in cases of imminent danger to the
2	health or safety of the employee, or to the health or safety
3	of a family or household member, an employee seeking leave
4	from work under this section must provide to his or her
5	employer appropriate advance notice of the leave as required
6	by the employer's policy and with sufficient documentation of
7	the act of domestic violence as required by the employer.
8	(b) An employee seeking leave under this section must,
9	before receiving the leave, exhaust all annual or vacation
10	leave, personal leave, and sick leave, if applicable, which is
11	available to the employee, unless the employer waives this
12	requirement.
13	(c) An employer must keep all information relating to
14	the employee's leave under this section confidential.
15	(5)(a) An employer may not interfere with, restrain,
16	or deny the exercise of or any attempt by an employee to
17	exercise any right provided under this section.
18	(b) An employer may not discharge, demote, suspend,
19	retaliate, or in any other manner discriminate against an
20	employee for exercising his or her rights under this section.
21	(c) An employee has no greater rights to continued
22	employment or to other benefits and conditions of employment
23	than if the employee was not entitled to leave under this
24	section. This section does not limit the employer's right to
25	discipline or terminate any employee for any reason,
26	including, but not limited to, reductions in work force or
27	termination for cause or for no reason at all, other than
28	exercising his or her rights under this section.
29	(6) Notwithstanding any other law to the contrary, the
30	sole remedy for any person claiming to be aggrieved by a
31	violation of this section is to bring a civil suit for damages

3

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1 or equitable relief, or both, in circuit court. The person may 2 claim as damages all wages and benefits that would have been due the person up to and including the date of the judgment 3 4 had the act violating this section not occurred, but the 5 person may not claim wages or benefits for a period of leave 6 granted without pay as provided in paragraph (2)(a). However, 7 this section does not relieve the person from the obligation 8 to mitigate his or her damages. 9 Section 2. This act shall take effect July 1, 2007. 10 11 12 SENATE SUMMARY 13 Requires an employer to allow an employee to take leave from work to undertake activities resulting from an act of domestic violence. Specifies the activities for which the employee may take leave. Requires the employee to 14 15 notify the employer of the leave. Requires an employer to keep information relating to the employee's leave confidential. Prohibits an employer from taking certain 16 actions against the employee for exercising rights 17 specified in the act. Provides a recourse for violating the act. 18 19 20 21 22 23 2.4 25 26 27 28 29 30 31

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4