

By Senator Fasano

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1 A bill to be entitled

2 An act relating to employee leave; creating s. 448.111,
3 F.S.; providing legislative intent; providing definitions;
4 providing for up to 24 hours of leave annually for
5 employees to attend medical appointments or school
6 conferences; providing that such leave may be paid or
7 unpaid; providing purposes for taking leave; providing for
8 annual employer notification to employees about the
9 availability of leave; providing conditions for taking
10 leave; prohibiting an employer from taking retaliatory
11 action against an employee for requesting or taking leave;
12 providing that an injured employee is entitled to damages
13 and attorney's fees; amending s. 1003.04, F.S.; requiring
14 public schools to provide 3 days' written notice to
15 parents of a school conference and provide written
16 confirmation of attendance if requested; providing an
17 effective date.

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

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21 Section 1. Section 448.111, Florida Statutes, is created to
22 read:

23 448.111 Employee family and medical leave.--

24 (1) The Legislature finds that employees often have
25 important family and medical needs that do not qualify for leave
26 under the federal Family and Medical Leave Act of 1993, Pub. L.
27 103-3. An employee should be able to take time away from work to
28 attend to family health needs and the educational achievement of
29 children while protecting his or her employment status. Existing

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30 federal and state laws or rules require parents to participate in
31 various school conferences, including meetings related to
32 exceptional student program participation, discipline
33 infractions, failure to meet performance standards on statewide
34 assessments, repeated unexcused absences, drop-out-prevention
35 intervention, or truancy or delinquency proceedings. The
36 Legislature further finds that parental involvement is a central
37 requirement for improving performance under the federal No Child
38 Left Behind Act, and that overcoming persistent gaps in student
39 achievement and engaging parents in their children's educational
40 progression requires addressing the reasons why many working
41 parents do not or are not able to attend school conferences.
42 Therefore, the Legislature finds that establishing a state
43 statutory mechanism for providing employees with a minimum amount
44 of available leave time for eligible family purposes under
45 specified circumstances will improve the retention of students in
46 school, improve the retention of employees, increase employee
47 productivity, and strengthen families.

48 (2) As used in this section, the term:

49 (a) "Available leave" means annual leave, personal leave,
50 sick leave, compensatory leave, or other similar leave that is
51 provided by an employer and that an employee may use to attend
52 school conferences concerning the employee's child, medical
53 appointments of the employee or the employee's spouse, child, or
54 elderly relative, or similar activities.

55 (b) "Child" means a biological, adopted, or foster child, a
56 stepchild, a legal ward, or a child of a person standing in loco
57 parentis who is:

58 1. Younger than 18 years of age; or

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59 2. Eighteen years of age or older and incapable of self-
60 care because of a mental, physical, or developmental disability.

61 (c) "Elderly relative" means an adult 60 years of age or
62 older who is related by blood or marriage to the employee and who
63 may require care or assistance from the employee in making
64 arrangements for health care.

65 (d) "Eligible employee" means an individual who has been
66 employed full time by an employer for at least 6 consecutive
67 months.

68 (e) "Employer" means a public or private person or entity
69 that employs three or more persons in this state.

70 (f) "School conference" means registration for enrollment
71 in a public or private day care center, prekindergarten,
72 kindergarten, elementary school, middle school, or high school,
73 or a meeting about a child's academic achievement, behavior,
74 performance, or support plan when such meeting is initiated by a
75 teacher or other school program representative or the parent and
76 is conducted at the child's school.

77 (3) Subject to the requirements of subsection (4), an
78 eligible employee is entitled to a minimum of 24 hours of
79 available leave during any 12-month period for one or more of the
80 following purposes:

81 (a) To attend a medical appointment for the employee or the
82 employee's spouse or child;

83 (b) To accompany an elderly relative to a medical
84 appointment; or

85 (c) To attend a school conference for a child of the
86 employee when the appointment or school conference cannot
87 reasonably be scheduled during the employee's nonworking hours.

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88 (4) Any leave granted under subsection (3) is subject to
89 the following conditions:

90 (a) An eligible employee must provide reasonable notice to
91 the employer prior to the absence and make a reasonable effort to
92 plan the absence so as not to unduly disrupt the operations of
93 the employer;

94 (b) An employer may require a written request for leave at
95 least 48 hours before the planned absence;

96 (c) An employer having three or fewer employees at the same
97 location may reasonably limit the number of employees who are
98 allowed to take a planned absence on the same day;

99 (d) An employer may require the eligible employee to
100 provide written verification of a medical appointment or school
101 conference, such as a written note from a physician or
102 documentation signed by a day care or school administrator or
103 teacher attending the conference; and

104 (e) An employer may require eligible employees to take
105 leave in increments of no less than 2 hours.

106 (5) Leave granted under subsection (3) may be paid or
107 unpaid. However, an eligible employee may use any other accrued
108 available leave for the purposes specified in this section.

109 (6) This section does not limit the amount of leave an
110 employer may offer for eligible activities.

111 (7) Each employer shall annually notify its employees of
112 their eligibility to request leave under this section by posting
113 such notice or issuing a memorandum to all employees.

114 (8) To the extent that an employee who is eligible for
115 leave under this section is also eligible for leave under the
116 federal Family and Medical Leave Act of 1993, such employee must

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117 take the leave pursuant to the federal act. This section does not
118 provide additional leave to an employee who is eligible for leave
119 under the federal Family and Medical Leave Act of 1993.

120 (9) An employer or agent of an employer may not discharge,
121 discipline, or otherwise penalize an eligible employee, and may
122 not threaten to take or communicate an intention to take any such
123 action, because the employee requests or takes leave pursuant to
124 this section. An employer or agent of an employer who violates
125 this subsection is liable to the injured employee for all actual
126 damages incurred by the employee for a violation of this
127 subsection and for reasonable attorney's fees incurred by the
128 employee in asserting a successful claim under this section.

129 Section 2. Subsection (4) is added to section 1003.04,
130 Florida Statutes, to read:

131 1003.04 Student conduct and parental involvement.--

132 (4) Each school shall provide written notice to parents at
133 least 3 business days prior to a school conference to give
134 parents an opportunity to arrange for and attend such conference.
135 For purposes of this subsection, the term "school conference"
136 means registration for enrollment in a kindergarten, elementary
137 school, middle school, or high school, or a meeting about a
138 child's academic achievement, behavior, performance, or support
139 plan when such meeting is initiated by a teacher or other school
140 program representative or the parent and is conducted at the
141 child's school. If requested, the parent participating in the
142 conference shall be provided with written verification of
143 attendance at the school conference. The notice requirements of
144 this subsection do not relieve the school from complying with any
145 other state or federal notice requirements.

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Section 3. This act shall take effect July 1, 2008.