

By Senator Wasserman Schultz

32-519-02

See HB

1 A bill to be entitled
 2 An act relating to employment practices;
 3 amending ss. 110.105, 110.233, 112.042, and
 4 760.10, F.S.; revising provisions relating to
 5 state employment policy, career service
 6 appointments, county and municipal employment,
 7 and unlawful employment practices, to provide
 8 that discrimination on the basis of sex
 9 includes discrimination on the basis of
 10 pregnancy, childbirth, or related medical
 11 conditions; providing a limitation with respect
 12 to employer health insurance benefits;
 13 providing an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

17 Section 1. Subsection (2) of section 110.105, Florida
 18 Statutes, is amended to read:

19 110.105 Employment policy of the state.--

20 (2)(a) All appointments, terminations, assignments and
 21 maintenance of status, compensation, privileges, and other
 22 terms and conditions of employment in state government shall
 23 be made without regard to age, sex, race, religion, national
 24 origin, political affiliation, marital status, or handicap,
 25 except when a specific sex, age, or physical requirement
 26 constitutes a bona fide occupational qualification necessary
 27 to proper and efficient administration.

28 (b) For purposes of this subsection, "without regard
 29 to sex" includes, but is not limited to, without regard to
 30 pregnancy, childbirth, or related medical conditions. Women
 31 affected by pregnancy, childbirth, or related medical

1 conditions shall be treated the same for all
2 employment-related purposes, including receipt of benefits
3 under fringe benefits programs, as other persons not so
4 affected but similar in their ability or inability to work,
5 and nothing in the employment policy of the state shall be
6 interpreted to permit otherwise. This paragraph shall not
7 require a state employer to pay for health insurance benefits
8 for abortion, except where the life of the mother would be
9 endangered if the fetus were carried to term, or except where
10 medical complications have arisen from an abortion. However,
11 nothing in this paragraph shall preclude a state employer from
12 providing abortion benefits or shall otherwise affect
13 bargaining agreements in regard to abortion.

14 Section 2. Subsection (1) of section 110.233, Florida
15 Statutes, is amended to read:

16 110.233 Political activities and unlawful acts
17 prohibited.--

18 (1)(a) No person shall be appointed to, demoted, or
19 dismissed from any position in the career service, or in any
20 way favored or discriminated against with respect to
21 employment in the career service, because of race, color,
22 national origin, sex, handicap, religious creed, or political
23 opinion or affiliation.

24 (b) As used in this subsection, "because of sex"
25 includes, but is not limited to, because of pregnancy,
26 childbirth, or related medical conditions. Women affected by
27 pregnancy, childbirth, or related medical conditions shall be
28 treated the same with respect to employment in the career
29 service, including receipt of benefits under fringe benefits
30 programs, as other persons not so affected but similar in
31 their ability or inability to work, and nothing in the career

1 service system of the state shall be interpreted to permit
2 otherwise.

3 Section 3. Subsection (1) of section 112.042, Florida
4 Statutes, is amended to read:

5 112.042 Discrimination in county and municipal
6 employment; relief.--

7 (1)(a) It is against the public policy of this state
8 for the governing body of any county or municipal agency,
9 board, commission, department, or office, solely because of
10 the race, color, national origin, sex, handicap, or religious
11 creed of any individual, to refuse to hire or employ, to bar,
12 or to discharge from employment such individuals or to
13 otherwise discriminate against such individuals with respect
14 to compensation, hire, tenure, terms, conditions, or
15 privileges of employment, if the individual is the most
16 competent and able to perform the services required.

17 (b) As used in this subsection, "because of sex"
18 includes, but is not limited to, because of pregnancy,
19 childbirth, or related medical conditions. Women affected by
20 pregnancy, childbirth, or related medical conditions shall be
21 treated the same for all employment-related purposes,
22 including receipt of benefits under fringe benefits programs,
23 as other persons not so affected but similar in their ability
24 or inability to work, and nothing in this subsection shall be
25 interpreted to permit otherwise. This subsection shall not
26 require an employer to pay for health insurance benefits for
27 abortion, except where the life of the mother would be
28 endangered if the fetus were carried to term, or except where
29 medical complications have arisen from an abortion. However,
30 nothing in this subsection shall preclude an employer from

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1 providing abortion benefits or shall otherwise affect
2 bargaining agreements in regard to abortion.

3 Section 4. Subsection (10) of section 760.10, Florida
4 Statutes, is renumbered as subsection (11) and a new
5 subsection (10) is added to said section to read:

6 760.10 Unlawful employment practices.--

7 (10) As used in this section, the terms "because of
8 sex" and "on the basis of sex" include, but are not limited
9 to, because or on the basis of pregnancy, childbirth, or
10 related medical conditions. Women affected by pregnancy,
11 childbirth, or related medical conditions shall be treated the
12 same for all employment-related purposes, including receipt of
13 benefits under fringe benefits programs, as other persons not
14 so affected but similar in their ability or inability to work,
15 and nothing in this section shall be interpreted to permit
16 otherwise. This subsection shall not require an employer to
17 pay for health insurance benefits for abortion, except where
18 the life of the mother would be endangered if the fetus were
19 carried to term, or except where medical complications have
20 arisen from an abortion. However, nothing in this subsection
21 shall preclude an employer from providing abortion benefits or
22 shall otherwise affect bargaining agreements in regard to
23 abortion.

24 Section 5. This act shall take effect July 1, 2002.
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HOUSE SUMMARY

Provides that discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related conditions, under the employment policy of the state and with respect to career service appointments, employment by governing bodies of county and municipal agencies, and the regulation of unlawful employment practices. Limits applicability regarding payment for health insurance benefits for abortion.