



**SB 370 Florida Wing of the Civil Air Patrol
(CH. 2017-073, Laws of Florida)**

Bill Sponsor: Senator Stargel

Effective Date: July 1, 2017

DOE Contact: Linda Champion, Deputy Commissioner, Finance and Operations, (850) 245-0406

Executive Summary:

The bill provides employment protections for a member of the Florida Wing of the Civil Air Patrol (CAP) who is absent from his or her place of employment due to service or training with the CAP.

Section 1.

Amends s. 252.55, F.S., Civil Air Patrol, to:

- Define the following terms:
 - "Benefits" means all benefits, other than salary and wages, provided or made available to employees by an employer and includes group life insurance, health insurance, disability insurance, and pensions, regardless of whether such benefits are provided by a policy or practice of the employer.
 - "Civil Air Patrol leave" means leave requested by an employee who is a Civil Air Patrol member for the purpose of participating in a Civil Air Patrol training or mission.
 - "Civil Air Patrol member" means a senior member of the Florida Wing of the Civil Air Patrol.
 - "Employee" means any person who may be permitted, required, or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment and who has been employed by the same employer for at least 90 days immediately preceding the commencement of Civil Air Patrol leave. The term does include an independent contractor.
 - "Employer" means a private or public employer, or an employing or appointing authority of this state, its counties, school districts, municipalities, political subdivisions, career centers, Florida College System institutions, or state universities.
- Require employers with 15 or more employees to provide up to 15 days of unpaid CAP leave annually to an employee who is also a CAP member, subject to certain conditions:
 - A CAP member is not required to use vacation, annual, compensatory or similar leave for the period he or she is on CAP leave
 - A returning CAP member is, upon his or her request, authorized to use any vacation, annual, compensatory or similar leave with pay accrued by the member.
- Prohibit an employer from discharging, reprimanding or penalizing a member because of his or her absence due to CAP leave.



- Add subsection (8) to provide that:
 - Upon completion of a CAP leave, the member shall promptly notify the employer of his or her intent to return to work
 - Require an employer that employs 15 or more employees to provide up to 15 days of unpaid CAP leave annually to an employee, subject to conditions specified in the law.
 - An employer is not required to allow a member to return to work if:
 - Employer's circumstances have changed, making employment impossible or unreasonable.
 - Employment would impose an undue hardship on the employer.
 - Employment is a brief, nonrecurring period.
 - Employer had reasonably sufficient cause to terminate the member at the time of leave.
 - A member who returns to work following his or her CAP leave may not be discharged from such employment for a period of one year after the date the member returns to work, except for cause.
- Add subsection (9) to provide that if the wing commander of the Florida Wing of the CAP certifies that there is probable cause to believe that an employer has violated this section, the affected member may bring a civil action against the employer.

Section 2.

Amends s. 252.55, F.S., Civil Air Patrol, to:

- Add that the Florida Legislature determines and declares that this act fulfills an important state interest by allowing senior members of the Florida Wing of the CAP to take CAP leave.

Section 3.

- Provides an effective date of July 1, 2017.

General Implementation Timeline:

No implementation tasks required.