

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Local, Federal & Veterans Affairs Subcommittee

Representative Combee offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing.—

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

(a) "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.

(b) "Civil Air Patrol leave" means leave requested by an

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17 employee who is a Civil Air Patrol member for the purpose of  
18 participating in a Civil Air Patrol training or mission.

19 (c) "Civil Air Patrol member" means a senior member of the  
20 Florida Wing of the Civil Air Patrol.

21 (d) "Employee" means any person who may be permitted,  
22 required, or directed by an employer, in consideration of direct  
23 or indirect gain or profit, to engage in any employment and who  
24 has been employed by the same employer for at least 90 days  
25 immediately preceding the commencement of Civil Air Patrol  
26 leave. The term includes an independent contractor.

27 (e) "Employer" means a private or public employer, or an  
28 employing or appointing authority of this state, a county, a  
29 school district, a municipality, a political subdivision, a  
30 career center, a Florida College System institution, or a state  
31 university.

32 (2)-(1) The Florida Wing of the Civil Air Patrol, an  
33 auxiliary of the United States Air Force, ~~is shall be~~ recognized  
34 as a nonprofit, educational, and emergency-management-related  
35 organization and ~~is shall be~~ eligible to purchase materials from  
36 the various surplus warehouses of the state.

37 (3)-(2) Funds shall be appropriated annually from the  
38 Emergency Management, Preparedness, and Assistance Trust Fund  
39 for the purpose of acquisition, installation, conditioning, and  
40 maintenance of the Florida Wing of the Civil Air Patrol.

41 However, ~~no part of~~ the annual appropriation, or any part

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42 thereof, may not ~~shall~~ be expended for the purchase of uniforms  
43 or personal effects of members of the organization or for  
44 compensation or salary to such members.

45 (4)-(3) The wing commander of the Florida Wing of the Civil  
46 Air Patrol may employ administrative help and purchase  
47 educational materials for the training of Florida youth for  
48 which funds from the annual appropriation may be used.

49 (5)-(4) Purchase of aircraft is ~~shall be~~ limited to not  
50 more than \$15,000 per year, and not more than \$15,000 per year  
51 may be placed in a building reserve fund to be used for the  
52 ~~toward~~ acquisition of a permanent state headquarters and  
53 operations facility.

54 (6)-(5) The wing commander of the Florida Wing of the Civil  
55 Air Patrol shall biennially furnish the division a 2-year  
56 projection of the goals and objectives of the Civil Air Patrol  
57 which shall be reported in the division's biennial report  
58 submitted pursuant to s. 252.35.

59 (7) An employer:

60 (a) That employs 15 or more employees shall provide up to  
61 15 days of unpaid Civil Air Patrol leave annually to an  
62 employee, subject to the conditions in this section.

63 (b) May not require a Civil Air Patrol member returning to  
64 employment following Civil Air Patrol leave to use vacation,  
65 annual, compensatory, or similar leave for the period during  
66 which the member was on Civil Air Patrol leave. However, any

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67 such returning member is, upon his or her request, authorized to  
68 use any vacation, annual, compensatory, or similar leave with  
69 pay accrued by the member before the commencement of his or her  
70 Civil Air Patrol leave.

71 (c) May not discharge, reprimand, or otherwise penalize a  
72 Civil Air Patrol member because of his or her absence by reason  
73 of taking Civil Air Patrol leave.

74 (8) (a) Upon the completion of a Civil Air Patrol leave,  
75 the Civil Air Patrol member shall promptly notify the employer  
76 of his or her intent to return to work.

77 (b) An employer is not required to allow a Civil Air  
78 Patrol member to return to work upon the completion of his or  
79 her Civil Air Patrol leave if:

80 1. The employer's circumstances have so changed as to make  
81 employment impossible or unreasonable;

82 2. Employment would impose an undue hardship on the  
83 employer;

84 3. The employment from which the member takes such leave  
85 is for a brief, nonrecurring period and there is no reasonable  
86 expectation that such employment will continue indefinitely or  
87 for a significant period; or

88 4. The employer had legally sufficient cause to terminate  
89 the member at the time he or she commenced such leave.

90  
91 The employer has the burden of proving any circumstance

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92 specified in subparagraphs 1.-4. which served as the employer's  
93 basis for not allowing a Civil Air Patrol member to return to  
94 work upon completion of Civil Air Patrol leave.

95 (c) A Civil Air Patrol member who returns to work  
96 following his or her Civil Air Patrol leave is entitled to:

97 1. The seniority that the member had at his or her place  
98 of employment on the date his or her leave began and any other  
99 rights and benefits that inure to the member as a result of such  
100 seniority; and

101 2. Any additional seniority that the member would have  
102 attained at his or her place of employment if he or she had  
103 remained continuously employed and any other rights and benefits  
104 that would have inured to the member as a result of such  
105 seniority.

106 (d) A Civil Air Patrol member who returns to work  
107 following his or her Civil Air Patrol leave may not be  
108 discharged from such employment for a period of 1 year after the  
109 date the member returns to work, except for cause.

110 (9) If the wing commander of the Florida Wing of the Civil  
111 Air Patrol certifies that there is probable cause to believe  
112 that an employer has violated this section, an aggrieved  
113 employee who had taken Civil Air Patrol leave may bring a civil  
114 action against the employer in a court in the county where the  
115 employer resides or has his or her principal place of business  
116 or in the county where the alleged violation occurred. Upon

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117 adverse adjudication, the defendant is liable for actual damages  
118 or \$500, whichever is greater. The prevailing party is entitled  
119 to recover reasonable attorney fees and court costs.

120 (10) The certification of probable cause may not be issued  
121 until the wing commander of the Florida Wing of the Civil Air  
122 Patrol, or his or her designee, has completed an investigation.  
123 All employers and other personnel involved with the subject of  
124 such an investigation must cooperate with the wing commander in  
125 the investigation.

126 Section 2. This act shall take effect July 1, 2017.

127

128 -----

129 **T I T L E A M E N D M E N T**

130 Remove everything before the enacting clause and insert:

131 A bill to be entitled

132 An act relating to the Florida Wing of the Civil Air  
133 Patrol; amending s. 252.55, F.S.; defining terms;  
134 requiring certain employers to provide Civil Air  
135 Patrol leave; prohibiting specified public and private  
136 employers from discharging, reprimanding, or  
137 penalizing a Civil Air Patrol member because of his or  
138 her absence by reason of taking Civil Air Patrol  
139 leave; providing procedures for and requirements of  
140 employees and employers with respect to Civil Air  
141 Patrol leave and employment following such leave;

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142 specifying rights and entitlements of a Civil Air  
143 Patrol member who returns to work following Civil Air  
144 Patrol leave; providing for a civil action; specifying  
145 damages; authorizing the award of attorney fees and  
146 costs; specifying conditions under which a  
147 certification of probable cause of a violation of the  
148 act may be issued; providing an effective date.