

Dobson, Michael

From: Dobson, Michael
Sent: Friday, October 11, 2019 1:26 PM
To: Stanfield, Meredith
Subject: Working Draft Legislation and Annotations
Attachments: Working Draft Legislation and Annotations .docx; Working Draft Legislation and Annotations--SH policy.docx

Requested drafts attached.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL

DRAFT

YEAR

1 A bill to be entitled
2 An act relating to Public Workplace Sexual Harassment
3 Protections; creating s. 112.3131, F.S.; prohibiting
4 sexual harassment of agency employees; providing
5 definitions; providing penalties for violation;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Section 112.3131, Florida Statutes, is created
11 to read:

12 112.3131 Sexual Harassment Protections.-

13 (1) SHORT TITLE.-This section may be cited as the Public
14 Workplace Protection Act.

15 (2) Sexual harassment of an Agency employee is prohibited.

16 (a)1. For purposes of this section, the term:

17 a. "Sexual Harassment" means an unwelcome sexual advance,
18 request for sexual favors, or other verbal or physical conduct
19 of a sexual nature when:

20 (I) Submission to such conduct is made either explicitly or
21 implicitly a term or condition of an individual's employment;

22 (II). Submission to or rejection of such conduct by an
23 individual is used as the basis for employment decisions
24 affecting such individual, or

25 (III). Such conduct has the purpose or effect of

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YEAR

26 unreasonably interfering with an individual's work performance
27 or creating an intimidating, hostile, or offensive working
28 environment.

Commented [DM1]: Matches Code of Federal Regulations and DMS Policy.

29 b. "Agency employee" means:

30 (I) An Employee, as defined in s. 112.044(2)(c);

31 (II). An Emergency rescue or public safety worker as
32 defined in s. 112.181(1)(b); or

33 (III). A non-salaried official elected or appointed to
34 public service pursuant to general law.

35 (3) An individual subjected to sexual harassment is
36 encouraged to report such misconduct as soon as possible.

37 (4) An individual with supervisory responsibility for an
38 employee who is subjected to alleged sexual harassment and who
39 observes or has direct knowledge of such misconduct is required
40 to respond promptly and initiate such actions as specified by
41 rule and administrative policies of the applicable agency.

42 (5) A report of sexual harassment may be made by written
43 complaint or verbal report that is provided to at least one
44 official recipient designated by the applicable agency.

45 (6) Retaliation against an individual reporting sexual
46 harassment is prohibited. Potential disciplinary actions or
47 other consequences that may result from attempted or actual
48 retaliation shall be specified by rule and administrative
49 policies of the applicable agency.

50 (7) The willful and knowing dissemination of personal

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

BILL

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51 identifying information of the alleged victim identified in an
52 allegation of sexual harassment to any party other than a
53 government entity in furtherance of its official duties and
54 responsibilities, is a misdemeanor of the first degree, and
55 punishable as provided in s. 775.082. For purposes of this
56 subsection "personal identifying information" includes the name
57 of the victim and his or her:

58 (a) Home address;
59 (b) Home phone number;
60 (c) Cellular phone number;
61 (d) E-mail address;
62 (e) Social media account username or URL; or
63 (f) Any other information that could reasonably be used to
64 identify, locate, or contact the alleged victim.

65 (8) An individual who makes a report of sexual harassment
66 to an agency that he or she knows to be materially false or that
67 is maliciously made with reckless disregard for the truth,
68 commits a misdemeanor of the first degree, punishable as
69 provided in s. 775.082.

70 Section 2. This act shall take effect upon becoming law.

Commented [DM2]: This is not a public record's exemption See Florida Supreme Court decision in Michael v. Douglas.

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to exemption from documentary stamp
 3 taxes; amending s. 201.02, F.S., providing an
 4 exemption from documentary stamp taxes for transfers
 5 of property between spouses; providing an effective
 6 date.

7
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 11 to read:

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13 (1) Sexual Harassment of an Agency employee is prohibited.

14 (2) For purposes of this section, the term:

15 (a) "Sexual Harassment" means an unwelcome sexual advance,
 16 request for sexual favors, or other verbal or physical conduct
 17 of a sexual nature when:

18 1. Submission to such conduct is made either explicitly or
 19 implicitly a term or condition of an individual's employment;

20 2. Submission to or rejection of such conduct by an
 21 individual is used as the basis for employment decisions
 22 affecting such individual, or

23 3. Such conduct has the purpose or effect of unreasonably
 24 interfering with an individual's work performance or creating an
 25 intimidating, hostile, or offensive working environment.

BILL

ORIGINAL

YEAR

26 (b) "Agency employee" means:

27 1. An Employee, as defined in s. 112.044(2)(c);

28 2. An Emergency rescue or public safety worker as defined
29 in s. 112.181(1)(b); or

30 3. An non-salaried official elected or appointed to public
31 service pursuant to general law.

32 Section 2. This act shall take effect upon becoming law.

Dobson, Michael

From: Dobson, Michael
Sent: Wednesday, December 18, 2019 1:15 PM
To: Stanfield, Meredith
Cc: Stowers, Austin
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41 rule and administrative policies of the applicable agency.

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43 complaint or verbal report that is provided to at least one
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47 other consequences that may result from attempted or actual
48 retaliation shall be specified by rule and administrative
49 policies of the applicable agency.

50 (7) The willful and knowing dissemination of personal

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51 identifying information of the alleged victim in an allegation
52 of sexual harassment to any party other than a government entity
53 in furtherance of its official duties and responsibilities, is a
54 misdemeanor of the first degree, and punishable as provided in
55 s. 775.082. For purposes of this subsection "personal
56 identifying information" includes the name of the victim and his
57 or her:

- 58 (a) Home address;
59 (b) Home phone number;
60 (c) Cellular phone number;
61 (d) E-mail address;
62 (e) Social media account username or URL; or
63 (f) Any other information that could reasonably be used to
64 identify, locate, or contact the alleged victim.

65 (8) An individual who makes a report of sexual harassment
66 to an agency that he or she knows to be materially false or that
67 is maliciously made with reckless disregard for the truth,
68 commits a misdemeanor of the first degree, punishable as
69 provided in s. 775.082.

70 Information furnished to the Division of Rehabilitation and
71 Liquidation pursuant to the Insurers Rehabilitation and
72 Liquidation Act is exempt from s. 119.071(1) and s. 24(a), Art.
73 I of the State Constitution if disclosure would reveal
74 information specific to a particular policy or policy holder.

75 Section 2. This act shall take effect upon becoming law.

Commented [DM2]: This is not a public record's exemption See Florida Supreme Court Decision in Michael v. Douglas.