

By Senator Book

32-01428-19

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1                   A bill to be entitled  
2       An act relating to workplace sexual harassment;  
3       creating s. 760.65, F.S.; requiring the Florida  
4       Commission on Human Relations to create and publish a  
5       model sexual harassment prevention guidance document  
6       and sexual harassment prevention policy; providing  
7       requirements; requiring employers to adopt the model  
8       policy or one that equals or exceeds it; requiring the  
9       commission to produce a model sexual harassment  
10      prevention training program; providing program  
11      requirements; requiring employers to use the program  
12      or one that equals or exceeds it; providing for  
13      enforcement; authorizing rulemaking; providing an  
14      effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18       Section 1. Section 760.65, Florida Statutes, is created to  
19       read:

20       760.65 Prevention of sexual harassment.-

21       (1) The Florida Commission on Human Relations shall create  
22       and publish a model sexual harassment prevention guidance  
23       document and sexual harassment prevention policy that employers  
24       may use in their adoption of a sexual harassment prevention  
25       policy required by this section.

26       (a) Such model sexual harassment prevention policy must:

27       1. Prohibit sexual harassment consistent with guidance  
28       issued by the commission and provide examples of prohibited  
29       conduct that would constitute unlawful sexual harassment.

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30 2. Include information concerning the federal and state  
31 statutory provisions concerning sexual harassment and remedies  
32 available to victims of sexual harassment and a statement that  
33 there may be applicable local laws.

34 3. Include a standard complaint form.

35 4. Include a procedure for the timely and confidential  
36 investigation of complaints and ensure due process for all  
37 parties.

38 5. Inform employees of their rights of redress and all  
39 available forums for adjudicating sexual harassment complaints  
40 administratively and judicially.

41 6. Clearly state that sexual harassment is considered a  
42 form of employee misconduct and that sanctions will be enforced  
43 against individuals engaging in sexual harassment and against  
44 supervisory and managerial personnel who knowingly allow such  
45 behavior to continue.

46 7. Clearly state that retaliation against individuals who  
47 complain of sexual harassment or who testify or assist in any  
48 proceeding under the law is unlawful.

49 (b) The commission's model sexual harassment prevention  
50 policy shall be publicly available and posted on its website.

51 (c) Every employer in this state shall adopt the model  
52 sexual harassment prevention policy adopted pursuant to this  
53 section or establish a sexual harassment prevention policy to  
54 prevent sexual harassment that equals or exceeds the minimum  
55 standards provided by the model sexual harassment prevention  
56 policy. Each employer shall provide its sexual harassment  
57 prevention policy to all employees in writing and shall post a  
58 copy of the policy in an appropriate and conspicuous location on

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59 the employer's premises.

60 (2) The commission shall produce a model sexual harassment  
61 prevention training program to prevent sexual harassment in the  
62 workplace.

63 (a) The model sexual harassment prevention training program  
64 shall be interactive and include:

65 1. An explanation of sexual harassment consistent with  
66 guidance issued by the commission.

67 2. Examples of conduct that would constitute unlawful  
68 sexual harassment.

69 3. Information concerning the federal and state statutory  
70 provisions concerning sexual harassment and remedies available  
71 to victims of sexual harassment.

72 4. Information concerning employees' rights of redress and  
73 all available forums for adjudicating complaints.

74 5. The telephone number of a confidential sexual assault  
75 hotline serving the area in which the employer is located.

76 (b) The commission shall include information in such model  
77 sexual harassment prevention training program addressing conduct  
78 by supervisors and any additional responsibilities for such  
79 supervisors.

80 (c) Every employer shall use the model sexual harassment  
81 prevention training program pursuant to this section or  
82 establish a training program for employees to prevent sexual  
83 harassment that equals or exceeds the minimum standards provided  
84 by such model training. Each employer shall provide sexual  
85 harassment prevention training to all employees on an annual  
86 basis.

87 (3) The commission may enforce this section as provided in

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88 part I of this chapter.

89 (4) The commission may adopt rules to implement this  
90 section.

91 Section 2. This act shall take effect January 1, 2020.