

1 A bill to be entitled
2 An act relating to discrimination; amending s.
3 509.092, F.S.; prohibiting discrimination on the basis
4 of pregnancy in public food and lodging
5 establishments; amending s. 760.08, F.S.; prohibiting
6 discrimination on the basis of pregnancy in public
7 accommodation establishments; amending s. 760.10,
8 F.S.; prohibiting employment discrimination on the
9 basis of pregnancy, childbirth, or related medical
10 conditions; prohibiting discrimination on the basis of
11 pregnancy by labor organizations, joint labor-
12 management committees, employment agencies, or in
13 licensing; providing an effective date.

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

16
17 Section 1. Section 509.092, Florida Statutes, is amended
18 to read:

19 509.092 Public lodging establishments and public food
20 service establishments; rights as private enterprises.—Public
21 lodging establishments and public food service establishments
22 are private enterprises, and the operator has the right to
23 refuse accommodations or service to any person who is
24 objectionable or undesirable to the operator, but such refusal
25 may not be based upon race, creed, color, sex, pregnancy,
26 physical disability, or national origin. A person aggrieved by a
27 violation of this section or a violation of a rule adopted under
28 this section has a right of action pursuant to s. 760.11.

29 Section 2. Section 760.08, Florida Statutes, is amended to
 30 read:

31 760.08 Discrimination in places of public accommodation.—
 32 All persons shall be entitled to the full and equal enjoyment of
 33 the goods, services, facilities, privileges, advantages, and
 34 accommodations of any place of public accommodation, as defined
 35 in this chapter, without discrimination or segregation on the
 36 ground of race, color, national origin, sex, pregnancy,
 37 handicap, familial status, or religion.

38 Section 3. Paragraph (c) is added to subsection (1) of
 39 section 760.10, Florida Statutes, and paragraphs (a) and (b) of
 40 subsection (3), subsections (4), (5), and (6), and paragraph (a)
 41 of subsection (8) of section 760.10, Florida Statutes, are
 42 amended to read:

43 760.10 Unlawful employment practices.—

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

45 (c) To discharge or to fail or refuse to hire an
 46 individual, or otherwise to discriminate against an individual
 47 with respect to compensation, terms, conditions, or privileges
 48 of employment, because of or on the basis of pregnancy,
 49 childbirth, or a related medical condition. A woman affected by
 50 pregnancy, childbirth, or a related medical condition shall be
 51 treated the same for all employment-related purposes, including
 52 receipt of benefits under fringe benefit programs, as other
 53 persons not so affected but similar in their ability or
 54 inability to work.

55 (3) It is an unlawful employment practice for a labor
 56 organization:

57 (a) To exclude or to expel from its membership, or
58 otherwise to discriminate against, any individual because of
59 race, color, religion, sex, pregnancy, national origin, age,
60 handicap, or marital status.

61 (b) To limit, segregate, or classify its membership or
62 applicants for membership, or to classify or fail or refuse to
63 refer for employment any individual, in any way which would
64 deprive or tend to deprive any individual of employment
65 opportunities, or adversely affect any individual's status as an
66 employee or as an applicant for employment, because of such
67 individual's race, color, religion, sex, pregnancy, national
68 origin, age, handicap, or marital status.

69 (4) It is an unlawful employment practice for any
70 employer, labor organization, or joint labor-management
71 committee controlling apprenticeship or other training or
72 retraining, including on-the-job training programs, to
73 discriminate against any individual because of race, color,
74 religion, sex, pregnancy, national origin, age, handicap, or
75 marital status in admission to, or employment in, any program
76 established to provide apprenticeship or other training.

77 (5) Whenever, in order to engage in a profession,
78 occupation, or trade, it is required that a person receive a
79 license, certification, or other credential, become a member or
80 an associate of any club, association, or other organization, or
81 pass any examination, it is an unlawful employment practice for
82 any person to discriminate against any other person seeking such
83 license, certification, or other credential, seeking to become a
84 member or associate of such club, association, or other

85 organization, or seeking to take or pass such examination,
86 because of such other person's race, color, religion, sex,
87 pregnancy, national origin, age, handicap, or marital status.

88 (6) It is an unlawful employment practice for an employer,
89 labor organization, employment agency, or joint labor-management
90 committee to print, or cause to be printed or published, any
91 notice or advertisement relating to employment, membership,
92 classification, referral for employment, or apprenticeship or
93 other training, indicating any preference, limitation,
94 specification, or discrimination, based on race, color,
95 religion, sex, pregnancy, national origin, age, absence of
96 handicap, or marital status.

97 (8) Notwithstanding any other provision of this section,
98 it is not an unlawful employment practice under ss. 760.01-
99 760.10 for an employer, employment agency, labor organization,
100 or joint labor-management committee to:

101 (a) Take or fail to take any action on the basis of
102 religion, sex, pregnancy, national origin, age, handicap, or
103 marital status in those certain instances in which religion,
104 sex, national origin, age, absence of a particular handicap, or
105 marital status is a bona fide occupational qualification
106 reasonably necessary for the performance of the particular
107 employment to which such action or inaction is related.

108 Section 4. This act shall take effect July 1, 2013.