

1                                   A bill to be entitled  
 2           An act relating to domestic violence; creating s. 741.313,  
 3           F.S.; defining the terms "domestic violence," "family or  
 4           household member," and "victim"; requiring that certain  
 5           employers permit an employee to take leave from work to  
 6           undertake activities resulting from an act of domestic  
 7           violence; specifying the activities for which the employee  
 8           may take leave; requiring the employee to notify the  
 9           employer of the leave; providing exceptions; requiring  
 10          that an employer keep information relating to the  
 11          employee's leave confidential; prohibiting an employer  
 12          from taking certain actions against the employee for  
 13          exercising rights specified in the act; providing a  
 14          recourse for violation of the act; providing an effective  
 15          date.

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

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 19           Section 1. Section 741.313, Florida Statutes, is created  
 20 to read:

21           741.313 Unlawful action against employees seeking  
 22 protection.--

23           (1) As used in this section, the term:

24           (a) "Domestic violence" means domestic violence, as  
 25 defined in s. 741.28, or any crime, the underlying factual basis  
 26 of which has been found by a court to include an act of domestic  
 27 violence.

28           (b) "Family or household member" has the same meaning as

29 in s. 741.28.

30 (c) "Victim" means an individual who has been subjected to  
31 domestic violence.

32 (2)(a) An employer shall permit an employee to request or  
33 take up to 3 working days of leave from work in any 12-month  
34 period if the employee or a family or household member of an  
35 employee is the victim of domestic violence. This leave may be  
36 with or without pay, at the discretion of the employer.

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

39 1. Seek an injunction for protection against domestic  
40 violence or an injunction for protection in cases of repeat  
41 violence, dating violence, or sexual violence;

42 2. Obtain medical care or mental health counseling, or  
43 both, for the employee or a family or household member to  
44 address physical or psychological injuries resulting from the  
45 act of domestic violence;

46 3. Obtain services from a victim-services organization,  
47 including, but not limited to, a domestic violence shelter or  
48 program or a rape crisis center as a result of the act of  
49 domestic violence;

50 4. Make the employee's home secure from the perpetrator of  
51 the domestic violence or to seek new housing to escape the  
52 perpetrator; or

53 5. Seek legal assistance in addressing issues arising from  
54 the act of domestic violence or to attend and prepare for court-  
55 related proceedings arising from the act of domestic violence.

56 (3) This section applies to an employer who employs 50 or

57 more employees and to an employee who has been employed by the  
58 employer for 3 or more months.

59 (4) (a) Except in cases of imminent danger to the health or  
60 safety of the employee, or to the health or safety of a family  
61 or household member, an employee seeking leave from work under  
62 this section must provide to his or her employer appropriate  
63 advance notice of the leave as required by the employer's policy  
64 and with sufficient documentation of the act of domestic  
65 violence as required by the employer.

66 (b) An employee seeking leave under this section must,  
67 before receiving the leave, exhaust all annual or vacation  
68 leave, personal leave, and sick leave, if applicable, which is  
69 available to the employee, unless the employer waives this  
70 requirement.

71 (c) An employer must keep all information relating to the  
72 employee's leave under this section confidential.

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

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

79 (c) An employee has no greater rights to continued  
80 employment or to other benefits and conditions of employment  
81 than if the employee was not entitled to leave under this  
82 section. This section does not limit the employer's right to  
83 discipline or terminate any employee for any reason, including,  
84 but not limited to, reductions in work force or termination for

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85 cause or for no reason at all, other than exercising his or her  
86 rights under this section.

87 (6) Notwithstanding any other law to the contrary, the  
88 sole remedy for any person claiming to be aggrieved by a  
89 violation of this section is to bring a civil suit for damages  
90 or equitable relief, or both, in circuit court. The person may  
91 claim as damages all wages and benefits that would have been due  
92 the person up to and including the date of the judgment had the  
93 act violating this section not occurred, but the person may not  
94 claim wages or benefits for a period of leave granted without  
95 pay as provided in paragraph (2) (a). However, this section does  
96 not relieve the person from the obligation to mitigate his or  
97 her damages.

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