

By the Committee on Banking and Insurance; and Senator Rich

597-2276-05

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

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
31

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

17 Section 6. Section 760.10, Florida Statutes, is
18 amended to read:

19 760.10 Unlawful employment practices.--

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

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

28 (b) To limit, segregate, or classify employees or
29 applicants for employment in any way which would deprive or
30 tend to deprive any individual of employment opportunities, or
31 adversely affect any individual's status as an employee,

1 because of such individual's race, color, religion, sex,
2 national origin, age, disability ~~handicap~~, or marital status.

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

11 (3) It is an unlawful employment practice for a labor
12 organization:

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

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

25 (c) To cause or attempt to cause an employer to
26 discriminate against an individual in violation of this
27 section.

28 (4) It is an unlawful employment practice for any
29 employer, labor organization, or joint labor-management
30 committee controlling apprenticeship or other training or
31 retraining, including on-the-job training programs, to

1 discriminate against any individual because of race, color,
2 religion, sex, national origin, age, disability ~~handicap~~, or
3 marital status in admission to, or employment in, any program
4 established to provide apprenticeship or other training.

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

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

26 (7) It is an unlawful employment practice for an
27 employer, an employment agency, a joint labor-management
28 committee, or a labor organization to discriminate against any
29 person because that person has opposed any practice that ~~which~~
30 is an unlawful employment practice under this section, or
31 because that person has made a charge, testified, assisted, or

1 participated in any manner in an investigation, proceeding, or
2 hearing under this section.

3 (8) Notwithstanding any other provision of this
4 section, it is not an unlawful employment practice under ss.
5 760.01-760.10 for an employer, employment agency, labor
6 organization, or joint labor-management committee to:

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

15 (b) Observe the terms of a bona fide seniority system,
16 a bona fide employee benefit plan such as a retirement,
17 pension, or insurance plan, or a system which measures
18 earnings by quantity or quality of production, which is not
19 designed, intended, or used to evade the purposes of ss.
20 760.01-760.10. However, no such employee benefit plan or
21 system which measures earnings shall excuse the failure to
22 hire, and no such seniority system, employee benefit plan, or
23 system which measures earnings shall excuse the involuntary
24 retirement of, any individual on the basis of any factor not
25 related to the ability of such individual to perform the
26 particular employment for which such individual has applied or
27 in which such individual is engaged. This subsection shall not
28 be construed to make unlawful the rejection or termination of
29 employment when the individual applicant or employee has
30 failed to meet bona fide requirements for the job or position
31 sought or held ~~or to require any changes in any bona fide~~

1 ~~retirement or pension programs or existing collective~~
2 ~~bargaining agreements during the life of the contract, or for~~
3 ~~2 years after October 1, 1981, whichever occurs first, nor~~
4 shall ss. 760.01-760.10 ~~this act~~ preclude such physical and
5 medical examinations of applicants and employees as an
6 employer may require of applicants and employees to determine
7 fitness for the job or position sought or held.

8 (c) Take or fail to take any action on the basis of
9 age, pursuant to law or regulation governing any employment or
10 training program designed to benefit persons of a particular
11 age group.

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

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

27 (10) As used in this section, the terms "because of
28 sex" or "on the basis of sex" include, but are not limited to,
29 because of or on the basis of pregnancy, childbirth, or
30 related medical conditions. Women affected by pregnancy,
31 childbirth, or related medical conditions shall be treated the

1 same for all employment-related purposes, including receipt of
2 benefits under fringe benefits programs, as other persons not
3 so affected but similar in their ability or inability to work,
4 and this section may not be interpreted to permit otherwise.

5 ~~(11)(10)~~ Each employer, employment agency, and labor
6 organization shall post and keep posted in conspicuous places
7 upon its premises a notice provided by the commission setting
8 forth such information as the commission deems appropriate to
9 effectuate the purposes of ss. 760.01-760.10.

10 Section 7. Subsections (1), (3), (5), and (8) of
11 section 760.11, Florida Statutes, are amended, and for
12 purposes of incorporating the amendments to section 760.10,
13 Florida Statutes, in a reference thereto, subsection (15) of
14 that section is reenacted, to read:

15 760.11 Administrative and civil remedies;
16 construction.--

17 (1) Any person aggrieved by a violation of ss.
18 760.01-760.10 may file a complaint with the commission within
19 365 days of the alleged violation, naming the employer,
20 employment agency, labor organization, or joint
21 labor-management committee, or, in the case of an alleged
22 violation of s. 760.10(5), the person responsible for the
23 violation and describing the violation. Any person aggrieved
24 by a violation of s. 509.092 may file a complaint with the
25 commission within 365 days of the alleged violation naming the
26 person responsible for the violation and describing the
27 violation. The commission, a commissioner, or the Attorney
28 General may in like manner file such a complaint. On the same
29 day the complaint is filed with the commission, the commission
30 shall clearly stamp on the face of the complaint the date the
31 complaint was filed with the commission. In lieu of filing the

1 | complaint with the commission, a complaint under this section
2 | may be filed with the federal Equal Employment Opportunity
3 | Commission or with any unit of government of the state which
4 | is a fair-employment-practice agency under 29 C.F.R. ss.
5 | 1601.70-1601.80. If the date the complaint is filed is clearly
6 | stamped on the face of the complaint, that date is the date of
7 | filing. The date the complaint is filed with the commission
8 | for purposes of this section is the earliest date of filing
9 | with the Equal Employment Opportunity Commission, the
10 | fair-employment-practice agency, or the commission. The
11 | complaint shall contain a short and plain statement of the
12 | facts describing the violation and the relief sought. The
13 | commission may require additional information to be in the
14 | complaint. The commission, within 5 full business days after
15 | ~~of the complaint is being~~ filed, shall by certified registered
16 | mail, return receipt requested, send a copy of the complaint
17 | to the person who allegedly committed the violation. The
18 | person who allegedly committed the violation shall respond, in
19 | writing, to the commission ~~may file an answer to the complaint~~
20 | within 21 25 days after the date of the notice of filing
21 | complaint and request for information of the date the
22 | ~~complaint was filed with the commission. Any answer filed~~
23 | ~~shall be mailed to the aggrieved person by the person filing~~
24 | ~~the answer.~~ Both the complaint and the response answer shall
25 | be verified.

26 | (3) Except as provided in subsection (2), the
27 | commission shall investigate the allegations in the complaint.
28 | Within 180 days after ~~of~~ the filing of the complaint, the
29 | commission shall determine if there is reasonable cause to
30 | believe that discriminatory practice has occurred in violation
31 | of the Florida Civil Rights Act of 1992. Such 180-day time

1 period may be extended for up to an additional 60 days upon a
2 determination by the executive director of the commission that
3 the parties have engaged in mediation; a necessary party
4 cannot be located; one or more of the parties fails to
5 cooperate in the investigation, thereby necessitating the
6 issuance of a subpoena; the respondent has filed bankruptcy;
7 or other circumstances beyond the control of the commission.

8 When the commission determines whether or not there is
9 reasonable cause, the commission by certified ~~registered~~ mail,
10 return receipt requested, shall promptly notify the aggrieved
11 person and the respondent of the reasonable cause
12 determination, the date of such determination, and the options
13 available under this section.

14 (5) In any civil action brought under this section,
15 the court may issue an order prohibiting the discriminatory
16 practice and providing affirmative relief from the effects of
17 the practice, including back pay. The court may also award
18 compensatory damages, including, but not limited to, damages
19 for mental anguish, loss of dignity, and any other intangible
20 injuries, and punitive damages. The provisions of ss. 768.72
21 and 768.73 do not apply to this section. The judgment for the
22 total amount of punitive damages awarded under this section to
23 an aggrieved person shall not exceed \$100,000. In any action
24 or proceeding under this subsection, the court, in its
25 discretion, may allow the prevailing party a reasonable
26 attorney's fee as part of the costs. It is the intent of the
27 Legislature that this provision for attorney's fees be
28 interpreted in a manner consistent with federal case law
29 involving a Title VII action. The right to trial by jury is
30 preserved in any such private right of action in which the
31 aggrieved person is seeking compensatory or punitive damages,

1 and any party may demand a trial by jury. The commission's
2 determination of reasonable cause is not admissible into
3 evidence in any civil proceeding, including any hearing or
4 trial, except to establish for the court the right to maintain
5 the private right of action. A civil action brought under this
6 section shall be commenced no later than 1 year after the date
7 of determination of reasonable cause by the commission or no
8 later than 4 years after the date the alleged discriminatory
9 act took place, whichever occurs first. The commencement of
10 such action shall divest the commission of jurisdiction of the
11 complaint, except that the commission may intervene in the
12 civil action as a matter of right. Notwithstanding the above,
13 the state and its agencies and subdivisions shall not be
14 liable for punitive damages. The total amount of recovery
15 against the state and its agencies and subdivisions shall not
16 exceed the limitation as set forth in s. 768.28(5).

17 (8) In the event that the commission fails to
18 conciliate or determine whether there is reasonable cause on
19 any complaint under this section within 180 days after ~~of~~ the
20 filing of the complaint, except as otherwise provided in
21 subsection (3), an aggrieved person may proceed under
22 subsection (4), as if the commission determined that there was
23 reasonable cause.

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

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

31

1 760.22 Definitions.--As used in ss. 760.20-760.37, the
2 term:

3 (7) "Disability," with respect to an individual,
4 ~~"Handicap"~~ means:

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

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

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

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

14
15 For the purposes of this chapter, the term "disability" shall
16 not include homosexuality, bisexuality, transvestism,
17 transsexualism, pedophilia, exhibitionism, voyeurism, gender
18 identity disorders not resulting from physical impairments, or
19 other sexual behavior disorders; compulsive gambling,
20 kleptomania, or pyromania; or psychoactive substance use
21 disorders resulting from current illegal use of drugs.

22 Section 9. Section 760.23, Florida Statutes, is
23 amended to read:

24 760.23 Discrimination in the sale or rental of housing
25 and other prohibited practices.--

26 (1) It is unlawful to refuse to sell or rent after the
27 making of a bona fide offer, to refuse to negotiate for the
28 sale or rental of, or otherwise to make unavailable or deny a
29 dwelling to any person because of race, color, religion, sex,
30 national origin, disability ~~sex, handicap, or~~ familial status,
31 ~~or religion.~~

1 (2) It is unlawful to discriminate against any person
2 in the terms, conditions, or privileges of sale or rental of a
3 dwelling, or in the provision of services or facilities in
4 connection therewith, because of race, color, religion, sex,
5 national origin, disability ~~sex, handicap, or~~ familial status,
6 ~~or religion.~~

7 (3) It is unlawful to make, print, or publish, or
8 cause to be made, printed, or published, any notice,
9 statement, or advertisement with respect to the sale or rental
10 of a dwelling that indicates any preference, limitation, or
11 discrimination based on race, color, religion, sex, national
12 origin, disability, or ~~sex, handicap,~~ familial status, ~~or~~
13 ~~religion~~ or an intention to make any such preference,
14 limitation, or discrimination.

15 (4) It is unlawful to represent to any person because
16 of race, color, religion, sex, national origin, disability, or
17 ~~sex, handicap,~~ familial status, ~~or religion~~ that any dwelling
18 is not available for inspection, sale, or rental when such
19 dwelling is in fact so available.

20 (5) It is unlawful, for profit, to induce or attempt
21 to induce any person to sell or rent any dwelling by a
22 representation regarding the entry or prospective entry into
23 the neighborhood of a person or persons of a particular race,
24 color, religion, sex, national origin, disability, or ~~sex,~~
25 ~~handicap,~~ familial status, ~~or religion.~~

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

31

1 (7) It is unlawful to discriminate in the sale or
2 rental of, or to otherwise make unavailable or deny, a
3 dwelling to any buyer or renter because of a disability
4 ~~handicap~~ of:
5 (a) That buyer or renter;
6 (b) A person residing in or intending to reside in
7 that dwelling after it is sold, rented, or made available; or
8 (c) Any person associated with the buyer or renter.
9 (8) It is unlawful to discriminate against any person
10 in the terms, conditions, or privileges of sale or rental of a
11 dwelling, or in the provision of services or facilities in
12 connection with such dwelling, because of a disability
13 ~~handicap~~ of:
14 (a) That buyer or renter;
15 (b) A person residing in or intending to reside in
16 that dwelling after it is sold, rented, or made available; or
17 (c) Any person associated with the buyer or renter.
18 (9) For purposes of subsections (7) and (8),
19 discrimination includes:
20 (a) A refusal to permit, at the expense of the
21 ~~handicapped~~ person with a disability, reasonable modifications
22 of existing premises occupied or to be occupied by such person
23 if such modifications may be necessary to afford such person
24 full enjoyment of the premises; or
25 (b) A refusal to make reasonable accommodations in
26 rules, policies, practices, or services, when such
27 accommodations may be necessary to afford such person equal
28 opportunity to use and enjoy a dwelling.
29 (10) Covered multifamily dwellings as defined herein
30 which are intended for first occupancy after March 13, 1991,
31 shall be designed and constructed to have at least one

1 building entrance on an accessible route unless it is
2 impractical to do so because of the terrain or unusual
3 characteristics of the site as determined by commission rule.
4 Such buildings shall also be designed and constructed in such
5 a manner that:

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

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

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

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

15 2. Light switches, electrical outlets, thermostats,
16 and other environmental controls in accessible locations.

17 3. Reinforcements in bathroom walls to allow later
18 installation of grab bars.

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

21 (d) Compliance with the appropriate requirements of
22 the American National Standards Institute for buildings and
23 facilities providing accessibility and usability for
24 ~~physically handicapped~~ people with disabilities, commonly
25 cited as ANSI A117.1-1986, suffices to satisfy the
26 requirements of paragraph (c).

27
28 State agencies with building construction regulation
29 responsibility or local governments, as appropriate, shall
30 review the plans and specifications for the construction of
31

1 covered multifamily dwellings to determine consistency with
2 the requirements of this subsection.

3 Section 10. Section 760.24, Florida Statutes, is
4 amended to read:

5 760.24 Discrimination in the provision of brokerage
6 services.--It is unlawful to deny any person access to, or
7 membership or participation in, any multiple-listing service,
8 real estate brokers' organization, or other service,
9 organization, or facility relating to the business of selling
10 or renting dwellings, or to discriminate against him or her in
11 the terms or conditions of such access, membership, or
12 participation, on account of race, color, religion, sex,
13 national origin, disability ~~sex, handicap, or~~ familial status,
14 ~~or religion.~~

15 Section 11. Section 760.25, Florida Statutes, is
16 amended to read:

17 760.25 Discrimination in the financing of housing or
18 in residential real estate transactions.--

19 (1) It is unlawful for any bank, building and loan
20 association, insurance company, or other corporation,
21 association, firm, or enterprise the business of which
22 consists in whole or in part of the making of commercial real
23 estate loans to deny a loan or other financial assistance to a
24 person applying for the loan for the purpose of purchasing,
25 constructing, improving, repairing, or maintaining a dwelling,
26 or to discriminate against him or her in the fixing of the
27 amount, interest rate, duration, or other term or condition of
28 such loan or other financial assistance, because of the race,
29 color, religion, sex, national origin, disability ~~sex,~~
30 ~~handicap, or~~ familial status, ~~or religion~~ of such person or of
31 any person associated with him or her in connection with such

1 | loan or other financial assistance or the purposes of such
2 | loan or other financial assistance, or because of the race,
3 | color, religion, sex, national origin, disability ~~sex,~~
4 | ~~handicap,~~ or familial status, ~~or religion~~ of the present or
5 | prospective owners, lessees, tenants, or occupants of the
6 | dwelling or dwellings in relation to which such loan or other
7 | financial assistance is to be made or given.

8 | (2)(a) It is unlawful for any person or entity whose
9 | business includes engaging in residential real estate
10 | transactions to discriminate against any person in making
11 | available such a transaction, or in the terms or conditions of
12 | such a transaction, because of race, color, religion, sex,
13 | national origin, disability ~~sex, handicap,~~ or familial status,
14 | ~~or religion.~~

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

17 | 1. The making or purchasing of loans or providing
18 | other financial assistance:

19 | a. For purchasing, constructing, improving, repairing,
20 | or maintaining a dwelling; or

21 | b. Secured by residential real estate.

22 | 2. The selling, brokering, or appraising of
23 | residential real property.

24 | Section 12. Paragraph (e) of subsection (4) and
25 | paragraph (a) of subsection (5) of section 760.29, Florida
26 | Statutes, are amended to read:

27 | 760.29 Exemptions.--

28 | (4)

29 | (e) A facility or community claiming an exemption
30 | under this subsection shall register with the commission and
31 | submit a letter to the commission stating that the facility or

1 community complies with the requirements of subparagraph
2 (b)1., subparagraph (b)2., or subparagraph (b)3. The letter
3 shall be submitted on the letterhead of the facility or
4 community and shall be signed by the president of the facility
5 or community. This registration and documentation shall be
6 renewed biennially from the date of original filing. The
7 information in the registry shall be made available to the
8 public, and the commission shall include this information on
9 an Internet website. The commission may establish a reasonable
10 registration fee, not to exceed \$20, that shall be deposited
11 into the commission's trust fund to defray the administrative
12 costs associated with maintaining the registry. The commission
13 may impose an administrative fine, not to exceed \$500, on a
14 facility or community that does not register with the
15 commission or that knowingly submits false information in the
16 documentation required by this paragraph. Such fines shall be
17 deposited in the commission's trust fund. The registration and
18 documentation required by this paragraph shall not substitute
19 for proof of compliance with the requirements of this
20 subsection. Failure to comply with the requirements of this
21 paragraph shall not disqualify a facility or community that
22 otherwise qualifies for the exemption provided in this
23 subsection.

24
25 A county or municipal ordinance regarding housing for older
26 persons may not contravene the provisions of this subsection.

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

28 (a) Prohibits a person engaged in the business of
29 furnishing appraisals of real property from taking into
30 consideration factors other than race, color, religion, sex,
31

1 national origin, disability ~~sex, handicap, or~~ familial status,
2 ~~or religion~~.

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

5 760.31 Powers and duties of commission.--The
6 commission shall:

7 (5) Adopt rules necessary to implement ss.
8 760.20-760.37 and govern the proceedings of the commission in
9 accordance with chapter 120. Commission rules shall clarify
10 terms used with regard to disability ~~handicapped~~
11 accessibility, exceptions from accessibility requirements
12 based on terrain or site characteristics, and requirements
13 related to housing for older persons. Commission rules shall
14 specify the fee and the forms and procedures to be used for
15 the registration required by s. 760.29(4)(e).

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

18 760.34 Enforcement.--

19 (2) A complaint under subsection (1) must be filed
20 within 1 year after the alleged discriminatory housing
21 practice occurred. The complaint must be in writing and shall
22 state the facts upon which the allegations of a discriminatory
23 housing practice are based. A complaint may be reasonably and
24 fairly amended at any time. A respondent may file a response
25 ~~an answer~~ to the complaint against him or her and, with the
26 leave of the commission, which shall be granted whenever it
27 would be reasonable and fair to do so, may amend his or her
28 response ~~answer~~ at any time. Both complaint and response
29 ~~answer~~ shall be verified.

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

1 760.50 Discrimination on the basis of AIDS,
2 AIDS-related complex, and HIV prohibited.--

3 (2) Any person with or perceived as having acquired
4 immune deficiency syndrome, acquired immune deficiency
5 syndrome related complex, or human immunodeficiency virus
6 shall have every protection made available to ~~handicapped~~
7 persons with disabilities.

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

10 760.60 Discriminatory practices of certain clubs
11 prohibited; remedies.--

12 (1) It is unlawful for a person to discriminate
13 against any individual because of race, color, religion, sex
14 ~~gender~~, national origin, age above the age of 21, disability
15 ~~handicap, age above the age of 21~~, or marital status in
16 evaluating an application for membership in a club that has
17 more than 400 members, that provides regular meal service, and
18 that regularly receives payment for dues, fees, use of space,
19 facilities, services, meals, or beverages directly or
20 indirectly from nonmembers for business purposes. It is
21 unlawful for a person, on behalf of such a club, to publish,
22 circulate, issue, display, post, or mail any advertisement,
23 notice, or solicitation that contains a statement to the
24 effect that the accommodations, advantages, facilities,
25 membership, or privileges of the club are denied to any
26 individual because of race, color, religion, sex ~~gender~~,
27 national origin, age above the age of 21, disability ~~handicap,~~
28 ~~age above the age of 21~~, or marital status. This subsection
29 does not apply to fraternal or benevolent organizations,
30 ethnic clubs, or religious organizations where business
31 activity is not prevalent.

1 Section 17. Paragraph (d) of subsection (1) of section
2 419.001, Florida Statutes, is amended to read:

3 419.001 Site selection of community residential
4 homes.--

5 (1) For the purposes of this section, the following
6 definitions shall apply:

7 (d) "Resident" means any of the following: a frail
8 elder as defined in s. 400.618; an individual with a
9 disability ~~a physically disabled or handicapped person~~ as
10 defined in s. 760.22(7)(a); ~~a developmentally disabled person~~
11 ~~as defined in s. 393.063~~; a nondangerous mentally ill person
12 as defined in s. 394.455(18); or a child as defined in s.
13 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

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

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 2110

19 Eliminates the provision requiring an employer to pay for
20 health insurance benefits for abortion where the life of the
21 mother is in danger by carrying the fetus to full term or when
22 medical complications have arisen from an abortion.

23 Deletes the definition of the term "place of public
24 accommodation."

25 Adds the terms "homosexuality and bisexuality" in the list of
26 conditions that are not included in the term "disability."

27 Removes the word "age" from the public accommodations part of
28 the bill in order to recognize the necessity to discriminate
29 on the basis of age at some public facilities (e.g., bars).

30 Replaces the terms "physically disabled or handicapped," and
31 "developmentally disabled," with the term "an individual with
a disability."