

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

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 and take up to 3 working days of leave from work in any
9 12-month period if the employee or a family or household
10 member of an employee is the victim of domestic violence. This
11 leave may be with or without pay, at the discretion of the
12 employer.

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

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

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

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

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

29 5. Seek legal assistance in addressing issues arising
30 from the act of domestic violence or to attend and prepare for
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1 court-related proceedings arising from the act of domestic
2 violence.

3 (3) This section applies to an employer who employs 50
4 or more employees and to an employee who has been employed by
5 the employer for 3 or more months.

6 (4)(a) Except in cases of imminent danger to the
7 health or safety of the employee, or to the health or safety
8 of a family or household member, an employee seeking leave
9 from work under this section must provide to his or her
10 employer appropriate advance notice of the leave as required
11 by the employer's policy along with sufficient documentation
12 of the act of domestic violence as required by the employer.

13 (b) An employee seeking leave under this section must,
14 before receiving the leave, exhaust all annual or vacation
15 leave, personal leave, and sick leave, if applicable, which is
16 available to the employee, unless the employer waives this
17 requirement.

18 (c)1. A private employer must keep all information
19 relating to the employee's leave under this section
20 confidential.

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

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

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

30 (c) An employee has no greater rights to continued
31 employment or to other benefits and conditions of employment

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

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

18 Section 2. This act shall take effect July 1, 2007.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 188

23 The Committee Substitute adds a definition of "employer";
24 distinguishes between a public and private employer, to
25 specify that the public employer must keep certain records
26 confidential and exempt; and clarifies that the employer must
27 permit an employee to request and take up to 3 working days of
28 leave.
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