

1 A bill to be entitled  
2 An act relating to the Florida Civil Rights Act;  
3 amending s. 509.092, F.S.; prohibiting discrimination  
4 on the basis of pregnancy in public lodging and food  
5 service establishments; amending s. 760.01, F.S.;  
6 revising the general purpose of the Florida Civil  
7 Rights Act of 1992; amending s. 760.02, F.S.;  
8 providing a definition for the term "pregnancy";  
9 amending s. 760.05, F.S.; revising the function of the  
10 Florida Commission on Human Relations; amending s.  
11 760.07, F.S.; providing civil and administrative  
12 remedies for discrimination on the basis of pregnancy;  
13 amending s. 760.08, F.S.; prohibiting discrimination  
14 on the basis of pregnancy in places of public  
15 accommodation; amending s. 760.10, F.S.; prohibiting  
16 discrimination with regard to employment benefits;  
17 prohibiting employment discrimination on the basis of  
18 pregnancy; prohibiting discrimination on the basis of  
19 pregnancy by labor organizations, joint labor-  
20 management committees, and employment agencies;  
21 prohibiting discrimination on the basis of pregnancy  
22 in occupational licensing, certification, and  
23 membership organizations; providing an exception to  
24 unlawful employment practices based on pregnancy;  
25 reenacting s. 760.11(1), F.S., relating to  
26 administrative and civil remedies for violations of  
27 the Florida Civil Rights Act of 1992, to incorporate  
28 the amendments made to s. 760.10(5), F.S., in a

29 | reference thereto; providing an effective date.

30 |

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

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33 | Section 1. Section 509.092, Florida Statutes, is amended  
34 | to read:

35 | 509.092 Public lodging establishments and public food  
36 | service establishments; rights as private enterprises.—Public  
37 | lodging establishments and public food service establishments  
38 | are private enterprises, and the operator has the right to  
39 | refuse accommodations or service to any person who is  
40 | objectionable or undesirable to the operator, but such refusal  
41 | may not be based upon race, creed, color, sex, pregnancy,  
42 | physical disability, or national origin. A person aggrieved by a  
43 | violation of this section or a violation of a rule adopted under  
44 | this section has a right of action pursuant to s. 760.11.

45 | Section 2. Subsection (2) of section 760.01, Florida  
46 | Statutes, is amended to read:

47 | 760.01 Purposes; construction; title.—

48 | (2) The general purposes of the Florida Civil Rights Act  
49 | of 1992 are to secure for all individuals within the state  
50 | freedom from discrimination because of race, color, religion,  
51 | sex, pregnancy, national origin, age, handicap, or marital  
52 | status and thereby to protect their interest in personal  
53 | dignity, to make available to the state their full productive  
54 | capacities, to secure the state against domestic strife and  
55 | unrest, to preserve the public safety, health, and general  
56 | welfare, and to promote the interests, rights, and privileges of

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57 individuals within the state.

58 Section 3. Subsection (12) is added to section 760.02,  
59 Florida Statutes, to read:

60 760.02 Definitions.—For the purposes of ss. 760.01–760.11  
61 and 509.092, the term:

62 (12) "Pregnancy" means a woman affected by pregnancy,  
63 childbirth, or a medical condition related to pregnancy or  
64 childbirth.

65 Section 4. Section 760.05, Florida Statutes, is amended to  
66 read:

67 760.05 Functions of the commission.—The commission shall  
68 promote and encourage fair treatment and equal opportunity for  
69 all persons regardless of race, color, religion, sex, pregnancy,  
70 national origin, age, handicap, or marital status and mutual  
71 understanding and respect among all members of all economic,  
72 social, racial, religious, and ethnic groups; and shall endeavor  
73 to eliminate discrimination against, and antagonism between,  
74 religious, racial, and ethnic groups and their members.

75 Section 5. Section 760.07, Florida Statutes, is amended to  
76 read:

77 760.07 Remedies for unlawful discrimination.—Any violation  
78 of any Florida statute making unlawful discrimination because of  
79 race, color, religion, gender, pregnancy, national origin, age,  
80 handicap, or marital status in the areas of education,  
81 employment, housing, or public accommodations gives rise to a  
82 cause of action for all relief and damages described in s.  
83 760.11(5), unless greater damages are expressly provided for. If  
84 the statute prohibiting unlawful discrimination provides an

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85 administrative remedy, the action for equitable relief and  
86 damages provided for in this section may be initiated only after  
87 the plaintiff has exhausted his or her administrative remedy.  
88 The term "public accommodations" does not include lodge halls or  
89 other similar facilities of private organizations which are made  
90 available for public use occasionally or periodically. The right  
91 to trial by jury is preserved in any case in which the plaintiff  
92 is seeking actual or punitive damages.

93 Section 6. Section 760.08, Florida Statutes, is amended to  
94 read:

95 760.08 Discrimination in places of public accommodation.—  
96 All persons are ~~shall be~~ entitled to the full and equal  
97 enjoyment of the goods, services, facilities, privileges,  
98 advantages, and accommodations of any place of public  
99 accommodation, ~~as defined in this chapter,~~ without  
100 discrimination or segregation on the ground of race, color,  
101 national origin, sex, pregnancy, handicap, familial status, or  
102 religion.

103 Section 7. Subsections (1) and (2), paragraphs (a) and (b)  
104 of subsection (3), subsections (4) through (6), and paragraph  
105 (a) of subsection (8) of section 760.10, Florida Statutes, are  
106 amended to read:

107 760.10 Unlawful employment practices.—

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

109 (a) To discharge or to fail or refuse to hire any  
110 individual, or otherwise to discriminate against any individual  
111 with respect to compensation, benefits, terms, conditions, or  
112 privileges of employment, because of such individual's race,

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113 | color, religion, sex, pregnancy, national origin, age, handicap,  
114 | or marital status.

115 |       (b) To limit, segregate, or classify employees or  
116 | applicants for employment in any way which would deprive or tend  
117 | to deprive any individual of employment opportunities, or  
118 | adversely affect any individual's status as an employee, because  
119 | of such individual's race, color, religion, sex, pregnancy,  
120 | national origin, age, handicap, or marital status.

121 |       (2) It is an unlawful employment practice for an  
122 | employment agency to fail or refuse to refer for employment, or  
123 | otherwise to discriminate against, any individual because of  
124 | race, color, religion, sex, pregnancy, national origin, age,  
125 | handicap, or marital status or to classify or refer for  
126 | employment any individual on the basis of race, color, religion,  
127 | sex, pregnancy, national origin, age, handicap, or marital  
128 | status.

129 |       (3) It is an unlawful employment practice for a labor  
130 | organization:

131 |       (a) To exclude or to expel from its membership, or  
132 | otherwise to discriminate against, any individual because of  
133 | race, color, religion, sex, pregnancy, national origin, age,  
134 | handicap, or marital status.

135 |       (b) To limit, segregate, or classify its membership or  
136 | applicants for membership, or to classify or fail or refuse to  
137 | refer for employment any individual, in any way which would  
138 | deprive or tend to deprive any individual of employment  
139 | opportunities, or adversely affect any individual's status as an  
140 | employee or as an applicant for employment, because of such

141 individual's race, color, religion, sex, pregnancy, national  
142 origin, age, handicap, or marital status.

143 (4) It is an unlawful employment practice for any  
144 employer, labor organization, or joint labor-management  
145 committee controlling apprenticeship or other training or  
146 retraining, including on-the-job training programs, to  
147 discriminate against any individual because of race, color,  
148 religion, sex, pregnancy, national origin, age, handicap, or  
149 marital status in admission to, or employment in, any program  
150 established to provide apprenticeship or other training.

151 (5) Whenever, in order to engage in a profession,  
152 occupation, or trade, it is required that a person receive a  
153 license, certification, or other credential, become a member or  
154 an associate of any club, association, or other organization, or  
155 pass any examination, it is an unlawful employment practice for  
156 any person to discriminate against any other person seeking such  
157 license, certification, or other credential, seeking to become a  
158 member or associate of such club, association, or other  
159 organization, or seeking to take or pass such examination,  
160 because of such other person's race, color, religion, sex,  
161 pregnancy, national origin, age, handicap, or marital status.

162 (6) It is an unlawful employment practice for an employer,  
163 labor organization, employment agency, or joint labor-management  
164 committee to print, or cause to be printed or published, any  
165 notice or advertisement relating to employment, membership,  
166 classification, referral for employment, or apprenticeship or  
167 other training, indicating any preference, limitation,  
168 specification, or discrimination, based on race, color,

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169 religion, sex, pregnancy, national origin, age, absence of  
170 handicap, or marital status.

171 (8) Notwithstanding any other provision of this section,  
172 it is not an unlawful employment practice under ss. 760.01-  
173 760.10 for an employer, employment agency, labor organization,  
174 or joint labor-management committee to:

175 (a) Take or fail to take any action on the basis of  
176 religion, sex, pregnancy, national origin, age, handicap, or  
177 marital status in those certain instances in which religion,  
178 sex, condition of pregnancy, national origin, age, absence of a  
179 particular handicap, or marital status is a bona fide  
180 occupational qualification reasonably necessary for the  
181 performance of the particular employment to which such action or  
182 inaction is related.

183 Section 8. For the purpose of incorporating the amendment  
184 made by this act to section 760.10(5), Florida Statutes, in a  
185 reference thereto, subsection (1) of section 760.11, Florida  
186 Statutes, is reenacted to read:

187 760.11 Administrative and civil remedies; construction.—

188 (1) Any person aggrieved by a violation of ss. 760.01-  
189 760.10 may file a complaint with the commission within 365 days  
190 of the alleged violation, naming the employer, employment  
191 agency, labor organization, or joint labor-management committee,  
192 or, in the case of an alleged violation of s. 760.10(5), the  
193 person responsible for the violation and describing the  
194 violation. Any person aggrieved by a violation of s. 509.092 may  
195 file a complaint with the commission within 365 days of the  
196 alleged violation naming the person responsible for the

197 violation and describing the violation. The commission, a  
198 commissioner, or the Attorney General may in like manner file  
199 such a complaint. On the same day the complaint is filed with  
200 the commission, the commission shall clearly stamp on the face  
201 of the complaint the date the complaint was filed with the  
202 commission. In lieu of filing the complaint with the commission,  
203 a complaint under this section may be filed with the federal  
204 Equal Employment Opportunity Commission or with any unit of  
205 government of the state which is a fair-employment-practice  
206 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the  
207 complaint is filed is clearly stamped on the face of the  
208 complaint, that date is the date of filing. The date the  
209 complaint is filed with the commission for purposes of this  
210 section is the earliest date of filing with the Equal Employment  
211 Opportunity Commission, the fair-employment-practice agency, or  
212 the commission. The complaint shall contain a short and plain  
213 statement of the facts describing the violation and the relief  
214 sought. The commission may require additional information to be  
215 in the complaint. The commission, within 5 days of the complaint  
216 being filed, shall by registered mail send a copy of the  
217 complaint to the person who allegedly committed the violation.  
218 The person who allegedly committed the violation may file an  
219 answer to the complaint within 25 days of the date the complaint  
220 was filed with the commission. Any answer filed shall be mailed  
221 to the aggrieved person by the person filing the answer. Both  
222 the complaint and the answer shall be verified.

223 Section 9. This act shall take effect July 1, 2014.