

By Senator Wasserman Schultz

34-186-03

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 reenacting ss. 104.31(3) and 760.11(15), F.S.,
14 to incorporate amendments to ss. 110.233 and
15 760.10, F.S., in references thereto; providing
16 an effective date.

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

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

22 110.105 Employment policy of the state.--

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

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1 (b) For purposes of this subsection, the phrase
2 "without regard to sex" includes, but is not limited to,
3 without regard to pregnancy, childbirth, or related medical
4 conditions. Women affected by pregnancy, childbirth, or
5 related medical conditions shall be treated the same for all
6 employment-related purposes, including receipt of benefits
7 under fringe benefits programs, as other persons not so
8 affected but similar in their ability or inability to work,
9 and the employment policy of the state may not be interpreted
10 to permit otherwise. This paragraph does not require a state
11 employer to pay for health insurance benefits for abortion,
12 except where the life of the mother would be endangered if the
13 fetus were carried to term, or except where medical
14 complications have arisen from an abortion. However, this
15 paragraph does not preclude a state employer from providing
16 abortion benefits or otherwise affect bargaining agreements in
17 regard to abortion.

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

20 110.233 Political activities and unlawful acts
21 prohibited.--

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

28 (b) As used in this subsection, the phrase "because of
29 sex" includes, but is not limited to, because of pregnancy,
30 childbirth, or related medical conditions. Women affected by
31 pregnancy, childbirth, or related medical conditions shall be

1 treated the same with respect to employment in the career
2 service, including receipt of benefits under fringe benefits
3 programs, as other persons not so affected but similar in
4 their ability or inability to work, and rules or practices of
5 the career service system of the state may not be interpreted
6 to permit otherwise.

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

9 112.042 Discrimination in county and municipal
10 employment; relief.--

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

21 (b) As used in this subsection, the phrase "because of
22 sex" includes, but is not limited to, because of pregnancy,
23 childbirth, or related medical conditions. Women affected by
24 pregnancy, childbirth, or related medical conditions shall be
25 treated the same for all employment-related purposes,
26 including receipt of benefits under fringe benefits programs,
27 as other persons not so affected but similar in their ability
28 or inability to work, and this paragraph may not be
29 interpreted to permit otherwise. This paragraph does not
30 require an employer to pay for health insurance benefits for
31 abortion, except where the life of the mother would be

1 endangered if the fetus were carried to term, or except where
2 medical complications have arisen from an abortion. However,
3 this paragraph does not preclude an employer from providing
4 abortion benefits or otherwise affect bargaining agreements in
5 regard to abortion.

6 Section 4. Subsection (10) of section 760.10, Florida
7 Statutes, is renumbered as subsection (11) and a new
8 subsection (10) is added to that section to read:

9 760.10 Unlawful employment practices.--

10 (10) As used in this section, the terms "because of
11 sex" and "on the basis of sex" include, but are not limited
12 to, because or on the basis of pregnancy, childbirth, or
13 related medical conditions. Women affected by pregnancy,
14 childbirth, or related medical conditions shall be treated the
15 same for all employment-related purposes, including receipt of
16 benefits under fringe benefits programs, as other persons not
17 so affected but similar in their ability or inability to work,
18 and this section may not be interpreted to permit otherwise.
19 This subsection does not require an employer to pay for health
20 insurance benefits for abortion, except where the life of the
21 mother would be endangered if the fetus were carried to term,
22 or except where medical complications have arisen from an
23 abortion. However, this subsection does not preclude an
24 employer from providing abortion benefits or otherwise affect
25 bargaining agreements in regard to abortion.

26 Section 5. For purposes of incorporating the
27 amendments to section 110.233, Florida Statutes, in a
28 reference thereto, subsection (3) of section 104.31, Florida
29 Statutes, is reenacted to read:

30 104.31 Political activities of state, county, and
31 municipal officers and employees.--

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

8 Section 6. For purposes of incorporating the
9 amendments to section 760.10, Florida Statutes, in a reference
10 thereto, subsection (15) of section 760.11, Florida Statutes,
11 is reenacted to read:

12 760.11 Administrative and civil remedies;
13 construction.--

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

19 Section 7. This act shall take effect July 1, 2003.

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22 SENATE SUMMARY

23 Revises provisions relating to state employment policy,
24 career service appointments, county and municipal
25 employment, and unlawful employment practices, to provide
26 that discrimination on the basis of sex includes
27 discrimination on the basis of pregnancy, childbirth, or
28 related medical conditions. Provides a limitation with
29 respect to employer health insurance benefits.
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