

1 for purposes of community residential homes;
2 providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Subsection (2) of section 760.01, Florida
7 Statutes, is amended to read:

8 760.01 Purposes; construction; title.--

9 (2) The general purposes of the Florida Civil Rights
10 Act of 1992 are to secure for all individuals within the state
11 freedom from discrimination because of race, color, religion,
12 sex, national origin, age, disability ~~handicap~~, or marital
13 status and thereby to protect their interest in personal
14 dignity, to make available to the state their full productive
15 capacities, to secure the state against domestic strife and
16 unrest, to preserve the public safety, health, and general
17 welfare, and to promote the interests, rights, and privileges
18 of individuals within the state.

19 Section 2. Subsection (12) is added to section 760.02,
20 Florida Statutes, to read:

21 760.02 Definitions.--For the purposes of ss.
22 760.01-760.11 and 509.092, the term:

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

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

28 (b) A record of such impairment; or

29 (c) Being regarded as having such an impairment.
30
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1 For the purposes of this chapter, the term "disability" does
2 not include homosexuality, bisexuality, transvestism,
3 transsexualism, pedophilia, exhibitionism, voyeurism, gender
4 identity disorders not resulting from physical impairments, or
5 other sexual behavior disorders; compulsive gambling,
6 kleptomania, or pyromania; or psychoactive substance use
7 disorders resulting from current illegal use of drugs.

8 Section 3. Section 760.05, Florida Statutes, is
9 amended to read:

10 760.05 Functions of the commission.--The commission
11 shall promote and encourage fair treatment and equal
12 opportunity for all persons regardless of race, color,
13 religion, sex, national origin, age, disability ~~handicap~~, or
14 marital status and mutual understanding and respect among all
15 members of all economic, social, racial, religious, and ethnic
16 groups; and shall endeavor to eliminate discrimination
17 against, and antagonism between, religious, racial, and ethnic
18 groups and their members.

19 Section 4. Section 760.07, Florida Statutes, is
20 amended to read:

21 760.07 Remedies for unlawful discrimination.--Any
22 violation of any Florida statute making unlawful
23 discrimination because of race, color, religion, ~~sex~~ gender,
24 national origin, age, disability ~~handicap~~, or marital status
25 in the areas of education, employment, housing, or public
26 accommodations gives rise to a cause of action for all relief
27 and damages described in s. 760.11(5), unless greater damages
28 are expressly provided for. If the statute prohibiting
29 unlawful discrimination provides an administrative remedy, the
30 action for equitable relief and damages provided for in this
31 section may be initiated only after the plaintiff has

1 exhausted his or her administrative remedy. The term "public
2 accommodations" does not include lodge halls or other similar
3 facilities of private organizations which are made available
4 for public use occasionally or periodically. The right to
5 trial by jury is preserved in any case in which the plaintiff
6 is seeking actual or punitive damages.

7 Section 5. Section 760.08, Florida Statutes, is
8 amended to read:

9 760.08 Discrimination in places of public
10 accommodation.--

11 (1) All persons shall be entitled to the full and
12 equal enjoyment of the goods, services, facilities,
13 privileges, advantages, and accommodations of any place of
14 public accommodation, as defined in this chapter, without
15 discrimination or segregation on the ground of race, color,
16 religion, sex, national origin, age, disability, or sex,
17 ~~handicap, familial status, or religion.~~

18 (2) As used in this section, the term "place of public
19 accommodation" means a facility, operated by a private person,
20 whose operations affect commerce and fall within at least one
21 of the following categories:

22 (a) An inn, hotel, motel, or other place of lodging,
23 except for an establishment located within a building that
24 contains not more than five rooms for rent or hire and that is
25 actually occupied by the proprietor of the establishment as
26 the residence of the proprietor;

27 (b) A restaurant, bar, or other establishment serving
28 food or drink;

29 (c) A motion picture house, theater, concert hall,
30 stadium, or other place of gathering;

31

1 (d) An auditorium, convention center, lecture hall, or
2 other place of exhibition or entertainment;

3 (e) A bakery, grocery store, clothing store, hardware
4 store, shopping center, or other sales or rental
5 establishment;

6 (f) A laundromat, dry cleaner, bank, barber shop,
7 beauty shop, travel service, shoe repair service, funeral
8 parlor, gas station, office of a health care provider,
9 hospital, or other service establishment;

10 (g) A terminal, depot, or other station used for
11 specified public transportation;

12 (h) A museum, library, gallery, or other place of
13 public display or collection;

14 (i) A park, zoo, amusement park, or other place of
15 recreation;

16 (j) A day care center, senior citizen center, homeless
17 shelter, food bank, adoption agency, or other social services
18 establishment; and

19 (k) A gymnasium, health spa, bowling alley, golf
20 course, or other place of exercise or recreation.

21 Section 6. Section 760.10, Florida Statutes, is
22 amended to read:

23 760.10 Unlawful employment practices.--

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

26 (a) To discharge or to fail or refuse to hire any
27 individual, or otherwise to discriminate against any
28 individual with respect to compensation, terms, conditions, or
29 privileges of employment, because of such individual's race,
30 color, religion, sex, national origin, age, disability
31 ~~handicap~~, or marital status.

1 (b) To limit, segregate, or classify employees or
2 applicants for employment in any way which would deprive or
3 tend to deprive any individual of employment opportunities, or
4 adversely affect any individual's status as an employee,
5 because of such individual's race, color, religion, sex,
6 national origin, age, disability ~~handicap~~, or marital status.

7 (2) It is an unlawful employment practice for an
8 employment agency to fail or refuse to refer for employment,
9 or otherwise to discriminate against, any individual because
10 of race, color, religion, sex, national origin, age,
11 disability ~~handicap~~, or marital status or to classify or refer
12 for employment any individual on the basis of race, color,
13 religion, sex, national origin, age, disability ~~handicap~~, or
14 marital status.

15 (3) It is an unlawful employment practice for a labor
16 organization:

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

21 (b) To limit, segregate, or classify its membership or
22 applicants for membership, or to classify or fail or refuse to
23 refer for employment any individual, in any way which would
24 deprive or tend to deprive any individual of employment
25 opportunities, or adversely affect any individual's status as
26 an employee or as an applicant for employment, because of such
27 individual's race, color, religion, sex, national origin, age,
28 disability ~~handicap~~, or marital status.

29 (c) To cause or attempt to cause an employer to
30 discriminate against an individual in violation of this
31 section.

1 (4) It is an unlawful employment practice for any
2 employer, labor organization, or joint labor-management
3 committee controlling apprenticeship or other training or
4 retraining, including on-the-job training programs, to
5 discriminate against any individual because of race, color,
6 religion, sex, national origin, age, disability ~~handicap~~, or
7 marital status in admission to, or employment in, any program
8 established to provide apprenticeship or other training.

9 (5) Whenever, in order to engage in a profession,
10 occupation, or trade, it is required that a person receive a
11 license, certification, or other credential, become a member
12 or an associate of any club, association, or other
13 organization, or pass any examination, it is an unlawful
14 employment practice for any person to discriminate against any
15 other person seeking such license, certification, or other
16 credential, seeking to become a member or associate of such
17 club, association, or other organization, or seeking to take
18 or pass such examination, because of such other person's race,
19 color, religion, sex, national origin, age, disability
20 ~~handicap~~, or marital status.

21 (6) It is an unlawful employment practice for an
22 employer, labor organization, employment agency, or joint
23 labor-management committee to print, or cause to be printed or
24 published, any notice or advertisement relating to employment,
25 membership, classification, referral for employment, or
26 apprenticeship or other training, indicating any preference,
27 limitation, specification, or discrimination, based on race,
28 color, religion, sex, national origin, age, absence of
29 disability ~~handicap~~, or marital status.

30 (7) It is an unlawful employment practice for an
31 employer, an employment agency, a joint labor-management

1 | committee, or a labor organization to discriminate against any
2 | person because that person has opposed any practice that ~~which~~
3 | is an unlawful employment practice under this section, or
4 | because that person has made a charge, testified, assisted, or
5 | participated in any manner in an investigation, proceeding, or
6 | hearing under this section.

7 | (8) Notwithstanding any other provision of this
8 | section, it is not an unlawful employment practice under ss.
9 | 760.01-760.10 for an employer, employment agency, labor
10 | organization, or joint labor-management committee to:

11 | (a) Take or fail to take any action on the basis of
12 | religion, sex, national origin, age, disability ~~handicap~~, or
13 | marital status in those certain instances in which religion,
14 | sex, national origin, age, absence of a particular disability
15 | ~~handicap~~, or marital status is a bona fide occupational
16 | qualification reasonably necessary for the performance of the
17 | particular employment to which such action or inaction is
18 | related.

19 | (b) Observe the terms of a bona fide seniority system,
20 | a bona fide employee benefit plan such as a retirement,
21 | pension, or insurance plan, or a system which measures
22 | earnings by quantity or quality of production, which is not
23 | designed, intended, or used to evade the purposes of ss.
24 | 760.01-760.10. However, no such employee benefit plan or
25 | system which measures earnings shall excuse the failure to
26 | hire, and no such seniority system, employee benefit plan, or
27 | system which measures earnings shall excuse the involuntary
28 | retirement of, any individual on the basis of any factor not
29 | related to the ability of such individual to perform the
30 | particular employment for which such individual has applied or
31 | in which such individual is engaged. This subsection shall not

1 | be construed to make unlawful the rejection or termination of
2 | employment when the individual applicant or employee has
3 | failed to meet bona fide requirements for the job or position
4 | sought or held ~~or to require any changes in any bona fide~~
5 | ~~retirement or pension programs or existing collective~~
6 | ~~bargaining agreements during the life of the contract, or for~~
7 | ~~2 years after October 1, 1981, whichever occurs first, nor~~
8 | shall ss. 760.01-760.10 ~~this act~~ preclude such physical and
9 | medical examinations of applicants and employees as an
10 | employer may require of applicants and employees to determine
11 | fitness for the job or position sought or held.

12 | (c) Take or fail to take any action on the basis of
13 | age, pursuant to law or regulation governing any employment or
14 | training program designed to benefit persons of a particular
15 | age group.

16 | (d) Take or fail to take any action on the basis of
17 | marital status if that status is prohibited under its
18 | antinepotism policy.

19 | (9) This section shall not apply to any religious
20 | corporation, association, educational institution, or society
21 | which conditions opportunities in the area of employment or
22 | public accommodation to members of that religious corporation,
23 | association, educational institution, or society or to persons
24 | who subscribe to its tenets or beliefs. This section shall not
25 | prohibit a religious corporation, association, educational
26 | institution, or society from giving preference in employment
27 | to individuals of a particular religion to perform work
28 | connected with the carrying on by such corporations,
29 | associations, educational institutions, or societies of its
30 | various activities.

31 |

1 (10) As used in this section, the terms "because of
2 sex" or "on the basis of sex" include, but are not limited to,
3 because of or on the basis of pregnancy, childbirth, or
4 related medical conditions. Women affected by pregnancy,
5 childbirth, or related medical conditions shall be treated the
6 same for all employment-related purposes, including receipt of
7 benefits under fringe benefits programs, as other persons not
8 so affected but similar in their ability or inability to work,
9 and this section may not be interpreted to permit otherwise.
10 This subsection shall not require an employer to pay for
11 health insurance benefits for abortion, except when the life
12 of the mother would be endangered if the fetus were carried to
13 term, or except when medical complications have arisen from an
14 abortion. However, this subsection shall not preclude an
15 employer from providing abortion benefits or otherwise affect
16 bargaining agreements in regard to abortion.

17 ~~(11)(10)~~ Each employer, employment agency, and labor
18 organization shall post and keep posted in conspicuous places
19 upon its premises a notice provided by the commission setting
20 forth such information as the commission deems appropriate to
21 effectuate the purposes of ss. 760.01-760.10.

22 Section 7. Subsections (1), (3), (5), and (8) of
23 section 760.11, Florida Statutes, are amended, and for
24 purposes of incorporating the amendments to section 760.10,
25 Florida Statutes, in a reference thereto, subsection (15) of
26 that section is reenacted, to read:

27 760.11 Administrative and civil remedies;
28 construction.--

29 (1) Any person aggrieved by a violation of ss.
30 760.01-760.10 may file a complaint with the commission within
31 365 days of the alleged violation, naming the employer,

1 | employment agency, labor organization, or joint
2 | labor-management committee, or, in the case of an alleged
3 | violation of s. 760.10(5), the person responsible for the
4 | violation and describing the violation. Any person aggrieved
5 | by a violation of s. 509.092 may file a complaint with the
6 | commission within 365 days of the alleged violation naming the
7 | person responsible for the violation and describing the
8 | violation. The commission, a commissioner, or the Attorney
9 | General may in like manner file such a complaint. On the same
10 | day the complaint is filed with the commission, the commission
11 | shall clearly stamp on the face of the complaint the date the
12 | complaint was filed with the commission. In lieu of filing the
13 | complaint with the commission, a complaint under this section
14 | may be filed with the federal Equal Employment Opportunity
15 | Commission or with any unit of government of the state which
16 | is a fair-employment-practice agency under 29 C.F.R. ss.
17 | 1601.70-1601.80. If the date the complaint is filed is clearly
18 | stamped on the face of the complaint, that date is the date of
19 | filing. The date the complaint is filed with the commission
20 | for purposes of this section is the earliest date of filing
21 | with the Equal Employment Opportunity Commission, the
22 | fair-employment-practice agency, or the commission. The
23 | complaint shall contain a short and plain statement of the
24 | facts describing the violation and the relief sought. The
25 | commission may require additional information to be in the
26 | complaint. The commission, within 5 full business days after
27 | ~~of the complaint is being~~ filed, shall by certified registered
28 | mail, return receipt requested, send a copy of the complaint
29 | to the person who allegedly committed the violation. The
30 | person who allegedly committed the violation shall respond, in
31 | writing, to the commission ~~may file an answer to the complaint~~

1 | within 21 ~~25~~ days after the date of the notice of filing
2 | complaint and request for information ~~of the date the~~
3 | ~~complaint was filed with the commission. Any answer filed~~
4 | ~~shall be mailed to the aggrieved person by the person filing~~
5 | ~~the answer.~~ Both the complaint and the response ~~answer~~ shall
6 | be verified.

7 | (3) Except as provided in subsection (2), the
8 | commission shall investigate the allegations in the complaint.
9 | Within 180 days after ~~of~~ the filing of the complaint, the
10 | commission shall determine if there is reasonable cause to
11 | believe that discriminatory practice has occurred in violation
12 | of the Florida Civil Rights Act of 1992. Such 180-day time
13 | period may be extended for up to an additional 60 days upon a
14 | determination by the executive director of the commission that
15 | the parties have engaged in mediation; a necessary party
16 | cannot be located; one or more of the parties fails to
17 | cooperate in the investigation, thereby necessitating the
18 | issuance of a subpoena; the respondent has filed bankruptcy;
19 | or other circumstances beyond the control of the commission.

20 | When the commission determines whether or not there is
21 | reasonable cause, the commission by certified ~~registered~~-mail,
22 | return receipt requested, shall promptly notify the aggrieved
23 | person and the respondent of the reasonable cause
24 | determination, the date of such determination, and the options
25 | available under this section.

26 | (5) In any civil action brought under this section,
27 | the court may issue an order prohibiting the discriminatory
28 | practice and providing affirmative relief from the effects of
29 | the practice, including back pay. The court may also award
30 | compensatory damages, including, but not limited to, damages
31 | for mental anguish, loss of dignity, and any other intangible

1 injuries, and punitive damages. The provisions of ss. 768.72
2 and 768.73 do not apply to this section. The judgment for the
3 total amount of punitive damages awarded under this section to
4 an aggrieved person shall not exceed \$100,000. In any action
5 or proceeding under this subsection, the court, in its
6 discretion, may allow the prevailing party a reasonable
7 attorney's fee as part of the costs. It is the intent of the
8 Legislature that this provision for attorney's fees be
9 interpreted in a manner consistent with federal case law
10 involving a Title VII action. The right to trial by jury is
11 preserved in any such private right of action in which the
12 aggrieved person is seeking compensatory or punitive damages,
13 and any party may demand a trial by jury. The commission's
14 determination of reasonable cause is not admissible into
15 evidence in any civil proceeding, including any hearing or
16 trial, except to establish for the court the right to maintain
17 the private right of action. A civil action brought under this
18 section shall be commenced no later than 1 year after the date
19 of determination of reasonable cause by the commission or no
20 later than 4 years after the date the alleged discriminatory
21 act took place, whichever occurs first. The commencement of
22 such action shall divest the commission of jurisdiction of the
23 complaint, except that the commission may intervene in the
24 civil action as a matter of right. Notwithstanding the above,
25 the state and its agencies and subdivisions shall not be
26 liable for punitive damages. The total amount of recovery
27 against the state and its agencies and subdivisions shall not
28 exceed the limitation as set forth in s. 768.28(5).

29 (8) In the event that the commission fails to
30 conciliate or determine whether there is reasonable cause on
31 any complaint under this section within 180 days after ~~of~~ the

1 filing of the complaint, except as otherwise provided in
2 subsection (3), an aggrieved person may proceed under
3 subsection (4), as if the commission determined that there was
4 reasonable cause.

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

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

12 760.22 Definitions.--As used in ss. 760.20-760.37, the
13 term:

14 (7) "Disability," with respect to an individual,
15 ~~"Handicap"~~ means:

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

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

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

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

25
26 For the purposes of this chapter, the term "disability" shall
27 not include transvestism, transsexualism, pedophilia,
28 exhibitionism, voyeurism, gender identity disorders not
29 resulting from physical impairments, or other sexual behavior
30 disorders; compulsive gambling, kleptomania, or pyromania; or
31

1 psychoactive substance use disorders resulting from current
2 illegal use of drugs.

3 Section 9. Section 760.23, Florida Statutes, is
4 amended to read:

5 760.23 Discrimination in the sale or rental of housing
6 and other prohibited practices.--

7 (1) It is unlawful to refuse to sell or rent after the
8 making of a bona fide offer, to refuse to negotiate for the
9 sale or rental of, or otherwise to make unavailable or deny a
10 dwelling to any person because of race, color, religion, sex,
11 national origin, disability ~~sex, handicap, or~~ familial status,
12 ~~or religion.~~

13 (2) It is unlawful to discriminate against any person
14 in the terms, conditions, or privileges of sale or rental of a
15 dwelling, or in the provision of services or facilities in
16 connection therewith, because of race, color, religion, sex,
17 national origin, disability ~~sex, handicap, or~~ familial status,
18 ~~or religion.~~

19 (3) It is unlawful to make, print, or publish, or
20 cause to be made, printed, or published, any notice,
21 statement, or advertisement with respect to the sale or rental
22 of a dwelling that indicates any preference, limitation, or
23 discrimination based on race, color, religion, sex, national
24 origin, disability, or ~~sex, handicap,~~ familial status, ~~or~~
25 ~~religion~~ or an intention to make any such preference,
26 limitation, or discrimination.

27 (4) It is unlawful to represent to any person because
28 of race, color, religion, sex, national origin, disability, or
29 ~~sex, handicap,~~ familial status, ~~or religion~~ that any dwelling
30 is not available for inspection, sale, or rental when such
31 dwelling is in fact so available.

1 (5) It is unlawful, for profit, to induce or attempt
2 to induce any person to sell or rent any dwelling by a
3 representation regarding the entry or prospective entry into
4 the neighborhood of a person or persons of a particular race,
5 color, religion, sex, national origin, disability, or sex,
6 ~~handicap,~~ familial status, ~~or religion.~~

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

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

16 (a) That buyer or renter;

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

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

20 (8) It is unlawful to discriminate against any person
21 in the terms, conditions, or privileges of sale or rental of a
22 dwelling, or in the provision of services or facilities in
23 connection with such dwelling, because of a disability
24 ~~handicap~~ of:

25 (a) That buyer or renter;

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

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

29 (9) For purposes of subsections (7) and (8),
30 discrimination includes:
31

1 (a) A refusal to permit, at the expense of the
2 ~~handicapped~~ person with a disability, reasonable modifications
3 of existing premises occupied or to be occupied by such person
4 if such modifications may be necessary to afford such person
5 full enjoyment of the premises; or

6 (b) A refusal to make reasonable accommodations in
7 rules, policies, practices, or services, when such
8 accommodations may be necessary to afford such person equal
9 opportunity to use and enjoy a dwelling.

10 (10) Covered multifamily dwellings as defined herein
11 which are intended for first occupancy after March 13, 1991,
12 shall be designed and constructed to have at least one
13 building entrance on an accessible route unless it is
14 impractical to do so because of the terrain or unusual
15 characteristics of the site as determined by commission rule.
16 Such buildings shall also be designed and constructed in such
17 a manner that:

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

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

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

- 26 1. An accessible route into and through the dwelling.
- 27 2. Light switches, electrical outlets, thermostats,
28 and other environmental controls in accessible locations.
- 29 3. Reinforcements in bathroom walls to allow later
30 installation of grab bars.

31

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

3 (d) Compliance with the appropriate requirements of
4 the American National Standards Institute for buildings and
5 facilities providing accessibility and usability for
6 ~~physically handicapped~~ people with disabilities, commonly
7 cited as ANSI A117.1-1986, suffices to satisfy the
8 requirements of paragraph (c).

9
10 State agencies with building construction regulation
11 responsibility or local governments, as appropriate, shall
12 review the plans and specifications for the construction of
13 covered multifamily dwellings to determine consistency with
14 the requirements of this subsection.

15 Section 10. Section 760.24, Florida Statutes, is
16 amended to read:

17 760.24 Discrimination in the provision of brokerage
18 services.--It is unlawful to deny any person access to, or
19 membership or participation in, any multiple-listing service,
20 real estate brokers' organization, or other service,
21 organization, or facility relating to the business of selling
22 or renting dwellings, or to discriminate against him or her in
23 the terms or conditions of such access, membership, or
24 participation, on account of race, color, religion, sex,
25 national origin, disability ~~sex, handicap, or~~ familial status,
26 ~~or religion~~.

27 Section 11. Section 760.25, Florida Statutes, is
28 amended to read:

29 760.25 Discrimination in the financing of housing or
30 in residential real estate transactions.--

31

1 (1) It is unlawful for any bank, building and loan
2 association, insurance company, or other corporation,
3 association, firm, or enterprise the business of which
4 consists in whole or in part of the making of commercial real
5 estate loans to deny a loan or other financial assistance to a
6 person applying for the loan for the purpose of purchasing,
7 constructing, improving, repairing, or maintaining a dwelling,
8 or to discriminate against him or her in the fixing of the
9 amount, interest rate, duration, or other term or condition of
10 such loan or other financial assistance, because of the race,
11 color, religion, sex, national origin, disability ~~sex,~~
12 ~~handicap, or~~ familial status, ~~or religion~~ of such person or of
13 any person associated with him or her in connection with such
14 loan or other financial assistance or the purposes of such
15 loan or other financial assistance, or because of the race,
16 color, religion, sex, national origin, disability ~~sex,~~
17 ~~handicap, or~~ familial status, ~~or religion~~ of the present or
18 prospective owners, lessees, tenants, or occupants of the
19 dwelling or dwellings in relation to which such loan or other
20 financial assistance is to be made or given.

21 (2)(a) It is unlawful for any person or entity whose
22 business includes engaging in residential real estate
23 transactions to discriminate against any person in making
24 available such a transaction, or in the terms or conditions of
25 such a transaction, because of race, color, religion, sex,
26 national origin, disability ~~sex, handicap, or~~ familial status,
27 ~~or religion.~~

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

30 1. The making or purchasing of loans or providing
31 other financial assistance:

1 a. For purchasing, constructing, improving, repairing,
2 or maintaining a dwelling; or

3 b. Secured by residential real estate.

4 2. The selling, brokering, or appraising of
5 residential real property.

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

9 760.29 Exemptions.--

10 (4)

11 (e) A facility or community claiming an exemption
12 under this subsection shall register with the commission and
13 submit a letter to the commission stating that the facility or
14 community complies with the requirements of subparagraph
15 (b)1., subparagraph (b)2., or subparagraph (b)3. The letter
16 shall be submitted on the letterhead of the facility or
17 community and shall be signed by the president of the facility
18 or community. This registration and documentation shall be
19 renewed biennially from the date of original filing. The
20 information in the registry shall be made available to the
21 public, and the commission shall include this information on
22 an Internet website. The commission may establish a reasonable
23 registration fee, not to exceed \$20, that shall be deposited
24 into the commission's trust fund to defray the administrative
25 costs associated with maintaining the registry. The commission
26 may impose an administrative fine, not to exceed \$500, on a
27 facility or community that does not register with the
28 commission or that knowingly submits false information in the
29 documentation required by this paragraph. Such fines shall be
30 deposited in the commission's trust fund. The registration and
31 documentation required by this paragraph shall not substitute

1 for proof of compliance with the requirements of this
2 subsection. Failure to comply with the requirements of this
3 paragraph shall not disqualify a facility or community that
4 otherwise qualifies for the exemption provided in this
5 subsection.

6
7 A county or municipal ordinance regarding housing for older
8 persons may not contravene the provisions of this subsection.

9 (5) Nothing in ss. 760.20-760.37:

10 (a) Prohibits a person engaged in the business of
11 furnishing appraisals of real property from taking into
12 consideration factors other than race, color, religion, sex,
13 national origin, disability ~~sex, handicap, or~~ familial status,
14 ~~or religion.~~

15 Section 13. Subsection (5) of section 760.31, Florida
16 Statutes, is amended to read:

17 760.31 Powers and duties of commission.--The
18 commission shall:

19 (5) Adopt rules necessary to implement ss.
20 760.20-760.37 and govern the proceedings of the commission in
21 accordance with chapter 120. Commission rules shall clarify
22 terms used with regard to disability ~~handicapped~~
23 accessibility, exceptions from accessibility requirements
24 based on terrain or site characteristics, and requirements
25 related to housing for older persons. Commission rules shall
26 specify the fee and the forms and procedures to be used for
27 the registration required by s. 760.29(4)(e).

28 Section 14. Subsection (2) of section 760.34, Florida
29 Statutes, is amended to read:

30 760.34 Enforcement.--
31

1 (2) A complaint under subsection (1) must be filed
2 within 1 year after the alleged discriminatory housing
3 practice occurred. The complaint must be in writing and shall
4 state the facts upon which the allegations of a discriminatory
5 housing practice are based. A complaint may be reasonably and
6 fairly amended at any time. A respondent may file a response
7 ~~an answer~~ to the complaint against him or her and, with the
8 leave of the commission, which shall be granted whenever it
9 would be reasonable and fair to do so, may amend his or her
10 response ~~answer~~ at any time. Both complaint and response
11 ~~answer~~ shall be verified.

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

14 760.50 Discrimination on the basis of AIDS,
15 AIDS-related complex, and HIV prohibited.--

16 (2) Any person with or perceived as having acquired
17 immune deficiency syndrome, acquired immune deficiency
18 syndrome related complex, or human immunodeficiency virus
19 shall have every protection made available to ~~handicapped~~
20 persons with disabilities.

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

23 760.60 Discriminatory practices of certain clubs
24 prohibited; remedies.--

25 (1) It is unlawful for a person to discriminate
26 against any individual because of race, color, religion, sex
27 ~~gender~~, national origin, age above the age of 21, disability
28 ~~handicap, age above the age of 21~~, or marital status in
29 evaluating an application for membership in a club that has
30 more than 400 members, that provides regular meal service, and
31 that regularly receives payment for dues, fees, use of space,

1 facilities, services, meals, or beverages directly or
2 indirectly from nonmembers for business purposes. It is
3 unlawful for a person, on behalf of such a club, to publish,
4 circulate, issue, display, post, or mail any advertisement,
5 notice, or solicitation that contains a statement to the
6 effect that the accommodations, advantages, facilities,
7 membership, or privileges of the club are denied to any
8 individual because of race, color, religion, sex ~~gender~~,
9 national origin, age above the age of 21, disability ~~handicap~~,
10 ~~age above the age of 21~~, or marital status. This subsection
11 does not apply to fraternal or benevolent organizations,
12 ethnic clubs, or religious organizations where business
13 activity is not prevalent.

14 Section 17. Paragraph (d) of subsection (1) of section
15 419.001, Florida Statutes, is amended to read:

16 419.001 Site selection of community residential
17 homes.--

18 (1) For the purposes of this section, the following
19 definitions shall apply:

20 (d) "Resident" means any of the following: a frail
21 elder as defined in s. 400.618; a ~~physically~~ disabled ~~or~~
22 ~~handicapped~~ person as defined in s. 760.22(7)(a); a
23 developmentally disabled person as defined in s. 393.063; a
24 nondangerous mentally ill person as defined in s. 394.455(18);
25 or a child as defined in s. 39.01(14), s. 984.03(9) or (12),
26 or s. 985.03(8).

27 Section 18. This act shall take effect July 1, 2005.
28
29
30
31