

By the Committee on Community Affairs; and Senator Simmons

578-02398-13

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1 A bill to be entitled

2 An act relating to the regulation of family or medical  
3 leave benefits for employees; providing definitions;  
4 prohibiting a political subdivision from requiring or  
5 otherwise regulating family or medical leave benefits  
6 for employees; preempting regulation of family or  
7 medical leave benefits to the state; creating the  
8 Employer-Sponsored Benefits Study Task Force;  
9 establishing the purpose and composition of the task  
10 force; requiring the task force to submit a report to  
11 the Governor and the Legislature by a specified date;  
12 providing report requirements; providing for future  
13 repeal of the task force; providing that the act does  
14 not prohibit a political subdivision from establishing  
15 family or medical leave benefits for its employees;  
16 providing that the act does not prohibit a federally  
17 authorized or recognized tribal government from  
18 requiring family or medical leave benefits under  
19 certain conditions; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Family or medical leave benefits for employees.-

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

25 (a) "Employee" and the term "employer" have the same  
26 meanings as established in the federal Fair Labor Standards Act  
27 of 1938, 29 U.S.C. s. 203.

28 (b) "Family or medical leave" means a period of absence  
29 from employment, paid or unpaid, used by an employee to deal

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30 with a health condition or seek medical attention, to assist  
31 another person dealing with a health condition or seeking  
32 medical attention, or to give birth to or adopt a child. The  
33 term does not include leave related to and arising directly from  
34 domestic violence.

35 (c) "Political subdivision" means a county, municipality,  
36 department, commission, special district, board, or other public  
37 body, whether corporate or otherwise, created by or under state  
38 law.

39 (2) A political subdivision may not require an employer to  
40 provide family or medical leave benefits to an employee and may  
41 not otherwise regulate such leave. For purposes of uniform  
42 application of this section throughout the state, with the  
43 exception of family or medical leave benefits regulated under  
44 federal law or regulations, the regulation of family and medical  
45 leave benefits is expressly preempted to the state.

46 (3) (a) There is created the Employer-Sponsored Benefits  
47 Study Task Force. The task force shall organize by September 1,  
48 2013. The task force is composed of nine members. The Director  
49 of Workforce Florida, Inc., shall serve as a member and chair of  
50 the task force. The President of the Senate and the Speaker of  
51 the House of Representatives shall each appoint four members to  
52 the task force. The four appointments from the President of the  
53 Senate and the four appointments from the Speaker of the House  
54 of Representatives must include:

55 1. A member of the Legislature.

56 2. An owner of a business in this state which employs fewer  
57 than 50 people.

58 3. An owner or representative of a business in this state

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59 which employs more than 50 people.

60 4. A representative of an organization who represents the  
61 nonmanagement employees of a business.

62 (b) The purpose of the task force is to analyze employer-  
63 sponsored family or medical leave benefits and the impact of  
64 state preemption of the regulation of such benefits. The task  
65 force shall develop a report that includes its findings and  
66 recommendations for legislative action regarding the regulation  
67 of family or medical leave benefits. The task force shall submit  
68 the report to the Governor, the President of the Senate, and the  
69 Speaker of the House of Representatives by January 15, 2014.

70 (c) This subsection is repealed June 30, 2014.

71 (4) This section does not limit the authority of a  
72 political subdivision to establish family or medical leave  
73 benefits for the employees of the political subdivision.

74 (5) This section does not prohibit a federally authorized  
75 and recognized tribal government from requiring family or  
76 medical leave benefits for a person employed within a territory  
77 over which the tribe has jurisdiction.

78 Section 2. This act shall take effect upon becoming a law.