

ENROLLED  
HB 489

2008 Legislature

1                                   A bill to be entitled  
2           An act relating to sexual violence; amending s. 741.313,  
3           F.S.; defining the term "sexual violence"; providing  
4           specified employee leave benefits to employees who are  
5           victims of sexual violence or who have a family or  
6           household member who is a victim of sexual violence;  
7           providing an effective date.

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

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11           Section 1. Subsections (1) and (2), paragraph (a) of  
12           subsection (4), and paragraph (a) of subsection (7) of section  
13           741.313, Florida Statutes, are amended to read:

14           741.313 Unlawful action against employees seeking  
15           protection.--

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

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

21           (b) "Employee" has the same meaning as in s. 440.02(15).

22           (c) "Employer" has the same meaning as in s. 440.02(16).

23           (d) "Family or household member" has the same meaning as  
24           in s. 741.28.

25           (e) "Sexual violence" mean sexual violence, as defined in  
26           s. 784.046, or any crime the underlying factual basis of which  
27           has been found by a court to include an act of sexual violence.

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28        ~~(f)-(e)~~ "Victim" means an individual who has been subjected  
29 to domestic violence or sexual violence.

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

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

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

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

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

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

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

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

63           (7) (a) Personal identifying information that is contained  
64 in records documenting an act of domestic violence or sexual  
65 violence and that is submitted to an agency, as defined in  
66 chapter 119, by an agency employee under the requirements of  
67 this section is confidential and exempt from s. 119.07(1) and s.  
68 24(a), Art. I of the State Constitution.

69           Section 2. This act shall take effect July 1, 2008.