

1                   A bill to be entitled  
 2           An act relating to human and civil rights; amending ss.  
 3           760.01, 760.05, 760.07, 760.08, 760.23, 760.24, 760.25,  
 4           760.31, 760.50, and 760.60, F.S.; revising terminology  
 5           relating to impermissible grounds for discrimination;  
 6           amending s. 760.02, F.S.; defining the term "disability";  
 7           amending s. 760.10, F.S.; revising provisions relating to  
 8           unlawful employment practices; defining the terms "because  
 9           of sex" and "on the basis of sex"; amending s. 760.11,  
 10          F.S.; revising provisions relating to administrative and  
 11          civil remedies for unlawful discrimination; revising  
 12          requirements relating to notice of complaint and response,  
 13          determination of reasonable cause, and commencement of  
 14          actions; reenacting s. 760.11(15), F.S., for purposes of  
 15          incorporating the amendments to s. 760.10, F.S., in a  
 16          reference thereto; amending s. 760.22, F.S.; substituting  
 17          a definition of the term "disability " for a definition of  
 18          the term "handicap"; amending s. 760.29, F.S.; providing  
 19          for a fine for certain exempt communities of housing for  
 20          older persons that fail to register with the Commission on  
 21          Human Relations; revising terminology relating to  
 22          impermissible grounds for discrimination; amending s.  
 23          760.34, F.S.; revising terminology relating to enforcement  
 24          actions; amending s. 419.001, F.S.; revising the  
 25          definition of the term "resident" for purposes of  
 26          community residential homes; providing an effective date.

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

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Section 1. Subsection (2) of section 760.01, Florida Statutes, is amended to read:

760.01 Purposes; construction; title.--

(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, national origin, age, disability ~~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 2. Subsection (12) is added to section 760.02, Florida Statutes, to read:

760.02 Definitions.--For the purposes of ss. 760.01-760.11 and 509.092, the term:

(12) "Disability," with respect to an individual, means:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(b) A record of such an impairment;

(c) Being regarded as having such an impairment; or

(d) Having a developmental disability as defined in s. 393.063.

56 For the purposes of this chapter, the term "disability" does not  
 57 include transvestism, transsexualism, pedophilia, exhibitionism,  
 58 voyeurism, gender identity disorders not resulting from physical  
 59 impairments, or other sexual behavior disorders; compulsive  
 60 gambling, kleptomania, or pyromania; or psychoactive substance  
 61 use disorders resulting from current illegal use of drugs.

62 Section 3. Section 760.05, Florida Statutes, is amended to  
 63 read:

64 760.05 Functions of the commission.--The commission shall  
 65 promote and encourage fair treatment and equal opportunity for  
 66 all persons regardless of race, color, religion, sex, national  
 67 origin, age, disability ~~handicap~~, or marital status and mutual  
 68 understanding and respect among all members of all economic,  
 69 social, racial, religious, and ethnic groups; and shall endeavor  
 70 to eliminate discrimination against, and antagonism between,  
 71 religious, racial, and ethnic groups and their members.

72 Section 4. Section 760.07, Florida Statutes, is amended to  
 73 read:

74 760.07 Remedies for unlawful discrimination.--Any  
 75 violation of any Florida statute making unlawful discrimination  
 76 because of race, color, religion, sex ~~gender~~, national origin,  
 77 age, disability ~~handicap~~, or marital status in the areas of  
 78 education, employment, housing, or public accommodations gives  
 79 rise to a cause of action for all relief and damages described  
 80 in s. 760.11(5), unless greater damages are expressly provided  
 81 for. If the statute prohibiting unlawful discrimination provides  
 82 an administrative remedy, the action for equitable relief and  
 83 damages provided for in this section may be initiated only after

84 the plaintiff has exhausted his or her administrative remedy.  
 85 The term "public accommodations" does not include lodge halls or  
 86 other similar facilities of private organizations which are made  
 87 available for public use occasionally or periodically. The right  
 88 to trial by jury is preserved in any case in which the plaintiff  
 89 is seeking actual or punitive damages.

90 Section 5. Section 760.08, Florida Statutes, is amended to  
 91 read:

92 760.08 Discrimination in places of public  
 93 accommodation.--All persons shall be entitled to the full and  
 94 equal enjoyment of the goods, services, facilities, privileges,  
 95 advantages, and accommodations of any place of public  
 96 accommodation, as defined in this chapter, without  
 97 discrimination or segregation on the ground of race, color,  
 98 religion, sex, national origin, disability, or sex, ~~handicap,~~  
 99 ~~familial status, or religion.~~

100 Section 6. Section 760.10, Florida Statutes, is amended to  
 101 read:

102 760.10 Unlawful employment practices.--

103 (1) It is an unlawful employment practice for an employer:

104 (a) To discharge or to fail or refuse to hire any  
 105 individual, or otherwise to discriminate against any individual  
 106 with respect to compensation, terms, conditions, or privileges  
 107 of employment, because of such individual's race, color,  
 108 religion, sex, national origin, age, disability ~~handicap,~~ or  
 109 marital status.

110 (b) To limit, segregate, or classify employees or  
 111 applicants for employment in any way which would deprive or tend

112 to deprive any individual of employment opportunities, or  
 113 adversely affect any individual's status as an employee, because  
 114 of such individual's race, color, religion, sex, national  
 115 origin, age, disability ~~handicap~~, or marital status.

116 (2) It is an unlawful employment practice for an  
 117 employment agency to fail or refuse to refer for employment, or  
 118 otherwise to discriminate against, any individual because of  
 119 race, color, religion, sex, national origin, age, disability  
 120 ~~handicap~~, or marital status or to classify or refer for  
 121 employment any individual on the basis of race, color, religion,  
 122 sex, national origin, age, disability ~~handicap~~, or marital  
 123 status.

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

126 (a) To exclude or to expel from its membership, or  
 127 otherwise to discriminate against, any individual because of  
 128 race, color, religion, sex, national origin, age, disability  
 129 ~~handicap~~, or marital status.

130 (b) To limit, segregate, or classify its membership or  
 131 applicants for membership, or to classify or fail or refuse to  
 132 refer for employment any individual, in any way which would  
 133 deprive or tend to deprive any individual of employment  
 134 opportunities, or adversely affect any individual's status as an  
 135 employee or as an applicant for employment, because of such  
 136 individual's race, color, religion, sex, national origin, age,  
 137 disability ~~handicap~~, or marital status.

138 (c) To cause or attempt to cause an employer to  
 139 discriminate against an individual in violation of this section.

140 (4) It is an unlawful employment practice for any  
 141 employer, labor organization, or joint labor-management  
 142 committee controlling apprenticeship or other training or  
 143 retraining, including on-the-job training programs, to  
 144 discriminate against any individual because of race, color,  
 145 religion, sex, national origin, age, disability ~~handicap~~, or  
 146 marital status in admission to, or employment in, any program  
 147 established to provide apprenticeship or other training.

148 (5) Whenever, in order to engage in a profession,  
 149 occupation, or trade, it is required that a person receive a  
 150 license, certification, or other credential, become a member or  
 151 an associate of any club, association, or other organization, or  
 152 pass any examination, it is an unlawful employment practice for  
 153 any person to discriminate against any other person seeking such  
 154 license, certification, or other credential, seeking to become a  
 155 member or associate of such club, association, or other  
 156 organization, or seeking to take or pass such examination,  
 157 because of such other person's race, color, religion, sex,  
 158 national origin, age, disability ~~handicap~~, or marital status.

159 (6) It is an unlawful employment practice for an employer,  
 160 labor organization, employment agency, or joint labor-management  
 161 committee to print, or cause to be printed or published, any  
 162 notice or advertisement relating to employment, membership,  
 163 classification, referral for employment, or apprenticeship or  
 164 other training, indicating any preference, limitation,  
 165 specification, or discrimination, based on race, color,  
 166 religion, sex, national origin, age, absence of disability  
 167 ~~handicap~~, or marital status.

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168 (7) It is an unlawful employment practice for an employer,  
169 an employment agency, a joint labor-management committee, or a  
170 labor organization to discriminate against any person because  
171 that person has opposed any practice that ~~which~~ is an unlawful  
172 employment practice under this section, or because that person  
173 has made a charge, testified, assisted, or participated in any  
174 manner in an investigation, proceeding, or hearing under this  
175 section.

176 (8) Notwithstanding any other provision of this section,  
177 it is not an unlawful employment practice under ss. 760.01-  
178 760.10 for an employer, employment agency, labor organization,  
179 or joint labor-management committee to:

180 (a) Take or fail to take any action on the basis of  
181 religion, sex, national origin, age, disability ~~handicap~~, or  
182 marital status in those certain instances in which religion,  
183 sex, national origin, age, absence of a particular disability  
184 ~~handicap~~, or marital status is a bona fide occupational  
185 qualification reasonably necessary for the performance of the  
186 particular employment to which such action or inaction is  
187 related.

188 (b) Observe the terms of a bona fide seniority system, a  
189 bona fide employee benefit plan such as a retirement, pension,  
190 or insurance plan, or a system which measures earnings by  
191 quantity or quality of production, which is not designed,  
192 intended, or used to evade the purposes of ss. 760.01-760.10.  
193 However, no such employee benefit plan or system which measures  
194 earnings shall excuse the failure to hire, and no such seniority  
195 system, employee benefit plan, or system which measures earnings

196 shall excuse the involuntary retirement of, any individual on  
 197 the basis of any factor not related to the ability of such  
 198 individual to perform the particular employment for which such  
 199 individual has applied or in which such individual is engaged.  
 200 This subsection shall not be construed to make unlawful the  
 201 rejection or termination of employment when the individual  
 202 applicant or employee has failed to meet bona fide requirements  
 203 for the job or position sought or held ~~or to require any changes~~  
 204 ~~in any bona fide retirement or pension programs or existing~~  
 205 ~~collective bargaining agreements during the life of the~~  
 206 ~~contract, or for 2 years after October 1, 1981, whichever occurs~~  
 207 ~~first~~, nor shall ss. 760.01-760.10 ~~this act~~ preclude such  
 208 physical and medical examinations of applicants and employees as  
 209 an employer may require of applicants and employees to determine  
 210 fitness for the job or position sought or held.

211 (c) Take or fail to take any action on the basis of age,  
 212 pursuant to law or regulation governing any employment or  
 213 training program designed to benefit persons of a particular age  
 214 group.

215 (d) Take or fail to take any action on the basis of  
 216 marital status if that status is prohibited under its  
 217 antinepotism policy.

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



224 prohibit a religious corporation, association, educational  
 225 institution, or society from giving preference in employment to  
 226 individuals of a particular religion to perform work connected  
 227 with the carrying on by such corporations, associations,  
 228 educational institutions, or societies of its various  
 229 activities.

230 (10) As used in this section, the terms "because of sex"  
 231 or "on the basis of sex" include, but are not limited to,  
 232 because of or on the basis of pregnancy, childbirth, or related  
 233 medical conditions. Women affected by pregnancy, childbirth, or  
 234 related medical conditions shall be treated the same for all  
 235 employment-related purposes, including receipt of benefits under  
 236 fringe benefits programs, as other persons not so affected but  
 237 similar in their ability or inability to work, and this section  
 238 may not be interpreted to permit otherwise.

239 ~~(11)~~(10) Each employer, employment agency, and labor  
 240 organization shall post and keep posted in conspicuous places  
 241 upon its premises a notice provided by the commission setting  
 242 forth such information as the commission deems appropriate to  
 243 effectuate the purposes of ss. 760.01-760.10.

244 Section 7. Subsections (1), (3), (5), and (8) of section  
 245 760.11, Florida Statutes, are amended, and for purposes of  
 246 incorporating the amendments to section 760.10, Florida  
 247 Statutes, in a reference thereto, subsection (15) of section  
 248 760.11, Florida Statutes, is reenacted, to read:

249 760.11 Administrative and civil remedies; construction.--

250 (1) Any person aggrieved by a violation of ss. 760.01-  
 251 760.10 may file a complaint with the commission within 365 days

252 of the alleged violation, naming the employer, employment  
 253 agency, labor organization, or joint labor-management committee,  
 254 or, in the case of an alleged violation of s. 760.10(5), the  
 255 person responsible for the violation and describing the  
 256 violation. Any person aggrieved by a violation of s. 509.092 may  
 257 file a complaint with the commission within 365 days of the  
 258 alleged violation naming the person responsible for the  
 259 violation and describing the violation. The commission, a  
 260 commissioner, or the Attorney General may in like manner file  
 261 such a complaint. On the same day the complaint is filed with  
 262 the commission, the commission shall clearly stamp on the face  
 263 of the complaint the date the complaint was filed with the  
 264 commission. In lieu of filing the complaint with the commission,  
 265 a complaint under this section may be filed with the federal  
 266 Equal Employment Opportunity Commission or with any unit of  
 267 government of the state which is a fair-employment-practice  
 268 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the  
 269 complaint is filed is clearly stamped on the face of the  
 270 complaint, that date is the date of filing. The date the  
 271 complaint is filed with the commission for purposes of this  
 272 section is the earliest date of filing with the Equal Employment  
 273 Opportunity Commission, the fair-employment-practice agency, or  
 274 the commission. The complaint shall contain a short and plain  
 275 statement of the facts describing the violation and the relief  
 276 sought. The commission may require additional information to be  
 277 in the complaint. The commission, within 5 full business days  
 278 after ~~of~~ the complaint is being filed, shall by certified  
 279 ~~registered~~ mail, return receipt requested, send a copy of the

280 | complaint to the person who allegedly committed the violation.  
 281 | The person who allegedly committed the violation shall respond,  
 282 | in writing, to the commission ~~may file an answer to the~~  
 283 | ~~complaint~~ within 21 ~~25~~ days after the date of the notice of  
 284 | filing complaint and request for information ~~of the date the~~  
 285 | ~~complaint was filed with the commission. Any answer filed shall~~  
 286 | ~~be mailed to the aggrieved person by the person filing the~~  
 287 | ~~answer.~~ Both the complaint and the response ~~answer~~ shall be  
 288 | verified.

289 |         (3) Except as provided in subsection (2), the commission  
 290 | shall investigate the allegations in the complaint. Within 180  
 291 | days after ~~of~~ the filing of the complaint, the commission shall  
 292 | determine if there is reasonable cause to believe that  
 293 | discriminatory practice has occurred in violation of the Florida  
 294 | Civil Rights Act of 1992. Such 180-day time period may be  
 295 | extended for up to an additional 60 days upon a determination by  
 296 | the executive director of the commission that the parties have  
 297 | engaged in mediation; a necessary party cannot be located; one  
 298 | or more of the parties fails to cooperate in the investigation,  
 299 | thereby necessitating the issuance of a subpoena; the respondent  
 300 | has filed bankruptcy; or other circumstances beyond the control  
 301 | of the commission. When the commission determines whether or not  
 302 | there is reasonable cause, the commission by certified  
 303 | ~~registered~~ mail, return receipt requested, shall promptly notify  
 304 | the aggrieved person and the respondent of the reasonable cause  
 305 | determination, the date of such determination, and the options  
 306 | available under this section.

307 (5) In any civil action brought under this section, the  
 308 court may issue an order prohibiting the discriminatory practice  
 309 and providing affirmative relief from the effects of the  
 310 practice, including back pay. The court may also award  
 311 compensatory damages, including, but not limited to, damages for  
 312 mental anguish, loss of dignity, and any other intangible  
 313 injuries, and punitive damages. The provisions of ss. 768.72 and  
 314 768.73 do not apply to this section. The judgment for the total  
 315 amount of punitive damages awarded under this section to an  
 316 aggrieved person shall not exceed \$100,000. In any action or  
 317 proceeding under this subsection, the court, in its discretion,  
 318 may allow the prevailing party a reasonable attorney's fee as  
 319 part of the costs. It is the intent of the Legislature that this  
 320 provision for attorney's fees be interpreted in a manner  
 321 consistent with federal case law involving a Title VII action.  
 322 The right to trial by jury is preserved in any such private  
 323 right of action in which the aggrieved person is seeking  
 324 compensatory or punitive damages, and any party may demand a  
 325 trial by jury. The commission's determination of reasonable  
 326 cause is not admissible into evidence in any civil proceeding,  
 327 including any hearing or trial, except to establish for the  
 328 court the right to maintain the private right of action. A civil  
 329 action brought under this section shall be commenced no later  
 330 than 1 year after the date of determination of reasonable cause  
 331 by the commission or no later than 4 years after the date the  
 332 alleged discriminatory act took place, whichever occurs first.  
 333 The commencement of such action shall divest the commission of  
 334 jurisdiction of the complaint, except that the commission may

335 intervene in the civil action as a matter of right.  
 336 Notwithstanding the above, the state and its agencies and  
 337 subdivisions shall not be liable for punitive damages. The total  
 338 amount of recovery against the state and its agencies and  
 339 subdivisions shall not exceed the limitation as set forth in s.  
 340 768.28(5).

341 (8) In the event that the commission fails to conciliate  
 342 or determine whether there is reasonable cause on any complaint  
 343 under this section within 180 days after ~~of~~ the filing of the  
 344 complaint, except as otherwise provided in subsection (3), an  
 345 aggrieved person may proceed under subsection (4), as if the  
 346 commission determined that there was reasonable cause.

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

352 Section 8. Subsection (7) of section 760.22, Florida  
 353 Statutes, is amended to read:

354 760.22 Definitions.--As used in ss. 760.20-760.37, the  
 355 term:

356 (7) "Disability", with respect to an individual,  
 357 ~~"Handicap"~~ means:

358 (a) A ~~person has a~~ physical or mental impairment that  
 359 ~~which~~ substantially limits one or more of the major life  
 360 activities of the individual;

361 (b) ~~or he or she has~~ A record of having such an  
 362 impairment; ~~or~~

363           (c) Being ~~is~~ regarded as having, such an ~~physical or~~  
 364 ~~mental~~ impairment; or

365           ~~(d)(b)~~ Having ~~A person has~~ a developmental disability as  
 366 defined in s. 393.063.

367  
 368 For the purposes of this chapter, the term "disability" shall  
 369 not include transvestism, transsexualism, pedophilia,  
 370 exhibitionism, voyeurism, gender identity disorders not  
 371 resulting from physical impairments, or other sexual behavior  
 372 disorders; compulsive gambling, kleptomania, or pyromania; or  
 373 psychoactive substance use disorders resulting from current  
 374 illegal use of drugs.

375           Section 9. Section 760.23, Florida Statutes, is amended to  
 376 read:

377           760.23 Discrimination in the sale or rental of housing and  
 378 other prohibited practices.--

379           (1) It is unlawful to refuse to sell or rent after the  
 380 making of a bona fide offer, to refuse to negotiate for the sale  
 381 or rental of, or otherwise to make unavailable or deny a  
 382 dwelling to any person because of race, color, religion, sex,  
 383 national origin, disability ~~sex, handicap, or~~ familial status,  
 384 ~~or religion.~~

385           (2) It is unlawful to discriminate against any person in  
 386 the terms, conditions, or privileges of sale or rental of a  
 387 dwelling, or in the provision of services or facilities in  
 388 connection therewith, because of race, color, religion, sex,  
 389 national origin, disability ~~sex, handicap, or~~ familial status,  
 390 ~~or religion.~~

391           (3) It is unlawful to make, print, or publish, or cause to  
 392 be made, printed, or published, any notice, statement, or  
 393 advertisement with respect to the sale or rental of a dwelling  
 394 that indicates any preference, limitation, or discrimination  
 395 based on race, color, religion, sex, national origin,  
 396 disability, or ~~sex, handicap,~~ familial status, ~~or religion~~ or an  
 397 intention to make any such preference, limitation, or  
 398 discrimination.

399           (4) It is unlawful to represent to any person because of  
 400 race, color, religion, sex, national origin, disability, or ~~sex,~~  
 401 ~~handicap,~~ familial status, ~~or religion~~ that any dwelling is not  
 402 available for inspection, sale, or rental when such dwelling is  
 403 in fact so available.

404           (5) It is unlawful, for profit, to induce or attempt to  
 405 induce any person to sell or rent any dwelling by a  
 406 representation regarding the entry or prospective entry into the  
 407 neighborhood of a person or persons of a particular race, color,  
 408 religion, sex, national origin, disability, or ~~sex, handicap,~~  
 409 familial status, ~~or religion~~.

410           (6) The protections afforded under ss. 760.20-760.37  
 411 against discrimination on the basis of familial status apply to  
 412 any person who is pregnant or is in the process of securing  
 413 legal custody of any individual who has not attained the age of  
 414 18 years.

415           (7) It is unlawful to discriminate in the sale or rental  
 416 of, or to otherwise make unavailable or deny, a dwelling to any  
 417 buyer or renter because of a disability ~~handicap~~ of:

418           (a) That buyer or renter;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

419 (b) A person residing in or intending to reside in that  
 420 dwelling after it is sold, rented, or made available; or

421 (c) Any person associated with the buyer or renter.

422 (8) It is unlawful to discriminate against any person in  
 423 the terms, conditions, or privileges of sale or rental of a  
 424 dwelling, or in the provision of services or facilities in  
 425 connection with such dwelling, because of a disability ~~handicap~~  
 426 of:

427 (a) That buyer or renter;

428 (b) A person residing in or intending to reside in that  
 429 dwelling after it is sold, rented, or made available; or

430 (c) Any person associated with the buyer or renter.

431 (9) For purposes of subsections (7) and (8),  
 432 discrimination includes:

433 (a) A refusal to permit, at the expense of the ~~handicapped~~  
 434 person with a disability, reasonable modifications of existing  
 435 premises occupied or to be occupied by such person if such  
 436 modifications may be necessary to afford such person full  
 437 enjoyment of the premises; or

438 (b) A refusal to make reasonable accommodations in rules,  
 439 policies, practices, or services, when such accommodations may  
 440 be necessary to afford such person equal opportunity to use and  
 441 enjoy a dwelling.

442 (10) Covered multifamily dwellings as defined herein which  
 443 are intended for first occupancy after March 13, 1991, shall be  
 444 designed and constructed to have at least one building entrance  
 445 on an accessible route unless it is impractical to do so because  
 446 of the terrain or unusual characteristics of the site as



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447 determined by commission rule. Such buildings shall also be  
448 designed and constructed in such a manner that:

449 (a) The public use and common use portions of such  
450 dwellings are readily accessible to and usable by ~~handicapped~~  
451 persons with disabilities.

452 (b) All doors designed to allow passage into and within  
453 all premises within such dwellings are sufficiently wide to  
454 allow passage by a person in a wheelchair.

455 (c) All premises within such dwellings contain the  
456 following features of adaptive design:

457 1. An accessible route into and through the dwelling.

458 2. Light switches, electrical outlets, thermostats, and  
459 other environmental controls in accessible locations.

460 3. Reinforcements in bathroom walls to allow later  
461 installation of grab bars.

462 4. Usable kitchens and bathrooms such that a person in a  
463 wheelchair can maneuver about the space.

464 (d) Compliance with the appropriate requirements of the  
465 American National Standards Institute for buildings and  
466 facilities providing accessibility and usability for ~~physically~~  
467 ~~handicapped~~ people with disabilities, commonly cited as ANSI  
468 A117.1-1986, suffices to satisfy the requirements of paragraph  
469 (c).

470  
471 State agencies with building construction regulation  
472 responsibility or local governments, as appropriate, shall  
473 review the plans and specifications for the construction of

474 covered multifamily dwellings to determine consistency with the  
 475 requirements of this subsection.

476 Section 10. Section 760.24, Florida Statutes, is amended  
 477 to read:

478 760.24 Discrimination in the provision of brokerage  
 479 services.--It is unlawful to deny any person access to, or  
 480 membership or participation in, any multiple-listing service,  
 481 real estate brokers' organization, or other service,  
 482 organization, or facility relating to the business of selling or  
 483 renting dwellings, or to discriminate against him or her in the  
 484 terms or conditions of such access, membership, or  
 485 participation, on account of race, color, religion, sex,  
 486 national origin, disability ~~sex, handicap,~~ or familial status,  
 487 ~~or religion.~~

488 Section 11. Section 760.25, Florida Statutes, is amended  
 489 to read:

490 760.25 Discrimination in the financing of housing or in  
 491 residential real estate transactions.--

492 (1) It is unlawful for any bank, building and loan  
 493 association, insurance company, or other corporation,  
 494 association, firm, or enterprise the business of which consists  
 495 in whole or in part of the making of commercial real estate  
 496 loans to deny a loan or other financial assistance to a person  
 497 applying for the loan for the purpose of purchasing,  
 498 constructing, improving, repairing, or maintaining a dwelling,  
 499 or to discriminate against him or her in the fixing of the  
 500 amount, interest rate, duration, or other term or condition of  
 501 such loan or other financial assistance, because of the race,

502 color, religion, sex, national origin, disability ~~sex, handicap,~~  
 503 or familial status, ~~or religion~~ of such person or of any person  
 504 associated with him or her in connection with such loan or other  
 505 financial assistance or the purposes of such loan or other  
 506 financial assistance, or because of the race, color, religion,  
 507 sex, national origin, disability ~~sex, handicap,~~ or familial  
 508 status, ~~or religion~~ of the present or prospective owners,  
 509 lessees, tenants, or occupants of the dwelling or dwellings in  
 510 relation to which such loan or other financial assistance is to  
 511 be made or given.

512 (2)(a) It is unlawful for any person or entity whose  
 513 business includes engaging in residential real estate  
 514 transactions to discriminate against any person in making  
 515 available such a transaction, or in the terms or conditions of  
 516 such a transaction, because of race, color, religion, sex,  
 517 national origin, disability ~~sex, handicap,~~ or familial status,  
 518 ~~or religion~~.

519 (b) As used in this subsection, the term "residential real  
 520 estate transaction" means any of the following:

521 1. The making or purchasing of loans or providing other  
 522 financial assistance:

523 a. For purchasing, constructing, improving, repairing, or  
 524 maintaining a dwelling; or

525 b. Secured by residential real estate.

526 2. The selling, brokering, or appraising of residential  
 527 real property.

528 Section 12. Paragraph (e) of subsection (4) and paragraph  
 529 (a) of subsection (5) and of section 760.29, Florida Statutes,  
 530 are amended to read:

531 760.29 Exemptions.--

532 (4)

533 (e) A facility or community claiming an exemption under  
 534 this subsection shall register with the commission and submit a  
 535 letter to the commission stating that the facility or community  
 536 complies with the requirements of subparagraph (b)1.,  
 537 subparagraph (b)2., or subparagraph (b)3. The letter shall be  
 538 submitted on the letterhead of the facility or community and  
 539 shall be signed by the president of the facility or community.  
 540 This registration and documentation shall be renewed biennially  
 541 from the date of original filing. The information in the  
 542 registry shall be made available to the public, and the  
 543 commission shall include this information on an Internet  
 544 website. The commission may establish a reasonable registration  
 545 fee, not to exceed \$20, that shall be deposited into the  
 546 commission's trust fund to defray the administrative costs  
 547 associated with maintaining the registry. The commission may  
 548 impose an administrative fine, not to exceed \$500, on a facility  
 549 or community that does not register with the commission or that  
 550 knowingly submits false information in the documentation  
 551 required by this paragraph. Such fines shall be deposited in the  
 552 commission's trust fund. The registration and documentation  
 553 required by this paragraph shall not substitute for proof of  
 554 compliance with the requirements of this subsection. Failure to  
 555 comply with the requirements of this paragraph shall not

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556 | disqualify a facility or community that otherwise qualifies for  
 557 | the exemption provided in this subsection.

558 |

559 | A county or municipal ordinance regarding housing for older  
 560 | persons may not contravene the provisions of this subsection.

561 | (5) Nothing in ss. 760.20-760.37:

562 | (a) Prohibits a person engaged in the business of  
 563 | furnishing appraisals of real property from taking into  
 564 | consideration factors other than race, color, religion, sex,  
 565 | national origin, disability ~~sex, handicap, or~~ familial status,  
 566 | ~~or religion.~~

567 | Section 13. Subsection (5) of section 760.31, Florida  
 568 | Statutes, is amended to read:

569 | 760.31 Powers and duties of commission.--The commission  
 570 | shall:

571 | (5) Adopt rules necessary to implement ss. 760.20-760.37  
 572 | and govern the proceedings of the commission in accordance with  
 573 | chapter 120. Commission rules shall clarify terms used with  
 574 | regard to disability ~~handicapped~~ accessibility, exceptions from  
 575 | accessibility requirements based on terrain or site  
 576 | characteristics, and requirements related to housing for older  
 577 | persons. Commission rules shall specify the fee and the forms  
 578 | and procedures to be used for the registration required by s.  
 579 | 760.29(4)(e).

580 | Section 14. Subsection (2) of section 760.34, Florida  
 581 | Statutes, is amended to read:

582 | 760.34 Enforcement.--

583 (2) A complaint under subsection (1) must be filed within  
 584 1 year after the alleged discriminatory housing practice  
 585 occurred. The complaint must be in writing and shall state the  
 586 facts upon which the allegations of a discriminatory housing  
 587 practice are based. A complaint may be reasonably and fairly  
 588 amended at any time. A respondent may file a response ~~an answer~~  
 589 to the complaint against him or her and, with the leave of the  
 590 commission, which shall be granted whenever it would be  
 591 reasonable and fair to do so, may amend his or her response  
 592 ~~answer~~ at any time. Both complaint and response ~~answer~~ shall be  
 593 verified.

594 Section 15. Subsection (2) of section 760.50, Florida  
 595 Statutes, is amended to read:

596 760.50 Discrimination on the basis of AIDS, AIDS-related  
 597 complex, and HIV prohibited.--

598 (2) Any person with or perceived as having acquired immune  
 599 deficiency syndrome, acquired immune deficiency syndrome related  
 600 complex, or human immunodeficiency virus shall have every  
 601 protection made available to ~~handicapped~~ persons with  
 602 disabilities.

603 Section 16. Subsection (1) of section 760.60, Florida  
 604 Statutes, is amended to read:

605 760.60 Discriminatory practices of certain clubs  
 606 prohibited; remedies.--

607 (1) It is unlawful for a person to discriminate against  
 608 any individual because of race, color, religion, sex ~~gender~~,  
 609 national origin, age above the age of 21, disability ~~handicap~~,  
 610 ~~age above the age of 21~~, or marital status in evaluating an

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611 application for membership in a club that has more than 400  
 612 members, that provides regular meal service, and that regularly  
 613 receives payment for dues, fees, use of space, facilities,  
 614 services, meals, or beverages directly or indirectly from  
 615 nonmembers for business purposes. It is unlawful for a person,  
 616 on behalf of such a club, to publish, circulate, issue, display,  
 617 post, or mail any advertisement, notice, or solicitation that  
 618 contains a statement to the effect that the accommodations,  
 619 advantages, facilities, membership, or privileges of the club  
 620 are denied to any individual because of race, color, religion,  
 621 sex gender, national origin, age above the age of 21, disability  
 622 ~~handicap, age above the age of 21, or marital status~~. This  
 623 subsection does not apply to fraternal or benevolent  
 624 organizations, ethnic clubs, or religious organizations where  
 625 business activity is not prevalent.

626 Section 17. Paragraph (d) of subsection (1) of section  
 627 419.001, Florida Statutes, is amended to read:

628 419.001 Site selection of community residential homes.--

629 (1) For the purposes of this section, the following  
 630 definitions shall apply:

631 (d) "Resident" means any of the following: a frail elder  
 632 as defined in s. 400.618; an individual with a disability a  
 633 ~~physically disabled or handicapped person~~ as defined in s.  
 634 ~~760.22(7)(a); a developmentally disabled person as defined in s.~~  
 635 ~~393.063~~; a nondangerous mentally ill person as defined in s.  
 636 394.455(18); or a child as defined in s. 39.01(14), s. 984.03(9)  
 637 or (12), or s. 985.03(8).

638 Section 18. This act shall take effect July 1, 2005.