

By Senator Baxley

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1 A bill to be entitled
 2 An act relating to government actions discriminating
 3 against businesses; providing a short title; creating
 4 s. 760.65, F.S.; providing definitions; prohibiting
 5 certain discriminatory actions by governmental
 6 entities against business entities; providing an
 7 effective date.

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

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 11 Section 1. This act may be cited as the "Free Enterprise
 12 Protection Act."

13 Section 2. Section 760.65, Florida Statutes, is created to
 14 read:

15 760.65 Discriminatory action by government against
 16 businesses.-

17 (1) As used in this section, the term:

18 (a) "Business entity" means a sole proprietorship,
 19 corporation, limited liability company, limited liability
 20 partnership, or other legal entity, association, or body vested
 21 with the power or function of a legal entity.

22 (b) "Discriminatory action" means any action taken by a
 23 government entity to:

24 1. Alter in any way the tax treatment of, or cause any tax,
 25 penalty, or payment to be assessed against a business entity;

26 2. Deny, delay, or revoke a business entity's exemption
 27 from taxation or other tax benefit;

28 3. Withhold, reduce, exclude, terminate, deny, or otherwise
 29 make unavailable to a business entity any grant, contract,

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30 subcontract, cooperative agreement, bond issue, license,
31 certification, or other similar opportunity, position, or
32 status; or

33 4. Withhold, reduce, exclude, terminate, deny, or otherwise
34 make unavailable to a business entity access or an entitlement
35 to property, facilities, speech forums, including traditional,
36 limited, and nonpublic forums, or charitable fundraising
37 campaigns.

38 (c) "Governmental entity" means any branch, department,
39 agency, commission, or instrumentality of state government or
40 any political subdivision of the state and any official or other
41 person acting under color of state law.

42 (2) A governmental entity shall not take discriminatory
43 action against a business entity:

44 (a) On the basis of the internal policies of the business
45 entity, including, but not limited to, personnel and employee
46 benefit policies that are in compliance with state law.

47 (b) Because of the business entity's exercise of a right
48 guaranteed under the state or federal constitutions, including,
49 but not limited to, the rights of freedom of expression and free
50 exercise of religion.

51 Section 3. This act shall take effect July 1, 2018.