

By Senator Cruz

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1 A bill to be entitled
2 An act relating to unlawful employment practices;
3 amending s. 760.10, F.S.; revising the unlawful
4 employment practices in the Florida Civil Rights Act
5 of 1992 to include discriminatory practices relating
6 to military status; reenacting s. 760.11(1) and (15),
7 F.S., relating to administrative and civil remedies,
8 to incorporate the amendment made to s. 760.10, F.S.,
9 in references thereto; providing an effective date.

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

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13 Section 1. Subsections (1) and (2), paragraphs (a) and (b)
14 of subsection (3), subsections (5) and (6), and paragraph (a) of
15 subsection (8) of section 760.10, Florida Statutes, are amended
16 to read:

17 760.10 Unlawful employment practices.—

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

19 (a) To discharge or to fail or refuse to hire any
20 individual, or otherwise to discriminate against any individual
21 with respect to compensation, terms, conditions, or privileges
22 of employment, because of such individual's race, color,
23 religion, sex, pregnancy, national origin, age, handicap,
24 military status, or marital status.

25 (b) To limit, segregate, or classify employees or
26 applicants for employment in any way which would deprive or tend
27 to deprive any individual of employment opportunities, or
28 adversely affect any individual's status as an employee, because
29 of such individual's race, color, religion, sex, pregnancy,

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30 national origin, age, handicap, military status, or marital
31 status.

32 (2) It is an unlawful employment practice for an employment
33 agency to fail or refuse to refer for employment, or otherwise
34 to discriminate against, any individual because of race, color,
35 religion, sex, pregnancy, national origin, age, handicap,
36 military status, or marital status or to classify or refer for
37 employment any individual on the basis of race, color, religion,
38 sex, pregnancy, national origin, age, handicap, military status,
39 or marital status.

40 (3) It is an unlawful employment practice for a labor
41 organization:

42 (a) To exclude or to expel from its membership, or
43 otherwise to discriminate against, any individual because of
44 race, color, religion, sex, pregnancy, national origin, age,
45 handicap, military status, or marital status.

46 (b) To limit, segregate, or classify its membership or
47 applicants for membership, or to classify or fail or refuse to
48 refer for employment any individual, in any way that would
49 deprive or tend to deprive any individual of employment
50 opportunities, or adversely affect any individual's status as an
51 employee or as an applicant for employment, because of such
52 individual's race, color, religion, sex, pregnancy, national
53 origin, age, handicap, military status, or marital status.

54 (5) Whenever, in order to engage in a profession,
55 occupation, or trade, it is required that a person receive a
56 license, certification, or other credential, become a member or
57 an associate of any club, association, or other organization, or
58 pass any examination, it is an unlawful employment practice for

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59 any person to discriminate against any other person seeking such
60 license, certification, or other credential, seeking to become a
61 member or associate of such club, association, or other
62 organization, or seeking to take or pass such examination,
63 because of such other person's race, color, religion, sex,
64 pregnancy, national origin, age, handicap, military status, or
65 marital status.

66 (6) It is an unlawful employment practice for an employer,
67 labor organization, employment agency, or joint labor-management
68 committee to print, or cause to be printed or published, any
69 notice or advertisement relating to employment, membership,
70 classification, referral for employment, or apprenticeship or
71 other training, indicating any preference, limitation,
72 specification, or discrimination, based on race, color,
73 religion, sex, pregnancy, national origin, age, absence of
74 handicap, military status, or marital status.

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

79 (a) Take or fail to take any action on the basis of
80 religion, sex, pregnancy, national origin, age, handicap,
81 military status, or marital status in those certain instances in
82 which religion, sex, condition of pregnancy, national origin,
83 age, absence of a particular handicap, military status, or
84 marital status is a bona fide occupational qualification
85 reasonably necessary for the performance of the particular
86 employment to which such action or inaction is related.

87 Section 2. For the purpose of incorporating the amendment

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88 made by this act to section 760.10, Florida Statutes, in
89 references thereto, subsections (1) and (15) of section 760.11,
90 Florida Statutes, are reenacted to read:

91 760.11 Administrative and civil remedies; construction.—

92 (1) Any person aggrieved by a violation of ss. 760.01-
93 760.10 may file a complaint with the commission within 365 days
94 of the alleged violation, naming the employer, employment
95 agency, labor organization, or joint labor-management committee,
96 or, in the case of an alleged violation of s. 760.10(5), the
97 person responsible for the violation and describing the
98 violation. Any person aggrieved by a violation of s. 509.092 may
99 file a complaint with the commission within 365 days of the
100 alleged violation naming the person responsible for the
101 violation and describing the violation. The commission, a
102 commissioner, or the Attorney General may in like manner file
103 such a complaint. On the same day the complaint is filed with
104 the commission, the commission shall clearly stamp on the face
105 of the complaint the date the complaint was filed with the
106 commission. In lieu of filing the complaint with the commission,
107 a complaint under this section may be filed with the federal
108 Equal Employment Opportunity Commission or with any unit of
109 government of the state which is a fair-employment-practice
110 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
111 complaint is filed is clearly stamped on the face of the
112 complaint, that date is the date of filing. The date the
113 complaint is filed with the commission for purposes of this
114 section is the earliest date of filing with the Equal Employment
115 Opportunity Commission, the fair-employment-practice agency, or
116 the commission. The complaint shall contain a short and plain

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117 statement of the facts describing the violation and the relief
118 sought. The commission may require additional information to be
119 in the complaint. The commission, within 5 days of the complaint
120 being filed, shall by registered mail send a copy of the
121 complaint to the person who allegedly committed the violation.
122 The person who allegedly committed the violation may file an
123 answer to the complaint within 25 days of the date the complaint
124 was filed with the commission. Any answer filed shall be mailed
125 to the aggrieved person by the person filing the answer. Both
126 the complaint and the answer shall be verified.

127 (15) In any civil action or administrative proceeding
128 brought pursuant to this section, a finding that a person
129 employed by the state or any governmental entity or agency has
130 violated s. 760.10 shall as a matter of law constitute just or
131 substantial cause for such person's discharge.

132 Section 3. This act shall take effect July 1, 2022.