A bill to be entitled
An act relating to prohibited discrimination; providing a short title; amending s. 760.01, F.S.; revising the purposes of the Florida Civil Rights Act of 1992 to conform to changes made by the act; reordering and amending s. 760.02, F.S.; defining the terms “gender identity” and “sexual orientation”; amending s. 760.05, F.S.; revising the functions of the Florida Commission on Human Relations to conform to changes made by the act; amending s. 760.07, F.S.; revising provisions regarding remedies for unlawful discrimination to include discrimination based on sexual orientation and gender identity in the area of employment, to conform to changes made by the act; amending s. 760.10, F.S.; adding sexual orientation and gender identity as impermissible grounds for discrimination with respect to specified unlawful employment practices; providing an exception to specified provisions for the constitutionally protected free exercise of religion; providing an effective date.

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

Section 1. This act may be cited as the “Florida Inclusive Workforce Act.”

Section 2. Subsection (1) of section 760.01, Florida Statutes, is republished, and subsection (2) of that section is amended, to read:
760.01 Purposes; construction; title.—
(1) Sections 760.01-760.11 and 509.092 shall be cited as the “Florida Civil Rights Act of 1992.”
(2) The general purposes of the Florida Civil Rights Act of 1992 are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, sexual orientation, gender identity, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.

Section 3. Section 760.02, Florida Statutes, is reordered and amended to read:
760.02 Definitions.—For the purposes of ss. 760.01-760.11 and 509.092, the term:
(7) “Florida Civil Rights Act of 1992” means ss. 760.01-760.11 and 509.092.
(2) “Commission” means the Florida Commission on Human Relations created by s. 760.03.
(3) “Commissioner” or “member” means a member of the commission.
(10) “National origin” includes ancestry.
(11) “Person” includes an individual, association, corporation, joint apprenticeship committee, joint-stock
company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, or
unincorporated organization; any other legal or commercial entity; the state; or any governmental entity or agency.

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

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

(8) "Gender identity" means gender-related identity, appearance, or behavior, regardless of whether such gender-related identity, appearance, or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, and which gender-related identity can be shown by the person providing evidence, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

(13) “Sexual orientation” means an individual’s heterosexuality, homosexuality, or bisexuality.

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

760.05 Functions of the commission.—The commission shall promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, pregnancy, national origin, age, sexual orientation, gender identity, handicap, or marital status and mutual understanding and respect among all members of society. The commission shall endeavor to eliminate discrimination against, and antagonism between, persons on the basis of race, color, religion, sex, pregnancy, national origin, age, sexual orientation, gender identity, handicap, or marital status and their members.

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

760.07 Remedies for unlawful discrimination.—Any violation of any state law making unlawful discrimination because of race, color, religion, gender, pregnancy, national origin, age, handicap, or marital status in the areas of education, employment, housing, or public accommodations, or because of sexual orientation or gender identity in the area of employment, gives rise to a cause of action for all relief and damages described in s. 760.11(5), unless greater damages are expressly provided for. If the statute prohibiting unlawful
discrimination provides an administrative remedy, the action for equitable relief and damages provided for in this section may be initiated only after the plaintiff has exhausted his or her administrative remedy. The term “public accommodations” does not include lodge halls or other similar facilities of private organizations which are made available for public use occasionally or periodically. The right to trial by jury is preserved in any case in which the plaintiff is seeking actual or punitive damages.

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

760.10 Unlawful employment practices.—
(1) It is an unlawful employment practice for an employer:
   (a) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, pregnancy, national origin, age, sexual orientation, gender identity, handicap, or marital status.
   (b) To limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual’s status as an employee, because of such individual’s race, color, religion, sex, pregnancy, national origin, age, sexual orientation, gender identity, handicap, or marital status.
(2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of race, color, religion, sex, pregnancy, national origin, age, sexual orientation, gender identity, handicap, or marital status or to classify or refer for employment any individual on the basis of race, color, religion, sex, pregnancy, national origin, age, sexual orientation, gender identity, handicap, or marital status.

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

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

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

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

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

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

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

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

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

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

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

(10) Each employer, employment agency, and labor
organization shall post and keep posted in conspicuous places
upon its premises a notice provided by the commission setting

CODING: Words stricken are deletions; words underlined are additions.
forth such information as the commission deems appropriate to
effectuate the purposes of ss. 760.01-760.10.
Section 7. This act shall take effect July 1, 2019.