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1 A bill to be entitled

2 An act relating to employment practices; amending ss.  
3 110.105, 110.233, 112.042, and 760.10, F.S.; revising  
4 provisions relating to state employment policy, career  
5 service appointments, county and municipal employment, and  
6 unlawful employment practices, to provide that  
7 discrimination on the basis of sex includes discrimination  
8 on the basis of pregnancy, childbirth, or related medical  
9 conditions; providing a limitation with respect to  
10 employer health insurance benefits; reenacting ss.  
11 104.31(3) and 760.11(15), F.S., to incorporate amendments  
12 to ss. 110.233 and 760.10, F.S., in references thereto;  
13 providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
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 terms  
22 and conditions of employment in state government shall be made  
23 without regard to age, sex, race, religion, national origin,  
24 political affiliation, marital status, or handicap, except when  
25 a specific sex, age, or physical requirement constitutes a bona  
26 fide occupational qualification necessary to proper and  
27 efficient administration.

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



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31 affected by pregnancy, childbirth, or related medical conditions  
32 shall be treated the same for all employment-related purposes,  
33 including receipt of benefits under fringe benefits programs, as  
34 other persons not so affected but similar in their ability or  
35 inability to work, and the employment policy of the state may  
36 not be interpreted to permit otherwise. This paragraph does not  
37 require a state employer to pay for health insurance benefits  
38 for abortion, except where the life of the mother would be  
39 endangered if the fetus were carried to term, or except where  
40 medical complications have arisen from an abortion. However,  
41 this paragraph does not preclude a state employer from providing  
42 abortion benefits or otherwise affect bargaining agreements in  
43 regard to abortion.

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

46 110.233 Political activities and unlawful acts  
47 prohibited.--

48 (1)(a) No person shall be appointed to, demoted, or  
49 dismissed from any position in the career service, or in any way  
50 favored or discriminated against with respect to employment in  
51 the career service, because of race, color, national origin,  
52 sex, handicap, religious creed, or political opinion or  
53 affiliation.

54 (b) As used in this subsection, the phrase "because of  
55 sex" includes, but is not limited to, because of pregnancy,  
56 childbirth, or related medical conditions. Women affected by  
57 pregnancy, childbirth, or related medical conditions shall be  
58 treated the same with respect to employment in the career  
59 service, including receipt of benefits under fringe benefits  
60 programs, as other persons not so affected but similar in their



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61 ability or inability to work, and rules or practices of the  
62 career service system of the state may not be interpreted to  
63 permit otherwise.

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

66 112.042 Discrimination in county and municipal employment;  
67 relief.--

68 (1)(a) It is against the public policy of this state for  
69 the governing body of any county or municipal agency, board,  
70 commission, department, or office, solely because of the race,  
71 color, national origin, sex, handicap, or religious creed of any  
72 individual, to refuse to hire or employ, to bar, or to discharge  
73 from employment such individuals or to otherwise discriminate  
74 against such individuals with respect to compensation, hire,  
75 tenure, terms, conditions, or privileges of employment, if the  
76 individual is the most competent and able to perform the  
77 services required.

78 (b) As used in this subsection, the phrase "because of  
79 sex" includes, but is not limited to, because of pregnancy,  
80 childbirth, or related medical conditions. Women affected by  
81 pregnancy, childbirth, or related medical conditions shall be  
82 treated the same for all employment-related purposes, including  
83 receipt of benefits under fringe benefits programs, as other  
84 persons not so affected but similar in their ability or  
85 inability to work, and this paragraph may not be interpreted to  
86 permit otherwise. This paragraph does not require an employer to  
87 pay for health insurance benefits for abortion, except where the  
88 life of the mother would be endangered if the fetus were carried  
89 to term, or except where medical complications have arisen from  
90 an abortion. However, this paragraph does not preclude an



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91 employer from providing abortion benefits or otherwise affect  
92 bargaining agreements in regard to abortion.

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

96 760.10 Unlawful employment practices.--

97 (10) As used in this section, the terms "because of sex"  
98 and "on the basis of sex" include, but are not limited to,  
99 because or on the basis of pregnancy, childbirth, or related  
100 medical conditions. Women affected by pregnancy, childbirth, or  
101 related medical conditions shall be treated the same for all  
102 employment-related purposes, including receipt of benefits under  
103 fringe benefits programs, as other persons not so affected but  
104 similar in their ability or inability to work, and this section  
105 may not be interpreted to permit otherwise. This subsection does  
106 not require an employer to pay for health insurance benefits for  
107 abortion, except where the life of the mother would be  
108 endangered if the fetus were carried to term, or except where  
109 medical complications have arisen from an abortion. However,  
110 this subsection does not preclude an employer from providing  
111 abortion benefits or otherwise affect bargaining agreements in  
112 regard to abortion.

113 Section 5. For purposes of incorporating the amendments to  
114 section 110.233, Florida Statutes, in a reference thereto,  
115 subsection (3) of section 104.31, Florida Statutes, is reenacted  
116 to read:

117 104.31 Political activities of state, county, and  
118 municipal officers and employees.--

119 (3) Nothing contained in this section or in any county or  
120 municipal charter shall be deemed to prohibit any public



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121 employee from expressing his or her opinions on any candidate or  
122 issue or from participating in any political campaign during the  
123 employee's off-duty hours, so long as such activities are not in  
124 conflict with the provisions of subsection (1) or s. 110.233.

125 Section 6. For purposes of incorporating the amendments to  
126 section 760.10, Florida Statutes, in a reference thereto,  
127 subsection (15) of section 760.11, Florida Statutes, is  
128 reenacted to read:

129 760.11 Administrative and civil remedies; construction.--

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

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