

By Senator Thompson

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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 employment discrimination on the
15 basis of pregnancy; prohibiting discrimination on the
16 basis of pregnancy by labor organizations, joint
17 labor-management committees, and employment agencies;
18 prohibiting discrimination on the basis of pregnancy
19 in occupational licensing, certification, and
20 membership organizations; providing an exception to
21 unlawful employment practices based on pregnancy;
22 reenacting s. 760.11(1), F.S., relating to
23 administrative and civil remedies for violations of
24 the Florida Civil Rights Act of 1992, to incorporate
25 the amendments made to s. 760.10(5), F.S., in a
26 reference thereto; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 509.092, Florida Statutes, is amended to
31 read:

32 509.092 Public lodging establishments and public food
33 service establishments; rights as private enterprises.—Public
34 lodging establishments and public food service establishments
35 are private enterprises, and the operator has the right to
36 refuse accommodations or service to any person who is
37 objectionable or undesirable to the operator, but such refusal
38 may not be based upon race, creed, color, sex, pregnancy,
39 physical disability, or national origin. A person aggrieved by a
40 violation of this section or a violation of a rule adopted under
41 this section has a right of action pursuant to s. 760.11.

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

44 760.01 Purposes; construction; title.—

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

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

57 760.05 Functions of the commission.—The commission shall
58 promote and encourage fair treatment and equal opportunity for

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59 all persons regardless of race, color, religion, sex, pregnancy,
60 national origin, age, handicap, or marital status and mutual
61 understanding and respect among all members of all economic,
62 social, racial, religious, and ethnic groups; and shall endeavor
63 to eliminate discrimination against, and antagonism between,
64 religious, racial, and ethnic groups and their members.

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

67 760.07 Remedies for unlawful discrimination.—Any violation
68 of any Florida statute making unlawful discrimination because of
69 race, color, religion, gender, pregnancy, national origin, age,
70 handicap, or marital status in the areas of education,
71 employment, housing, or public accommodations gives rise to a
72 cause of action for all relief and damages described in s.
73 760.11(5), unless greater damages are expressly provided for. If
74 the statute prohibiting unlawful discrimination provides an
75 administrative remedy, the action for equitable relief and
76 damages provided for in this section may be initiated only after
77 the plaintiff has exhausted his or her administrative remedy.
78 The term "public accommodations" does not include lodge halls or
79 other similar facilities of private organizations which are made
80 available for public use occasionally or periodically. The right
81 to trial by jury is preserved in any case in which the plaintiff
82 is seeking actual or punitive damages.

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

85 760.08 Discrimination in places of public accommodation.—
86 All persons are ~~shall be~~ entitled to the full and equal
87 enjoyment of the goods, services, facilities, privileges,

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88 advantages, and accommodations of any place of public
89 accommodation, ~~as defined in this chapter,~~ without
90 discrimination or segregation on the ground of race, color,
91 national origin, sex, pregnancy, handicap, familial status, or
92 religion.

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

97 760.10 Unlawful employment practices.—

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

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

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

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

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117 pregnancy, national origin, age, handicap, or marital status.

118 (3) It is an unlawful employment practice for a labor
119 organization:

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

124 (b) To limit, segregate, or classify its membership or
125 applicants for membership, or to classify or fail or refuse to
126 refer for employment any individual, in any way that ~~which~~ would
127 deprive or tend to deprive any individual of employment
128 opportunities, or adversely affect any individual's status as an
129 employee or as an applicant for employment, because of such
130 individual's race, color, religion, sex, pregnancy, national
131 origin, age, handicap, or marital status.

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

140 (5) Whenever, in order to engage in a profession,
141 occupation, or trade, it is required that a person receive a
142 license, certification, or other credential, become a member or
143 an associate of any club, association, or other organization, or
144 pass any examination, it is an unlawful employment practice for
145 any person to discriminate against any other person seeking such

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146 license, certification, or other credential, seeking to become a
147 member or associate of such club, association, or other
148 organization, or seeking to take or pass such examination,
149 because of such other person's race, color, religion, sex,
150 pregnancy, national origin, age, handicap, or marital status.

151 (6) It is an unlawful employment practice for an employer,
152 labor organization, employment agency, or joint labor-management
153 committee to print, or cause to be printed or published, any
154 notice or advertisement relating to employment, membership,
155 classification, referral for employment, or apprenticeship or
156 other training, indicating any preference, limitation,
157 specification, or discrimination, based on race, color,
158 religion, sex, pregnancy, national origin, age, absence of
159 handicap, or marital status.

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

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

172 Section 7. For the purpose of incorporating the amendment
173 made by this act to section 760.10(5), Florida Statutes, in a
174 reference thereto, subsection (1) of section 760.11, Florida

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175 Statutes, is reenacted to read:

176 760.11 Administrative and civil remedies; construction.—

177 (1) Any person aggrieved by a violation of ss. 760.01-
178 760.10 may file a complaint with the commission within 365 days
179 of the alleged violation, naming the employer, employment
180 agency, labor organization, or joint labor-management committee,
181 or, in the case of an alleged violation of s. 760.10(5), the
182 person responsible for the violation and describing the
183 violation. Any person aggrieved by a violation of s. 509.092 may
184 file a complaint with the commission within 365 days of the
185 alleged violation naming the person responsible for the
186 violation and describing the violation. The commission, a
187 commissioner, or the Attorney General may in like manner file
188 such a complaint. On the same day the complaint is filed with
189 the commission, the commission shall clearly stamp on the face
190 of the complaint the date the complaint was filed with the
191 commission. In lieu of filing the complaint with the commission,
192 a complaint under this section may be filed with the federal
193 Equal Employment Opportunity Commission or with any unit of
194 government of the state which is a fair-employment-practice
195 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
196 complaint is filed is clearly stamped on the face of the
197 complaint, that date is the date of filing. The date the
198 complaint is filed with the commission for purposes of this
199 section is the earliest date of filing with the Equal Employment
200 Opportunity Commission, the fair-employment-practice agency, or
201 the commission. The complaint shall contain a short and plain
202 statement of the facts describing the violation and the relief
203 sought. The commission may require additional information to be

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204 in the complaint. The commission, within 5 days of the complaint
205 being filed, shall by registered mail send a copy of the
206 complaint to the person who allegedly committed the violation.
207 The person who allegedly committed the violation may file an
208 answer to the complaint within 25 days of the date the complaint
209 was filed with the commission. Any answer filed shall be mailed
210 to the aggrieved person by the person filing the answer. Both
211 the complaint and the answer shall be verified.

212 Section 8. This act shall take effect July 1, 2015.