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A bill to be entitled

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

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

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

110.105 Employment policy of the state.--

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

(b) For purposes of this subsection, the phrase "without regard to sex" includes, but is not limited to, without regard 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. Present subsection (10) of section 760.10,
 94 Florida Statutes, is redesignated as subsection (11), and a new
 95 subsection (10) is added to said 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, 2004.

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