

By Senator Jones

35-00363A-22

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1 A bill to be entitled
2 An act relating to leave for family or household
3 members of homicide victims; creating s. 448.046,
4 F.S.; defining terms; requiring employers to authorize
5 employees to request and take up to a specified number
6 of days of leave from work under certain
7 circumstances; providing requirements and purposes for
8 such leave; providing applicability; requiring
9 employees taking such leave to provide advance notice
10 and documentation to employers; requiring employers to
11 accept certain types of documentation; requiring
12 employees to exhaust other leave options before taking
13 specified leave; providing an exception; requiring
14 private employers to keep information relating to such
15 leave confidential; prohibiting employers from
16 engaging in specified actions under certain
17 circumstances; providing a remedy for violations of
18 specified provisions; authorizing employees to claim
19 wages and benefits as damages under certain
20 circumstances; providing an exception; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 448.046, Florida Statutes, is created to
26 read:

27 448.046 Leave and work accommodations for family or
28 household members of homicide victims.—

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

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30 (a) "Employee" has the same meaning as in s. 440.02(15).

31 (b) "Employer" has the same meaning as in s. 440.02(16).

32 (c) "Family or household member" has the same meaning as in
33 s. 741.28.

34 (d) "Homicide" means the criminal act committed by a person
35 who causes the death of another person.

36 (e) "Homicide victim" means a deceased person killed in a
37 homicide.

38 (2) (a) An employer shall authorize an employee to request
39 and take up to 3 working days of leave from work in any 12-month
40 period if a family or household member of the employee is a
41 homicide victim in that period. This leave may be with or
42 without pay, at the discretion of the employer.

43 (b) This section applies if an employee uses the leave from
44 work to:

45 1. Make funeral or burial arrangements for, or attend a
46 funeral or memorial service for, the homicide victim;

47 2. Make the employee's home secure from the perpetrator of
48 the homicide or to seek new housing to escape the perpetrator;
49 or

50 3. Meet in person with law enforcement personnel or the
51 state attorney's office in the jurisdiction responsible for
52 investigating and prosecuting the homicide.

53 (3) This section applies to an employer that employs 50 or
54 more employees and to an employee who has been employed by the
55 employer for 3 or more months.

56 (4) (a) Except in cases of imminent danger to the health or
57 safety of the employee, or to the health or safety of an
58 employee's family or household member, an employee seeking leave

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59 from work under this section must provide to his or her employer
60 appropriate advance notice of the leave as required by the
61 employer's policy along with sufficient documentation of the
62 homicide as required by the employer.

63 (b) An employee seeking leave under this section must,
64 before receiving such leave, exhaust all annual or vacation
65 leave, personal leave, and sick leave, if applicable, that is
66 available to the employee, unless the employer waives this
67 requirement.

68 (c) A private employer must keep all information relating
69 to the employee's leave under this section confidential.

70 (5) (a) An employer may not interfere with, restrain, or
71 deny the exercise of or any attempt by an employee to exercise
72 any right provided under this section.

73 (b) An employer may not discharge, demote, suspend,
74 retaliate, or in any other manner discriminate against an
75 employee for exercising his or her rights under this section.

76 (c) An employee has no greater rights to continued
77 employment or to other benefits and conditions of employment
78 than if the employee was not entitled to leave under this
79 section. This section does not limit the employer's right to
80 discipline or terminate any employee for any reason, including,
81 but not limited to, reductions in work force or termination for
82 cause or for no reason at all, other than exercising his or her
83 rights under this section.

84 (6) Notwithstanding any other law to the contrary, the sole
85 remedy for any person claiming to be aggrieved by a violation of
86 this section is to bring a civil suit for damages or equitable
87 relief, or both, in circuit court. The person may claim as

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88 damages all wages and benefits that would have been due the
89 person up to and including the date of the judgment had the act
90 violating this section not occurred, but the person may not
91 claim wages or benefits for a period of leave granted without
92 pay as provided in paragraph (2)(a). However, this section does
93 not relieve the person from the obligation to mitigate his or
94 her damages.

95 Section 2. This act shall take effect July 1, 2022.