

1                   A bill to be entitled  
2           An act relating to prohibited discrimination;  
3           providing a short title; amending s. 509.092, F.S.;  
4           prohibiting discrimination based on sexual orientation  
5           and gender identity in public lodging establishments  
6           and public food service establishments; providing an  
7           exception for constitutionally protected free exercise  
8           of religion; amending s. 760.01, F.S.; revising the  
9           purposes of the Florida Civil Rights Act of 1992 to  
10          include sexual orientation and gender identity;  
11          reordering and amending s. 760.02, F.S.; defining the  
12          terms "gender identity" and "sexual orientation";  
13          amending ss. 760.05 and 760.07, F.S.; revising the  
14          functions of the Florida Commission on Human Relations  
15          and the provisions regarding remedies for unlawful  
16          discrimination to include discrimination based on  
17          sexual orientation and gender identity, respectively,  
18          to conform to changes made by the act; amending ss.  
19          760.08 and 760.10, F.S.; prohibiting discrimination  
20          based on sexual orientation and gender identity in  
21          places of public accommodation and with respect to  
22          specified unlawful employment practices, respectively;  
23          providing an exception for constitutionally protected  
24          free exercise of religion; amending s. 760.22, F.S.;  
25          defining the terms "gender identity" and "sexual

26 orientation" for purposes of the Fair Housing Act;  
 27 amending ss. 760.23, 760.24, 760.25, and 760.26, F.S.;  
 28 prohibiting discrimination based on sexual orientation  
 29 and gender identity with respect to the sale or rental  
 30 of housing, provision of brokerage services, financing  
 31 of housing or in residential real estate transactions,  
 32 and land use decisions and in permitting of  
 33 development, respectively; amending s. 760.29, F.S.;  
 34 revising an exemption from the Fair Housing Act  
 35 regarding the appraisal of real property to conform to  
 36 changes made by the act; amending s. 760.60, F.S.;  
 37 prohibiting discrimination based on sexual orientation  
 38 and gender identity with respect to practices of  
 39 certain clubs; amending s. 419.001, F.S.; conforming a  
 40 cross-reference; providing an effective date.

41

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

43

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

46 Section 2. Section 509.092, Florida Statutes, is amended  
 47 to read:

48 509.092 Public lodging establishments and public food  
 49 service establishments; rights as private enterprises.—

50 (1) Public lodging establishments and public food service

51 establishments are private enterprises, and the operator has the  
52 right to refuse accommodations or service to any person who is  
53 objectionable or undesirable to the operator, but such refusal  
54 may not be based upon race, creed, color, sex, pregnancy,  
55 physical disability, sexual orientation, gender identity, or  
56 national origin.

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

60 (3) This section does not limit the free exercise of  
61 religion guaranteed by the United States Constitution and the  
62 State Constitution.

63 Section 3. Subsection (2) of section 760.01, Florida  
64 Statutes, is amended, to read:

65 760.01 Purposes; construction; title.—

66 (2) The general purposes of the Florida Civil Rights Act  
67 of 1992 are to secure for all individuals within the state  
68 freedom from discrimination because of race, color, religion,  
69 sex, pregnancy, national origin, age, sexual orientation, gender  
70 identity, handicap, or marital status and thereby to protect  
71 their interest in personal dignity, to make available to the  
72 state their full productive capacities, to secure the state  
73 against domestic strife and unrest, to preserve the public  
74 safety, health, and general welfare, and to promote the  
75 interests, rights, and privileges of individuals within the

76 | state.

77 | Section 4. Section 760.02, Florida Statutes, is reordered  
78 | and amended to read:

79 | 760.02 Definitions.—For the purposes of ss. 760.01–760.11  
80 | and 509.092, the term:

81 | (1)~~(10)~~ "Aggrieved person" means any person who files a  
82 | complaint with the Florida Commission on Human Relations  
83 | ~~Commission~~.

84 | (2) "Commission" means the Florida Commission on Human  
85 | Relations created by s. 760.03.

86 | (3) "Commissioner" or "member" means a member of the  
87 | commission.

88 | (4) "Discriminatory practice" means any practice made  
89 | unlawful by the Florida Civil Rights Act of 1992.

90 | (5)~~(7)~~ "Employer" means any person employing 15 or more  
91 | employees for each working day in each of 20 or more calendar  
92 | weeks in the current or preceding calendar year, and any agent  
93 | of such a person.

94 | (6)~~(8)~~ "Employment agency" means any person regularly  
95 | undertaking, with or without compensation, to procure employees  
96 | for an employer or to procure for employees opportunities to  
97 | work for an employer, and includes an agent of such a person.

98 | (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss.  
99 | 760.01–760.11 and 509.092.

100 | (8) "Gender identity" means gender-related identity,

101 appearance, or behavior, regardless of whether such gender-  
102 related identity, appearance, or behavior is different from that  
103 traditionally associated with the person's physiology or  
104 assigned sex at birth.

105 (9) "Labor organization" means any organization which  
106 exists for the purpose, in whole or in part, of collective  
107 bargaining or of dealing with employers concerning grievances,  
108 terms or conditions of employment, or other mutual aid or  
109 protection in connection with employment.

110 (10)~~(5)~~ "National origin" includes ancestry.

111 (11)~~(6)~~ "Person" includes an individual, association,  
112 corporation, joint apprenticeship committee, joint-stock  
113 company, labor union, legal representative, mutual company,  
114 partnership, receiver, trust, trustee in bankruptcy, or  
115 unincorporated organization; any other legal or commercial  
116 entity; the state; or any governmental entity or agency.

117 (12)~~(11)~~ "Public accommodations" means places of public  
118 accommodation, lodgings, facilities principally engaged in  
119 selling food for consumption on the premises, gasoline stations,  
120 places of exhibition or entertainment, and other covered  
121 establishments. Each of the following establishments which  
122 serves the public is a place of public accommodation within the  
123 meaning of this section:

124 (a) Any inn, hotel, motel, or other establishment that  
125 ~~which~~ provides lodging to transient guests, other than an

126 establishment located within a building that ~~which~~ contains not  
127 more than four rooms for rent or hire and that ~~which~~ is actually  
128 occupied by the proprietor of such establishment as his or her  
129 residence.

130 (b) Any restaurant, cafeteria, lunchroom, lunch counter,  
131 soda fountain, or other facility principally engaged in selling  
132 food for consumption on the premises, including, but not limited  
133 to, any such facility located on the premises of any retail  
134 establishment, or any gasoline station.

135 (c) Any motion picture theater, theater, concert hall,  
136 sports arena, stadium, or other place of exhibition or  
137 entertainment.

138 (d) Any establishment that ~~which~~ is physically located  
139 within the premises of any establishment otherwise covered by  
140 this subsection, or within the premises of which is physically  
141 located any such covered establishment, and that ~~which~~ holds  
142 itself out as serving patrons of such covered establishment.

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

145 Section 5. Section 760.05, Florida Statutes, is amended to  
146 read:

147 760.05 Functions of the commission.—The commission shall  
148 promote and encourage fair treatment and equal opportunity for  
149 all persons regardless of race, color, religion, sex, pregnancy,  
150 national origin, age, sexual orientation, gender identity,

151 handicap, or marital status and mutual understanding and respect  
152 among all members of society. The commission ~~all economic,~~  
153 ~~social, racial, religious, and ethnic groups;~~ and shall endeavor  
154 to eliminate discrimination against, and antagonism between,  
155 persons on the basis of race, color, religion, sex, pregnancy,  
156 national origin, age, sexual orientation, gender identity,  
157 handicap, or marital status ~~religious, racial, and ethnic groups~~  
158 ~~and their members.~~

159 Section 6. Section 760.07, Florida Statutes, is amended to  
160 read:

161 760.07 Remedies for unlawful discrimination.—Any violation  
162 of any state law ~~Florida statute~~ making unlawful discrimination  
163 because of race, color, religion, gender, pregnancy, national  
164 origin, age, sexual orientation, gender identity, handicap, or  
165 marital status in the areas of education, employment, housing,  
166 or public accommodations gives rise to a cause of action for all  
167 relief and damages described in s. 760.11(5), unless greater  
168 damages are expressly provided for. If the statute prohibiting  
169 unlawful discrimination provides an administrative remedy, the  
170 action for equitable relief and damages provided for in this  
171 section may be initiated only after the plaintiff has exhausted  
172 his or her administrative remedy. The term "public  
173 accommodations" does not include lodge halls or other similar  
174 facilities of private organizations which are made available for  
175 public use occasionally or periodically. The right to trial by

176 jury is preserved in any case in which the plaintiff is seeking  
 177 actual or punitive damages.

178 Section 7. Section 760.08, Florida Statutes, is amended to  
 179 read:

180 760.08 Discrimination in places of public accommodation.—  
 181 All persons are entitled to the full and equal enjoyment of the  
 182 goods, services, facilities, privileges, advantages, and  
 183 accommodations of any place of public accommodation without  
 184 discrimination or segregation on the ground of race, color,  
 185 national origin, sex, sexual orientation, gender identity,  
 186 pregnancy, handicap, familial status, or religion.

187 Section 8. Subsections (1) and (2), paragraphs (a) and (b)  
 188 of subsection (3), subsections (4), (5), and (6), paragraph (a)  
 189 of subsection (8), and subsection (9) of section 760.10, Florida  
 190 Statutes, are amended, to read:

191 760.10 Unlawful employment practices.—

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

193 (a) To discharge or to fail or refuse to hire any  
 194 individual, or otherwise to discriminate against any individual  
 195 with respect to compensation, terms, conditions, or privileges  
 196 of employment, because of such individual's race, color,  
 197 religion, sex, pregnancy, national origin, age, sexual  
 198 orientation, gender identity, handicap, or marital status.

199 (b) To limit, segregate, or classify employees or  
 200 applicants for employment in any way that ~~which~~ would deprive or



201 tend to deprive any individual of employment opportunities, or  
202 adversely affect any individual's status as an employee, because  
203 of such individual's race, color, religion, sex, pregnancy,  
204 national origin, age, sexual orientation, gender identity,  
205 handicap, or marital status.

206 (2) It is an unlawful employment practice for an  
207 employment agency to fail or refuse to refer for employment, or  
208 otherwise to discriminate against, any individual because of  
209 race, color, religion, sex, pregnancy, national origin, age,  
210 sexual orientation, gender identity, handicap, or marital status  
211 or to classify or refer for employment any individual on the  
212 basis of race, color, religion, sex, pregnancy, national origin,  
213 age, sexual orientation, gender identity, handicap, or marital  
214 status.

215 (3) It is an unlawful employment practice for a labor  
216 organization:

217 (a) To exclude or to expel from its membership, or  
218 otherwise to discriminate against, any individual because of  
219 race, color, religion, sex, pregnancy, national origin, age,  
220 sexual orientation, gender identity, handicap, or marital  
221 status.

222 (b) To limit, segregate, or classify its membership or  
223 applicants for membership, or to classify or fail or refuse to  
224 refer for employment any individual, in any way that would  
225 deprive or tend to deprive any individual of employment

226 | opportunities, or adversely affect any individual's status as an  
 227 | employee or as an applicant for employment, because of such  
 228 | individual's race, color, religion, sex, pregnancy, national  
 229 | origin, age, sexual orientation, gender identity, handicap, or  
 230 | marital status.

231 |         (4) It is an unlawful employment practice for any  
 232 | employer, labor organization, or joint labor-management  
 233 | committee controlling apprenticeship or other training or  
 234 | retraining, including on-the-job training programs, to  
 235 | discriminate against any individual because of race, color,  
 236 | religion, sex, pregnancy, national origin, age, sexual  
 237 | orientation, gender identity, handicap, or marital status in  
 238 | admission to, or employment in, any program established to  
 239 | provide apprenticeship or other training.

240 |         (5) Whenever, in order to engage in a profession,  
 241 | occupation, or trade, it is required that a person receive a  
 242 | license, certification, or other credential;~~;~~ become a member or  
 243 | an associate of any club, association, or other organization;~~;~~  
 244 | or pass any examination, it is an unlawful employment practice  
 245 | for any person to discriminate against any other person seeking  
 246 | such license, certification, or other credential;~~;~~ seeking to  
 247 | become a member or associate of such club, association, or other  
 248 | organization;~~;~~ or seeking to take or pass such examination,  
 249 | because of such other person's race, color, religion, sex,  
 250 | pregnancy, national origin, age, sexual orientation, gender

251 identity, handicap, or marital status.

252 (6) It is an unlawful employment practice for an employer,  
253 a labor organization, an employment agency, or a joint labor-  
254 management committee to print or publish, or cause to be printed  
255 or published, any notice or advertisement relating to  
256 employment, membership, classification, referral for employment,  
257 or apprenticeship or other training which indicates, ~~indicating~~  
258 any preference, limitation, specification, or discrimination,  
259 based on race, color, religion, sex, pregnancy, national origin,  
260 age, sexual orientation, gender identity, absence of handicap,  
261 or marital status.

262 (8) Notwithstanding any other provision of this section,  
263 it is not an unlawful employment practice under ss. 760.01-  
264 760.10 for an employer, employment agency, labor organization,  
265 or joint labor-management committee to:

266 (a) Take or fail to take any action on the basis of  
267 religion, sex, pregnancy, national origin, age, sexual  
268 orientation, gender identity, handicap, or marital status in  
269 those certain instances in which religion, sex, condition of  
270 pregnancy, national origin, age, sexual orientation, gender  
271 identity, absence of a particular handicap, or marital status is  
272 a bona fide occupational qualification reasonably necessary for  
273 the performance of the particular employment to which such  
274 action or inaction is related.

275 (9) (a) This section does ~~shall~~ not apply to any religious

276 corporation, association, educational institution, or society  
 277 that ~~which~~ conditions opportunities in the area of employment or  
 278 public accommodation to members of that religious corporation,  
 279 association, educational institution, or society or to persons  
 280 who subscribe to its tenets or beliefs.

281 (b) This section does ~~shall~~ not prohibit a religious  
 282 corporation, association, educational institution, or society  
 283 from giving preference in employment to individuals of a  
 284 particular religion to perform work connected with the carrying  
 285 on by such corporations, associations, educational institutions,  
 286 or societies of its various activities.

287 (c) This section and s. 760.08 do not limit the free  
 288 exercise of religion guaranteed by the United States  
 289 Constitution and the State Constitution.

290 Section 9. Section 760.22, Florida Statutes, is amended to  
 291 read:

292 760.22 Definitions.—As used in this part ~~ss. 760.20-~~  
 293 ~~760.37~~, the term:

294 (1) "Commission" means the Florida Commission on Human  
 295 Relations.

296 (2) "Covered multifamily dwelling" means:

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

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

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

303 (4) "Dwelling" means any building or structure, or portion  
 304 thereof, which is occupied as, or designed or intended for  
 305 occupancy as, a residence by one or more families, and any  
 306 vacant land that ~~which~~ is offered for sale or lease for the  
 307 construction or location on the land of any such building or  
 308 structure, or portion thereof.

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

311 (a) A parent or other person having legal custody of such  
 312 individual; or

313 (b) A designee of a parent or other person having legal  
 314 custody, with the written permission of such parent or other  
 315 person.

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

317 (7) "Gender identity" has the same meaning as provided in  
 318 s. 760.02.

319 (8) ~~(7)~~ "Handicap" means:

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

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

326        (9)~~(8)~~ "Person" includes one or more individuals,  
327 corporations, partnerships, associations, labor organizations,  
328 legal representatives, mutual companies, joint-stock companies,  
329 trusts, unincorporated organizations, trustees, trustees in  
330 bankruptcy, receivers, and fiduciaries.

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

333        (11)~~(9)~~ "Substantially equivalent" means an administrative  
334 subdivision of the State of Florida meeting the requirements of  
335 24 C.F.R. part 115, s. 115.6.

336        (12)~~(10)~~ "To rent" includes to lease, to sublease, to let,  
337 and otherwise to grant for a consideration the right to occupy  
338 premises not owned by the occupant.

339        Section 10. Subsections (1) through (5) of section 760.23,  
340 Florida Statutes, are amended to read:

341        760.23 Discrimination in the sale or rental of housing and  
342 other prohibited practices.—

343        (1) It is unlawful to refuse to sell or rent after the  
344 making of a bona fide offer, to refuse to negotiate for the sale  
345 or rental of, or otherwise to make unavailable or deny a  
346 dwelling to any person because of race, color, national origin,  
347 sex, sexual orientation, gender identity, handicap, familial  
348 status, or religion.

349        (2) It is unlawful to discriminate against any person in  
350 the terms, conditions, or privileges of sale or rental of a

351 dwelling, or in the provision of services or facilities in  
 352 connection therewith, because of race, color, national origin,  
 353 sex, sexual orientation, gender identity, handicap, familial  
 354 status, or religion.

355 (3) It is unlawful to make, print, or publish, or cause to  
 356 be made, printed, or published, any notice, statement, or  
 357 advertisement with respect to the sale or rental of a dwelling  
 358 that indicates any preference, limitation, or discrimination  
 359 based on race, color, national origin, sex, sexual orientation,  
 360 gender identity, handicap, familial status, or religion or an  
 361 intention to make any such preference, limitation, or  
 362 discrimination.

363 (4) It is unlawful to represent to any person because of  
 364 race, color, national origin, sex, sexual orientation, gender  
 365 identity, handicap, familial status, or religion that any  
 366 dwelling is not available for inspection, sale, or rental when  
 367 such dwelling is in fact so available.

368 (5) It is unlawful, for profit, to induce or attempt to  
 369 induce any person to sell or rent any dwelling by a  
 370 representation regarding the entry or prospective entry into the  
 371 neighborhood of a person or persons of a particular race, color,  
 372 national origin, sex, sexual orientation, gender identity,  
 373 handicap, familial status, or religion.

374 Section 11. Section 760.24, Florida Statutes, is amended  
 375 to read:

376           760.24 Discrimination in the provision of brokerage  
377 services.—It is unlawful to deny any person access to, or  
378 membership or participation in, any multiple-listing service,  
379 real estate brokers' organization, or other service,  
380 organization, or facility relating to the business of selling or  
381 renting dwellings, or to discriminate against him or her in the  
382 terms or conditions of such access, membership, or  
383 participation, because ~~on account~~ of race, color, national  
384 origin, sex, sexual orientation, gender identity, handicap,  
385 familial status, or religion.

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

388           760.25 Discrimination in the financing of housing or in  
389 residential real estate transactions.—

390           (1) It is unlawful for any bank, building and loan  
391 association, insurance company, or other corporation,  
392 association, firm, or enterprise the business of which consists  
393 in whole or in part of the making of commercial real estate  
394 loans to deny a loan or other financial assistance to a person  
395 applying for the loan for the purpose of purchasing,  
396 constructing, improving, repairing, or maintaining a dwelling,  
397 or to discriminate against him or her in the fixing of the  
398 amount, interest rate, duration, or other term or condition of  
399 such loan or other financial assistance, because of the race,  
400 color, national origin, sex, sexual orientation, gender



401 identity, handicap, familial status, or religion of such person  
402 or of any person associated with him or her in connection with  
403 such loan or other financial assistance or the purposes of such  
404 loan or other financial assistance, or because of the race,  
405 color, national origin, sex, sexual orientation, gender  
406 identity, handicap, familial status, or religion of the present  
407 or prospective owners, lessees, tenants, or occupants of the  
408 dwelling or dwellings in relation to which such loan or other  
409 financial assistance is to be made or given.

410 (2)(a) It is unlawful for any person or entity whose  
411 business includes engaging in residential real estate  
412 transactions to discriminate against any person in making  
413 available such a transaction, or in the terms or conditions of  
414 such a transaction, because of race, color, national origin,  
415 sex, sexual orientation, gender identity, handicap, familial  
416 status, or religion.

417 Section 13. Section 760.26, Florida Statutes, is amended  
418 to read:

419 760.26 Prohibited discrimination in land use decisions and  
420 in permitting of development.—It is unlawful to discriminate in  
421 land use decisions or in the permitting of development based on  
422 race, color, national origin, sex, sexual orientation, gender  
423 identity, disability, familial status, religion, or, except as  
424 otherwise provided by law, the source of financing of a  
425 development or proposed development.

426 Section 14. Paragraph (a) of subsection (5) of section  
 427 760.29, Florida Statutes, is amended to read:

428 760.29 Exemptions.—

429 (5) Nothing in this part ~~ss. 760.20-760.37~~:

430 (a) Prohibits a person engaged in the business of  
 431 furnishing appraisals of real property from taking into  
 432 consideration factors other than race, color, national origin,  
 433 sex, sexual orientation, gender identity, handicap, familial  
 434 status, or religion.

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

437 760.60 Discriminatory practices of certain clubs  
 438 prohibited; remedies.—

439 (1) It is unlawful for a person to discriminate against  
 440 any individual because of race, color, religion, gender,  
 441 national origin, handicap, age above the age of 21, sexual  
 442 orientation, gender identity, or marital status in evaluating an  
 443 application for membership in a club that has more than 400  
 444 members, that provides regular meal service, and that regularly  
 445 receives payment for dues, fees, use of space, facilities,  
 446 services, meals, or beverages directly or indirectly from  
 447 nonmembers for business purposes. It is unlawful for a person,  
 448 on behalf of such a club, to publish, circulate, issue, display,  
 449 post, or mail any advertisement, notice, or solicitation that  
 450 contains a statement to the effect that the accommodations,

451 advantages, facilities, membership, or privileges of the club  
452 are denied to any individual because of race, color, religion,  
453 gender, national origin, handicap, age above the age of 21,  
454 sexual orientation, gender identity, or marital status. This  
455 subsection does not apply to fraternal or benevolent  
456 organizations, ethnic clubs, or religious organizations where  
457 business activity is not prevalent.

458 Section 16. Paragraph (e) of subsection (1) of section  
459 419.001, Florida Statutes, is amended to read:

460 419.001 Site selection of community residential homes.—

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

462 (e) "Resident" means any of the following: a frail elder  
463 as defined in s. 429.65; a person who has a handicap as defined  
464 in s. 760.22 ~~s. 760.22(7)(a)~~; a person who has a developmental  
465 disability as defined in s. 393.063; a nondangerous person who  
466 has a mental illness as defined in s. 394.455; or a child who is  
467 found to be dependent as defined in s. 39.01 or s. 984.03, or a  
468 child in need of services as defined in s. 984.03 or s. 985.03.

469 Section 17. This act shall take effect July 1, 2020.