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LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Florida  
Competitive Workforce Act."

Section 2. Subsection (1) of section 760.01, Florida  
Statutes, is republished, and subsection (2) of that section is  
amended, to read:

760.01 Purposes; construction; title.—

(1) Sections 760.01-760.11 and 509.092 shall be cited as



828464

12 the "Florida Civil Rights Act of 1992."

13 (2) The general purposes of the Florida Civil Rights Act of  
14 1992 are to secure for all individuals within the state freedom  
15 from discrimination because of race, color, religion, sex,  
16 pregnancy, national origin, age, sexual orientation, gender  
17 identity or expression, handicap, or marital status and thereby  
18 to protect their interest in personal dignity, to make available  
19 to the state their full productive capacities, to secure the  
20 state against domestic strife and unrest, to preserve the public  
21 safety, health, and general welfare, and to promote the  
22 interests, rights, and privileges of individuals within the  
23 state.

24 Section 3. Section 760.02, Florida Statutes, is reordered  
25 and amended to read:

26 760.02 Definitions.—For the purposes of ss. 760.01-760.11  
27 and 509.092, the term:

28 (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss. 760.01-  
29 760.11 and 509.092.

30 (2) "Commission" means the Florida Commission on Human  
31 Relations created by s. 760.03.

32 (3) "Commissioner" or "member" means a member of the  
33 commission.

34 (4) "Discriminatory practice" means any practice made  
35 unlawful by the Florida Civil Rights Act of 1992.

36 (10)~~(5)~~ "National origin" includes ancestry.

37 (11)~~(6)~~ "Person" includes an individual, association,  
38 corporation, joint apprenticeship committee, joint-stock  
39 company, labor union, legal representative, mutual company,  
40 partnership, receiver, trust, trustee in bankruptcy, or



41 unincorporated organization; any other legal or commercial  
42 entity; the state; or any governmental entity or agency.

43 (5)~~(7)~~ "Employer" means any person employing 15 or more  
44 employees for each working day in each of 20 or more calendar  
45 weeks in the current or preceding calendar year, and any agent  
46 of such a person.

47 (6)~~(8)~~ "Employment agency" means any person regularly  
48 undertaking, with or without compensation, to procure employees  
49 for an employer or to procure for employees opportunities to  
50 work for an employer, and includes an agent of such a person.

51 (8) "Gender identity or expression" means gender-related  
52 identity, appearance, or behavior, regardless of whether such  
53 gender-related identity, appearance, or behavior is different  
54 from that traditionally associated with the person's physiology  
55 or assigned sex at birth, and which gender-related identity can  
56 be shown by the person providing evidence, including, but not  
57 limited to:

58 (a) Medical history, care, or treatment of the gender-  
59 related identity;

60 (b) Consistent and uniform assertion of the gender-related  
61 identity; or

62 (c) Other evidence that the gender-related identity is a  
63 sincerely held part of a person's core identity and is not being  
64 asserted for an improper purpose.

65 (9) "Labor organization" means any organization which  
66 exists for the purpose, in whole or in part, of collective  
67 bargaining or of dealing with employers concerning grievances,  
68 terms or conditions of employment, or other mutual aid or  
69 protection in connection with employment.



828464

70           (1) ~~(10)~~ "Aggrieved person" means any person who files a  
71 complaint with the Florida Commission on Human Relations  
72 Commission.

73           (12) ~~(11)~~ "Public accommodations" means places of public  
74 accommodation, lodgings, facilities principally engaged in  
75 selling food for consumption on the premises, gasoline stations,  
76 places of exhibition or entertainment, and other covered  
77 establishments. Each of the following establishments which  
78 serves the public is a place of public accommodation within the  
79 meaning of this section:

80           (a) Any inn, hotel, motel, or other establishment that  
81 ~~which~~ provides lodging to transient guests, other than an  
82 establishment located within a building that ~~which~~ contains not  
83 more than four rooms for rent or hire and that ~~which~~ is actually  
84 occupied by the proprietor of such establishment as his or her  
85 residence.

86           (b) Any restaurant, cafeteria, lunchroom, lunch counter,  
87 soda fountain, or other facility principally engaged in selling  
88 food for consumption on the premises, including, but not limited  
89 to, any such facility located on the premises of any retail  
90 establishment, or any gasoline station.

91           (c) Any motion picture theater, theater, concert hall,  
92 sports arena, stadium, or other place of exhibition or  
93 entertainment.

94           (d) Any establishment that ~~which~~ is physically located  
95 within the premises of any establishment otherwise covered by  
96 this subsection, or within the premises of which is physically  
97 located any such covered establishment, and that ~~which~~ holds  
98 itself out as serving patrons of such covered establishment.



828464

99           (13) "Sexual orientation" means an individual's  
100 heterosexuality, homosexuality, or bisexuality.

101           Section 4. Section 760.05, Florida Statutes, is amended to  
102 read:

103           760.05 Functions of the commission.—The commission shall  
104 promote and encourage fair treatment and equal opportunity for  
105 all persons regardless of race, color, religion, sex, pregnancy,  
106 national origin, age, sexual orientation, gender identity or  
107 expression, handicap, or marital status and mutual understanding  
108 and respect among all members of society. The commission all  
109 economic, social, racial, religious, and ethnic groups; and  
110 shall endeavor to eliminate discrimination against, and  
111 antagonism between, persons on the basis of race, color,  
112 religion, sex, pregnancy, national origin, age, sexual  
113 orientation, gender identity or expression, handicap, or marital  
114 status ~~religious, racial, and ethnic groups and their members.~~

115           Section 5. Section 760.07, Florida Statutes, is amended to  
116 read:

117           760.07 Remedies for unlawful discrimination.—Any violation  
118 of any Florida statute making unlawful discrimination because of  
119 race, color, religion, gender, pregnancy, national origin, age,  
120 sexual orientation, gender identity or expression, handicap, or  
121 marital status in the areas of education, employment, housing,  
122 or public accommodations gives rise to a cause of action for all  
123 relief and damages described in s. 760.11(5), unless greater  
124 damages are expressly provided for. If the statute prohibiting  
125 unlawful discrimination provides an administrative remedy, the  
126 action for equitable relief and damages provided for in this  
127 section may be initiated only after the plaintiff has exhausted



828464

128 his or her administrative remedy. The term "public  
129 accommodations" does not include lodge halls or other similar  
130 facilities of private organizations which are made available for  
131 public use occasionally or periodically. The right to trial by  
132 jury is preserved in any case in which the plaintiff is seeking  
133 actual or punitive damages.

134 Section 6. Section 760.08, Florida Statutes, is amended to  
135 read:

136 760.08 Discrimination in places of public accommodation.—  
137 All persons are entitled to the full and equal enjoyment of the  
138 goods, services, facilities, privileges, advantages, and  
139 accommodations of any place of public accommodation without  
140 discrimination or segregation on the ground of race, color,  
141 national origin, sex, sexual orientation, gender identity or  
142 expression, pregnancy, handicap, familial status, or religion.

143 Section 7. Subsections (1) and (2), paragraphs (a) and (b)  
144 of subsection (3), subsections (4), (5), and (6), paragraph (a)  
145 of subsection (8), and subsection (9) of section 760.10, Florida  
146 Statutes, are amended, and subsection (10) of that section is  
147 republished, to read:

148 760.10 Unlawful employment practices.—

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

150 (a) To discharge or to fail or refuse to hire any  
151 individual, or otherwise to discriminate against any individual  
152 with respect to compensation, terms, conditions, or privileges  
153 of employment, because of such individual's race, color,  
154 religion, sex, pregnancy, national origin, age, sexual  
155 orientation, gender identity or expression, handicap, or marital  
156 status.



157 (b) To limit, segregate, or classify employees or  
158 applicants for employment in any way that ~~which~~ would deprive or  
159 tend to deprive any individual of employment opportunities, or  
160 adversely affect any individual's status as an employee, because  
161 of such individual's race, color, religion, sex, pregnancy,  
162 national origin, age, sexual orientation, gender identity or  
163 expression, handicap, or marital status.

164 (2) It is an unlawful employment practice for an employment  
165 agency to fail or refuse to refer for employment, or otherwise  
166 to discriminate against, any individual because of race, color,  
167 religion, sex, pregnancy, national origin, age, sexual  
168 orientation, gender identity or expression, handicap, or marital  
169 status or to classify or refer for employment any individual on  
170 the basis of race, color, religion, sex, pregnancy, national  
171 origin, age, sexual orientation, gender identity or expression,  
172 handicap, or marital status.

173 (3) It is an unlawful employment practice for a labor  
174 organization:

175 (a) To exclude or to expel from its membership, or  
176 otherwise to discriminate against, any individual because of  
177 race, color, religion, sex, pregnancy, national origin, age,  
178 sexual orientation, gender identity or expression, handicap, or  
179 marital status.

180 (b) To limit, segregate, or classify its membership or  
181 applicants for membership, or to classify or fail or refuse to  
182 refer for employment any individual, in any way that would  
183 deprive or tend to deprive any individual of employment  
184 opportunities, or adversely affect any individual's status as an  
185 employee or as an applicant for employment, because of such



828464

186 individual's race, color, religion, sex, pregnancy, national  
187 origin, age, sexual orientation, gender identity or expression,  
188 handicap, or marital status.

189 (4) It is an unlawful employment practice for any employer,  
190 labor organization, or joint labor-management committee  
191 controlling apprenticeship or other training or retraining,  
192 including on-the-job training programs, to discriminate against  
193 any individual because of race, color, religion, sex, pregnancy,  
194 national origin, age, sexual orientation, gender identity or  
195 expression, handicap, or marital status in admission to, or  
196 employment in, any program established to provide apprenticeship  
197 or other training.

198 (5) Whenever, in order to engage in a profession,  
199 occupation, or trade, it is required that a person receive a  
200 license, certification, or other credential;; become a member or  
201 an associate of any club, association, or other organization;;  
202 or pass any examination, it is an unlawful employment practice  
203 for any person to discriminate against any other person seeking  
204 such license, certification, or other credential;; seeking to  
205 become a member or associate of such club, association, or other  
206 organization;; or seeking to take or pass such examination,  
207 because of such other person's race, color, religion, sex,  
208 pregnancy, national origin, age, sexual orientation, gender  
209 identity or expression, handicap, or marital status.

210 (6) It is an unlawful employment practice for an employer,  
211 a labor organization, an employment agency, or a joint labor-  
212 management committee to print, or cause to be printed or  
213 published, any notice or advertisement relating to employment,  
214 membership, classification, referral for employment, or





828464

215 apprenticeship or other training which indicates,~~indicating~~ any  
216 preference, limitation, specification, or discrimination~~,~~ based  
217 on race, color, religion, sex, pregnancy, national origin, age,  
218 sexual orientation, gender identity or expression, absence of  
219 handicap, or marital status.

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

224 (a) Take or fail to take any action on the basis of  
225 religion, sex, pregnancy, national origin, age, sexual  
226 orientation, gender identity or expression, handicap, or marital  
227 status in those certain instances in which religion, sex,  
228 condition of pregnancy, national origin, age, sexual  
229 orientation, gender identity or expression, absence of a  
230 particular handicap, or marital status is a bona fide  
231 occupational qualification reasonably necessary for the  
232 performance of the particular employment to which such action or  
233 inaction is related.

234 (9) (a) This section does ~~shall~~ not apply to any religious  
235 corporation, association, educational institution, or society  
236 which conditions opportunities in the area of employment or  
237 public accommodation to members of that religious corporation,  
238 association, educational institution, or society or to persons  
239 who subscribe to its tenets or beliefs.

240 (b) This section does ~~shall~~ not prohibit a religious  
241 corporation, association, educational institution, or society  
242 from giving preference in employment to individuals of a  
243 particular religion to perform work connected with the carrying



828464

244 on by such corporations, associations, educational institutions,  
245 or societies of its various activities.

246 (c) This section and s. 760.08 do not limit the free  
247 exercise of religion guaranteed by the United States  
248 Constitution and the State Constitution.

249 (10) Each employer, employment agency, and labor  
250 organization shall post and keep posted in conspicuous places  
251 upon its premises a notice provided by the commission setting  
252 forth such information as the commission deems appropriate to  
253 effectuate the purposes of ss. 760.01-760.10.

254 Section 8. Section 509.092, Florida Statutes, is amended to  
255 read:

256 509.092 Public lodging establishments and public food  
257 service establishments; rights as private enterprises.—

258 (1) Public lodging establishments and public food service  
259 establishments are private enterprises, and the operator has the  
260 right to refuse accommodations or service to any person who is  
261 objectionable or undesirable to the operator, but such refusal  
262 may not be based upon race, creed, color, sex, pregnancy,  
263 physical disability, sexual orientation, gender identity or  
264 expression, or national origin.

265 (2) A person aggrieved by a violation of this section or a  
266 violation of a rule adopted under this section has a right of  
267 action pursuant to s. 760.11.

268 (3) This section does not limit the free exercise of  
269 religion guaranteed by the United States Constitution and the  
270 State Constitution.

271 Section 9. Section 760.22, Florida Statutes, is amended to  
272 read:



828464

273 760.22 Definitions.—As used in this part ~~ss. 760.20-760.37~~,  
274 the term:

275 (1) "Commission" means the Florida Commission on Human  
276 Relations.

277 (2) "Covered multifamily dwelling" means:

278 (a) A building that ~~which~~ consists of four or more units  
279 and has an elevator; or

280 (b) The ground floor units of a building that ~~which~~  
281 consists of four or more units and does not have an elevator.

282 (3) "Discriminatory housing practice" means an act that is  
283 unlawful under the terms of this part ~~ss. 760.20-760.37~~.

284 (4) "Dwelling" means any building or structure, or portion  
285 thereof, which is occupied as, or designed or intended for  
286 occupancy as, a residence by one or more families, and any  
287 vacant land that ~~which~~ is offered for sale or lease for the  
288 construction or location on the land of any such building or  
289 structure, or portion thereof.

290 (5) "Familial status" is established when an individual who  
291 has not attained the age of 18 years is domiciled with:

292 (a) A parent or other person having legal custody of such  
293 individual; or

294 (b) A designee of a parent or other person having legal  
295 custody, with the written permission of such parent or other  
296 person.

297 (6) "Family" includes a single individual.

298 (7) "Gender identity or expression" has the same meaning as  
299 provided in s. 760.02.

300 (8)(7) "Handicap" means:

301 (a) A ~~person has a~~ physical or mental impairment that ~~which~~



828464

302 substantially limits one or more major life activities for a  
303 person who has, ~~or he or she~~ has a record of having, or is  
304 regarded as having that, ~~such~~ physical or mental impairment; or

305 (b) A ~~person has a~~ developmental disability as defined in  
306 s. 393.063.

307 (9) ~~(8)~~ "Person" includes one or more individuals,  
308 corporations, partnerships, associations, labor organizations,  
309 legal representatives, mutual companies, joint-stock companies,  
310 trusts, unincorporated organizations, trustees, trustees in  
311 bankruptcy, receivers, and fiduciaries.

312 (10) "Sexual orientation" has the same meaning as provided  
313 in s. 760.02.

314 (11) ~~(9)~~ "Substantially equivalent" means an administrative  
315 subdivision of the State of Florida meeting the requirements of  
316 24 C.F.R. part 115, s. 115.6.

317 (12) ~~(10)~~ "To rent" includes to lease, to sublease, to let,  
318 and otherwise to grant for a consideration the right to occupy  
319 premises not owned by the occupant.

320 Section 10. Subsections (1) - (5) of section 760.23,  
321 Florida Statutes, are amended to read:

322 760.23 Discrimination in the sale or rental of housing and  
323 other prohibited practices.-

324 (1) It is unlawful to refuse to sell or rent after the  
325 making of a bona fide offer, to refuse to negotiate for the sale  
326 or rental of, or otherwise to make unavailable or deny a  
327 dwelling to any person because of race, color, national origin,  
328 sex, sexual orientation, gender identity or expression,  
329 handicap, familial status, or religion.

330 (2) It is unlawful to discriminate against any person in



828464

331 the terms, conditions, or privileges of sale or rental of a  
332 dwelling, or in the provision of services or facilities in  
333 connection therewith, because of race, color, national origin,  
334 sex, sexual orientation, gender identity or expression,  
335 handicap, familial status, or religion.

336 (3) It is unlawful to make, print, or publish, or cause to  
337 be made, printed, or published, any notice, statement, or  
338 advertisement with respect to the sale or rental of a dwelling  
339 that indicates any preference, limitation, or discrimination  
340 based on race, color, national origin, sex, sexual orientation,  
341 gender identity or expression, handicap, familial status, or  
342 religion or an intention to make any such preference,  
343 limitation, or discrimination.

344 (4) It is unlawful to represent to any person because of  
345 the person's race, color, national origin, sex, sexual  
346 orientation, gender identity or expression, handicap, familial  
347 status, or religion that any dwelling is not available for  
348 inspection, sale, or rental when such dwelling is in fact so  
349 available.

350 (5) It is unlawful, for profit, to induce or attempt to  
351 induce any person to sell or rent any dwelling by a  
352 representation regarding the entry or prospective entry into the  
353 neighborhood of a person or persons of a particular race, color,  
354 national origin, sex, sexual orientation, gender identity or  
355 expression, handicap, familial status, or religion.

356 Section 11. Section 760.24, Florida Statutes, is amended to  
357 read:

358 760.24 Discrimination in the provision of brokerage  
359 services.—It is unlawful to deny any person access to, or



828464

360 membership or participation in, any multiple-listing service,  
361 real estate brokers' organization, or other service,  
362 organization, or facility relating to the business of selling or  
363 renting dwellings, or to discriminate against him or her in the  
364 terms or conditions of such access, membership, or  
365 participation, because ~~on account~~ of race, color, national  
366 origin, sex, sexual orientation, gender identity or expression,  
367 handicap, familial status, or religion.

368 Section 12. Subsection (1) and paragraph (a) of subsection  
369 (2) of section 760.25, Florida Statutes, are amended to read:

370 760.25 Discrimination in the financing of housing or in  
371 residential real estate transactions.-

372 (1) It is unlawful for any bank, building and loan  
373 association, insurance company, or other corporation,  
374 association, firm, or enterprise the business of which consists  
375 in whole or in part of the making of commercial real estate  
376 loans to deny a loan or other financial assistance to a person  
377 applying for the loan for the purpose of purchasing,  
378 constructing, improving, repairing, or maintaining a dwelling,  
379 or to discriminate against him or her in the fixing of the  
380 amount, interest rate, duration, or other term or condition of  
381 such loan or other financial assistance, because of the race,  
382 color, national origin, sex, sexual orientation, gender identity  
383 or expression, handicap, familial status, or religion of such  
384 person or of any person associated with him or her in connection  
385 with such loan or other financial assistance or the purposes of  
386 such loan or other financial assistance, or because of the race,  
387 color, national origin, sex, sexual orientation, gender identity  
388 or expression, handicap, familial status, or religion of the



828464

389 present or prospective owners, lessees, tenants, or occupants of  
390 the dwelling or dwellings in relation to which such loan or  
391 other financial assistance is to be made or given.

392 (2) (a) It is unlawful for any person or entity whose  
393 business includes engaging in residential real estate  
394 transactions to discriminate against any person in making  
395 available such a transaction, or in the terms or conditions of  
396 such a transaction, because of race, color, national origin,  
397 sex, sexual orientation, gender identity or expression,  
398 handicap, familial status, or religion.

399 Section 13. Section 760.26, Florida Statutes, is amended to  
400 read:

401 760.26 Prohibited discrimination in land use decisions and  
402 in permitting of development.—It is unlawful to discriminate in  
403 land use decisions or in the permitting of development based on  
404 race, color, national origin, sex, sexual orientation, gender  
405 identity or expression, disability, familial status, religion,  
406 or, except as otherwise provided by law, the source of financing  
407 of a development or proposed development.

408 Section 14. Paragraph (a) of subsection (5) of section  
409 760.29, Florida Statutes, is amended to read:

410 760.29 Exemptions.—

411 (5) Nothing in ss. 760.20-760.37:

412 (a) Prohibits a person engaged in the business of  
413 furnishing appraisals of real property from taking into  
414 consideration factors other than race, color, national origin,  
415 sex, sexual orientation, gender identity or expression,  
416 handicap, familial status, or religion.

417 Section 15. Subsection (1) of section 760.60, Florida



828464

418 Statutes, is amended to read:

419       760.60 Discriminatory practices of certain clubs  
420 prohibited; remedies.—

421       (1) It is unlawful for a person to discriminate against any  
422 individual because of race, color, religion, gender, national  
423 origin, handicap, age above the age of 21, sexual orientation,  
424 gender identity or expression, or marital status in evaluating  
425 an application for membership in a club that has more than 400  
426 members, that provides regular meal service, and that regularly  
427 receives payment for dues, fees, use of space, facilities,  
428 services, meals, or beverages directly or indirectly from  
429 nonmembers for business purposes. It is unlawful for a person,  
430 on behalf of such a club, to publish, circulate, issue, display,  
431 post, or mail any advertisement, notice, or solicitation that  
432 contains a statement to the effect that the accommodations,  
433 advantages, facilities, membership, or privileges of the club  
434 are denied to any individual because of race, color, religion,  
435 gender, national origin, handicap, age above the age of 21,  
436 sexual orientation, gender identity or expression, or marital  
437 status. This subsection does not apply to fraternal or  
438 benevolent organizations, ethnic clubs, or religious  
439 organizations where business activity is not prevalent.

440       Section 16. Paragraph (e) of subsection (1) of section  
441 419.001, Florida Statutes, is amended to read:

442       419.001 Site selection of community residential homes.—

443       (1) For the purposes of this section, the term:

444       (e) "Resident" means any of the following: a frail elder as  
445 defined in s. 429.65; a person who has a handicap as defined in  
446 s. 760.22(8)(a) ~~s. 760.22(7)(a)~~; a person who has a





447 developmental disability as defined in s. 393.063; a  
448 nondangerous person who has a mental illness as defined in s.  
449 394.455; or a child who is found to be dependent as defined in  
450 s. 39.01 or s. 984.03, or a child in need of services as defined  
451 in s. 984.03 or s. 985.03.

452 Section 17. This act shall take effect July 1, 2016.

453

454 ===== T I T L E A M E N D M E N T =====

455 And the title is amended as follows:

456 Delete everything before the enacting clause  
457 and insert:

458

A bill to be entitled

459

An act relating to prohibited discrimination; creating

460

the "Florida Competitive Workforce Act"; amending s.

461

760.01, F.S.; revising provisions to include sexual

462

orientation and gender identity or expression as

463

impermissible grounds for discrimination; amending s.

464

760.02, F.S.; adding definitions; amending ss. 760.05,

465

760.07, and 760.08, F.S.; adding sexual orientation

466

and gender identity or expression as impermissible

467

grounds for discrimination; conforming terminology;

468

amending s. 760.10, F.S.; adding sexual orientation

469

and gender identity or expression as impermissible

470

grounds for discrimination; providing an exception for

471

constitutionally protected free exercise of religion;

472

amending s. 509.092, F.S.; adding sexual orientation

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and gender identity or expression as impermissible

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grounds for discrimination in public lodging

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establishments and public food service establishments;



828464

476 providing an exception for constitutionally protected  
477 free exercise of religion; amending s. 760.22, F.S.;  
478 adding definitions; amending ss. 760.23, 760.24,  
479 760.25, 760.26, 760.29, and 760.60, F.S.; adding  
480 sexual orientation and gender identity or expression  
481 as impermissible grounds for discrimination; amending  
482 s. 419.001, F.S.; conforming a cross-reference;  
483 providing an effective date.