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LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Soto) 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



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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, disability handicap, or marital status  
18 and thereby to protect their interest in personal dignity, to  
19 make available to the state their full productive capacities, to  
20 secure the state against domestic strife and unrest, to preserve  
21 the public safety, health, and general welfare, and to promote  
22 the 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



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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.



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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.



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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, disability ~~handicap~~, or marital status and mutual  
108 understanding and respect among all members of society. The  
109 commission ~~all economic, social, racial, religious, and ethnic~~  
110 ~~groups; and~~ shall endeavor to eliminate discrimination against,  
111 and antagonism between, persons on the basis of race, color,  
112 religion, sex, pregnancy, national origin, age, sexual  
113 orientation, gender identity or expression, disability, or  
114 marital status ~~religious, racial, and ethnic groups and their~~  
115 ~~members~~.

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

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



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

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

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

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

150 760.10 Unlawful employment practices.—

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

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



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157 orientation, gender identity or expression, disability handicap,  
158 or marital status.

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

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

175 (3) It is an unlawful employment practice for a labor  
176 organization:

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

182 (b) To limit, segregate, or classify its membership or  
183 applicants for membership, or to classify or fail or refuse to  
184 refer for employment any individual, in any way that would  
185 deprive or tend to deprive any individual of employment



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186 opportunities, or adversely affect any individual's status as an  
187 employee or as an applicant for employment, because of such  
188 individual's race, color, religion, sex, pregnancy, national  
189 origin, age, sexual orientation, gender identity or expression,  
190 disability ~~handicap~~, or marital status.

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

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

212 (6) It is an unlawful employment practice for an employer,  
213 a labor organization, an employment agency, or a joint labor-  
214 management committee to print, or cause to be printed or





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215 published, any notice or advertisement relating to employment,  
216 membership, classification, referral for employment, or  
217 apprenticeship or other training which indicates, ~~indicating~~ any  
218 preference, limitation, specification, or discrimination, ~~based~~  
219 on race, color, religion, sex, pregnancy, national origin, age,  
220 sexual orientation, gender identity or expression, absence of  
221 disability handicap, or marital status.

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

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

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

242 (b) This section does ~~shall~~ not prohibit a religious  
243 corporation, association, educational institution, or society



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244 from giving preference in employment to individuals of a  
245 particular religion to perform work connected with the carrying  
246 on by such corporations, associations, educational institutions,  
247 or societies of its various activities.

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

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

256 Section 8. Section 509.092, Florida Statutes, is amended to  
257 read:

258 509.092 Public lodging establishments and public food  
259 service establishments; rights as private enterprises.—

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

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

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



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273 Section 9. Section 760.22, Florida Statutes, is reordered  
274 and amended to read:

275 760.22 Definitions.—As used in this part ~~ss. 760.20–760.37~~,  
276 the term:

277 (1) “Commission” means the Florida Commission on Human  
278 Relations.

279 (2) “Covered multifamily dwelling” means:

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

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

284 ~~(4)–(3)~~ “Discriminatory housing practice” means an act that  
285 is unlawful under the terms of this part ~~ss. 760.20–760.37~~.

286 ~~(5)–(4)~~ “Dwelling” means any building or structure, or  
287 portion thereof, which is occupied as, or designed or intended  
288 for occupancy as, a residence by one or more families, and any  
289 vacant land that ~~which~~ is offered for sale or lease for the  
290 construction or location on the land of any such building or  
291 structure, or portion thereof.

292 ~~(6)–(5)~~ “Familial status” is established when an individual  
293 who has not attained the age of 18 years is domiciled with:

294 (a) A parent or other person having legal custody of such  
295 individual; or

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

299 ~~(7)–(6)~~ “Family” includes a single individual.

300 (8) “Gender identity or expression” has the same meaning as  
301 provided in s. 760.02.



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302            (3)~~(7)~~ "Disability Handicap" means:

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

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

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

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

316            (11)~~(9)~~ "Substantially equivalent" means an administrative  
317 subdivision of the State of Florida meeting the requirements of  
318 24 C.F.R. part 115, s. 115.6.

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

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

324            760.23 Discrimination in the sale or rental of housing and  
325 other prohibited practices.-

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



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331 disability handicap, familial status, or religion.

332 (2) It is unlawful to discriminate against any person in  
333 the terms, conditions, or privileges of sale or rental of a  
334 dwelling, or in the provision of services or facilities in  
335 connection therewith, because of race, color, national origin,  
336 sex, sexual orientation, gender identity or expression,  
337 disability handicap, familial status, or religion.

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

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

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

358 Section 11. Section 760.24, Florida Statutes, is amended to  
359 read:



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360           760.24 Discrimination in the provision of brokerage  
361 services.—It is unlawful to deny any person access to, or  
362 membership or participation in, any multiple-listing service,  
363 real estate brokers' organization, or other service,  
364 organization, or facility relating to the business of selling or  
365 renting dwellings, or to discriminate against him or her in the  
366 terms or conditions of such access, membership, or  
367 participation, because ~~on account~~ of race, color, national  
368 origin, sex, sexual orientation, gender identity or expression,  
369 disability ~~handicap~~, familial status, or religion.

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

372           760.25 Discrimination in the financing of housing or in  
373 residential real estate transactions.—

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



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389 of the race, color, national origin, sex, sexual orientation,  
390 gender identity or expression, disability handicap, familial  
391 status, or religion of the present or prospective owners,  
392 lessees, tenants, or occupants of the dwelling or dwellings in  
393 relation to which such loan or other financial assistance is to  
394 be made or given.

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

402 Section 13. Section 760.26, Florida Statutes, is amended to  
403 read:

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

411 Section 14. Paragraph (a) of subsection (5) of section  
412 760.29, Florida Statutes, is amended to read:

413 760.29 Exemptions.—

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

415 (a) Prohibits a person engaged in the business of  
416 furnishing appraisals of real property from taking into  
417 consideration factors other than race, color, national origin,



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418 sex, sexual orientation, gender identity or expression,  
419 disability handicap, familial status, or religion.

420 Section 15. Subsection (1) of section 760.60, Florida  
421 Statutes, is amended to read:

422 760.60 Discriminatory practices of certain clubs  
423 prohibited; remedies.—

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

444 Section 16. Paragraph (e) of subsection (1) of section  
445 419.001, Florida Statutes, is amended to read:

446 419.001 Site selection of community residential homes.—





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

448 (e) "Resident" means any of the following: a frail elder as  
449 defined in s. 429.65; a person who has a disability ~~handicap~~ as  
450 defined in s. 760.22(3)(a) ~~s. 760.22(7)(a)~~; a person who has a  
451 developmental disability as defined in s. 393.063; a  
452 nondangerous person who has a mental illness as defined in s.  
453 394.455; or a child who is found to be dependent as defined in  
454 s. 39.01 or s. 984.03, or a child in need of services as defined  
455 in s. 984.03 or s. 985.03.

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

457

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

459 And the title is amended as follows:

460 Delete everything before the enacting clause

461 and insert:

462 A bill to be entitled

463 An act relating to prohibited discrimination; creating  
464 the "Florida Competitive Workforce Act"; amending s.  
465 760.01, F.S.; revising provisions to include sexual  
466 orientation and gender identity or expression as  
467 impermissible grounds for discrimination; revising  
468 terminology; amending s. 760.02, F.S.; adding  
469 definitions; amending ss. 760.05, 760.07, and 760.08,  
470 F.S.; adding sexual orientation and gender identity or  
471 expression as impermissible grounds for  
472 discrimination; conforming and revising terminology;  
473 amending s. 760.10, F.S.; adding sexual orientation  
474 and gender identity or expression as impermissible  
475 grounds for discrimination; providing an exception for



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476 constitutionally protected free exercise of religion;  
477 revising terminology; amending s. 509.092, F.S.;  
478 adding sexual orientation and gender identity or  
479 expression as impermissible grounds for discrimination  
480 in public lodging establishments and public food  
481 service establishments; providing an exception for  
482 constitutionally protected free exercise of religion;  
483 revising terminology; amending s. 760.22, F.S.; adding  
484 and revising definitions; amending ss. 760.23, 760.24,  
485 760.25, 760.26, 760.29, and 760.60, F.S.; adding  
486 sexual orientation and gender identity or expression  
487 as impermissible grounds for discrimination; revising  
488 terminology; amending s. 419.001, F.S.; conforming a  
489 cross-reference; providing an effective date.