

Florida Leave Laws

This material is for general informational purposes only and does not constitute legal advice. For current and accurate guidance, please consult legal counsel in your jurisdiction.

Florida Leave Laws	1
Paid Time Off (PTO) in Florida	2
Leave Quota	2
Accrual	2
Roll Over	3
Statutory Provisions Addressing Vacation Pay	3
Payout of Vacation Leave	4
Payment of accrued, unused vacation on termination	4
Sick Leave in Florida	5
Federal Regulations – Leave Quota	5
Florida State Laws	5
Domestic Violence Leave in Florida	6
Maternity, Paternity, FMLA in Florida	8
Federal law	8
Bereavement Leave in Florida (Funeral leave)	9
Jury Duty Leave in Florida	10
Military Leave in Florida	11
Federal Law	11
Florida State Law	11
Voting Leave in Florida	12

Paid Time Off (PTO) in Florida

Florida doesn't have any state laws that govern PTO. These matters depend on the employment contract and company policy. However, employers must provide unpaid leave for certain types of absences: [domestic violence leave](#) and jury duty leave. This is one of the rare states that does not mandate any paid leave and celebrates only 9 holidays.

Leave Quota

Not required by Florida leave laws.

Florida doesn't have a statute for vacation time, so private-sector employers are not required to provide paid or unpaid vacation. Anyhow, if an employer chooses to offer vacation leave to its employees, paid or unpaid, it must comply with appropriate state law, established company policy, and employment contract.

Employers have the freedom to develop vacation leave policies that fit the needs of their workplace and employees. Many employers offer it since vacation time is one of the benefits employees value the most.

Regardless, employers must understand that if their practices, policies, or statements rise to the level of creating a “promise” of vacation, then the employer may have a binding legal obligation to provide vacation leave—even when state law would not otherwise require it to do so.

Accrual

Accrual is not obligatory in Florida but is widely used by companies.

As a result, companies are free to implement a type of PTO policy that best fits their needs: allotment (or lump sum), PTO accrual, or unlimited PTO.

If an employer chooses PTO accrual, he or she may cap (set a limit on) the amount of leave an employee may accrue to prevent an employee from accruing vacation over a certain number of hours.

No federal or state law in Florida requires employers to pay out an employee's accrued vacation or other paid time off (PTO) at the termination of employment.

Roll Over

The Use-It-or-Lose-It policy is allowed. Employers aren't obligated to let employees roll over unused leave into the following year.

Employers in Florida are free to implement a "Use-It-or-Lose-It" vacation policy. A Use-It-or-Lose-It vacation policy implies that an employer doesn't have to pay employees for unused vacation leave at the end of the year. Hence, an employee loses the remaining vacation days, unpaid.

Statutory Provisions Addressing Vacation Pay

There are no Florida statutes connected to vacation pay.

Florida doesn't have any state laws handling the payout of vacation time.

Florida law describes wages as "all remuneration for employment, including commissions, bonuses, back pay awards, and the cash value of all remuneration paid in any medium other than cash." The statute doesn't specifically include vacation time in this definition.

For more information, please visit vacationtracker.io

Payout of Vacation Leave

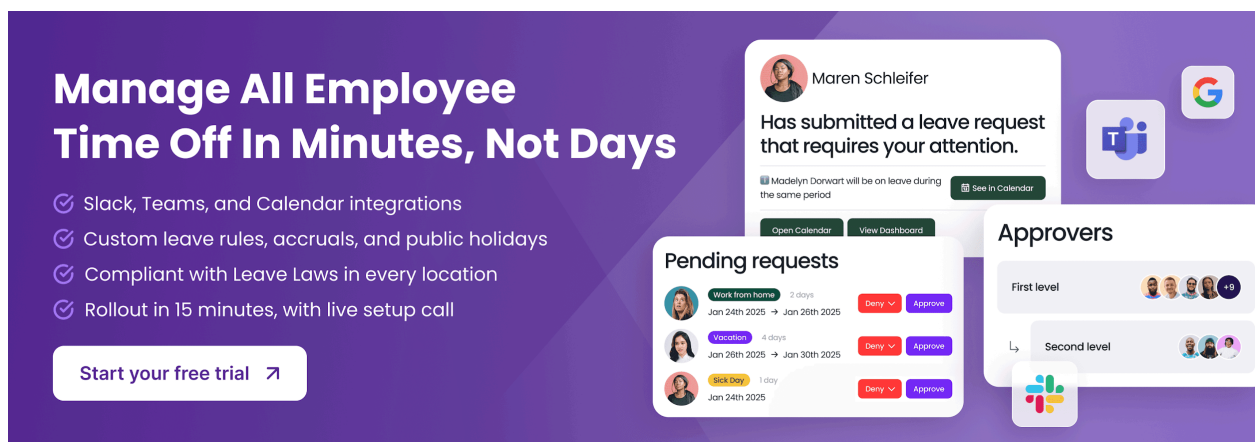
In case there is an obligation to pay out accrued, unused, vacation time at the termination of employment, the employer is the one who pays.

Payment of accrued, unused vacation on termination

No Florida statutes address payment of accrued vacation on termination.

An employer may establish a policy or contract that prohibits employees from paying for accrued, unused vacation when they leave their job, whether by resignation, discharge, or layoff.

But there is a caution which applies to obligations to pay out accrued, unused vacation time at the termination of employment. Even where state law doesn't explicitly require employers to pay out accrued vacation on termination, a constant practice, company policy, or employment contract promising such payment may create an enforceable legal obligation. In other words, if the employer enables vacation time for an employee to accrue, it's needed legally to pay for unused vacation upon termination.



Manage All Employee Time Off In Minutes, Not Days

- ✓ Slack, Teams, and Calendar integrations
- ✓ Custom leave rules, accruals, and public holidays
- ✓ Compliant with Leave Laws in every location
- ✓ Rollout in 15 minutes, with live setup call

[Start your free trial ↗](#)

Notification: Maren Schleifer has submitted a leave request that requires your attention. Madelyn Dorwart will be on leave during the same period. [Open Calendar](#) [View Dashboard](#)

Pending requests

Request Type	Duration	Period	Deny	Approve
Work from home	2 days	Jan 24th 2025 → Jan 26th 2025	Deny	Approve
Vacation	4 days	Jan 26th 2025 → Jan 30th 2025	Deny	Approve
Sick Day	1 day	Jan 24th 2025	Deny	Approve

Approvers

First level: [User 1] [User 2] [User 3] [+8]

Second level: [User 4] [User 5]

Sick Leave in Florida

Federal Regulations – Leave Quota

Up to 12 weeks of unpaid job-protected leave

Employers may be required to provide their employees with unpaid leave under the federal Family and Medical Leave Act (FMLA). An employer must follow the FMLA if they have 50 or more employees.

FMLA leave can last up to 12 weeks, with the employee's right to reinstate their previous position.

An employee is eligible for FMLA benefits only if he or she:

- have worked for their employer for at least a year (a minimum of 25 hours per week) or have worked at least 1,250 hours over the past year
- are working at a location where the company employs 50+ employees (within a 75-mile radius)

FMLA leave can be taken for particular family and medical reasons: the employee needs to care for a new child, severe health conditions, maternity leave, taking care of a close member of the family with a severe illness, taking care of an immediate family member who has suffered an injury while on active military service, or other reasons.

Florida State Laws

Florida law does not provide paid sick days.

No Florida law requires an employer to provide employees with sick leave, either paid or unpaid, though many employers grant it as a popular employee benefit. However, it is

For more information, please visit vacationtracker.io

necessary to remember that if an employer chooses to provide sick leave benefits, it must comply with the employment contract or employee handbook. This way, an employer may create a legal obligation to grant it.

Another Florida law gives employees the right to take time off for domestic abuse (more about that below).

Payout

Sick leave in Florida is unpaid.

Domestic Violence Leave in Florida

Victims of domestic violence are entitled to up to 3 workdays of unpaid leave in any 12-month period.

In Florida, employers with at least 50 workers are required to give their employees leave when they or a member of their family or household becomes a victim of domestic or sexual violence. Employees are entitled to up to 3 workdays of leave in any 12-month period if they have been victims, or have a close family member who has been a victim of domestic or sexual violence. Job protection requirements apply.

An employer must provide leave for a variety of activities connected with domestic violence issues:

- seeking a protective injunction against domestic violence
- receiving medical care or mental health counseling
- receiving protection from victims' service organizations

- making the employee's home safe from the perpetrator of domestic violence or moving to a new location to avoid the perpetrator
- seeking legal counsel to address issues related to domestic violence, or attending or preparing for court proceedings related to the act of domestic violence.

An employee must have worked for the employer for 3 months or longer to be eligible for this leave.

An employee must exhaust all accrued paid time off unless the employer waives this requirement. Suppose the employee doesn't have sufficient leave hours to cover the event. In that case, it's up to the employer's discretion whether domestic abuse leave is paid or unpaid.

Employers must keep confidential and exempt from disclosure all the information related to leave for domestic violence.

Employers are prohibited from interfering with or restraining an employee's attempt to take domestic violence leave. Also, employers can't discriminate or retaliate against employees for exercising their rights.

Under this law, employees must provide advance notice of the need for leave, unless prevented because of the danger to the health and safety of the employee or a family member.

Payout

Domestic Violence Leave in Florida is usually unpaid. It is the employer's decision whether the leave is paid or unpaid. The employer pays it if he decides that leave is paid.

Maternity, Paternity, FMLA in Florida

Federal law

Federal law offers 12 weeks of unpaid maternity/paternity leave.

Many US states have their laws offering pregnant women and new parents rights to get time off, but Florida is not one of them. Expecting and new parents in Florida can still be entitled to leave under the FMLA (Federal Family and Medical Leave Act).

Not all employers are required to comply with the FMLA. The law only applies to employers who had at least 50 employees for at least 20 weeks during the current or previous year. Smaller employers are exempt. For more information about eligibility for FMLA benefits, look above under the section: *Sick Leave in Florida: Federal Laws – Leave Quota*.

The Family and Medical Leave Act (FMLA) requires employers to provide private or public sector employees with at least 12 work weeks (3 months) of unpaid family leave after the birth of a child or after the adoption of a child. The leave is unpaid, yet an employee can use any accrued paid leave (PTO, sick leave, or vacation time) to continue receiving a paycheck during FMLA leave. Actually, under the FMLA, the employer may require employees to use accrued leave as part of their medical leave.

FMLA is available not only for biological children but also for adopted and foster children.

Employees may also take FMLA for pregnancy intermittently only if the employer approves this.

For more information, please visit vacationtracker.io

Some Florida firms offer paid time off for expecting mothers and their partners. Still, most working women must use short-term disability, sick leave, vacation, and personal days, along with federal law, to get time off with a new child. If an employer in Florida decides to offer paid maternity leave, that absence will run concurrently as an employee's Family and Medical Leave Act (FMLA) leave.

Another federal law that protects pregnant employees is the Pregnancy Discrimination Act (PDA). The PDA is a law that forbids discrimination based on pregnancy in any aspect of employment, including hiring, firing, job assignments, pay, promotions, layoffs, training, fringe benefits, leave, and health insurance. The PDA only applies to companies that have more than 15 employees.

Payout

Maternity leave in Florida is unpaid.

Bereavement Leave in Florida (Funeral leave)

Employers in Florida are not required to give bereavement leave.

Neither federal nor Florida leave laws require an employer to provide employees with paid or unpaid bereavement leave or any time off to attend an immediate family member's funeral. Despite this rule, many companies provide this leave for their employees in times of mourning.

Thus, in case that employer decides to provide bereavement leave for employees, they may be required to follow a bereavement policy they have in place.

Bereavement leave is an employee's leave due to another individual's death, usually a close relative. For more information about this type of leave [click on this link](#).

Payout

Bereavement leave in Florida is unpaid.

Jury Duty Leave in Florida

Employers must provide unpaid leave.

Florida employers are required to provide employees with unpaid leave in order to respond to a jury summons or serve on a jury. Employers don't have to pay employees unless local (municipal) law requires payment. Employers may decide to pay employees who serve on jury duty.

Jurors who are regularly employed and continue to receive regular wages while serving as jurors are not entitled to compensation from the circuit court clerk for the first three days of jury service. After that, the court will reimburse \$30.00 for each day, with no other entitlements for travel or other out-of-pocket expenses.

Jurors who are not regularly employed or don't continue to receive regular wages while serving on a jury are entitled to \$15 per day for the first three days of jury service. After that, the court will reimburse \$30.00 for each day, with no other entitlements for travel or other out-of-pocket expenses.

Florida law prohibits any employer from preventing a person from serving as a juror. Employees are provided job protection during their leave, and may not be discharged or

penalized. As proof of the requirement, employees must give their employer a copy of the jury summons.

Payout

Employers are not required to pay employees during their absence due to jury duty.

Military Leave in Florida

Federal Law

All employers in the United States are subject to the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). Members of the Army and Air National Guard who are called to active duty for federal service are protected by USERRA. Employers can't discharge or discriminate against employees on the basis of their military service.

Florida State Law

Private employers must provide unpaid leave for employees called to active military duty or a reserve component of the armed forces.

In addition to the federal USERRA, Florida law protects against discrimination against members of the U.S. armed forces, the National Guard, reserves, commissioned corps of the public health service, and any other category of person called by the president in a time of war or emergency.

Employees who are active-duty Florida National Guard members and are summoned by the governor are exempt from being disciplined for missed work. Employees who are not covered by COBRA (The Consolidated Omnibus Budget Reconciliation Act) and whose employment is terminated while they are on active duty are entitled to a new 18-month benefit period starting when active duty or their employment ends, whichever comes later.

After serving in the National Guard, the employee has the right to return to work with the same seniority, rights, and benefits as if they had not taken military leave. Employers don't have to reinstate an employee after a leave, only if their circumstances have changed so much that it would be impossible, unreasonable, or would cause undue hardship. The employer may not fire the employee without cause for 1 year.

Employers with 15 or more employees are required to provide up to 15 days of unpaid leave to Civil Air Patrol members.

Public employees have the right to paid leave for up to 30 days without loss of benefits, vacation, leave time, or efficiency rating.

Payout

Military leave is unpaid.

Voting Leave in Florida

Employers are not required to offer paid or unpaid time off for voting.

Florida law does not require allowing employees [time off to vote](#). It does, however, prohibit employers from firing or threatening to fire an employee for voting or not voting in an election, for a specific candidate, or for a specific ballot measure.

Payout

Voting leave in Florida is unpaid.