

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

576-04709-13

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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          appropriation; providing an effective date.

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

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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 President of Workforce Florida, Inc., shall serve  
56 as a member and chair of the task force. The Speaker of the  
57 House of Representatives shall appoint one member who is an  
58 economist with a background in business economics. The President

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59 of the Senate shall appoint one member who is a physician  
60 licensed under chapter 458 or chapter 459 with at least 5 years  
61 of experience in the active practice of medicine. In addition,  
62 the 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. For the 2013-2014 fiscal year, the sum of  
94 \$27,050 in nonrecurring funds is appropriated from the General  
95 Revenue Fund to the Department of Economic Opportunity for  
96 Workforce Florida, Inc., for operating the Employer-Sponsored  
97 Benefits Study Task Force.

98 Section 3. This act shall take effect upon becoming a law.