

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

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1 Committee/Subcommittee hearing bill: State Affairs Committee  
 2 Representative Berman offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 509.092, Florida Statutes, is amended  
 7 to read:

8 509.092 Public lodging establishments and public food  
 9 service establishments; rights as private enterprises.—Public  
 10 lodging establishments and public food service establishments  
 11 are private enterprises, and the operator has the right to  
 12 refuse accommodations or service to any person who is  
 13 objectionable or undesirable to the operator, but such refusal  
 14 may not be based upon race, creed, color, sex, pregnancy,  
 15 physical disability, or national origin. A person aggrieved by a  
 16 violation of this section or a violation of a rule adopted under  
 17 this section has a right of action pursuant to s. 760.11.

18 Section 2. Section 760.08, Florida Statutes, is amended to  
 19 read:

Amendment No.

20 760.08 Discrimination in places of public accommodation.-  
21 All persons shall be entitled to the full and equal enjoyment of  
22 the goods, services, facilities, privileges, advantages, and  
23 accommodations of any place of public accommodation, as defined  
24 in this chapter, without discrimination or segregation on the  
25 ground of race, color, national origin, sex, pregnancy,  
26 handicap, familial status, or religion.

27 Section 3. Paragraph (c) is added to subsection (1) of  
28 section 760.10, Florida Statutes, and paragraphs (a) and (b) of  
29 subsection (3), subsections (4), (5), and (6), and paragraph (a)  
30 of subsection (8) of section 760.10, Florida Statutes, are  
31 amended to read:

32 760.10 Unlawful employment practices.-

33 (1) It is an unlawful employment practice for an employer:

34 (c) To discharge or to fail or refuse to hire an  
35 individual, or otherwise to discriminate against an individual  
36 with respect to compensation, terms, conditions, or privileges  
37 of employment, because of or on the basis of pregnancy,  
38 childbirth, or a related medical condition. A woman affected by  
39 pregnancy, childbirth, or a related medical condition shall be  
40 treated the same for all employment-related purposes, including  
41 receipt of benefits under fringe benefit programs, as other  
42 persons not so affected but similar in their ability or  
43 inability to work.

44 (3) It is an unlawful employment practice for a labor  
45 organization:

46 (a) To exclude or to expel from its membership, or  
47 otherwise to discriminate against, any individual because of

Amendment No.

48 race, color, religion, sex, pregnancy, national origin, age,  
49 handicap, or marital status.

50 (b) To limit, segregate, or classify its membership or  
51 applicants for membership, or to classify or fail or refuse to  
52 refer for employment any individual, in any way which would  
53 deprive or tend to deprive any individual of employment  
54 opportunities, or adversely affect any individual's status as an  
55 employee or as an applicant for employment, because of such  
56 individual's race, color, religion, sex, pregnancy, national  
57 origin, age, handicap, or marital status.

58 (4) It is an unlawful employment practice for any  
59 employer, labor organization, or joint labor-management  
60 committee controlling apprenticeship or other training or  
61 retraining, including on-the-job training programs, to  
62 discriminate against any individual because of race, color,  
63 religion, sex, pregnancy, national origin, age, handicap, or  
64 marital status in admission to, or employment in, any program  
65 established to provide apprenticeship or other training.

66 (5) Whenever, in order to engage in a profession,  
67 occupation, or trade, it is required that a person receive a  
68 license, certification, or other credential, become a member or  
69 an associate of any club, association, or other organization, or  
70 pass any examination, it is an unlawful employment practice for  
71 any person to discriminate against any other person seeking such  
72 license, certification, or other credential, seeking to become a  
73 member or associate of such club, association, or other  
74 organization, or seeking to take or pass such examination,

Amendment No.

75 because of such other person's race, color, religion, sex,  
76 pregnancy, national origin, age, handicap, or marital status.

77 (6) It is an unlawful employment practice for an employer,  
78 labor organization, employment agency, or joint labor-management  
79 committee to print, or cause to be printed or published, any  
80 notice or advertisement relating to employment, membership,  
81 classification, referral for employment, or apprenticeship or  
82 other training, indicating any preference, limitation,  
83 specification, or discrimination, based on race, color,  
84 religion, sex, pregnancy, national origin, age, absence of  
85 handicap, or marital status.

86 (8) Notwithstanding any other provision of this section,  
87 it is not an unlawful employment practice under ss. 760.01-  
88 760.10 for an employer, employment agency, labor organization,  
89 or joint labor-management committee to:

90 (a) Take or fail to take any action on the basis of  
91 religion, sex, pregnancy, national origin, age, handicap, or  
92 marital status in those certain instances in which religion,  
93 sex, national origin, age, absence of a particular handicap, or  
94 marital status is a bona fide occupational qualification  
95 reasonably necessary for the performance of the particular  
96 employment to which such action or inaction is related.

97 Section 4. This act shall take effect July 1, 2013  
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101 **T I T L E A M E N D M E N T**

102 Remove everything before the enacting clause and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 717 (2013)

Amendment No.

103                                   A bill to be entitled  
104   An act relating to discrimination; amending s. 509.092, F.S.;  
105   prohibiting discrimination on the basis of pregnancy in public  
106   food and lodging establishments; amending s. 760.08, F.S.;  
107   prohibiting discrimination on the basis of pregnancy in public  
108   accommodation establishments; amending s. 760.10, F.S.;  
109   prohibiting employment discrimination on the basis of pregnancy,  
110   childbirth, or related medical conditions; prohibiting  
111   discrimination on the basis of pregnancy by labor organizations,  
112   joint labor-management committees, employment agencies, or in  
113   licensing; providing an effective date.