

1                                   A bill to be entitled  
 2           An act relating to prohibited discrimination;  
 3           providing a short title; amending s. 760.01, F.S.;  
 4           revising the purposes of the Florida Civil Rights Act  
 5           of 1992 to conform to changes made by the act;  
 6           reordering and amending s. 760.02, F.S.; defining the  
 7           terms "gender identity" and "sexual orientation";  
 8           amending s. 760.05, F.S.; revising the functions of  
 9           the Florida Commission on Human Relations to conform  
 10          to changes made by the act; amending s. 760.07, F.S.;  
 11          revising provisions regarding remedies for unlawful  
 12          discrimination to include discrimination based on  
 13          sexual orientation and gender identity in the area of  
 14          employment, to conform to changes made by the act;  
 15          amending s. 760.10, F.S.; adding sexual orientation  
 16          and gender identity as impermissible grounds for  
 17          discrimination with respect to specified unlawful  
 18          employment practices; providing an exception to  
 19          specified provisions for the constitutionally  
 20          protected free exercise of religion; providing an  
 21          effective date.

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

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 25           Section 1.   This act may be cited as the "Florida Inclusive

26 Workforce Act."

27 Section 2. Subsection (1) of section 760.01, Florida  
 28 Statutes, is republished, and subsection (2) of that section is  
 29 amended, to read:

30 760.01 Purposes; construction; title.—

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

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

44 Section 3. Section 760.02, Florida Statutes, is reordered  
 45 and amended to read:

46 760.02 Definitions.—For the purposes of ss. 760.01-760.11  
 47 and 509.092, the term:

48 (7)~~(1)~~ "Florida Civil Rights Act of 1992" means ss.  
 49 760.01-760.11 and 509.092.

50 (2) "Commission" means the Florida Commission on Human

51 Relations created by s. 760.03.

52 (3) "Commissioner" or "member" means a member of the  
53 commission.

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

56 (10)~~(5)~~ "National origin" includes ancestry.

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

63 (5)~~(7)~~ "Employer" means any person employing 15 or more  
64 employees for each working day in each of 20 or more calendar  
65 weeks in the current or preceding calendar year, and any agent  
66 of such a person.

67 (6)~~(8)~~ "Employment agency" means any person regularly  
68 undertaking, with or without compensation, to procure employees  
69 for an employer or to procure for employees opportunities to  
70 work for an employer, and includes an agent of such a person.

71 (8) "Gender identity" means gender-related identity,  
72 appearance, or behavior, regardless of whether such gender-  
73 related identity, appearance, or behavior is different from that  
74 traditionally associated with the person's physiology or  
75 assigned sex at birth, and which gender-related identity can be

76 shown by the person providing evidence, including, but not  
77 limited to:

78 (a) Medical history, care, or treatment of the gender-  
79 related identity;

80 (b) Consistent and uniform assertion of the gender-related  
81 identity; or

82 (c) Other evidence that the gender-related identity is a  
83 sincerely held part of a person's core identity and is not being  
84 asserted for an improper purpose.

85 (9) "Labor organization" means any organization that ~~which~~  
86 exists for the purpose, in whole or in part, of collective  
87 bargaining or of dealing with employers concerning grievances,  
88 terms or conditions of employment, or other mutual aid or  
89 protection in connection with employment.

90 (1)-(10) "Aggrieved person" means any person who files a  
91 complaint with the Florida Commission on Human Relations  
92 Commission.

93 (12)-(11) "Public accommodations" means places of public  
94 accommodation, lodgings, facilities principally engaged in  
95 selling food for consumption on the premises, gasoline stations,  
96 places of exhibition or entertainment, and other covered  
97 establishments. Each of the following establishments which  
98 serves the public is a place of public accommodation within the  
99 meaning of this section:

100 (a) Any inn, hotel, motel, or other establishment that

101 ~~which~~ provides lodging to transient guests, other than an  
 102 establishment located within a building that ~~which~~ contains not  
 103 more than four rooms for rent or hire and that ~~which~~ is actually  
 104 occupied by the proprietor of such establishment as his or her  
 105 residence.

106 (b) Any restaurant, cafeteria, lunchroom, lunch counter,  
 107 soda fountain, or other facility principally engaged in selling  
 108 food for consumption on the premises, including, but not limited  
 109 to, any such facility located on the premises of any retail  
 110 establishment, or any gasoline station.

111 (c) Any motion picture theater, theater, concert hall,  
 112 sports arena, stadium, or other place of exhibition or  
 113 entertainment.

114 (d) Any establishment that ~~which~~ is physically located  
 115 within the premises of any establishment otherwise covered by  
 116 this subsection, or within the premises of which is physically  
 117 located any such covered establishment, and that ~~which~~ holds  
 118 itself out as serving patrons of such covered establishment.

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

121 Section 4. Section 760.05, Florida Statutes, is amended to  
 122 read:

123 760.05 Functions of the commission.—The commission shall  
 124 promote and encourage fair treatment and equal opportunity for  
 125 all persons regardless of race, color, religion, sex, pregnancy,

126 national origin, age, sexual orientation, gender identity,  
 127 handicap, or marital status and mutual understanding and respect  
 128 among all members of society. ~~The commission all-economic,~~  
 129 ~~social, racial, religious, and ethnic groups;~~ and shall endeavor  
 130 to eliminate discrimination against, and antagonism between,  
 131 persons on the basis of race, color, religion, sex, pregnancy,  
 132 national origin, age, sexual orientation, gender identity,  
 133 handicap, or marital status ~~religious, racial, and ethnic groups~~  
 134 ~~and their members.~~

135 Section 5. Section 760.07, Florida Statutes, is amended to  
 136 read:

137 760.07 Remedies for unlawful discrimination.—Any violation  
 138 of any state law ~~Florida statute~~ making unlawful discrimination  
 139 because of race, color, religion, gender, pregnancy, national  
 140 origin, age, handicap, or marital status in the areas of  
 141 education, employment, housing, or public accommodations, or  
 142 because of sexual orientation or gender identity in the area of  
 143 employment, gives rise to a cause of action for all relief and  
 144 damages described in s. 760.11(5), unless greater damages are  
 145 expressly provided for. If the statute prohibiting unlawful  
 146 discrimination provides an administrative remedy, the action for  
 147 equitable relief and damages provided for in this section may be  
 148 initiated only after the plaintiff has exhausted his or her  
 149 administrative remedy. The term "public accommodations" does not  
 150 include lodge halls or other similar facilities of private

151 organizations which are made available for public use  
 152 occasionally or periodically. The right to trial by jury is  
 153 preserved in any case in which the plaintiff is seeking actual  
 154 or punitive damages.

155 Section 6. Subsections (1) and (2), paragraphs (a) and (b)  
 156 of subsection (3), subsections (4), (5), and (6), paragraph (a)  
 157 of subsection (8), and subsection (9) of section 760.10, Florida  
 158 Statutes, are amended, and subsection (10) of that section is  
 159 republished, to read:

160 760.10 Unlawful employment practices.—

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

162 (a) To discharge or to fail or refuse to hire any  
 163 individual, or otherwise to discriminate against any individual  
 164 with respect to compensation, terms, conditions, or privileges  
 165 of employment, because of such individual's race, color,  
 166 religion, sex, pregnancy, national origin, age, sexual  
 167 orientation, gender identity, handicap, or marital status.

168 (b) To limit, segregate, or classify employees or  
 169 applicants for employment in any way that ~~which~~ would deprive or  
 170 tend to deprive any individual of employment opportunities, or  
 171 adversely affect any individual's status as an employee, because  
 172 of such individual's race, color, religion, sex, pregnancy,  
 173 national origin, age, sexual orientation, gender identity,  
 174 handicap, or marital status.

175 (2) It is an unlawful employment practice for an

176 employment agency to fail or refuse to refer for employment, or  
177 otherwise to discriminate against, any individual because of  
178 race, color, religion, sex, pregnancy, national origin, age,  
179 sexual orientation, gender identity, handicap, or marital status  
180 or to classify or refer for employment any individual on the  
181 basis of race, color, religion, sex, pregnancy, national origin,  
182 age, sexual orientation, gender identity, handicap, or marital  
183 status.

184 (3) It is an unlawful employment practice for a labor  
185 organization:

186 (a) To exclude or to expel from its membership, or  
187 otherwise to discriminate against, any individual because of  
188 race, color, religion, sex, pregnancy, national origin, age,  
189 sexual orientation, gender identity, handicap, or marital  
190 status.

191 (b) To limit, segregate, or classify its membership or  
192 applicants for membership, or to classify or fail or refuse to  
193 refer for employment any individual, in any way that would  
194 deprive or tend to deprive any individual of employment  
195 opportunities, or adversely affect any individual's status as an  
196 employee or as an applicant for employment, because of such  
197 individual's race, color, religion, sex, pregnancy, national  
198 origin, age, sexual orientation, gender identity, handicap, or  
199 marital status.

200 (4) It is an unlawful employment practice for any



201 employer, labor organization, or joint labor-management  
202 committee controlling apprenticeship or other training or  
203 retraining, including on-the-job training programs, to  
204 discriminate against any individual because of race, color,  
205 religion, sex, pregnancy, national origin, age, sexual  
206 orientation, gender identity, handicap, or marital status in  
207 admission to, or employment in, any program established to  
208 provide apprenticeship or other training.

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

221 (6) It is an unlawful employment practice for an employer,  
222 a labor organization, an employment agency, or a joint labor-  
223 management committee to print, or cause to be printed or  
224 published, any notice or advertisement relating to employment,  
225 membership, classification, referral for employment, or

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226 | apprenticeship or other training which indicates, ~~indicating~~ any  
227 | preference, limitation, specification, or discrimination, based  
228 | on race, color, religion, sex, pregnancy, national origin, age,  
229 | sexual orientation, gender identity, absence of handicap, or  
230 | marital status.

231 |       (8) Notwithstanding any other provision of this section,  
232 | it is not an unlawful employment practice under ss. 760.01-  
233 | 760.10 for an employer, employment agency, labor organization,  
234 | or joint labor-management committee to:

235 |       (a) Take or fail to take any action on the basis of  
236 | religion, sex, pregnancy, national origin, age, sexual  
237 | orientation, gender identity, handicap, or marital status in  
238 | those certain instances in which religion, sex, condition of  
239 | pregnancy, national origin, age, sexual orientation, gender  
240 | identity, absence of a particular handicap, or marital status is  
241 | a bona fide occupational qualification reasonably necessary for  
242 | the performance of the particular employment to which such  
243 | action or inaction is related.

244 |       (9) (a) This section does ~~shall~~ not apply to any religious  
245 | corporation, association, educational institution, or society  
246 | that ~~which~~ conditions opportunities in the area of employment or  
247 | public accommodation to members of that religious corporation,  
248 | association, educational institution, or society or to persons  
249 | who subscribe to its tenets or beliefs.

250 |       (b) This section does ~~shall~~ not prohibit a religious

251 corporation, association, educational institution, or society  
252 from giving preference in employment to individuals of a  
253 particular religion to perform work connected with the carrying  
254 on by such corporations, associations, educational institutions,  
255 or societies of its various activities.

256 (c) This section and s. 760.08 do not limit the free  
257 exercise of religion guaranteed by the United States  
258 Constitution and the State Constitution.

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

264 Section 7. This act shall take effect July 1, 2019.