

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. 760.05, F.S.; revising
8 the function of the Florida Commission on Human
9 Relations; amending s. 760.07, F.S.; providing civil
10 and administrative remedies for discrimination on the
11 basis of pregnancy; amending s. 760.08, F.S.;
12 prohibiting discrimination on the basis of pregnancy
13 in places of public accommodation; amending s. 760.10,
14 F.S.; prohibiting discrimination with regard to
15 employment benefits; prohibiting employment
16 discrimination on the basis of pregnancy; prohibiting
17 discrimination on the basis of pregnancy by labor
18 organizations, joint labor-management committees, and
19 employment agencies; prohibiting discrimination on the
20 basis of pregnancy in occupational licensing,
21 certification, and membership organizations; providing
22 an exception to unlawful employment practices based on
23 pregnancy; reenacting s. 760.11(1), F.S., relating to
24 administrative and civil remedies for violations of
25 the Florida Civil Rights Act of 1992, to incorporate
26 the amendments made to s. 760.10(5), F.S., in a

27 reference thereto; providing an effective date.

28

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

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31 Section 1. Section 509.092, Florida Statutes, is amended
32 to read:

33 509.092 Public lodging establishments and public food
34 service establishments; rights as private enterprises.—Public
35 lodging establishments and public food service establishments
36 are private enterprises, and the operator has the right to
37 refuse accommodations or service to any person who is
38 objectionable or undesirable to the operator, but such refusal
39 may not be based upon race, creed, color, sex, pregnancy,
40 physical disability, or national origin. A person aggrieved by a
41 violation of this section or a violation of a rule adopted under
42 this section has a right of action pursuant to s. 760.11.

43 Section 2. Subsection (2) of section 760.01, Florida
44 Statutes, is amended to read:

45 760.01 Purposes; construction; title.—

46 (2) The general purposes of the Florida Civil Rights Act
47 of 1992 are to secure for all individuals within the state
48 freedom from discrimination because of race, color, religion,
49 sex, pregnancy, national origin, age, handicap, or marital
50 status and thereby to protect their interest in personal
51 dignity, to make available to the state their full productive
52 capacities, to secure the state against domestic strife and

53 unrest, to preserve the public safety, health, and general
54 welfare, and to promote the interests, rights, and privileges of
55 individuals within the state.

56 Section 3. Section 760.05, Florida Statutes, is amended to
57 read:

58 760.05 Functions of the commission.—The commission shall
59 promote and encourage fair treatment and equal opportunity for
60 all persons regardless of race, color, religion, sex, pregnancy,
61 national origin, age, handicap, or marital status and mutual
62 understanding and respect among all members of all economic,
63 social, racial, religious, and ethnic groups; and shall endeavor
64 to eliminate discrimination against, and antagonism between,
65 religious, racial, and ethnic groups and their members.

66 Section 4. Section 760.07, Florida Statutes, is amended to
67 read:

68 760.07 Remedies for unlawful discrimination.—Any violation
69 of any Florida statute making unlawful discrimination because of
70 race, color, religion, gender, pregnancy, national origin, age,
71 handicap, or marital status in the areas of education,
72 employment, housing, or public accommodations gives rise to a
73 cause of action for all relief and damages described in s.
74 760.11(5), unless greater damages are expressly provided for. If
75 the statute prohibiting unlawful discrimination provides an
76 administrative remedy, the action for equitable relief and
77 damages provided for in this section may be initiated only after
78 the plaintiff has exhausted his or her administrative remedy.

79 The term "public accommodations" does not include lodge halls or
80 other similar facilities of private organizations which are made
81 available for public use occasionally or periodically. The right
82 to trial by jury is preserved in any case in which the plaintiff
83 is seeking actual or punitive damages.

84 Section 5. Section 760.08, Florida Statutes, is amended to
85 read:

86 760.08 Discrimination in places of public accommodation.—
87 All persons are ~~shall be~~ entitled to the full and equal
88 enjoyment of the goods, services, facilities, privileges,
89 advantages, and accommodations of any place of public
90 accommodation, ~~as defined in this chapter,~~ without
91 discrimination or segregation on the ground of race, color,
92 national origin, sex, pregnancy, handicap, familial status, or
93 religion.

94 Section 6. Subsections (1) and (2), paragraphs (a) and (b)
95 of subsection (3), subsections (4) through (6), and paragraph
96 (a) of subsection (8) of section 760.10, Florida Statutes, are
97 amended to read:

98 760.10 Unlawful employment practices.—

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

100 (a) To discharge or to fail or refuse to hire any
101 individual, or otherwise to discriminate against any individual
102 with respect to compensation, benefits, terms, conditions, or
103 privileges of employment, because of such individual's race,
104 color, religion, sex, pregnancy, national origin, age, handicap,

105 or marital status.

106 (b) To limit, segregate, or classify employees or
107 applicants for employment in any way which would deprive or tend
108 to deprive any individual of employment opportunities, or
109 adversely affect any individual's status as an employee, because
110 of such individual's race, color, religion, sex, pregnancy,
111 national origin, age, handicap, or marital status.

112 (2) It is an unlawful employment practice for an
113 employment agency to fail or refuse to refer for employment, or
114 otherwise to discriminate against, any individual because of
115 race, color, religion, sex, pregnancy, national origin, age,
116 handicap, or marital status or to classify or refer for
117 employment any individual on the basis of race, color, religion,
118 sex, pregnancy, national origin, age, handicap, or marital
119 status.

120 (3) It is an unlawful employment practice for a labor
121 organization:

122 (a) To exclude or to expel from its membership, or
123 otherwise to discriminate against, any individual because of
124 race, color, religion, sex, pregnancy, national origin, age,
125 handicap, or marital status.

126 (b) To limit, segregate, or classify its membership or
127 applicants for membership, or to classify or fail or refuse to
128 refer for employment any individual, in any way which would
129 deprive or tend to deprive any individual of employment
130 opportunities, or adversely affect any individual's status as an

131 employee or as an applicant for employment, because of such
132 individual's race, color, religion, sex, pregnancy, national
133 origin, age, handicap, or marital status.

134 (4) It is an unlawful employment practice for any
135 employer, labor organization, or joint labor-management
136 committee controlling apprenticeship or other training or
137 retraining, including on-the-job training programs, to
138 discriminate against any individual because of race, color,
139 religion, sex, pregnancy, national origin, age, handicap, or
140 marital status in admission to, or employment in, any program
141 established to provide apprenticeship or other training.

142 (5) Whenever, in order to engage in a profession,
143 occupation, or trade, it is required that a person receive a
144 license, certification, or other credential, become a member or
145 an associate of any club, association, or other organization, or
146 pass any examination, it is an unlawful employment practice for
147 any person to discriminate against any other person seeking such
148 license, certification, or other credential, seeking to become a
149 member or associate of such club, association, or other
150 organization, or seeking to take or pass such examination,
151 because of such other person's race, color, religion, sex,
152 pregnancy, national origin, age, handicap, or marital status.

153 (6) It is an unlawful employment practice for an employer,
154 labor organization, employment agency, or joint labor-management
155 committee to print, or cause to be printed or published, any
156 notice or advertisement relating to employment, membership,

157 classification, referral for employment, or apprenticeship or
 158 other training, indicating any preference, limitation,
 159 specification, or discrimination, based on race, color,
 160 religion, sex, pregnancy, national origin, age, absence of
 161 handicap, or marital status.

162 (8) Notwithstanding any other provision of this section,
 163 it is not an unlawful employment practice under ss. 760.01-
 164 760.10 for an employer, employment agency, labor organization,
 165 or joint labor-management committee to:

166 (a) Take or fail to take any action on the basis of
 167 religion, sex, pregnancy, national origin, age, handicap, or
 168 marital status in those certain instances in which religion,
 169 sex, condition of pregnancy, national origin, age, absence of a
 170 particular handicap, or marital status is a bona fide
 171 occupational qualification reasonably necessary for the
 172 performance of the particular employment to which such action or
 173 inaction is related.

174 Section 7. For the purpose of incorporating the amendment
 175 made by this act to section 760.10(5), Florida Statutes, in a
 176 reference thereto, subsection (1) of section 760.11, Florida
 177 Statutes, is reenacted to read:

178 760.11 Administrative and civil remedies; construction.—

179 (1) Any person aggrieved by a violation of ss. 760.01-
 180 760.10 may file a complaint with the commission within 365 days
 181 of the alleged violation, naming the employer, employment
 182 agency, labor organization, or joint labor-management committee,

183 or, in the case of an alleged violation of s. 760.10(5), the
184 person responsible for the violation and describing the
185 violation. Any person aggrieved by a violation of s. 509.092 may
186 file a complaint with the commission within 365 days of the
187 alleged violation naming the person responsible for the
188 violation and describing the violation. The commission, a
189 commissioner, or the Attorney General may in like manner file
190 such a complaint. On the same day the complaint is filed with
191 the commission, the commission shall clearly stamp on the face
192 of the complaint the date the complaint was filed with the
193 commission. In lieu of filing the complaint with the commission,
194 a complaint under this section may be filed with the federal
195 Equal Employment Opportunity Commission or with any unit of
196 government of the state which is a fair-employment-practice
197 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
198 complaint is filed is clearly stamped on the face of the
199 complaint, that date is the date of filing. The date the
200 complaint is filed with the commission for purposes of this
201 section is the earliest date of filing with the Equal Employment
202 Opportunity Commission, the fair-employment-practice agency, or
203 the commission. The complaint shall contain a short and plain
204 statement of the facts describing the violation and the relief
205 sought. The commission may require additional information to be
206 in the complaint. The commission, within 5 days of the complaint
207 being filed, shall by registered mail send a copy of the
208 complaint to the person who allegedly committed the violation.

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209 The person who allegedly committed the violation may file an
210 answer to the complaint within 25 days of the date the complaint
211 was filed with the commission. Any answer filed shall be mailed
212 to the aggrieved person by the person filing the answer. Both
213 the complaint and the answer shall be verified.

214 Section 8. This act shall take effect July 1, 2014.