

By the Committees on Health Policy; and Community Affairs; and
Senator Simmons

588-02795-13

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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 directing Workforce Florida, Inc., to provide
10 administrative and staff support services for the task
11 force; establishing the purpose and composition of the
12 task force; providing for reimbursement for per diem
13 and travel expenses; requiring the task force to
14 submit a report to the Governor and the Legislature by
15 a specified date; providing report requirements;
16 providing for future repeal of the task force;
17 providing that the act does not prohibit a political
18 subdivision from establishing family or medical leave
19 benefits for its employees; providing that the act
20 does not prohibit a federally authorized or recognized
21 tribal government from requiring family or medical
22 leave benefits under certain conditions; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Family or medical leave benefits for employees.-

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

29 (a) "Employee" and the term "employer" have the same

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30 meanings as established in the federal Fair Labor Standards Act
31 of 1938, 29 U.S.C. s. 203.

32 (b) "Family or medical leave" means a period of absence
33 from employment, paid or unpaid, used by an employee to deal
34 with a health condition or seek medical attention, to assist
35 another person dealing with a health condition or seeking
36 medical attention, or to give birth to or adopt a child. The
37 term does not include leave related to and arising directly from
38 domestic violence.

39 (c) "Political subdivision" means a county, municipality,
40 department, commission, special district, board, or other public
41 body, whether corporate or otherwise, created by or under state
42 law.

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

50 (3) (a) There is created the Employer-Sponsored Benefits
51 Study Task Force. Workforce Florida, Inc., shall provide
52 administrative and staff support services relating to the
53 functions of the task force. The task force shall organize by
54 September 1, 2013. The task force shall be composed of 11
55 members. The Director of Workforce Florida, Inc., shall serve as
56 a member and chair of the task force. The Speaker of the House
57 of Representatives shall appoint one member who is an economist
58 with a background in business economics. The President of the

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59 Senate shall appoint one member who is a physician licensed
60 under chapter 458 or chapter 459 with at least 5 years of
61 experience in the active practice of medicine. In addition, the
62 President of the Senate and the Speaker of the House of
63 Representatives shall each appoint four additional members to
64 the task force. The four appointments from the President of the
65 Senate and the four appointments from the Speaker of the House
66 of Representatives must each include:

67 1. A member of the Legislature.

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

70 3. An owner or representative of a business in this state
71 which employs more than 50 people.

72 4. A representative of an organization who represents the
73 nonmanagement employees of a business.

74 (b) Members of the task force shall serve without
75 compensation, but are entitled to reimbursement for per diem and
76 travel expenses in accordance with s. 112.061.

77 (c) The purpose of the task force is to analyze employer-
78 sponsored family or medical leave benefits and the impact of
79 state preemption of the regulation of such benefits. The task
80 force shall develop a report that includes its findings and
81 recommendations for legislative action regarding the regulation
82 of family or medical leave benefits. The task force shall submit
83 the report to the Governor, the President of the Senate, and the
84 Speaker of the House of Representatives by January 15, 2014.

85 (d) This subsection is repealed June 30, 2014.

86 (4) This section does not limit the authority of a
87 political subdivision to establish family or medical leave

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88 benefits for the employees of the political subdivision.

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

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