

By Senator Deutch

30-1224-07

See HB 639

1                                   A bill to be entitled  
2           An act relating to civil rights; amending s.  
3           760.01, F.S.; revising provisions to include  
4           sexual orientation and familial status as  
5           impermissible grounds for discrimination;  
6           conforming terminology; amending s. 760.02,  
7           F.S.; defining additional terms; amending ss.  
8           760.05, 760.07, 760.08, and 760.10, F.S.;  
9           revising provisions to include sexual  
10          orientation and familial status as  
11          impermissible grounds for discrimination;  
12          conforming terminology; amending s. 509.092,  
13          F.S.; revising provisions to include sexual  
14          orientation and familial status as  
15          impermissible grounds for discrimination in  
16          public lodging establishments and public food  
17          service establishments; amending s. 760.22,  
18          F.S.; defining the term "disability" and  
19          deleting the definition of the term "handicap";  
20          amending ss. 760.23, 760.24, 760.25, 760.26,  
21          and 760.29, F.S.; revising provisions to  
22          include sexual orientation, familial status,  
23          and marital status as impermissible grounds for  
24          discrimination; conforming terminology;  
25          amending ss. 760.31 and 760.50, F.S.;  
26          conforming terminology; amending s. 760.60,  
27          F.S.; revising provisions to include sexual  
28          orientation and familial status as  
29          impermissible grounds for discrimination;  
30          conforming terminology; amending s. 419.001,  
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1 F.S.; conforming a cross-reference; providing  
2 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, sexual orientation,  
13 familial status ~~handicap~~, or marital status and thereby to  
14 protect their interest in personal dignity, to make available  
15 to the state their full productive capacities, to secure the  
16 state against domestic strife and unrest, to preserve the  
17 public safety, health, and general welfare, and to promote the  
18 interests, rights, and privileges of individuals within the  
19 state.

20 Section 2. Section 760.02, Florida Statutes, is  
21 amended to read:

22 760.02 Definitions.--For the purposes of ss.  
23 760.01-760.11 and 509.092, the term:

24 (1) "Aggrieved person" means any person who files a  
25 complaint with the Florida Commission on Human Relations

26 ~~"Florida Civil Rights Act of 1992" means ss. 760.01 760.11 and~~  
27 ~~509.092.~~

28 (2) "Commission" means the Florida Commission on Human  
29 Relations created by s. 760.03.

30 (3) "Commissioner" or "member" means a member of the  
31 commission.

1           (4) "Discriminatory practice" means any practice made  
2 unlawful by the Florida Civil Rights Act of 1992.

3           (5) "Employer" means any person employing 15 or more  
4 employees for each working day in each of 20 or more calendar  
5 weeks in the current or preceding calendar year, and any agent  
6 of such a person.

7           (6) "Employment agency" means any person regularly  
8 undertaking, with or without compensation, to procure  
9 employees for an employer or to procure for employees  
10 opportunities to work for an employer, and includes an agent  
11 of such a person.

12           (7) "Familial status" is established when an  
13 individual who has not attained the age of 18 years is  
14 domiciled with:

15           (a) A parent or other person having legal custody of  
16 such individual; or

17           (b) A designee of a parent or other person having  
18 legal custody, with the written permission of such parent or  
19 other person.

20           (8) "Florida Civil Rights Act of 1992" means ss.  
21 760.01-760.11 and 509.092.

22           (9) "Labor organization" means any organization which  
23 exists for the purpose, in whole or in part, of collective  
24 bargaining or of dealing with employers concerning grievances,  
25 terms or conditions of employment, or other mutual aid or  
26 protection in connection with employment.

27           ~~(10)(5)~~ "National origin" includes ancestry.

28           ~~(11)(6)~~ "Person" includes an individual, association,  
29 corporation, joint apprenticeship committee, joint-stock  
30 company, labor union, legal representative, mutual company,  
31 partnership, receiver, trust, trustee in bankruptcy, or

1 unincorporated organization; any other legal or commercial  
2 entity; the state; or any governmental entity or agency.

3 ~~(7) "Employer" means any person employing 15 or more~~  
4 ~~employees for each working day in each of 20 or more calendar~~  
5 ~~weeks in the current or preceding calendar year, and any agent~~  
6 ~~of such a person.~~

7 ~~(8) "Employment agency" means any person regularly~~  
8 ~~undertaking, with or without compensation, to procure~~  
9 ~~employees for an employer or to procure for employees~~  
10 ~~opportunities to work for an employer, and includes an agent~~  
11 ~~of such a person.~~

12 ~~(9) "Labor organization" means any organization which~~  
13 ~~exists for the purpose, in whole or in part, of collective~~  
14 ~~bargaining or of dealing with employers concerning grievances,~~  
15 ~~terms or conditions of employment, or other mutual aid or~~  
16 ~~protection in connection with employment.~~

17 ~~(10) "Aggrieved person" means any person who files a~~  
18 ~~complaint with the Human Relations Commission.~~

19 (12)~~(11)~~ "Public accommodations" means places of  
20 public accommodation, lodgings, facilities principally engaged  
21 in selling food for consumption on the premises, gasoline  
22 stations, places of exhibition or entertainment, and other  
23 covered establishments. Each of the following establishments  
24 which serves the public is a place of public accommodation  
25 within the meaning of this section:

26 (a) Any inn, hotel, motel, or other establishment  
27 which provides lodging to transient guests, other than an  
28 establishment located within a building which contains not  
29 more than four rooms for rent or hire and which is actually  
30 occupied by the proprietor of such establishment as his or her  
31 residence.

1 (b) Any restaurant, cafeteria, lunchroom, lunch  
2 counter, soda fountain, or other facility principally engaged  
3 in selling food for consumption on the premises, including,  
4 but not limited to, any such facility located on the premises  
5 of any retail establishment, or any gasoline station.

6 (c) Any motion picture theater, theater, concert hall,  
7 sports arena, stadium, or other place of exhibition or  
8 entertainment.

9 (d) Any establishment which is physically located  
10 within the premises of any establishment otherwise covered by  
11 this subsection, or within the premises of which is physically  
12 located any such covered establishment, and which holds itself  
13 out as serving patrons of such covered establishment.

14 (13) "Sexual orientation" means the condition of being  
15 heterosexual, homosexual, or bisexual.

16 Section 3. Section 760.05, Florida Statutes, is  
17 amended to read:

18 760.05 Functions of the commission.--The commission  
19 shall promote and encourage fair treatment and equal  
20 opportunity for all persons regardless of race, color,  
21 religion, sex, national origin, age, disability, sexual  
22 orientation, familial status ~~handicap~~, or marital status and  
23 mutual understanding and respect among all members of all  
24 economic, social, racial, religious, and ethnic groups; and  
25 shall endeavor to eliminate discrimination against, and  
26 antagonism between, religious, racial, and ethnic groups and  
27 their members.

28 Section 4. Section 760.07, Florida Statutes, is  
29 amended to read:

30 760.07 Remedies for unlawful discrimination.--Any  
31 violation of any Florida statute making unlawful

1 | discrimination because of race, color, religion, gender,  
2 | national origin, age, disability, sexual orientation, familial  
3 | status ~~handicap~~, or marital status in the areas of education,  
4 | employment, housing, or public accommodations gives rise to a  
5 | cause of action for all relief and damages described in s.  
6 | 760.11(5), unless greater damages are expressly provided for.  
7 | If the statute prohibiting unlawful discrimination provides an  
8 | administrative remedy, the action for equitable relief and  
9 | damages provided for in this section may be initiated only  
10 | after the plaintiff has exhausted his or her administrative  
11 | remedy. The term "public accommodations" does not include  
12 | lodge halls or other similar facilities of private  
13 | organizations which are made available for public use  
14 | occasionally or periodically. The right to trial by jury is  
15 | preserved in any case in which the plaintiff is seeking actual  
16 | or punitive damages.

17 |         Section 5. Section 760.08, Florida Statutes, is  
18 | amended to read:

19 |         760.08 Discrimination in places of public  
20 | accommodation.--All persons shall be entitled to the full and  
21 | equal enjoyment of the goods, services, facilities,  
22 | privileges, advantages, and accommodations of any place of  
23 | public accommodation, as defined in this chapter, without  
24 | discrimination or segregation on the ground of race, color,  
25 | national origin, sex, disability, sexual orientation ~~handicap~~,  
26 | familial status, marital status, or religion.

27 |         Section 6. Subsections (1) and (2), paragraphs (a) and  
28 | (b) of subsection (3), subsections (4), (5), and (6), and  
29 | paragraph (a) of subsection (8) of section 760.10, Florida  
30 | Statutes, are amended to read:

31 |         760.10 Unlawful employment practices.--

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

3           (a) To discharge or to fail or refuse to hire any  
4 individual, or otherwise to discriminate against any  
5 individual with respect to compensation, terms, conditions, or  
6 privileges of employment, because of such individual's race,  
7 color, religion, sex, national origin, age, disability, sexual  
8 orientation, familial status ~~handicap~~, or marital status.

9           (b) To limit, segregate, or classify employees or  
10 applicants for employment in any way which would deprive or  
11 tend to deprive any individual of employment opportunities, or  
12 adversely affect any individual's status as an employee,  
13 because of such individual's race, color, religion, sex,  
14 national origin, age, disability, sexual orientation, familial  
15 status ~~handicap~~, or marital status.

16           (2) It is an unlawful employment practice for an  
17 employment agency to fail or refuse to refer for employment,  
18 or otherwise to discriminate against, any individual because  
19 of race, color, religion, sex, national origin, age,  
20 disability, sexual orientation, familial status ~~handicap~~, or  
21 marital status or to classify or refer for employment any  
22 individual on the basis of race, color, religion, sex,  
23 national origin, age, disability, sexual orientation, familial  
24 status ~~handicap~~, or marital status.

25           (3) It is an unlawful employment practice for a labor  
26 organization:

27           (a) To exclude or to expel from its membership, or  
28 otherwise to discriminate against, any individual because of  
29 race, color, religion, sex, national origin, age, disability,  
30 sexual orientation, familial status ~~handicap~~, or marital  
31 status.

1           (b) To limit, segregate, or classify its membership or  
2 applicants for membership, or to classify or fail or refuse to  
3 refer for employment any individual, in any way which would  
4 deprive or tend to deprive any individual of employment  
5 opportunities, or adversely affect any individual's status as  
6 an employee or as an applicant for employment, because of such  
7 individual's race, color, religion, sex, national origin, age,  
8 disability, sexual orientation, familial status ~~handicap~~, or  
9 marital status.

10           (4) It is an unlawful employment practice for any  
11 employer, labor organization, or joint labor-management  
12 committee controlling apprenticeship or other training or  
13 retraining, including on-the-job training programs, to  
14 discriminate against any individual because of race, color,  
15 religion, sex, national origin, age, disability, sexual  
16 orientation, familial status ~~handicap~~, or marital status in  
17 admission to, or employment in, any program established to  
18 provide apprenticeship or other training.

19           (5) Whenever, in order to engage in a profession,  
20 occupation, or trade, it is required that a person receive a  
21 license, certification, or other credential, become a member  
22 or an associate of any club, association, or other  
23 organization, or pass any examination, it is an unlawful  
24 employment practice for any person to discriminate against any  
25 other person seeking such license, certification, or other  
26 credential, seeking to become a member or associate of such  
27 club, association, or other organization, or seeking to take  
28 or pass such examination, because of such other person's race,  
29 color, religion, sex, national origin, age, disability, sexual  
30 orientation, familial status ~~handicap~~, or marital status.



1           (6) It is an unlawful employment practice for an  
2 employer, labor organization, employment agency, or joint  
3 labor-management committee to print, or cause to be printed or  
4 published, any notice or advertisement relating to employment,  
5 membership, classification, referral for employment, or  
6 apprenticeship or other training, indicating any preference,  
7 limitation, specification, or discrimination, based on race,  
8 color, religion, sex, national origin, age, absence of  
9 disability, sexual orientation, familial status ~~handicap~~, or  
10 marital status.

11           (8) Notwithstanding any other provision of this  
12 section, it is not an unlawful employment practice under ss.  
13 760.01-760.10 for an employer, employment agency, labor  
14 organization, or joint labor-management committee to:

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

24           Section 7. Section 509.092, Florida Statutes, is  
25 amended to read:

26           509.092 Public lodging establishments and public food  
27 service establishments; rights as private enterprises.--Public  
28 lodging establishments and public food service establishments  
29 are private enterprises, and the operator has the right to  
30 refuse accommodations or service to any person who is  
31 objectionable or undesirable to the operator, but such refusal

1 may not be based upon race, creed, color, sex, physical  
2 disability, sexual orientation, familial status, or national  
3 origin. A person aggrieved by a violation of this section or a  
4 violation of a rule adopted under this section has a right of  
5 action pursuant to s. 760.11.

6 Section 8. Section 760.22, Florida Statutes, is  
7 amended to read:

8 760.22 Definitions.--As used in ss. 760.20-760.37, the  
9 term:

10 (1) "Commission" means the Florida Commission on Human  
11 Relations.

12 (2) "Covered multifamily dwelling" means:

13 (a) A building which consists of four or more units  
14 and has an elevator; or

15 (b) The ground floor units of a building which  
16 consists of four or more units and does not have an elevator.

17 (3) "Disability" means:

18 (a) A physical or mental impairment that a person has,  
19 has a record of having, or is regarded as having, that  
20 substantially limits one or more major life activities; or

21 (b) A developmental disability as defined in s.  
22 393.063.

23 ~~(4)(3)~~ "Discriminatory housing practice" means an act  
24 that is unlawful under the terms of ss. 760.20-760.37.

25 ~~(5)(4)~~ "Dwelling" means any building or structure, or  
26 portion thereof, which is occupied as, or designed or intended  
27 for occupancy as, a residence by one or more families, and any  
28 vacant land which is offered for sale or lease for the  
29 construction or location on the land of any such building or  
30 structure, or portion thereof.

31

1           ~~(6)~~<sup>(5)</sup> "Familial status" is established when an  
2 individual who has not attained the age of 18 years is  
3 domiciled with:

4           (a) A parent or other person having legal custody of  
5 such individual; or

6           (b) A designee of a parent or other person having  
7 legal custody, with the written permission of such parent or  
8 other person.

9           ~~(7)~~<sup>(6)</sup> "Family" includes a single individual.

10          ~~(7) "Handicap" means:~~

11          ~~(a) A person has a physical or mental impairment which~~  
12 ~~substantially limits one or more major life activities, or he~~  
13 ~~or she has a record of having, or is regarded as having, such~~  
14 ~~physical or mental impairment; or~~

15          ~~(b) A person has a developmental disability as defined~~  
16 ~~in s. 393.063.~~

17           (8) "Person" includes one or more individuals,  
18 corporations, partnerships, associations, labor organizations,  
19 legal representatives, mutual companies, joint-stock  
20 companies, trusts, unincorporated organizations, trustees,  
21 trustees in bankruptcy, receivers, and fiduciaries.

22           (9) "Substantially equivalent" means an administrative  
23 subdivision of the State of Florida meeting the requirements  
24 of 24 C.F.R. part 115, s. 115.6.

25           (10) "To rent" includes to lease, to sublease, to let,  
26 and otherwise to grant for a consideration the right to occupy  
27 premises not owned by the occupant.

28           Section 9. Subsections (1), (2), (3), (5), (7), and  
29 (8), paragraph (a) of subsection (9), and paragraphs (a) and  
30 (d) of subsection (10) of section 760.23, Florida Statutes,  
31 are amended to read:

1           760.23 Discrimination in the sale or rental of housing  
2 and other prohibited practices.--

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

9           (2) 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 therewith, because of race, color, national origin,  
13 sex, disability, sexual orientation ~~handicap~~, familial status,  
14 marital status, or religion.

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

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

29           (7) It is unlawful to discriminate in the sale or  
30 rental of, or to otherwise make unavailable or deny, a  
31

1 dwelling to any buyer or renter because of a disability  
2 ~~handicap~~ of:  
3 (a) That buyer or renter;  
4 (b) A person residing in or intending to reside in  
5 that dwelling after it is sold, rented, or made available; or  
6 (c) Any person associated with the buyer or renter.  
7 (8) It is unlawful to discriminate against any person  
8 in the terms, conditions, or privileges of sale or rental of a  
9 dwelling, or in the provision of services or facilities in  
10 connection with such dwelling, because of a disability  
11 ~~handicap~~ of:  
12 (a) That buyer or renter;  
13 (b) A person residing in or intending to reside in  
14 that dwelling after it is sold, rented, or made available; or  
15 (c) Any person associated with the buyer or renter.  
16 (9) For purposes of subsections (7) and (8),  
17 discrimination includes:  
18 (a) A refusal to permit, at the expense of the  
19 disabled ~~handicapped~~ person, reasonable modifications of  
20 existing premises occupied or to be occupied by such person if  
21 such modifications may be necessary to afford such person full  
22 enjoyment of the premises; or  
23 (10) Covered multifamily dwellings as defined herein  
24 which are intended for first occupancy after March 13, 1991,  
25 shall be designed and constructed to have at least one  
26 building entrance on an accessible route unless it is  
27 impractical to do so because of the terrain or unusual  
28 characteristics of the site as determined by commission rule.  
29 Such buildings shall also be designed and constructed in such  
30 a manner that:  
31

1 (a) The public use and common use portions of such  
2 dwellings are readily accessible to and usable by disabled  
3 ~~handicapped~~ persons.

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

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

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

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

28 Section 11. Subsection (1) and paragraph (a) of  
29 subsection (2) of section 760.25, Florida Statutes, are  
30 amended to read:  
31

1           760.25 Discrimination in the financing of housing or  
2 in residential real estate transactions.--

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

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

31

1           Section 12. Section 760.26, Florida Statutes, is  
2 amended to read:

3           760.26 Prohibited discrimination in land use decisions  
4 and in permitting of development.--It is unlawful to  
5 discriminate in land use decisions or in the permitting of  
6 development based on race, color, national origin, sex, sexual  
7 orientation, disability, marital status, familial status,  
8 religion, or, except as otherwise provided by law, the source  
9 of financing of a development or proposed development.

10          Section 13. Paragraph (a) of subsection (5) of section  
11 760.29, Florida Statutes, is amended to read:

12           760.29 Exemptions.--

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

14           (a) Prohibits a person engaged in the business of  
15 furnishing appraisals of real property from taking into  
16 consideration factors other than race, color, national origin,  
17 sex, disability, sexual orientation ~~handicap~~, familial status,  
18 marital status, or religion.

19          Section 14. Subsection (5) of section 760.31, Florida  
20 Statutes, is amended to read:

21           760.31 Powers and duties of commission.--The  
22 commission shall:

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



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

3           760.50 Discrimination on the basis of AIDS,  
4 AIDS-related complex, and HIV prohibited.--

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

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

12          760.60 Discriminatory practices of certain clubs  
13 prohibited; remedies.--

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

1 organizations, ethnic clubs, or religious organizations where  
2 business activity is not prevalent.

3 Section 17. Paragraph (d) of subsection (1) of section  
4 419.001, Florida Statutes, is amended to read:

5 419.001 Site selection of community residential  
6 homes.--

7 (1) For the purposes of this section, the following  
8 definitions shall apply:

9 (d) "Resident" means any of the following: a frail  
10 elder as defined in s. 400.618; a physically disabled ~~or~~  
11 ~~handicapped~~ person as defined in s. 760.22(3)(7)(a); a  
12 developmentally disabled person as defined in s. 393.063; a  
13 nondangerous mentally ill person as defined in s. 394.455(18);  
14 or a child who is found to be dependent or a child in need of  
15 services as defined in s. 39.01(14), s. 984.03(9) or (12), or  
16 s. 985.03.

17 Section 18. This act shall take effect July 1, 2007.

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