

By Senator Fasano

11-02780-08

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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 defined  
18           in s. 741.28, or any crime the underlying factual basis of which  
19           has been found by a court to include an act of domestic violence.

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

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

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

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

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

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

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

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

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

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

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

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

55           (4) (a) Except in cases of imminent danger to the health or  
56 safety of the employee, or to the health or safety of a family or  
57 household member, an employee seeking leave from work under this

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58 | section must provide to his or her employer appropriate advance  
59 | notice of the leave as required by the employer's policy along  
60 | with sufficient documentation of the act of domestic violence or  
61 | sexual violence as required by the employer.

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

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