

1 A bill to be entitled
2 An act relating to employment practices for family and
3 medical leave; creating ch. 444, F.S., entitled the
4 "Florida Family and Medical Leave Act"; providing a
5 short title; providing legislative findings and
6 intent; providing definitions; requiring an employer
7 to allow certain employees to take family and medical
8 leave to bond with a minor child upon the child's
9 birth, adoption, or foster care placement; requiring
10 an employee to take certain actions in order to
11 receive family and medical leave; specifying
12 limitations and duties related to an employer's
13 administration of family and medical leave; requiring
14 that family and medical leave be taken concurrently
15 with any leave taken under federal family and medical
16 leave provisions; requiring an employer to provide
17 notice to employees of certain rights; prescribing
18 notice requirements; requiring the Department of
19 Economic Opportunity to create a model notice that
20 specifies an employee's rights related to family and
21 medical leave and family and medical leave insurance
22 benefits; specifying circumstances under which an
23 employer is deemed in compliance with notice
24 requirements; providing a civil penalty for an
25 employer's failure to comply with the notice

26 requirements; requiring the executive director of the
27 department to conduct an investigation under certain
28 circumstances; establishing rebuttable presumptions
29 that an employer has violated certain provisions of
30 ch. 444, F.S., under specified circumstances;
31 authorizing the executive director to take certain
32 actions in the event of specified violations;
33 authorizing an employee to file a civil action against
34 an employer for a violation; providing a timeframe for
35 filing such action; authorizing the award of specified
36 compensation, damages, and fees; providing a civil
37 penalty; prohibiting an employee from taking certain
38 actions in bad faith; providing a criminal penalty;
39 authorizing a reduced leave schedule for family and
40 medical leave if certain conditions are met; requiring
41 the department to establish a family and medical leave
42 insurance benefits program by a specified date;
43 specifying duties of the department related to the
44 program; providing that certain information is
45 confidential; providing exceptions; providing the
46 amount and duration of family and medical leave
47 insurance benefits payable under the program;
48 requiring the department to establish a system for
49 appealing a denial of family and medical leave
50 insurance benefits; providing confidentiality of

51 information relating to an appeal; authorizing an
52 aggrieved party to file a civil action for a denial of
53 family and medical leave insurance benefits;
54 specifying when a covered individual is disqualified
55 from family and medical leave insurance benefits;
56 authorizing the repayment of certain benefits to the
57 department; authorizing a self-employed person to
58 elect coverage for family and medical leave insurance
59 benefits; providing when a self-employed person may
60 withdraw from coverage; requiring the department to
61 provide certain notice if the Internal Revenue Service
62 determines family and medical leave insurance benefits
63 are subject to federal income tax; requiring an annual
64 report to the Legislature; requiring certain public
65 education outreach; authorizing the department to
66 adopt rules; providing construction; amending s.
67 760.10, F.S.; revising the Florida Civil Rights Act of
68 1992 to prohibit specified employment practices on the
69 basis of pregnancy, childbirth, or a medical condition
70 related to pregnancy or childbirth; providing for
71 leave, maintenance of health coverage, reasonable
72 accommodation and transfer, and return rights for an
73 employee who is disabled from pregnancy, childbirth,
74 or a medical condition related to pregnancy or
75 childbirth; providing construction; reenacting and

76 amending s. 760.11(1), F.S., relating to
77 administrative and civil remedies for violations of
78 the Florida Civil Rights Act of 1992; correcting a
79 cross-reference; providing an effective date.
80

81 Be It Enacted by the Legislature of the State of Florida:
82

83 Section 1. Chapter 444, Florida Statutes, consisting of
84 sections 444.001-444.019, is created to read:

85 CHAPTER 444

86 THE FLORIDA FAMILY AND MEDICAL LEAVE ACT

87 444.001 Short title.—This chapter may be cited as the
88 "Florida Family and Medical Leave Act."

89 444.002 Legislative findings and intent.—The Legislature
90 finds that it is in the public interest to provide paid family
91 and medical leave to employees for the birth, adoption, or
92 foster care placement of a new child. The need for paid family
93 and medical leave has increased as the participation of both
94 parents in the workforce has increased and the number of single
95 parents has grown. Despite knowing the importance of time spent
96 bonding with a new child, the majority of employees in this
97 state are unable to take family and medical leave because they
98 are unable to afford leave without pay. When an employee does
99 not receive income during a leave of absence, his or her family
100 suffers as a result of the employee's loss of income, increasing

101 demand on the state's reemployment assistance program and
 102 dependence on the state's welfare system. Therefore, in an
 103 effort to assist employees in reconciling the demands of work
 104 and family, the Legislature intends to require employers to
 105 allow employees to take paid family and medical leave to bond
 106 with their minor child during the first 12 months after the
 107 birth, adoption, or foster care placement of a new child.

108 444.003 Definitions.—As used in this chapter, the term:

109 (1) "Adverse action" includes:

110 (a) Discharge.

111 (b) Demotion.

112 (c) Suspension.

113 (d) Reduction of hours.

114 (e) Threat of discharge, demotion, suspension, or
 115 reduction of hours.

116 (f) Any other retaliatory action that results in a change
 117 in the terms or conditions of employment which would dissuade a
 118 reasonable employee from exercising a right under this chapter.

119 (2) "Child" means a biological, adopted, or foster son or
 120 daughter or a stepson or stepdaughter of an employee. The term
 121 includes a legal ward of an employee and a person to whom the
 122 employee stands in loco parentis.

123 (3) "Covered individual" means a person who:

124 (a) Meets the qualifying requirements set forth in s.

125 443.111(2) or, if a person's employment does not generate income

- 126 measured for purposes of reemployment assistance benefits,
127 equivalent eligibility criteria determined by the department;
- 128 (b) Is self-employed, elects coverage, and meets the
129 requirements of s. 444.013;
- 130 (c) Meets the administrative requirements in this chapter
131 and established by the department; or
- 132 (d) Submits an application for insurance benefits.
- 133 (4) "Department" means the Department of Economic Opportunity.
- 134 (5) "Employee" means a person who performs services for
135 hire for an employer. The term includes all individuals employed
136 at any site owned or operated by an employer. The term does not
137 include an independent contractor.
- 138 (6) "Employer" means a person employing one or more
139 employees for each working day in each of 20 or more calendar
140 weeks in the current or preceding calendar year, and any
141 representative of such person.
- 142 (7) "Executive director" means the executive director of
143 the Department of Economic Opportunity.
- 144 (8) "Family and medical leave" means a paid leave of
145 absence from employment given to an employee because of the
146 birth, adoption, or foster care placement of a new child.
- 147 (9) "Family and medical leave insurance benefits" or
148 "insurance benefits" means the benefits provided under this
149 chapter.
- 150 (10) "Health care provider" means a hospital or ambulatory

151 surgical center as defined and licensed under chapter 395; a
152 birth center licensed under chapter 383; or a person licensed
153 under chapter 458, chapter 459, chapter 460, chapter 461,
154 chapter 462, chapter 463, part I of chapter 464, chapter 466,
155 chapter 467, part XIV of chapter 468, or chapter 486.

156 444.004 Eligibility for family and medical leave.—

157 (1) Beginning July 1, 2021, family and medical leave is
158 available to an employee who needs paid leave to bond with his
159 or her child during the first 12 months after the birth of the
160 child or the placement of the child with the employee through
161 the foster care system or by adoption.

162 (2) The family and medical leave must be without
163 diminution of any privilege, benefit, or right arising out of
164 the person's employment.

165 (3) In order to receive family and medical leave, an
166 employee must:

167 (a) Notify his or her employer at least 30 days before the
168 first day of leave or as soon as practicable if the need for
169 leave is not foreseeable or it is otherwise not possible for the
170 employee to provide 30 days' notice.

171 (b) Notify the employer of the anticipated duration of the
172 leave.

173 (4) An employer may not take adverse action against an
174 employee for requesting or obtaining family and medical leave
175 authorized under this section.

176 (5) An employer shall retain a record of family and
177 medical leave taken by an employee for at least 3 years. After
178 giving the employer notice and determining a mutually agreeable
179 time for inspection, the executive director may inspect the
180 record for the purpose of determining the employer's compliance
181 with this section. If an employer fails to retain a record as
182 required under this subsection or to allow the executive
183 director to inspect such records, the executive director may
184 take action under s. 444.006(3).

185 (6) Family and medical leave taken under this section must
186 be taken concurrently with leave taken under the Family Medical
187 Leave Act.

188 (7) An employer shall maintain and pay for coverage for a
189 group health plan, as defined in s. 5000(b)(1) of the Internal
190 Revenue Code, for an eligible employee who takes family and
191 medical leave under this section at the level and under the
192 conditions that coverage would have been provided if the
193 employee had continuously worked for the duration of the leave.

194 (8) An employer must return an employee to the same
195 position after the period of leave to which the employee is
196 entitled has expired. If the same position is no longer
197 available, an employer must offer the employee a position that
198 is comparable in terms of pay, location, job content, and
199 advancement opportunities.

200 (9) An employer may not otherwise interfere with,

201 restrain, or deny the exercise of, or the attempt to exercise,
 202 any right provided under this chapter.

203 444.005 Notice requirements.—

204 (1) An employer shall notify his or her employees that
 205 they are entitled to family and medical leave and, upon
 206 implementation of the family and medical leave insurance
 207 benefits program, family and medical leave insurance benefits at
 208 the time the employee is hired and annually thereafter.

209 (2) The notice must include all of the following:

210 (a) The purposes for which the employer is required to
 211 allow an employee to take family and medical leave.

212 (b) A statement regarding the prohibition of the employer
 213 taking adverse action against an employee who exercises a right
 214 under this chapter.

215 (c) Once implemented, information regarding the family and
 216 medical leave insurance benefits program and how an employee may
 217 apply for those benefits.

218 (d) Information regarding the right of an employee to
 219 report an alleged violation of this chapter by the employer to
 220 the executive director or to bring a civil action under s.
 221 444.006.

222 (3) The department shall create and make available to
 223 employers a model notice that employers may use to comply with
 224 subsection (1). The model notice must be printed in English,
 225 Spanish, Haitian Creole, and any other language the executive

226 | director determines is necessary to notify employees of the
 227 | rights under this chapter.

228 | (4) An employer is deemed to be in compliance with
 229 | subsection (1) by:

230 | (a) Displaying the notice in a conspicuous and accessible
 231 | area at the site where employees work;

232 | (b) Including the notice in an employee handbook or other
 233 | written guide for employees concerning employee benefits or
 234 | leave provided by the employer; or

235 | (c) Providing the notice to each employee at the time of
 236 | initial hiring.

237 | (5) In lieu of posting the notice, an employer may
 238 | distribute the notice to employees by electronic means.

239 | (6) An employer who violates this section is subject to a
 240 | civil penalty of not more than \$500 for the first violation and
 241 | not more than \$1,000 for each subsequent violation.

242 | 444.006 Violations of chapter; civil action; penalties.-

243 | (1) Upon receiving a written complaint from an employee,
 244 | the executive director shall conduct an investigation to
 245 | determine whether the employer has violated this chapter.

246 | (2) (a) There is a rebuttable presumption that an employer
 247 | has violated this chapter if the employer takes adverse action
 248 | against an employee within 90 days after the employee:

249 | 1. Files a complaint with the executive director alleging
 250 | a violation of this chapter or files a civil action under this

251 section;

252 2. Informs a person about an alleged violation of this
253 chapter by his or her employer;

254 3. Cooperates with the executive director or another
255 person in the investigation or prosecution of an alleged
256 violation of this chapter by his or her employer;

257 4. Opposes a policy or practice of his or her employer or
258 an act committed by the employer which is prohibited under this
259 chapter; or

260 5. Takes or requests family and medical leave under this
261 chapter.

262 (b) The rebuttable presumption may be overcome by clear
263 and convincing evidence.

264 (3) If the executive director determines that a violation
265 of this chapter has occurred, the executive director may:

266 (a) With the written consent of the employee, attempt to
267 informally resolve any pertinent issue through mediation;

268 (b) With the written consent of the employee, request that
269 the Attorney General file a civil action on behalf of the
270 employee in accordance with this section; or

271 (c) File a civil action on behalf of an employee in the
272 county in which the violation occurred.

273 (4) An employee may file a civil action in a court of
274 competent jurisdiction against his or her employer for a
275 violation of this chapter regardless of whether the employee has

276 first filed a complaint with the executive director.

277 (5) A civil action under subsection (3) or subsection (4)
278 must be filed within 3 years after the occurrence of the act
279 upon which the action is based.

280 (6) (a) If a court finds that an employer violated this
281 chapter in an action brought under subsection (3) or subsection
282 (4), the court may award the employee:

283 1. The full monetary value of any unpaid family and
284 medical leave that the employee was unlawfully denied.

285 2. Actual economic damages suffered by the employee as a
286 result of the employer's violation of this chapter.

287 3. An additional amount not exceeding three times the
288 damages awarded under subparagraph 2.

289 4. Reasonable attorney fees and other costs.

290 5. Any other relief the court deems appropriate, including
291 reinstatement of employment, back pay, and injunctive relief.

292 (b) If the full monetary value of any unpaid family and
293 medical leave of an employee is recovered under this subsection,
294 such leave must be paid to the employee without cost to the
295 employee.

296 (c) If the action was filed by the Attorney General under
297 paragraph (3) (b), the court may order the employer to pay \$1,000
298 per violation to the state.

299 (7) An employee may not file a complaint in bad faith with
300 the executive director alleging a violation of this chapter or

301 file a civil action or testify in bad faith in an action under
 302 this section. An employee who violates this subsection commits a
 303 misdemeanor of the first degree, punishable as provided in s.
 304 775.082 or s. 775.083.

305 444.007 Reduced leave schedule.-

306 (1) An employee is entitled, at his or her discretion, to
 307 take family and medical leave on an intermittent or reduced
 308 leave schedule where all of the leave authorized under this
 309 chapter is not taken sequentially. Family and medical leave
 310 insurance benefits for intermittent or reduced leave schedules
 311 shall be prorated.

312 (2) An employee shall make reasonable efforts to schedule
 313 family and medical leave under this section so as to not unduly
 314 disrupt the operations of the employer. The employee shall
 315 provide the employer with advance notice of his or her
 316 intermittent or reduced leave schedule to the extent
 317 practicable. Family and medical leave taken under this section
 318 may not result in a reduction of the total amount of leave to
 319 which a covered individual is entitled beyond the amount of
 320 leave actually taken.

321 (3) This section does not entitle an employee to more
 322 family and medical leave than required under this chapter.

323 444.008 Family and medical leave insurance benefits
 324 program.-

325 (1) By January 1, 2022, the department shall establish a

326 family and medical leave insurance benefits program. By January
327 1, 2023, the department may begin receiving applications from,
328 and paying family and medical leave insurance benefits to,
329 covered individuals.

330 (2) The department shall establish reasonable procedures
331 and create forms for filing applications for insurance benefits
332 under this chapter. The department must specify what
333 documentation is necessary to support a claim for insurance
334 benefits, including documentation from a health care provider
335 attesting that the covered individual needs family and medical
336 leave.

337 (3) The department shall notify the employer within 5
338 business days after an application for family and medical leave
339 insurance benefits has been filed.

340 (4) With the written consent of the covered individual,
341 the department may use information sharing and integration
342 technology to facilitate the disclosure of relevant information
343 or records.

344 (5) Information and records pertaining to a covered
345 individual are confidential and may not be disclosed without the
346 consent of the individual or his or her representative.
347 Appropriate disclosure may be made without such consent to
348 department personnel in the performance of their official
349 duties.

350 444.009 Amount and duration of insurance benefits.-

351 (1) The amount of family and medical leave insurance
352 benefits shall be determined as follows:

353 (a) The weekly benefit is 75 percent of the covered
354 individual's average weekly wages during the 12 months before he
355 or she submitted an application for benefits, or, if the covered
356 individual worked fewer than 12 months, the covered individual's
357 average weekly wages during the time the covered individual
358 worked, subject to the limits in paragraph (c).

359 (b) The minimum weekly benefit may not be less than \$100
360 per week. If the covered individual's average weekly wage is
361 less than \$100 per week, the minimum weekly benefit is the same
362 as the covered individual's full weekly wage.

363 (c) The maximum weekly benefit is \$1,000 for the first
364 year in which benefits are paid, and shall be adjusted annually
365 thereafter to equal 100 percent of the statewide average weekly
366 wage as defined in s. 440.12(2). The adjusted maximum weekly
367 benefit amount takes effect January 1st of the following year.

368 (d) Family and medical leave insurance benefits are not
369 payable for fewer than 8 hours in any one work week.

370 (2) The maximum number of weeks that family and medical
371 leave insurance benefits are payable is 12 weeks per year,
372 regardless of whether the application for benefits is for a
373 single purpose or a combination of purposes.

374 (3) The first benefits must be paid to a covered
375 individual within 2 weeks after the application is filed.

376 Subsequent benefits must be paid every 2 weeks.

377 (4) For purposes of this chapter, an application year is
378 the 12-month period beginning on the Monday of the week in which
379 a covered individual files an application for family and medical
380 leave insurance benefits.

381 444.01 Appeals.—

382 (1) The department shall establish a system for appealing
383 a denial of family and medical leave insurance benefits. The
384 department may utilize any and all procedures and mechanisms
385 available in establishing the system.

386 (2) The department shall implement procedures to ensure
387 confidentiality of all information related to applications filed
388 or appeals taken for family and medical leave insurance benefits
389 to the greatest extent permissible by law.

390 (3) An aggrieved party may file a civil action in a court
391 of competent jurisdiction after he or she has exhausted all
392 available administrative remedies established by the department.

393 444.011 Erroneous payments and disqualifications for
394 insurance benefits.—

395 (1) A covered individual is disqualified from family and
396 medical leave insurance benefits for 1 year if the department
397 determines that he or she willfully or intentionally made a
398 false statement or misrepresentation regarding a material fact
399 or withheld a material fact to obtain insurance benefits under
400 this chapter.

401 (2) A covered individual who receives insurance benefits
402 under this chapter for any reason to which he or she is not
403 entitled is liable for repaying those benefits to the
404 department. The department may waive, in whole or in part, the
405 amount of the benefits to be repaid where recovery would be
406 against equity and good conscience.

407 444.013 Elective coverage.—

408 (1) A self-employed person, including a sole proprietor,
409 partner, or joint venturer, may elect insurance coverage under
410 this chapter for an initial period of at least 3 years. The
411 self-employed person must file a notice of election in writing
412 with the department, as required by rule. The election becomes
413 effective on the date the notice of election is filed. The self-
414 employed person is required to supply any information concerning
415 income that the department determines by rule is necessary.

416 (2) A self-employed person who has elected coverage may
417 withdraw from coverage within 30 days after the end of the
418 coverage period, or at such other time as the department may
419 prescribe by rule, by filing a written notice of withdrawal with
420 the department. A withdrawal from coverage may not take effect
421 sooner than 30 days after filing the notice of withdrawal.

422 444.014 Federal income tax.—If the Internal Revenue
423 Service determines that family and medical leave insurance
424 benefits provided under this chapter are subject to federal
425 income tax, the department must advise a covered individual at

426 the time he or she files an application for insurance benefits
427 that:

428 (1) The Internal Revenue Service has determined that
429 insurance benefits under this chapter are subject to federal
430 income tax.

431 (2) Requirements exist pertaining to estimated tax
432 payments.

433 (3) The covered individual may elect to have federal
434 income tax deducted and withheld from his or her payment of
435 insurance benefits in the amount specified in the Internal
436 Revenue Code.

437 (4) The covered individual is permitted to change a
438 previously elected withholding status.

439 444.016 Reports.—Beginning January 1, 2024, the department
440 shall submit to the Legislature by April 1 of each year a report
441 on projected and actual family and medical leave insurance
442 benefits program participation broken down by purpose; gender,
443 race, ethnicity, and age of each beneficiary; amount of benefits
444 paid to each beneficiary per week; premium rates; Family and
445 Medical Leave Insurance Benefits Fund balances; and public
446 education efforts.

447 444.017 Public education.—The department shall conduct a
448 public education campaign to inform employees and employers of
449 the availability of family and medical leave and insurance
450 benefits. Such information must be available in English,

451 Spanish, Haitian Creole, and any other language the executive
452 director determines is necessary.

453 444.018 Rules.—The department may adopt rules to implement
454 and administer this chapter.

455 444.019 Construction.—

456 (1) This chapter does not diminish an employer's
457 obligation to comply with a collective bargaining agreement, a
458 contract, an employee benefit plan, or an employer policy, as
459 applicable, which requires leave in excess of that required
460 under this chapter for the birth, adoption, or foster care
461 placement of a new child.

462 (2) An employee's right to family and medical leave and
463 insurance benefits under this chapter may not be diminished by a
464 collective bargaining agreement entered into or renewed, or an
465 employer policy adopted or retained, on or after January 1,
466 2022. Any agreement by an employee to waive his or her rights
467 under this chapter is deemed against public policy and is void
468 and unenforceable.

469 Section 2. Subsections (2) through (10) of section 760.10,
470 Florida Statutes, are renumbered as subsections (3) through
471 (11), respectively, and a new subsection (2) is added to that
472 section to read:

473 760.10 Unlawful employment practices.—

474 (2) In addition to the provisions governing pregnancy
475 under subsection (1), it is an unlawful employment practice for

476 an employer to:

477 (a) Refuse to allow an employee disabled by pregnancy,
478 childbirth, or a medical condition related to pregnancy or
479 childbirth to take unpaid leave for a period, not to exceed 4
480 months, during which the employee is disabled on account of
481 pregnancy, childbirth, or a medical condition related to
482 pregnancy or childbirth. An employee is entitled to use any
483 accrued vacation leave in order to receive compensation during
484 the unpaid period of leave. An employer may require an employee
485 who plans to take leave under this paragraph to provide the
486 employer reasonable notice of the date the leave will commence
487 and the estimated duration of the leave.

488 (b) Refuse to maintain and pay for coverage for a group
489 health plan, as defined in s. 5000(b)(1) of the Internal Revenue
490 Code, for an eligible employee who takes leave under paragraph
491 (a) at the level and under the conditions that coverage would
492 have been provided if the employee had continuously worked for
493 the duration of the leave. This paragraph does not preclude an
494 employer from maintaining and paying for coverage under a group
495 health plan for a period exceeding 4 months. An employer may
496 recover the premium that the employer paid for maintaining
497 coverage as required under this paragraph if:

498 1. The employee fails to return to work after the period
499 of leave to which the employee is entitled has expired.

500 2. The employee's failure to return to work is for a

501 reason other than the employee taking family and medical leave
502 under chapter 444 or other than the continuation, recurrence, or
503 onset of a medical condition that entitles the employee to leave
504 under paragraph (a) or circumstances beyond the employee's
505 control.

506 (c) Refuse to provide reasonable accommodation for an
507 employee, if she so requests with the advice of her health care
508 provider, for pregnancy, childbirth, or a medical condition
509 related to pregnancy or childbirth. As an accommodation, and
510 with the advice of her health care provider, an employee may
511 request a transfer to a less strenuous or hazardous position for
512 the duration of her pregnancy. This paragraph does not require
513 an employer to create additional employment duties that the
514 employer would not otherwise have created, to discharge another
515 employee, to transfer an employee who has more seniority, or to
516 promote an employee who is not qualified to perform certain
517 duties.

518 (d) Refuse to return an employee to the same position
519 after the period of leave to which the employee is entitled has
520 expired. If her same position is no longer available, an
521 employer must offer the employee a position that is comparable
522 in terms of pay, location, job content, and advancement
523 opportunities, unless the employer can prove that no comparable
524 position exists.

525 (e) Otherwise interfere with, restrain, or deny the

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526 exercise of, or the attempt to exercise, any right provided
527 under this subsection.

528
529 This subsection may not be construed to affect any other
530 provision of law relating to pregnancy, or in any way to
531 diminish the coverage of pregnancy, childbirth, or a medical
532 condition related to pregnancy or childbirth under any other
533 law, including chapter 444. An employee is entitled to take
534 leave under this subsection in addition to any family and
535 medical leave the employee may be eligible to receive under
536 chapter 444.

537 Section 3. Subsection (1) of section 760.11, Florida
538 Statutes, is reenacted and amended to read:

539 760.11 Administrative and civil remedies; construction.—

540 (1) Any person aggrieved by a violation of ss. 760.01-
541 760.10 may file a complaint with the commission within 365 days
542 of the alleged violation, naming the employer, employment
543 agency, labor organization, or joint labor-management committee,
544 or, in the case of an alleged violation of s. 760.10(6) ~~s.~~
545 ~~760.10(5)~~, the person responsible for the violation and
546 describing the violation. Any person aggrieved by a violation of
547 s. 509.092 may file a complaint with the commission within 365
548 days of the alleged violation naming the person responsible for
549 the violation and describing the violation. The commission, a
550 commissioner, or the Attorney General may in like manner file

551 such a complaint. On the same day the complaint is filed with
552 the commission, the commission shall clearly stamp on the face
553 of the complaint the date the complaint was filed with the
554 commission. In lieu of filing the complaint with the commission,
555 a complaint under this section may be filed with the federal
556 Equal Employment Opportunity Commission or with any unit of
557 government of the state which is a fair-employment-practice
558 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
559 complaint is filed is clearly stamped on the face of the
560 complaint, that date is the date of filing. The date the
561 complaint is filed with the commission for purposes of this
562 section is the earliest date of filing with the Equal Employment
563 Opportunity Commission, the fair-employment-practice agency, or
564 the commission. The complaint shall contain a short and plain
565 statement of the facts describing the violation and the relief
566 sought. The commission may require additional information to be
567 in the complaint. The commission, within 5 days of the complaint
568 being filed, shall by registered mail send a copy of the
569 complaint to the person who allegedly committed the violation.
570 The person who allegedly committed the violation may file an
571 answer to the complaint within 25 days of the date the complaint
572 was filed with the commission. Any answer filed shall be mailed
573 to the aggrieved person by the person filing the answer. Both
574 the complaint and the answer shall be verified.

575 Section 4. This act shall take effect July 1, 2021.