

EMPLOYMENT LAW SUMMARY

Florida: Employee Leave Laws - Overview



Because You're Different

Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, federal laws, such as the Family and Medical Leave Act (FMLA), require covered employers to provide employees with leave in certain situations. In addition to those federal leave laws, Florida has its own employee leave laws regarding:

- Jury duty leave;
- Military leave;
- Civil air patrol leave;
- Witness and juvenile court proceedings leave; and
- Domestic or sexual violence leave.

This Employment Law Summary provides general information about each of these below.

Jury Duty Leave

Employers must provide at least one day of leave to employees summoned to jury duty. A longer period of leave is required if the juror is assigned to a trial that lasts longer than a day.

Jury duty leave is unpaid, unless municipal law requires payment.

Job protections apply to employees taking jury duty leave.

Military Leave

In addition to the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), Florida law provides the following job protections for military members:

- Reemployment rights for members of the Florida National Guard following state active military duty; and
- Discrimination protections for members of the Florida National Guard or any Reserve component of the U.S. Armed Forces.

Civil Air Patrol Leave

Employers that employ **15 or more employees** shall provide up to **15 days** of unpaid leave annually for participating in a Civil Air Patrol training or mission, without any loss in seniority. Employees are eligible if they were employed by the same employer for at least **90 days** immediately before the leave. They must also be a senior member of the Florida Wing of the Civil Air Patrol, with at least an emergency services qualification.

Employers may not require employees on civil air patrol leave to use vacation, annual, compensatory or similar leave, but the employee on leave may opt to use any accrued paid leave. Employers are further prohibited from discharging, reprimanding or otherwise penalizing Civil Air Patrol members for taking the leave, and they **may not discharge** a Civil Air Patrol member **for one year after the date the member returns to work, except for cause.**

However, employers are not required to allow Civil Air Patrol members to return to work following leave if:

- The employer's circumstances have so changed as to make employment impossible or unreasonable;
- Employment would impose an undue hardship on the employer;
- The employment from which the member took such leave is for a brief, nonrecurring period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period; or
- The employer had legally sufficient cause to terminate the member at the time he or she commenced such leave.

Upon completion of leave, the Civil Air Patrol member must promptly notify the employer of their intent to return to work.

Employees may bring civil suit for violations of their right to leave, which may result in damages and attorneys fees.

Witness and Juvenile Proceedings Leave

Employers must provide unpaid leave to employees who are subpoenaed to testify in a judicial proceeding.

Job protections apply to employees taking witness leave.

Domestic and Sexual Violence Leave

Employers who employ 50 or more employees must provide up to three workdays of domestic or sexual violence leave in any 12-month period.

Employees who have worked for their employer for at least three months are eligible for domestic violence leave to:

- Seek an injunction for protection;
- Obtain medical care, mental health counseling or both for the employee or a family or household member;
- Obtain services from a victim services organization;
- Secure the employee's home or seek new housing; or
- Seek legal assistance or attend and prepare for court-related proceedings.

Job protections and notice and certification requirements apply.

More Information

Contact Heffernan Insurance Brokers for more information on leave laws in Florida.

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