



423392

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/18/2020	.	
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The Committee on Commerce and Tourism (Torres) recommended the following:

Senate Amendment (with title amendment)

Between lines 211 and 212

insert:

Section 5. Section 509.092, Florida Statutes, is amended to read:

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

(1) Public lodging establishments and public food service establishments are private enterprises, and the operator has the



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11 right to refuse accommodations or service to any person who is
12 objectionable or undesirable to the operator, but such refusal
13 may not be based upon race, creed, color, sex, pregnancy,
14 physical disability, sexual orientation, gender identity, or
15 national origin.

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

19 (3) This section does not limit the free exercise of
20 religion guaranteed by the United States Constitution and the
21 State Constitution.

22 Section 6. Subsection (1) of section 760.01, Florida
23 Statutes, is republished, and subsection (2) of that section is
24 amended, to read:

25 760.01 Purposes; construction; title.—

26 (1) Sections 760.01-760.11 and 509.092 shall be cited as
27 the "Florida Civil Rights Act of 1992."

28 (2) The general purposes of the Florida Civil Rights Act of
29 1992 are to secure for all individuals within the state freedom
30 from discrimination because of race, color, religion, sex,
31 pregnancy, national origin, age, sexual orientation, gender
32 identity, handicap, or marital status and thereby to protect
33 their interest in personal dignity, to make available to the
34 state their full productive capacities, to secure the state
35 against domestic strife and unrest, to preserve the public
36 safety, health, and general welfare, and to promote the
37 interests, rights, and privileges of individuals within the
38 state.

39 Section 7. Section 760.02, Florida Statutes, is reordered



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40 and amended to read:

41 760.02 Definitions.—For the purposes of ss. 760.01-760.11
42 and 509.092, the term:

43 (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss. 760.01-
44 760.11 and 509.092.

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

47 (3) "Commissioner" or "member" means a member of the
48 commission.

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

51 (10)~~(5)~~ "National origin" includes ancestry.

52 (11)~~(6)~~ "Person" includes an individual, association,
53 corporation, joint apprenticeship committee, joint-stock
54 company, labor union, legal representative, mutual company,
55 partnership, receiver, trust, trustee in bankruptcy, or
56 unincorporated organization; any other legal or commercial
57 entity; the state; or any governmental entity or agency.

58 (5)~~(7)~~ "Employer" means any person employing 10 ~~15~~ or more
59 employees for each working day in each of 20 or more calendar
60 weeks in the current or preceding calendar year, and any agent
61 of such a person.

62 (6)~~(8)~~ "Employment agency" means any person regularly
63 undertaking, with or without compensation, to procure employees
64 for an employer or to procure for employees opportunities to
65 work for an employer, and includes an agent of such a person.

66 (8) "Gender identity" means gender-related identity,
67 appearance, or behavior, regardless of whether such gender-
68 related identity, appearance, or behavior is different from that



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69 traditionally associated with the person's physiology or
70 assigned sex at birth.

71 (9) "Labor organization" means any organization that ~~which~~
72 exists for the purpose, in whole or in part, of collective
73 bargaining or of dealing with employers concerning grievances,
74 terms or conditions of employment, or other mutual aid or
75 protection in connection with employment.

76 (1) ~~(10)~~ "Aggrieved person" means any person who files a
77 complaint with the ~~Human Relations~~ commission.

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

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

91 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
92 soda fountain, or other facility principally engaged in selling
93 food for consumption on the premises, including, but not limited
94 to, any such facility located on the premises of any retail
95 establishment, or any gasoline station.

96 (c) Any motion picture theater, theater, concert hall,
97 sports arena, stadium, or other place of exhibition or



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98 entertainment.

99 (d) Any establishment that ~~which~~ is physically located
100 within the premises of any establishment otherwise covered by
101 this subsection, or within the premises of which is physically
102 located any such covered establishment, and that ~~which~~ holds
103 itself out as serving patrons of such covered establishment.

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

106 Section 8. Section 760.05, Florida Statutes, is amended to
107 read:

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

120 Section 9. Section 760.07, Florida Statutes, is amended to
121 read:

122 760.07 Remedies for unlawful discrimination.—Any violation
123 of any state law ~~Florida statute~~ making unlawful discrimination
124 because of race, color, religion, gender, pregnancy, national
125 origin, age, sexual orientation, gender identity, handicap, or
126 marital status in the areas of education, employment, housing,



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127 or public accommodations gives rise to a cause of action for all
128 relief and damages described in s. 760.11(5), unless greater
129 damages are expressly provided for. If the statute prohibiting
130 unlawful discrimination provides an administrative remedy, the
131 action for equitable relief and damages provided for in this
132 section may be initiated only after the plaintiff has exhausted
133 his or her administrative remedy. The term "public
134 accommodations" does not include lodge halls or other similar
135 facilities of private organizations which are made available for
136 public use occasionally or periodically. The right to trial by
137 jury is preserved in any case in which the plaintiff is seeking
138 actual or punitive damages.

139 Section 10. Section 760.08, Florida Statutes, is amended to
140 read:

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

148 Section 11. Subsections (1) and (2), paragraphs (a) and (b)
149 of subsection (3), subsections (4), (5), and (6), paragraph (a)
150 of subsection (8), and subsection (9) of section 760.10, Florida
151 Statutes, are amended, and subsection (10) of that section is
152 republished, to read:

153 760.10 Unlawful employment practices.—

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

155 (a) To discharge or to fail or refuse to hire any



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156 individual, or otherwise to discriminate against any individual
157 with respect to compensation, terms, conditions, or privileges
158 of employment, because of such individual's race, color,
159 religion, sex, pregnancy, national origin, age, sexual
160 orientation, gender identity, handicap, or marital status.

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

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

177 (3) It is an unlawful employment practice for a labor
178 organization:

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

184 (b) To limit, segregate, or classify its membership or



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185 applicants for membership, or to classify or fail or refuse to
186 refer for employment any individual, in any way that would
187 deprive or tend to deprive any individual of employment
188 opportunities, or adversely affect any individual's status as an
189 employee or as an applicant for employment, because of such
190 individual's race, color, religion, sex, pregnancy, national
191 origin, age, sexual orientation, gender identity, handicap, or
192 marital status.

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

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



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214 (6) It is an unlawful employment practice for an employer,
215 a labor organization, an employment agency, or a joint labor-
216 management committee to print, or cause to be printed or
217 published, any notice or advertisement relating to employment,
218 membership, classification, referral for employment, or
219 apprenticeship or other training which indicates, ~~indicating~~ any
220 preference, limitation, specification, or discrimination, based
221 on race, color, religion, sex, pregnancy, national origin, age,
222 sexual orientation, gender identity, absence of handicap, or
223 marital status.

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

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

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



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243 **(b)** This section does ~~shall~~ not prohibit a religious
244 corporation, association, educational institution, or society
245 from giving preference in employment to individuals of a
246 particular religion to perform work connected with the carrying
247 on by such corporations, associations, educational institutions,
248 or societies of its various activities.

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

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

257 Section 12. Section 760.22, Florida Statutes, is amended to
258 read:

259 760.22 Definitions.—As used in ss. 760.20-760.37, the term:

260 (1) "Commission" means the Florida Commission on Human
261 Relations.

262 (2) "Covered multifamily dwelling" means:

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

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

267 (3) "Discriminatory housing practice" means an act that is
268 unlawful under the terms of ss. 760.20-760.37.

269 (4) "Dwelling" means any building or structure, or portion
270 thereof, which is occupied as, or designed or intended for
271 occupancy as, a residence by one or more families, and any



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272 vacant land that ~~which~~ is offered for sale or lease for the
273 construction or location on the land of any such building or
274 structure, or portion thereof.

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

277 (a) A parent or other person having legal custody of such
278 individual; or

279 (b) A designee of a parent or other person having legal
280 custody, with the written permission of such parent or other
281 person.

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

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

285 (8)~~(7)~~ "Handicap" means:

286 (a) A ~~person has a~~ physical or mental impairment that ~~which~~
287 substantially limits one or more major life activities of a
288 person who has, or he or she has a record of having, or is
289 regarded as having that, ~~such~~ physical or mental impairment; or

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

292 (9)~~(8)~~ "Person" includes one or more individuals,
293 corporations, partnerships, associations, labor organizations,
294 legal representatives, mutual companies, joint-stock companies,
295 trusts, unincorporated organizations, trustees, trustees in
296 bankruptcy, receivers, and fiduciaries.

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

299 (11)~~(9)~~ "Substantially equivalent" means an administrative
300 subdivision of the State of Florida meeting the requirements of



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301 24 C.F.R. part 115, s. 115.6.

302 ~~(12)-(10)~~ "To rent" includes to lease, to sublease, to let,
303 and otherwise to grant for a consideration the right to occupy
304 premises not owned by the occupant.

305 Section 13. Subsections (1) through (5) of section 760.23,
306 Florida Statutes, are amended to read:

307 760.23 Discrimination in the sale or rental of housing and
308 other prohibited practices.—

309 (1) It is unlawful to refuse to sell or rent after the
310 making of a bona fide offer, to refuse to negotiate for the sale
311 or rental of, or otherwise to make unavailable or deny a
312 dwelling to any person because of race, color, national origin,
313 sex, sexual orientation, gender identity, handicap, familial
314 status, or religion.

315 (2) It is unlawful to discriminate against any person in
316 the terms, conditions, or privileges of sale or rental of a
317 dwelling, or in the provision of services or facilities in
318 connection therewith, because of race, color, national origin,
319 sex, sexual orientation, gender identity, handicap, familial
320 status, or religion.

321 (3) It is unlawful to make, print, or publish, or cause to
322 be made, printed, or published, any notice, statement, or
323 advertisement with respect to the sale or rental of a dwelling
324 that indicates any preference, limitation, or discrimination
325 based on race, color, national origin, sex, sexual orientation,
326 gender identity, handicap, familial status, or religion or an
327 intention to make any such preference, limitation, or
328 discrimination.

329 (4) It is unlawful to represent to any person because of



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330 race, color, national origin, sex, sexual orientation, gender
331 identity, handicap, familial status, or religion that any
332 dwelling is not available for inspection, sale, or rental when
333 such dwelling is in fact so available.

334 (5) It is unlawful, for profit, to induce or attempt to
335 induce any person to sell or rent any dwelling by a
336 representation regarding the entry or prospective entry into the
337 neighborhood of a person or persons of a particular race, color,
338 national origin, sex, sexual orientation, gender identity,
339 handicap, familial status, or religion.

340 Section 14. Section 760.24, Florida Statutes, is amended to
341 read:

342 760.24 Discrimination in the provision of brokerage
343 services.—It is unlawful to deny any person access to, or
344 membership or participation in, any multiple-listing service,
345 real estate brokers' organization, or other service,
346 organization, or facility relating to the business of selling or
347 renting dwellings, or to discriminate against him or her in the
348 terms or conditions of such access, membership, or
349 participation, because ~~on account~~ of race, color, national
350 origin, sex, sexual orientation, gender identity, handicap,
351 familial status, or religion.

352 Section 15. Subsection (1) and paragraph (a) of subsection
353 (2) of section 760.25, Florida Statutes, are amended to read:

354 760.25 Discrimination in the financing of housing or in
355 residential real estate transactions.—

356 (1) It is unlawful for any bank, building and loan
357 association, insurance company, or other corporation,
358 association, firm, or enterprise the business of which consists



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359 in whole or in part of the making of commercial real estate
360 loans to deny a loan or other financial assistance to a person
361 applying for the loan for the purpose of purchasing,
362 constructing, improving, repairing, or maintaining a dwelling,
363 or to discriminate against him or her in the fixing of the
364 amount, interest rate, duration, or other term or condition of
365 such loan or other financial assistance, because of the race,
366 color, national origin, sex, sexual orientation, gender
367 identity, handicap, familial status, or religion of such person
368 or of any person associated with him or her in connection with
369 such loan or other financial assistance or the purposes of such
370 loan or other financial assistance, or because of the race,
371 color, national origin, sex, sexual orientation, gender
372 identity, handicap, familial status, or religion of the present
373 or prospective owners, lessees, tenants, or occupants of the
374 dwelling or dwellings in relation to which such loan or other
375 financial assistance is to be made or given.

376 (2) (a) It is unlawful for any person or entity whose
377 business includes engaging in residential real estate
378 transactions to discriminate against any person in making
379 available such a transaction, or in the terms or conditions of
380 such a transaction, because of race, color, national origin,
381 sex, sexual orientation, gender identity, handicap, familial
382 status, or religion.

383 Section 16. Section 760.26, Florida Statutes, is amended to
384 read:

385 760.26 Prohibited discrimination in land use decisions and
386 in permitting of development.—It is unlawful to discriminate in
387 land use decisions or in the permitting of development based on



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388 race, color, national origin, sex, sexual orientation, gender
389 identity, disability, familial status, religion, or, except as
390 otherwise provided by law, the source of financing of a
391 development or proposed development.

392 Section 17. Paragraph (a) of subsection (5) of section
393 760.29, Florida Statutes, is amended to read:

394 760.29 Exemptions.—

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

396 (a) Prohibits a person engaged in the business of
397 furnishing appraisals of real property from taking into
398 consideration factors other than race, color, national origin,
399 sex, sexual orientation, gender identity, handicap, familial
400 status, or religion.

401 Section 18. Subsection (1) of section 760.60, Florida
402 Statutes, is amended to read:

403 760.60 Discriminatory practices of certain clubs
404 prohibited; remedies.—

405 (1) It is unlawful for a person to discriminate against any
406 individual because of race, color, religion, gender, national
407 origin, handicap, age above the age of 21, sexual orientation,
408 gender identity, or marital status in evaluating an application
409 for membership in a club that has more than 400 members, that
410 provides regular meal service, and that regularly receives
411 payment for dues, fees, use of space, facilities, services,
412 meals, or beverages directly or indirectly from nonmembers for
413 business purposes. It is unlawful for a person, on behalf of
414 such a club, to publish, circulate, issue, display, post, or
415 mail any advertisement, notice, or solicitation that contains a
416 statement to the effect that the accommodations, advantages,



417 facilities, membership, or privileges of the club are denied to
418 any individual because of race, color, religion, gender,
419 national origin, handicap, age above the age of 21, sexual
420 orientation, gender identity, or marital status. This subsection
421 does not apply to fraternal or benevolent organizations, ethnic
422 clubs, or religious organizations where business activity is not
423 prevalent.

424 Section 19. Paragraph (e) of subsection (1) of section
425 419.001, Florida Statutes, is amended to read:

426 419.001 Site selection of community residential homes.—

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

428 (e) "Resident" means any of the following: a frail elder as
429 defined in s. 429.65; a person who has a handicap as defined in
430 s. 760.22(8)(a) ~~s. 760.22(7)(a)~~; a person who has a
431 developmental disability as defined in s. 393.063; a
432 nondangerous person who has a mental illness as defined in s.
433 394.455; or a child who is found to be dependent as defined in
434 s. 39.01 or s. 984.03, or a child in need of services as defined
435 in s. 984.03 or s. 985.03.

436
437 ===== T I T L E A M E N D M E N T =====

438 And the title is amended as follows:

439 Delete lines 2 - 17

440 and insert:

441 An act relating to prohibited discrimination; creating
442 the "Senator Helen Gordon Davis Fair Pay Protection
443 Act"; amending s. 448.07, F.S.; defining terms;
444 prohibiting an employer from providing less favorable
445 employment opportunities to employees based on their



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446 sex; providing exceptions; revising applicability;
447 providing civil penalties; amending s. 448.102, F.S.;
448 prohibiting an employer from taking certain employment
449 actions against employees; creating s. 448.111, F.S.;
450 prohibiting an employer from engaging in certain
451 activities relating to wages and benefits; prohibiting
452 an employer from requiring employees to sign certain
453 waivers and documents; providing applicability;
454 authorizing an employer to confirm wage or salary
455 history under certain conditions; amending s. 509.092,
456 F.S.; adding sexual orientation and gender identity as
457 impermissible grounds for discrimination in public
458 lodging establishments and public food service
459 establishments; providing an exception for
460 constitutionally protected free exercise of religion;
461 amending s. 760.01, F.S.; revising the purposes of the
462 Florida Civil Rights Act of 1992 to conform to changes
463 made by the act; reordering and amending s. 760.02,
464 F.S.; revising the definition of the term "employer";
465 defining the terms "gender identity" and "sexual
466 orientation"; amending s. 760.05, F.S.; revising the
467 functions of the Florida Commission on Human Relations
468 to conform to changes made by the act; amending s.
469 760.07, F.S.; revising provisions regarding remedies
470 for unlawful discrimination to include discrimination
471 based on sexual orientation and gender identity to
472 conform to changes made by the act; amending s.
473 760.08, F.S.; adding sexual orientation and gender
474 identity as impermissible grounds for discrimination



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475 in places of public accommodation; amending s. 760.10,
476 F.S.; adding sexual orientation and gender identity as
477 impermissible grounds for discrimination with respect
478 to specified unlawful employment practices; providing
479 an exception for constitutionally protected free
480 exercise of religion; amending s. 760.22, F.S.;
481 defining the terms "gender identity" and "sexual
482 orientation" for purposes of the Fair Housing Act;
483 amending ss. 760.23, 760.24, 760.25, and 760.26, F.S.;
484 adding sexual orientation and gender identity as
485 impermissible grounds for discrimination with respect
486 to the sale or rental of housing, the provision of
487 brokerage services, the financing of housing or in
488 residential real estate transactions, and land use
489 decisions or permitting of development, respectively;
490 amending s. 760.29, F.S.; revising an exemption from
491 the Fair Housing Act regarding the appraisal of real
492 property to conform to changes made by the act;
493 amending s. 760.60, F.S.; adding sexual orientation
494 and gender identity as impermissible grounds for
495 discrimination with respect to practices of certain
496 clubs; amending s. 419.001, F.S.; conforming a cross-
497 reference; providing an effective date