

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 (4), (5), and (6), and paragraph
 15 (a) of subsection (8) of section 760.10, Florida Statutes, are
 16 amended 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,
30 national origin, age, handicap, military status, or marital
31 status.

32 (2) It is an unlawful employment practice for an
33 employment agency to fail or refuse to refer for employment, or
34 otherwise to discriminate against, any individual because of
35 race, color, religion, sex, pregnancy, national origin, age,
36 handicap, military status, or marital status or to classify or
37 refer for employment any individual on the basis of race, color,
38 religion, sex, pregnancy, national origin, age, handicap,
39 military status, 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 (4) It is an unlawful employment practice for any
55 employer, labor organization, or joint labor-management
56 committee controlling apprenticeship or other training or
57 retraining, including on-the-job training programs, to
58 discriminate against any individual because of race, color,
59 religion, sex, pregnancy, national origin, age, handicap,
60 military status, or marital status in admission to, or
61 employment in, any program established to provide apprenticeship
62 or other training.

63 (5) Whenever, in order to engage in a profession,
64 occupation, or trade, it is required that a person receive a
65 license, certification, or other credential, become a member or
66 an associate of any club, association, or other organization, or
67 pass any examination, it is an unlawful employment practice for
68 any person to discriminate against any other person seeking such
69 license, certification, or other credential, seeking to become a
70 member or associate of such club, association, or other
71 organization, or seeking to take or pass such examination,
72 because of such other person's race, color, religion, sex,
73 pregnancy, national origin, age, handicap, military status, or
74 marital status.

75 (6) It is an unlawful employment practice for an employer,

76 labor organization, employment agency, or joint labor-management
 77 committee to print, or cause to be printed or published, any
 78 notice or advertisement relating to employment, membership,
 79 classification, referral for employment, or apprenticeship or
 80 other training, indicating any preference, limitation,
 81 specification, or discrimination, based on race, color,
 82 religion, sex, pregnancy, national origin, age, absence of
 83 handicap, military status, or marital status.

84 (8) Notwithstanding any other provision of this section,
 85 it is not an unlawful employment practice under ss. 760.01-
 86 760.10 for an employer, employment agency, labor organization,
 87 or joint labor-management committee to:

88 (a) Take or fail to take any action on the basis of
 89 religion, sex, pregnancy, national origin, age, handicap,
 90 military status, or marital status in those certain instances in
 91 which religion, sex, condition of pregnancy, national origin,
 92 age, absence of a particular handicap, military status, or
 93 marital status is a bona fide occupational qualification
 94 reasonably necessary for the performance of the particular
 95 employment to which such action or inaction is related.

96 Section 2. For the purpose of incorporating the amendment
 97 made by this act to section 760.10, Florida Statutes, in
 98 references thereto, subsections (1) and (15) of section 760.11,
 99 Florida Statutes, are reenacted to read:

100 760.11 Administrative and civil remedies; construction.-

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

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126 statement of the facts describing the violation and the relief
127 sought. The commission may require additional information to be
128 in the complaint. The commission, within 5 days of the complaint
129 being filed, shall by registered mail send a copy of the
130 complaint to the person who allegedly committed the violation.
131 The person who allegedly committed the violation may file an
132 answer to the complaint within 25 days of the date the complaint
133 was filed with the commission. Any answer filed shall be mailed
134 to the aggrieved person by the person filing the answer. Both
135 the complaint and the answer shall be verified.

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

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