

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 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 exceeds it; providing for enforcement;
 13 authorizing rulemaking; providing an effective date.

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

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

19 760.65 Prevention of sexual harassment.—

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

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

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

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

33 3. Include a standard complaint form.

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

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

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

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

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