

1 A bill to be entitled
 2 An act relating to family and household members of
 3 homicide victims and deceased minors; providing a
 4 short title; creating s. 448.046, F.S.; providing
 5 definitions; providing applicability; requiring an
 6 employer to grant certain leave upon the request of an
 7 employee; providing requirements for such leave;
 8 requiring an employee to provide advance notice and
 9 certain documentation to his or her employer except
 10 under certain circumstances; requiring
 11 confidentiality; prohibiting an employer from taking
 12 certain actions relating to the exercise of certain
 13 rights; providing construction; amending s. 960.001,
 14 F.S.; requiring law enforcement agencies to provide
 15 certain information during the investigation of the
 16 death of a minor; providing an exception; providing
 17 construction; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. This act may be cited as "Curtis' Law."

22 Section 2. Section 448.046, Florida Statutes, is created
 23 to read:

24 448.046 Employment accommodations for family or household
 25 members of homicide victims.—

- 26 (1) As used in this section, the term:
- 27 (a) "Employee" has the same meaning as in s. 440.02(15).
- 28 (b) "Employer" has the same meaning as in s. 440.02(16).
- 29 (c) "Family or household member" has the same meaning as
- 30 in s. 741.28.
- 31 (d) "Homicide" means an unlawful act that causes the death
- 32 of another person.
- 33 (e) "Homicide victim" means a deceased person who was
- 34 killed in a homicide.
- 35 (2) This section applies to an employer who employs 50 or
- 36 more employees and to an employee who has been employed by the
- 37 employer for at least 3 months.
- 38 (3)(a) If an employee has a family or household member who
- 39 is a homicide victim, the employee may request, and an employer
- 40 must grant, up to 3 working days of leave in any 12-month period
- 41 to:
- 42 1. Make funeral or burial arrangements, or to attend a
- 43 funeral or memorial service, for a family or household member
- 44 who is a homicide victim;
- 45 2. Secure his or her home from the perpetrator, or his or
- 46 her associates, of the homicide or to seek new housing in order
- 47 to escape the perpetrator, or his or her associates, of the
- 48 homicide;
- 49 3. Attend meetings in person with a representative from
- 50 the law enforcement agency or the state attorney's office

51 responsible for the investigation and prosecution of the
52 homicide; or

53 4. Attend or prepare for court or court-related
54 proceedings arising from the homicide.

55 (b) Leave requested under this subsection may be with or
56 without pay, at the discretion of the employer.

57 (c) An employee requesting leave under this subsection
58 must exhaust his or her annual or vacation leave, personal
59 leave, sick leave, and other compensatory time off, if
60 applicable, that is available to the employee before receiving
61 leave under this subsection unless the employer waives this
62 requirement.

63 (4) An employee requesting leave under subsection (3) must
64 provide appropriate advance notice of the leave to his or her
65 employer in accordance with the employer's employment policies,
66 unless such advanced notice is not feasible due to the nature of
67 the homicide. An employee must provide his or her employer with
68 sufficient documentation of the homicide as required by the
69 employer.

70 (5) (a) A private employer must keep all information
71 relating to an employee's leave taken under subsection (3)
72 confidential.

73 (b) An employer that qualifies as an agency, as defined in
74 s. 119.011, must keep all information relating to an employee's
75 leave taken under subsection (3) confidential and exempt from

76 disclosure to the extent authorized under subsection (8).

77 (6)(a) An employer may not interfere with, restrain, or
 78 deny the exercise or attempted exercise of any right provided
 79 under subsection (3).

80 (b) An employer may not discharge, demote, suspend,
 81 retaliate, or in any other manner discriminate against an
 82 employee for exercising his or her rights under subsection (3).

83 (c) An employee does not have any greater rights to
 84 continued employment or to other benefits and conditions of
 85 employment than if the employee was not entitled to leave under
 86 this section.

87 (7) This section does not limit an employer's right to
 88 discipline or terminate an employee for any reason, including,
 89 but not limited to, a reduction in workforce or termination for
 90 cause or for no reason at all, other than exercising his or her
 91 rights under subsection (3).

92 Section 3. Paragraph (v) is added to subsection (1) of
 93 section 960.001, Florida Statutes, to read:

94 960.001 Guidelines for fair treatment of victims and
 95 witnesses in the criminal justice and juvenile justice systems.—

96 (1) The Department of Legal Affairs, the state attorneys,
 97 the Department of Corrections, the Department of Juvenile
 98 Justice, the Florida Commission on Offender Review, the State
 99 Courts Administrator and circuit court administrators, the
 100 Department of Law Enforcement, and every sheriff's department,

101 police department, or other law enforcement agency as defined in
102 s. 943.10(4) shall develop and implement guidelines for the use
103 of their respective agencies, which guidelines are consistent
104 with the purposes of this act and s. 16(b), Art. I of the State
105 Constitution and are designed to implement s. 16(b), Art. I of
106 the State Constitution and to achieve the following objectives:

107 (v) Information concerning an investigation into the death
108 of a minor.-

109 1. During the investigation of the death of a minor, the
110 law enforcement agency that initiates or bears the primary
111 responsibility for the investigation must provide the minor's
112 next of kin with all of the following information:

113 a. The contact information for the primary contact, if
114 known, for the particular investigation, and if more than one
115 law enforcement agency is involved in the investigation, the
116 contact information for at least one of the secondary law
117 enforcement agencies involved in the investigation.

118 b. The case number for the investigation, if applicable.

119 c. A list of the minor's personal effects that were found
120 on or with the minor and information on how the minor's next of
121 kin can collect such personal effects. A law enforcement agency
122 may withhold the information in this sub-subparagraph if
123 providing the information would jeopardize or otherwise
124 interfere with an active investigation.

125 d. Information regarding the status of the investigation,

CS/HB 233

2023

126 | at the discretion of the law enforcement agency.

127 | 2. This paragraph does not require a law enforcement
128 | agency to provide any of the information under this paragraph if
129 | doing so would jeopardize or otherwise interfere with an active
130 | investigation.

131 | 3. This paragraph does not require a law enforcement
132 | agency to provide investigative records generated during its
133 | investigation to a minor's next of kin for inspection.

134 | Section 4. This act shall take effect July 1, 2023.