

1 A bill to be entitled
 2 An act relating to employment accommodations for
 3 family or household members of homicide victims;
 4 creating s. 448.046, F.S.; providing definitions;
 5 providing applicability; requiring an employer to
 6 grant certain leave upon the request of an employee;
 7 providing requirements for such leave; requiring an
 8 employee to provide advance notice and certain
 9 documentation to his or her employer except under
 10 certain circumstances; requiring confidentiality;
 11 prohibiting an employer from taking certain actions
 12 relating to the exercise of certain rights; providing
 13 construction; providing remedies; providing
 14 exceptions; providing an effective date.

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

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 18 Section 1. Section 448.046, Florida Statutes, is created
 19 to read:

20 448.046 Employment accommodations for family or household
 21 members of homicide victims.-

- 22 (1) As used in this section, the term:
 23 (a) "Employee" has the same meaning as in s. 440.02(15).
 24 (b) "Employer" has the same meaning as in s. 440.02(16).
 25 (c) "Family or household member" has the same meaning as

26 in s. 741.28.

27 (d) "Homicide" means a criminal act that causes the death
 28 of another person.

29 (e) "Homicide victim" means a deceased person who was
 30 killed in a homicide.

31 (2) This section applies to an employer who employs 50 or
 32 more employees and to an employee who has been employed by the
 33 employer for at least 3 months.

34 (3)(a) If an employee has a family or household member who
 35 is a homicide victim, the employee may request, and an employer
 36 must grant, up to 3 working days of leave in any 12-month period
 37 to:

38 1. Make funeral or burial arrangements, or to attend a
 39 funeral or memorial service, for a family or household member
 40 who is a homicide victim;

41 2. Secure his or her home from the perpetrator of the
 42 homicide or to seek new housing in order to escape the
 43 perpetrator of the homicide; or

44 3. Attend meetings in person with a representative from
 45 the law enforcement agency or the state attorney's office
 46 responsible for the investigation and prosecution of the
 47 homicide.

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

50 (c) An employee requesting leave under this subsection

51 must exhaust his or her annual or vacation leave, personal
52 leave, and sick leave, if applicable, before receiving leave
53 under this subsection unless the employer waives this
54 requirement.

55 (4) Except in cases where there is an imminent danger to
56 the health or safety of the employee or a family or household
57 member of the employee, an employee requesting leave under
58 subsection (3) must provide appropriate advance notice of the
59 leave to his or her employer in accordance with the employer's
60 employment policies, including sufficient documentation of the
61 homicide as required by the employer.

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

65 (b) An employer that qualifies as an agency, as defined in
66 s. 119.011, must keep all information relating to an employee's
67 leave taken under subsection (3) confidential and exempt from
68 disclosure to the extent authorized under subsection (8).

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

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

75 (c) An employee does not have any greater rights to

76 continued employment or to other benefits and conditions of
77 employment than if the employee was not entitled to leave under
78 subsection (3).

79 (d) This subsection does not limit an employer's right to
80 discipline or terminate an employee for any reason, including,
81 but not limited to, a reduction in work force, termination for
82 cause, or for no reason at all, other than exercising his or her
83 rights under subsection (3).

84 (7) The exclusive remedy for a person aggrieved by a
85 violation of this section is to bring a civil action for damages
86 or equitable relief, or both, in circuit court. An aggrieved
87 person may claim as damages all wages and benefits that would
88 have been due to the person had the violation not occurred up to
89 and including the date of the final judgment. An aggrieved
90 person is not entitled to wages or benefits for any period of
91 leave without pay that the employer granted under subsection
92 (3). This subsection does not relieve the aggrieved person from
93 his or her obligation to mitigate damages.

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