FL-Emp Disc

An act relating to employment; providing that it is unlawful to discriminate through any employment action because an individual is a user of legal agricultural products; providing an exception; providing an effective date.

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

Section 1. Discrimination in employment.--

(1) It is unlawful to coerce, intimidate, threaten, intimidate, or discriminate through any employment actions. Including, but not limited to, actions with respect to compensation, terms, conditions, or privileges of employment because an individual employee is a user of legal agricultural products who chooses to participate in or abstain from using such legal agricultural products during nonworking hours off the premises of the workplace.

(2) It is not an unlawful practice to discriminate through employment action on the basis of an individual employee's use of legal agricultural products when proper requirements a bona fide occupational qualification reasonably necessary for the performance of the particular employment to which such action is related. Furthermore subsection (1) shall not apply to employment actions involving any employee certified under chapters 633, 943, or 401, Florida Statutes, or actions involving any public employee risk management, employee assistance, or health care program such as wellness or physical fitness incentives, classes, or instruction provided by the employer.

(3) This section shall not prohibit an employer from offering, providing, or having in effect a health, disability, or life insurance policy which makes distinctions between the employees for type of coverage or price of coverage based upon the employees' use of lawful agricultural products; provided that:

(a) The plans are subject to Federal Regulations under the employee retirement income security act (ERISA) or any differential premium rates charged to employees must reflect differential costs to the employer or insurer; and

(b) The employer must provide employees with a statement delineating the differential rates used by the insurance carriers.

Section 2. This act shall take effect upon becoming a law.

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CODING: Words stricken are deletions; words underlined are additions.

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