

1 A bill to be entitled
2 An act relating to the Florida Civil Rights Act
3 of 1992; creating s. 760.021, F.S.; authorizing
4 the Attorney General to commence a civil action
5 against a person or group perpetuating
6 discriminatory practices; providing for
7 damages, injunctive relief, and civil
8 penalties; providing for venue; providing for a
9 hearing to determine a prima facie case;
10 providing for attorney's fees and costs;
11 providing for a deposit of civil penalties into
12 General Revenue Fund; amending s. 16.57, F.S.;
13 authorizing the Attorney General to investigate
14 violations under the Florida Civil Rights Act
15 of 1992; conforming statutory cross-references
16 to the Attorney General's authority to
17 investigate and initiate actions for
18 discriminatory practices in violation of civil
19 rights; amending ss. 110.105, 110.233, 112.042,
20 and 760.10, F.S.; revising provisions relating
21 to state employment policy, career service
22 appointments, and county and municipal
23 employment practices, to provide that
24 discrimination on the basis of sex includes
25 discrimination on the basis of pregnancy,
26 childbirth, or related medical conditions;
27 reenacting ss. 104.31(3) and 760.11(15), F.S.,
28 to incorporate amendments to ss. 110.233 and
29 760.10, F.S., in references thereto; providing
30 effective dates.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Section 760.021, Florida Statutes, is
4 created to read:

5 760.021 Enforcement.--

6 (1) The Attorney General may commence a civil action
7 for damages, injunctive relief, civil penalties not to exceed
8 \$10,000 per violation, or any other relief that may be
9 appropriate under law if the Attorney General has reasonable
10 cause to believe that any person or group:

11 (a) Has engaged in a pattern or practice of
12 discrimination as defined by state law; or

13 (b) Has been discriminated against as defined by state
14 law and such discrimination raises an issue of great public
15 interest.

16 (2) The Attorney General may file an action under this
17 section in the circuit court of the county where the complaint
18 arises or in the circuit court for the Second Judicial Circuit
19 in and for Leon County.

20 (3) In any proceeding under this section, the
21 respondent may request, before any responsive pleading is due,
22 that a hearing be held no earlier than 5 days but no more than
23 30 days after the filing of the complaint, at which the court
24 shall determine whether the complaint on its face, makes a
25 prima facie showing that a pattern or practice of
26 discrimination exists or that, as a result of discrimination,
27 an issue of general public importance exists.

28 (4) The Attorney General is entitled to an award of
29 reasonable attorney's fees and costs if the Department of
30 Legal Affairs prevails in an action brought under this
31 section.

1 (5) Any damages recovered under this section shall
2 accrue to the injured party.

3 (6) Civil penalties collected under this section
4 accrue to the state and shall be deposited into the General
5 Revenue Fund unallocated.

6 Section 2. Section 16.57, Florida Statutes, is amended
7 to read:

8 16.57 Office of Civil Rights.--There is created in the
9 Department of Legal Affairs an Office of Civil Rights. The
10 office may investigate and initiate actions authorized by ss.
11 760.021, ~~s.~~760.51, and 760.60. In investigating violations
12 of constitutional and statutory rights under these sections ~~s.~~
13 ~~760.51~~, the Attorney General may administer oaths and
14 affirmations, subpoena witnesses or matter, and collect
15 evidence.

16 Section 3. Effective July 1, 2003, subsection (2) of
17 section 110.105, Florida Statutes, is amended to read:

18 110.105 Employment policy of the state.--

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

27 (b) For purposes of this subsection, the phrase
28 "without regard to sex" includes, but is not limited to,
29 without regard to pregnancy, childbirth, or related medical
30 conditions. Women affected by pregnancy, childbirth, or
31 related medical conditions shall be treated the same for all

1 employment-related purposes, including receipt of benefits
2 under fringe benefits programs, as other persons not so
3 affected but similar in their ability or inability to work,
4 and the employment policy of the state may not be interpreted
5 to permit otherwise.

6 Section 4. Effective July 1, 2003, subsection (1) of
7 section 110.233, Florida Statutes, is amended to read:

8 110.233 Political activities and unlawful acts
9 prohibited.--

10 (1)(a) No person shall be appointed to, demoted, or
11 dismissed from any position in the career service, or in any
12 way favored or discriminated against with respect to
13 employment in the career service, because of race, color,
14 national origin, sex, handicap, religious creed, or political
15 opinion or affiliation.

16 (b) As used in this subsection, the phrase "because of
17 sex" includes, but is not limited to, because of pregnancy,
18 childbirth, or related medical conditions. Women affected by
19 pregnancy, childbirth, or related medical conditions shall be
20 treated the same with respect to employment in the career
21 service, including receipt of benefits under fringe benefits
22 programs, as other persons not so affected but similar in
23 their ability or inability to work, and rules or practices of
24 the career service system of the state may not be interpreted
25 to permit otherwise.

26 Section 5. Effective July 1, 2003, subsection (1) of
27 section 112.042, Florida Statutes, is amended to read:

28 112.042 Discrimination in county and municipal
29 employment; relief.--

30 (1)(a) It is against the public policy of this state
31 for the governing body of any county or municipal agency,

1 board, commission, department, or office, solely because of
2 the race, color, national origin, sex, handicap, or religious
3 creed of any individual, to refuse to hire or employ, to bar,
4 or to discharge from employment such individuals or to
5 otherwise discriminate against such individuals with respect
6 to compensation, hire, tenure, terms, conditions, or
7 privileges of employment, if the individual is the most
8 competent and able to perform the services required.

9 (b) As used in this subsection, the phrase "because of
10 sex" includes, but it not limited to, because of pregnancy,
11 childbirth, or related medical conditions. Women affected by
12 pregnancy, childbirth, or related medical conditions shall be
13 treated the same for all employment-related purposes,
14 including receipt of benefits under fringe benefits programs,
15 as other persons not so affected but similar in their ability
16 or inability to work, and this paragraph may not be
17 interpreted to permit otherwise.

18 Section 6. Effective July 1, 2003, present subsection
19 (10) of section 760.10, Florida Statutes is redesignated as
20 subsection (11), and a new subsection (10) is added to that
21 section, to read:

22 760.10 Unlawful employment practices.--

23 (10) As used in this section, the terms "because of
24 sex" and "on the basis of sex" include, but are not limited
25 to, because or on the basis of pregnancy, childbirth, or
26 related medical conditions. Women affected by pregnancy,
27 childbirth, or related medical conditions shall be treated the
28 same for all employment-related purposes, including receipt of
29 benefits under fringe benefits programs, as other persons not
30 so affected but similar in their ability or inability to work,
31 and this section may not be interpreted to permit otherwise.

1 Section 7. Effective July 1, 2003, for purposes of
2 incorporating the amendments made by this act to section
3 110.233, Florida Statutes, in a reference thereto, subsection
4 (3) of section 104.31, Florida Statutes, is reenacted to read:

5 104.31 Political activities of state, county, and
6 municipal officers and employees.--

7 (3) Nothing contained in this section or in any county
8 or municipal charter shall be deemed to prohibit any public
9 employee from expressing his or her opinions on any candidate
10 or issue or from participating in any political campaign
11 during the employee's off-duty hours, so long as such
12 activities are not in conflict with the provisions of
13 subsection (1) or s. 110.233.

14 Section 8. Effective July 1, 2003, for purposes of
15 incorporating the amendments made by this act to section
16 760.10, Florida Statutes, in a reference thereto, subsection
17 (15) of section 760.11, Florida Statutes, is reenacted to
18 read:

19 760.11 Administrative and civil remedies;
20 construction.--

21 (15) In any civil action or administrative proceeding
22 brought pursuant to this section, a finding that a person
23 employed by the state or any governmental entity or agency has
24 violated s. 760.10 shall as a matter of law constitute just or
25 substantial cause for such person's discharge.

26 Section 9. Except as otherwise expressly provided in
27 this act, this act shall take effect upon becoming a law.
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