Fla Stat. 741.313(2)(a)-(7)(b) Template Letter & Explanation Packet

Activating Survivor Employment Rights Cohort

Florida Group

2026

*Fla. Stat. 741.28 Domestic violence; definitions: Statutes & Constitution :View Statutes : Online Sunshine
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Explanation of Template Letter**

You may be entitled to workplace protections while taking steps to address your safety and well-being. Florida Statute §741.313 requires that employers allow "eligible employees" to take time off from work to seek safety, get medical care, talk to an attorney, or go to court. CASA Pinellas, Florida Council Against Sexual Violence, and Juvenile Welfware Board of Pinellas County have worked together to create this template letter for eligible employees to request time off from work.

The Checklist on Page 4 will help you decide if you are an "eligible employee." The Checklist will also help you decide if the leave you plan to take is covered by the law.

When to Use the Template Letter

You may use the letter when you need time off from work for a reason covered by the statute, including but not limited to:

- Getting medical care or counseling because of domestic or sexual violence*
- Getting help from a victim services agency, domestic violence organization, or sexual violence organization
- Going to court or talking to an attorney
- Taking steps to secure your safety or the safety of a family member

If possible, provide the letter to your employer once you become aware that you will need to take leave. It is best practice to submit this request in the same manner your employer requires other types of leave (like vacation or sick leave) to be submitted.

If your need for leave is unforeseen, due to an emergency, or cannot be safely requested ahead of time, provide notice as soon as possible.

How to Use the Letter

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1. Fill in your name, job title, and planned dates of leave (if known).
2. Give the letter to your employer, supervisor, or human resources department. This may be done by email or hand delivery. If you often use another type of written communication, such as an employee web portal, you can deliver it that way.
3. Save a copy of the letter in a secure location that is not tied to a work email account or saved in a work phone.
4. If your employer requests documentation, you must provide it. However, you are not required to disclose details of abuse or information about the perpetrator or abuser.

Important Protections

Your employer may not retaliate against you for requesting leave under this statute. Retaliation means that your employer cannot punish you, treat you differently, pass you over for promotions or job opportunities, or tell your co-workers about this request.

Any information you provide related to your status as a survivor must be kept confidential, as required by law. This confidentiality requirement means that your supervisor cannot tell your co-workers about this request and that HR should keep this request separate from your general personnel file.

Employers can decide whether this leave is paid or unpaid. Your employer may require you to use all of your earned leave (like vacation, sick leave, or personal days) before utilizing this leave.

This letter is intended to help you clearly assert your rights while minimizing the need to share personal or sensitive information.

If you have questions about your rights, the necessary documentation, or next steps, we encourage you to talk to an attorney or advocate.

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Checklist: Using Your Employment Rights Under Florida Statute § 741.313(2-7)**

1. **Decide if the Law Applies to You**
   - ☐ You or your family member is a survivor of domestic or sexual violence (as defined by Florida law)
   - ☐ You are an employee (your employer gives you a W2 for taxes)
   - ☐ Your employer has 50 or more employees
   - ☐ You have been employed by this employer for 3 or more months

Note: If you have not checked all four boxes, your situation is likely not covered by this law. Reach out to an attorney or domestic or sexual violence victim service provider to discuss more.

2. **Decide if the Reason You Need Time Off is Covered by This Law**

   This law is for eligible employees to use if you need to:
   - ☐ Get medical care or counseling
   - ☐ Get help from a victim services or advocacy organization
   - ☐ Meet with an attorney or go to court
   - ☐ Create a safety plan
   - ☐ Move into a domestic violence shelter
   - ☐ Move to a new home
   - ☐ Take other steps necessary to protect your safety or your family's safety

3. **Prepare Your Request**
   - ☐ Read the statutory leave request template letter
   - ☐ Fill in:
     - ☐ Your name
     - ☐ Your job title/department
     - ☐ Approximate dates of leave (if known)
   - ☐ Make any changes or additions necessary to tailor the request to your workplace

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Remember: You do not need to explain details of the abuse or provide the name of the person causing you harm.

4. Give Notice to Your Employer

☐ If possible, give the letter to your employer before the leave begins, following your employer's standard processes for requesting leave or time off.

☐ If advance notice is not safe or in cases of emergencies, try to give notice as soon as you can.

☐ Deliver the letter by:

- ☐ Email, or
- ☐ Hand delivery, or
- ☐ HR portal or other normal workplace method

☐ Keep a copy of everything you submit

5. If Documentation (Proof) Is Requested

Employers do not have to request documentation, but are allowed to under this law.

☐ Acceptable documentation may include:

- ☐ A letter from a victim services organization or advocate
- ☐ A court document or legal record
- ☐ A medical report
- ☐ A police report
- ☐ Other documents showing you are a victim or survivor of domestic or sexual violence

- You are not required to share personal details, photographs of injuries, or information that identifies who the perpetrator of harm is.

6. Understand Your Protections

- Your employer cannot retaliate against you for using this right
- Information about your experience of domestic or sexual violence must be kept confidential

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- Leave may be:
  - Unpaid, or
  - Covered by earned leave as determined by your employer's policy
- Leave does not have to be taken all at once. You can take it as needed up until the three full work days (24 working hours) have been used up

7. **Protect Yourself**

☐ Save copies of:
- ☐ Your letter
- ☐ Emails or responses from your employer
- ☐ Any documentation you provided to your employer

☐ Write down dates, times, and names if problems occur

☐ Reach out to:
- ☐ A victims' attorney
- ☐ A domestic violence advocate or sexual violence advocate
- ☐ An employment attorney (if needed)

Remember

Eligible employees (as described under Checklist Item #1) have the right to take this time off to address safety, health, and legal needs related to domestic violence and sexual violence. You are not required to disclose more than the law requires to be protected. Do not include your completed checklist with the letter you submit to your employer. Following the letter is a copy of the full statute for your reference (it is not to be included with the letter).

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[Insert Date]

Dear [Employer/Supervisor/HR Representative Name],

I am writing to formally notify you that I am requesting time off from work pursuant to Florida Statute § 741.313(2)(a), which provides employment protections, confidentiality, anti-retaliation and leave rights for survivors of domestic violence and sexual violence.

I qualify for this protection as defined by Florida law, and I am requesting this leave for a purpose authorized by the statute.

I anticipate that I will need leave beginning on or about [date(s)], and I will make reasonable efforts to keep you informed regarding my absence and promptly return to work.

I respectfully request that this matter be handled confidentially, as required by law. If any documentation is required, please let me know what information is needed and I will provide it in a timely manner.

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Thank you for your understanding and compliance with Florida law. Please feel free to contact me if you need additional information consistent with the statute's requirements.

Sincerely,

[Your Full Name]
[Your Job Title]
[Your Department]
[Your Contact Information]

What to Do If Your Employer Refuses Your Request**

1. **Restate Your Request in Writing and Do Not Over-Explain**
   - You are not required to provide details of abuse
   - You only need to state that you are requesting leave under § 741.313(2)(a) and provide supporting documentation if your employer requests it. The types of documentation your employer is allowed to request is listed in the law and listed on Page # 5 of this packet.
   - Avoid arguments or nonresponsive explanations—keep communication factual and brief

2. **Ask for the Refusal in Writing**
   - If the refusal was verbal, politely request a written response
   - Written proof may include:
     - An email
     - A message in an HR portal
     - A written note from a supervisor

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- Save screenshots, emails, or messages
- If a written response is not provided, follow-up the verbal conversation with a written summary of the exchange. Keep the summary factual and brief.
    - Example: *I am writing to confirm my understanding of our earlier conversation. It is my understanding that my request for time off under* § 741.313(2)(a) *has been denied due to* _____.

3. **Document Everything**
    - Write down:
        - Date and time of the refusal
        - Who you spoke with
        - What was said

    - Keep copies of:
        - Your request letter
        - Any responses
        - Any documentation you provided

4. **Escalate Internally (If Safe to Do So)**
    - Contact Human Resources if you spoke with a supervisor
    - Reference the statute clearly: "I am requesting protected leave under Florida Statute § 741.313(2)(a)."

5. **Know What an Employer Cannot Do**

    Under Florida law, your employer may not:
    - Fire
    - Demote
    - Suspend

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- Reduce hours or
- Retaliate in any way

Against an eligible employee for requesting or using protected leave under this statute.

You may be able to sue your employer for lost wages or another form of relief if they violate this law. Consider consulting an attorney to discuss that option if it feels applicable to your situation.

6. **Get Outside Help**

If the refusal continues or retaliation occurs, consider contacting:

- A CASA attorney [at (727) 895-4912] or a FCASV attorney [at 850-297-2000]
- A CASA domestic violence advocate [at (727) 895-4912] or FCASV sexual violence advocate [at 850-297-2000]
- An employment attorney
- CASA domestic violence hotline or resource center (for referrals and support) 24/7 [at (727) 895-4912]

These organizations can help:

- Explain your rights
- Contact your employer on your behalf
- Help you decide next steps

7. **Prioritize Your Safety**
   - If workplace conflict increases risk, you may explore your options by speaking with a survivor advocate about safety planning
   - You may still take steps to protect yourself even if the employer refuses your request for leave
   - Your safety and well-being come first

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- You deserve to have the support from your employer that you need to stay safe and get support

Remember

Eligible employees (as described on Page # 4) have the right to request this time off to address safety, medical, legal, and advocacy needs related to domestic violence and sexual violence. An employer's refusal does not erase those rights under the law.

The 2025 Florida Statutes

Title XLIII **Chapter 741**
DOMESTIC RELATIONS MARRIAGE; DOMESTIC VIOLENCE

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741.313 Unlawful action against employees seeking protection.—

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

(a) "Domestic violence" means domestic violence, as defined in s. 741.28, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

(b) "Employee" has the same meaning as in s. 440.02(18).

(c) "Employer" has the same meaning as in s. 440.02(19).

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

(e) "Sexual violence" means sexual violence, as defined in s. 784.046, or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

(f) "Victim" means an individual who has been subjected to domestic violence or sexual violence.

(2)(a) An employer shall permit an employee to request and take up to 3 working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence. This leave may be with or without pay, at the discretion of the employer.

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

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;

2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;

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3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;

4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or

5. Seek legal assistance in addressing issues arising from the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

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

(4)(a) Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family or household member, an employee seeking leave from work under this section must provide to his or her employer appropriate advance notice of the leave as required by the employer's policy along with sufficient documentation of the act of domestic violence or sexual violence as required by the employer.

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

(c)1. A private employer must keep all information relating to the employee's leave under this section confidential.

2. An agency, as defined in s. 119.011, must keep information relating to the employee's leave under this section confidential and exempt from disclosure to the extent authorized by subsection (7).

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

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

(c) An employee has no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this section. This section does not limit the employer's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in work force or termination for cause or for no reason at all, other than exercising his or her rights under this section.

(6) Notwithstanding any other law to the contrary, the sole remedy for any person claiming to be aggrieved by a violation of this section is to bring a civil suit for damages or equitable relief, or both, in circuit court. The person may claim as damages all wages and benefits that would have been due the person up to and including the date of the judgment had the act violating this section not occurred, but the person may not claim wages or benefits for a period of leave granted without pay as provided in paragraph (2)(a). However, this section does not relieve the person from the obligation to mitigate his or her damages.

(7)(a) Personal identifying information that is contained in records documenting an act of domestic violence or sexual violence submitted by an agency employee to an agency, as defined in chapter 119, under the requirements of this section is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) A written request for leave that is submitted by an agency employee under the requirements of this section and any agency time sheet that reflects such a request are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until 1 year after the leave has been taken.

History.—s. 1, ch. 2007-107; s. 1, ch. 2007-108; s. 1, ch. 2008-253; s. 1, ch. 2008-254; s. 1, ch. 2013-215; s. 122, ch. 2023-8.

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Hyperlinks:

1. https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0741/Sections/0741.28.html
2. https://www.floridalawhelp.org/find-provider
3. https://www.myflfamilies.com/services/abuse/domestic-violence/find-your-local-domestic-violence-center
4. https://online.myfja.org/fjassa/censsacustlkup.query_page?p_cust_id=

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