

A bill to be entitled

An act relating to military affairs; creating s. 115.135, F.S.; defining terms; prohibiting a public employer from compelling an employee who is the spouse of a military servicemember to work extended work hours during active duty deployment of his or her spouse; prohibiting the imposition of a sanction or penalty upon such employee for failure or refusal to work extended work hours during the period of his or her spouse's active duty deployment; requiring a public employer to grant a request by such employee for unpaid leave for specified purposes during the active duty deployment; providing a limitation on such unpaid leave; authorizing the Department of Management Services to adopt certain rules; declaring that the act fulfills an important state interest; providing an effective date.

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

Section 1. Section 115.135, Florida Statutes, is created to read:

115.135 Leave considerations; spouses of military servicemembers on active duty.-

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

(a) "Public employer" means the state or any county,

27 municipality, or other political subdivision.

28 (b) "State Personnel System" means the employment system
29 consisting of positions within the career service, selected
30 exempt service, or senior management service and within all
31 agencies except those in the State University System, the
32 Department of the Lottery, the Legislature, the Justice
33 Administrative Commission, or the state courts system.

34 (2) (a) A public employer may not compel an employee who is
35 the spouse of a servicemember of the United States Armed Forces
36 to work hours in excess of the scheduled hours in the employee's
37 established workday or work period during a period in which his
38 or her spouse is deployed on active duty military service.

39 (b) A public employer may not impose a sanction or penalty
40 upon an employee who is the spouse of a servicemember of the
41 United States Armed Forces for failure or refusal to work hours
42 in excess of the scheduled hours in the employee's established
43 workday or work period during a period in which his or her
44 spouse is deployed on active duty military service.

45 (3) (a) A public employer shall grant a request by an
46 employee who is the spouse of a servicemember of the United
47 States Armed Forces deployed on active duty military service for
48 unpaid leave not to exceed 4 working days per deployment for the
49 purpose of attending to matters directly related to the
50 implementation of deployment orders of his or her spouse. Leave
51 taken pursuant to this subsection shall run concurrently with
52 any qualifying exigency leave granted by the public employer

53 pursuant to the Family and Medical Leave Act of 1993, as
54 amended, 29 U.S.C. ss. 2601 et seq.

55 (b) The Department of Management Services may adopt rules
56 to establish procedures for granting leave pursuant to paragraph
57 (a) for the State Personnel System.

58 Section 2. To support servicemembers of the United States
59 Armed Forces and their families, the Legislature finds that a
60 proper and legitimate state purpose is served by prohibiting a
61 public employer from requiring an employee whose spouse is
62 deployed on active duty military service to work in excess of
63 the scheduled hours in the employee's established workday or
64 work period. The Legislature also finds that a proper and
65 legitimate state purpose is served by authorizing an employee of
66 a public employer whose spouse is deployed on active duty
67 military service to take unpaid leave to attend to matters
68 directly related to the implementation of the deployment orders
69 of his or her spouse. Therefore, the Legislature determines and
70 declares that this act fulfills an important state interest.

71 Section 3. This act shall take effect July 1, 2014.