

1 A bill to be entitled
2 An act relating to unlawful discrimination; amending
3 s. 420.516, F.S.; prohibiting discrimination on the
4 basis of height or weight relating to the funding of a
5 sponsor's project; amending s. 509.092, F.S.;
6 prohibiting discrimination on the basis of height or
7 weight in public lodging and food service
8 establishments; amending s. 760.01, F.S.; revising the
9 general purpose of the Florida Civil Rights Act of
10 1992; amending s. 760.05, F.S.; revising the function
11 of the Florida Commission on Human Relations; amending
12 s. 760.07, F.S.; providing civil and administrative
13 remedies for discrimination on the basis of height or
14 weight; amending s. 760.08, F.S.; prohibiting
15 discrimination on the basis of height or weight in
16 places of public accommodation; amending s. 760.10,
17 F.S.; prohibiting employment discrimination on the
18 basis of height or weight; prohibiting discrimination
19 on the basis of height or weight by labor
20 organizations, joint labor-management committees, and
21 employment agencies; prohibiting discrimination on the
22 basis of height or weight in occupational licensing,
23 certification, and membership organizations; providing
24 an exception to unlawful employment practices based on
25 height or weight; reenacting s. 760.11(1), F.S.,

26 relating to administrative and civil remedies for
27 violations of the Florida Civil Rights Act of 1992, to
28 incorporate the amendments made to s. 760.10(5), F.S.,
29 in a reference thereto; providing an effective date.
30

31 Be It Enacted by the Legislature of the State of Florida:
32

33 Section 1. Section 420.516, Florida Statutes, is amended
34 to read:

35 420.516 Discrimination prohibited.—It is an unlawful
36 practice for a sponsor, while bonds are outstanding for the
37 purpose of funding or financing the sponsor's project, to
38 discriminate against any person or family because of race,
39 color, religion, sex, national origin, height, weight, or
40 marital status.

41 Section 2. Section 509.092, Florida Statutes, is amended
42 to read:

43 509.092 Public lodging establishments and public food
44 service establishments; rights as private enterprises.—Public
45 lodging establishments and public food service establishments
46 are private enterprises, and the operator has the right to
47 refuse accommodations or service to any person who is
48 objectionable or undesirable to the operator, but such refusal
49 may not be based upon race, creed, color, sex, height, weight,
50 pregnancy, physical disability, or national origin. A person

51 aggrieved by a violation of this section or a violation of a
52 rule adopted under this section has a right of action pursuant
53 to s. 760.11.

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

56 760.01 Purposes; construction; title.—

57 (2) The general purposes of the Florida Civil Rights Act
58 of 1992 are to secure for all individuals within the state
59 freedom from discrimination because of race, color, religion,
60 sex, height, weight, pregnancy, national origin, age, handicap,
61 or marital status and thereby to protect their interest in
62 personal dignity, to make available to the state their full
63 productive capacities, to secure the state against domestic
64 strife and unrest, to preserve the public safety, health, and
65 general welfare, and to promote the interests, rights, and
66 privileges of individuals within the state.

67 Section 4. Section 760.05, Florida Statutes, is amended to
68 read:

69 760.05 Functions of the commission.—The commission shall
70 promote and encourage fair treatment and equal opportunity for
71 all persons regardless of race, color, religion, sex, height,
72 weight, pregnancy, national origin, age, handicap, or marital
73 status and mutual understanding and respect among all members of
74 all economic, social, racial, religious, and ethnic groups; and
75 shall endeavor to eliminate discrimination against, and

76 antagonism between, religious, racial, and ethnic groups and
77 their members.

78 Section 5. Section 760.07, Florida Statutes, is amended to
79 read:

80 760.07 Remedies for unlawful discrimination.—Any violation
81 of any Florida statute making unlawful discrimination because of
82 race, color, religion, sex, height, weight ~~gender~~, pregnancy,
83 national origin, age, handicap, or marital status in the areas
84 of education, employment, housing, or public accommodations
85 gives rise to a cause of action for all relief and damages
86 described in s. 760.11(5), unless greater damages are expressly
87 provided for. If the statute prohibiting unlawful discrimination
88 provides an administrative remedy, the action for equitable
89 relief and damages provided for in this section may be initiated
90 only after the plaintiff has exhausted his or her administrative
91 remedy. The term "public accommodations" does not include lodge
92 halls or other similar facilities of private organizations which
93 are made available for public use occasionally or periodically.
94 The right to trial by jury is preserved in any case in which the
95 plaintiff is seeking actual or punitive damages.

96 Section 6. Section 760.08, Florida Statutes, is amended to
97 read:

98 760.08 Discrimination in places of public accommodation.—
99 All persons are entitled to the full and equal enjoyment of the
100 goods, services, facilities, privileges, advantages, and

101 accommodations of any place of public accommodation without
102 discrimination or segregation on the ground of race, color,
103 national origin, sex, height, weight, pregnancy, handicap,
104 familial status, or religion.

105 Section 7. Subsections (1) and (2), paragraphs (a) and (b)
106 of subsection (3), subsections (4), (5), and (6), and paragraph
107 (a) of subsection (8) of section 760.10, Florida Statutes, are
108 amended to read:

109 760.10 Unlawful employment practices.—

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

111 (a) To discharge or to fail or refuse to hire any
112 individual, or otherwise to discriminate against any individual
113 with respect to compensation, terms, conditions, or privileges
114 of employment, because of such individual's race, color,
115 religion, sex, height, weight, pregnancy, national origin, age,
116 handicap, or marital status.

117 (b) To limit, segregate, or classify employees or
118 applicants for employment in any way which would deprive or tend
119 to deprive any individual of employment opportunities, or
120 adversely affect any individual's status as an employee, because
121 of such individual's race, color, religion, sex, height, weight,
122 pregnancy, national origin, age, handicap, or marital status.

123 (2) It is an unlawful employment practice for an
124 employment agency to fail or refuse to refer for employment, or
125 otherwise to discriminate against, any individual because of

126 race, color, religion, sex, height, weight, pregnancy, national
127 origin, age, handicap, or marital status or to classify or refer
128 for employment any individual on the basis of race, color,
129 religion, sex, height, weight, pregnancy, national origin, age,
130 handicap, or marital status.

131 (3) It is an unlawful employment practice for a labor
132 organization:

133 (a) To exclude or to expel from its membership, or
134 otherwise to discriminate against, any individual because of
135 race, color, religion, sex, height, weight, pregnancy, national
136 origin, age, handicap, or marital status.

137 (b) To limit, segregate, or classify its membership or
138 applicants for membership, or to classify or fail or refuse to
139 refer for employment any individual, in any way that would
140 deprive or tend to deprive any individual of employment
141 opportunities, or adversely affect any individual's status as an
142 employee or as an applicant for employment, because of such
143 individual's race, color, religion, sex, height, weight,
144 pregnancy, national origin, age, handicap, or marital status.

145 (4) It is an unlawful employment practice for any
146 employer, labor organization, or joint labor-management
147 committee controlling apprenticeship or other training or
148 retraining, including on-the-job training programs, to
149 discriminate against any individual because of race, color,
150 religion, sex, height, weight, pregnancy, national origin, age,

151 handicap, or marital status in admission to, or employment in,
152 any program established to provide apprenticeship or other
153 training.

154 (5) Whenever, in order to engage in a profession,
155 occupation, or trade, it is required that a person receive a
156 license, certification, or other credential, become a member or
157 an associate of any club, association, or other organization, or
158 pass any examination, it is an unlawful employment practice for
159 any person to discriminate against any other person seeking such
160 license, certification, or other credential, seeking to become a
161 member or associate of such club, association, or other
162 organization, or seeking to take or pass such examination,
163 because of such other person's race, color, religion, sex,
164 height, weight, pregnancy, national origin, age, handicap, or
165 marital status.

166 (6) It is an unlawful employment practice for an employer,
167 labor organization, employment agency, or joint labor-management
168 committee to print, or cause to be printed or published, any
169 notice or advertisement relating to employment, membership,
170 classification, referral for employment, or apprenticeship or
171 other training, indicating any preference, limitation,
172 specification, or discrimination, based on race, color,
173 religion, sex, height, weight, pregnancy, national origin, age,
174 absence of handicap, or marital status.

175 (8) Notwithstanding any other provision of this section,

176 it is not an unlawful employment practice under ss. 760.01-
177 760.10 for an employer, employment agency, labor organization,
178 or joint labor-management committee to:

179 (a) Take or fail to take any action on the basis of
180 religion, sex, height, weight, pregnancy, national origin, age,
181 handicap, or marital status in those certain instances in which
182 religion, sex, height, weight, condition of pregnancy, national
183 origin, age, absence of a particular handicap, or marital status
184 is a bona fide occupational qualification reasonably necessary
185 for the performance of the particular employment to which such
186 action or inaction is related.

187 Section 8. For the purpose of incorporating the amendment
188 made by this act to section 760.10(5), Florida Statutes, in a
189 reference thereto, subsection (1) of section 760.11, Florida
190 Statutes, is reenacted to read:

191 760.11 Administrative and civil remedies; construction.—

192 (1) Any person aggrieved by a violation of ss. 760.01-
193 760.10 may file a complaint with the commission within 365 days
194 of the alleged violation, naming the employer, employment
195 agency, labor organization, or joint labor-management committee,
196 or, in the case of an alleged violation of s. 760.10(5), the
197 person responsible for the violation and describing the
198 violation. Any person aggrieved by a violation of s. 509.092 may
199 file a complaint with the commission within 365 days of the
200 alleged violation naming the person responsible for the

201 violation and describing the violation. The commission, a
202 commissioner, or the Attorney General may in like manner file
203 such a complaint. On the same day the complaint is filed with
204 the commission, the commission shall clearly stamp on the face
205 of the complaint the date the complaint was filed with the
206 commission. In lieu of filing the complaint with the commission,
207 a complaint under this section may be filed with the federal
208 Equal Employment Opportunity Commission or with any unit of
209 government of the state which is a fair-employment-practice
210 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
211 complaint is filed is clearly stamped on the face of the
212 complaint, that date is the date of filing. The date the
213 complaint is filed with the commission for purposes of this
214 section is the earliest date of filing with the Equal Employment
215 Opportunity Commission, the fair-employment-practice agency, or
216 the commission. The complaint shall contain a short and plain
217 statement of the facts describing the violation and the relief
218 sought. The commission may require additional information to be
219 in the complaint. The commission, within 5 days of the complaint
220 being filed, shall by registered mail send a copy of the
221 complaint to the person who allegedly committed the violation.
222 The person who allegedly committed the violation may file an
223 answer to the complaint within 25 days of the date the complaint
224 was filed with the commission. Any answer filed shall be mailed
225 to the aggrieved person by the person filing the answer. Both

HB 635

2020

226 | the complaint and the answer shall be verified.

227 | Section 9. This act shall take effect July 1, 2020.