

By Senator Jones

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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.; defining
5 terms; requiring employers to authorize employees to
6 request and take up to a specified number of days of
7 leave from work under certain circumstances; providing
8 requirements and purposes for such leave; providing
9 applicability; requiring employees to make a
10 reasonable effort to provide employers with advance
11 notice of such leave; requiring employees to provide
12 employers with specified documentation upon request;
13 requiring employees to exhaust other leave options
14 before taking specified leave; providing an exception;
15 requiring private employers to keep information
16 relating to such leave confidential; prohibiting
17 employers from engaging in specified actions under
18 certain circumstances; providing construction;
19 amending s. 960.001, F.S.; requiring law enforcement
20 agencies to provide certain information during the
21 investigation of the death of a minor; providing an
22 exception; providing construction; providing an
23 effective date.

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

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

28 Section 2. Section 448.046, Florida Statutes, is created to
29 read:

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30 448.046 Leave and work accommodations for family or
31 household members of homicide victims.-

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

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

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

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

37 (d) "Homicide" means an unlawful act that causes the death
38 of another person.

39 (e) "Homicide victim" means a deceased person killed in a
40 homicide.

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

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

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

50 2. Make the employee's home secure from the perpetrator or
51 associates of the perpetrator of the homicide or to seek new
52 housing to elude the perpetrator or associates of the
53 perpetrator; or

54 3. Meet in person with law enforcement personnel or the
55 state attorney's office in the jurisdiction responsible for
56 investigating and prosecuting the homicide or to attend or
57 prepare for court or court-related proceedings arising from the
58 homicide.

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

62 (4) (a) An employee seeking leave under this section must
63 make a reasonable effort, as practicable, to provide his or her
64 employer with appropriate advance notice of the leave required
65 by the employer's policy, if any. Upon request of the employer,
66 an employee must provide the employer with sufficient
67 documentation of the homicide.

68 (b) An employee seeking leave under this section must,
69 before receiving such leave, exhaust all annual or vacation
70 leave, personal leave, and sick leave, if applicable, available
71 to the employee, unless the employer waives this requirement.

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

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

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

80 (c) If the employee was not entitled to leave under this
81 section, an employee has no greater rights to continued
82 employment or to other benefits and conditions of employment.
83 This section does not limit an employer's right to discipline or
84 terminate any employee for any reason, including, but not
85 limited to, reductions in work force or termination for cause or
86 for no reason at all, other than exercising its rights under
87 this section.

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

90 960.001 Guidelines for fair treatment of victims and
91 witnesses in the criminal justice and juvenile justice systems.-

92 (1) The Department of Legal Affairs, the state attorneys,
93 the Department of Corrections, the Department of Juvenile
94 Justice, the Florida Commission on Offender Review, the State
95 Courts Administrator and circuit court administrators, the
96 Department of Law Enforcement, and every sheriff's department,
97 police department, or other law enforcement agency as defined in
98 s. 943.10(4) shall develop and implement guidelines for the use
99 of their respective agencies, which guidelines are consistent
100 with the purposes of this act and s. 16(b), Art. I of the State
101 Constitution and are designed to implement s. 16(b), Art. I of
102 the State Constitution and to achieve the following objectives:

103 (v) Information concerning an investigation into the death
104 of a minor.-

105 1. During the investigation of the death of a minor, the
106 law enforcement agency that initiates or bears the primary
107 responsibility for the investigation must provide the minor's
108 next of kin with all of the following information:

109 a. The contact information for the primary contact, if
110 known, for the particular investigation, as well as the contact
111 information for each law enforcement agency involved in the
112 investigation.

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

114 c. A list of the minor's personal effects that were found
115 on or with the minor and information on how the minor's next of
116 kin can collect such personal effects.

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117 d. Information regarding the status of the investigation,
118 at the discretion of the law enforcement agency.

119 2. A law enforcement agency may not provide any of the
120 information under this paragraph if doing so would jeopardize or
121 otherwise interfere with an active investigation.

122 3. This paragraph does not require a law enforcement agency
123 to provide investigative records generated during its
124 investigation to a minor's next of kin for inspection.

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