

● **FLORIDA CIVIL RIGHTS ACT OF 1992**

*STATUTORY CITATION:* Fla. Stat. §§ 760.01–760.11 and § 509.092

*GENERAL SUMMARY:* The Florida Civil Rights Act is intended to eliminate discrimination on grounds of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Among other provisions, the Act lists certain employment practices which are declared unlawful for employers that employ 15 or more workers in each of 20 or more calendar weeks during the current or preceding calendar year.

*PROVISIONS APPLICABLE TO AGRICULTURE*

To the same extent as in non-agricultural industries, farm operators and other agricultural establishments that employ 15 or more workers for each working day in each of 20 or more calendar weeks in the current or preceding calendar year are generally prohibited from engaging in discriminatory employment practices, including, among others, the following:

- (1) Firing an employee, or failing or refusing to hire a job applicant, because of the individual's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.
- (2) Discriminating on such grounds against an employee or job applicant with respect to compensation or the terms, conditions or privileges of employment.
- (3) Limiting, segregating or classifying employees or job applicants on the same grounds in any way which would tend to deprive them of employment opportunities or adversely affect their employment status.
- (4) Publishing or distributing any advertisement or notice relating to employment which indicates any preference, limitation, specification or discrimination based on race, color, religion, sex, pregnancy, national origin, age, absence of handicap, or marital status.

The law prohibits similar practices by employment agencies and labor organizations.

*SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — It is unlawful for an employer, employment agency or labor organization to discharge, discipline or discriminate in any manner against a person because the person has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

*ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Florida Commission on Human Relations, Tallahassee, Florida 32399 (850-488-7082; toll-free 800-342-8170).* The Commission is responsible for receiving and acting on complaints by workers alleging any discriminatory employment practice defined in the Act. The Commission may investigate and hold hearings on any such complaint to determine the facts, may subpoena witnesses and records, and may provide affirmative relief, including reinstatement, back pay and attorney's fees, to victims of discriminatory employment practices. Any person aggrieved by an unlawful employment practice under the Act may file a complaint with the Commission within 365 days of the alleged violation.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

**PRIVATE CIVIL ACTION** — Upon investigation of a complaint, if the Commission determines that there is reasonable cause to believe that a violation of the Act has occurred, the complainant may bring civil action against the employer or other entity directly, using a private attorney or public legal service provider.