

By Senator Deutch

30-00545-08

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1 A bill to be entitled

2 An act relating to civil rights; amending s. 760.01, F.S.;

3 revising provisions to include sexual orientation and

4 familial status as impermissible grounds for

5 discrimination; conforming terminology; amending s.

6 760.02, F.S.; defining additional terms; amending ss.

7 760.05, 760.07, 760.08, and 760.10, F.S.; revising

8 provisions to include sexual orientation and familial

9 status as impermissible grounds for discrimination;

10 conforming terminology; amending s. 509.092, F.S.;

11 revising provisions to include sexual orientation and

12 familial status as impermissible grounds for

13 discrimination in public lodging establishments and public

14 food service establishments; amending s. 760.22, F.S.;

15 defining the term "disability" and deleting the definition

16 of the term "handicap"; amending ss. 760.23, 760.24,

17 760.25, 760.26, and 760.29, F.S.; revising provisions to

18 include sexual orientation, familial status, and marital

19 status as impermissible grounds for discrimination;

20 conforming terminology; amending ss. 760.31 and 760.50,

21 F.S.; conforming terminology; amending s. 760.60, F.S.;

22 revising provisions to include sexual orientation and

23 familial status as impermissible grounds for

24 discrimination; conforming terminology; amending s.

25 419.001, F.S.; conforming a cross-reference; providing an

26 effective date.

27

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

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

32 760.01 Purposes; construction; title.--

33 (2) The general purposes of the Florida Civil Rights Act of  
34 1992 are to secure for all individuals within the state freedom  
35 from discrimination because of race, color, religion, sex,  
36 national origin, age, disability, sexual orientation, familial  
37 status ~~handicap~~, or marital status and thereby to protect their  
38 interest in personal dignity, to make available to the state  
39 their full productive capacities, to secure the state against  
40 domestic strife and unrest, to preserve the public safety,  
41 health, and general welfare, and to promote the interests,  
42 rights, and privileges of individuals within the state.

43 Section 2. Section 760.02, Florida Statutes, is amended to  
44 read:

45 760.02 Definitions.--For the purposes of ss. 760.01-760.11  
46 and 509.092, the term:

47 (1) "Aggrieved person" means any person who files a  
48 complaint with the Florida Commission on Human Relations ~~"Florida~~  
49 ~~Civil Rights Act of 1992" means ss. 760.01-760.11 and 509.092.~~

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

52 (3) "Commissioner" or "member" means a member of the  
53 commission.

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

56 (5) "Employer" means any person employing 15 or more  
57 employees for each working day in each of 20 or more calendar  
58 weeks in the current or preceding calendar year, and any agent of

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59 such a person.

60 (6) "Employment agency" means any person regularly  
61 undertaking, with or without compensation, to procure employees  
62 for an employer or to procure for employees opportunities to work  
63 for an employer, and includes an agent of such a person.

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

66 (a) A parent or other person having legal custody of such  
67 individual; or

68 (b) A designee of a parent or other person having legal  
69 custody, with the written permission of such parent or other  
70 person.

71 (8) "Florida Civil Rights Act of 1992" means ss. 760.01-  
72 760.11 and 509.092.

73 (9) "Labor organization" means any organization that exists  
74 for the purpose, in whole or in part, of collective bargaining or  
75 of dealing with employers concerning grievances, terms or  
76 conditions of employment, or other mutual aid or protection in  
77 connection with employment.

78 (10)-(5) "National origin" includes ancestry.

79 (11)-(6) "Person" includes an individual, association,  
80 corporation, joint apprenticeship committee, joint-stock company,  
81 labor union, legal representative, mutual company, partnership,  
82 receiver, trust, trustee in bankruptcy, or unincorporated  
83 organization; any other legal or commercial entity; the state; or  
84 any governmental entity or agency.

85 ~~(7) "Employer" means any person employing 15 or more~~  
86 ~~employees for each working day in each of 20 or more calendar~~  
87 ~~weeks in the current or preceding calendar year, and any agent of~~

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88 | ~~such a person.~~

89 |       ~~(8) "Employment agency" means any person regularly~~  
90 | ~~undertaking, with or without compensation, to procure employees~~  
91 | ~~for an employer or to procure for employees opportunities to work~~  
92 | ~~for an employer, and includes an agent of such a person.~~

93 |       ~~(9) "Labor organization" means any organization which~~  
94 | ~~exists for the purpose, in whole or in part, of collective~~  
95 | ~~bargaining or of dealing with employers concerning grievances,~~  
96 | ~~terms or conditions of employment, or other mutual aid or~~  
97 | ~~protection in connection with employment.~~

98 |       ~~(10) "Aggrieved person" means any person who files a~~  
99 | ~~complaint with the Human Relations Commission.~~

100 |       (12)~~(11)~~ "Public accommodations" means places of public  
101 | accommodation, lodgings, facilities principally engaged in  
102 | selling food for consumption on the premises, gasoline stations,  
103 | places of exhibition or entertainment, and other covered  
104 | establishments. Each of the following establishments which serves  
105 | the public is a place of public accommodation within the meaning  
106 | of this section:

107 |       (a) Any inn, hotel, motel, or other establishment which  
108 | provides lodging to transient guests, other than an establishment  
109 | located within a building which contains not more than four rooms  
110 | for rent or hire and which is actually occupied by the proprietor  
111 | of such establishment as his or her residence.

112 |       (b) Any restaurant, cafeteria, lunchroom, lunch counter,  
113 | soda fountain, or other facility principally engaged in selling  
114 | food for consumption on the premises, including, but not limited  
115 | to, any such facility located on the premises of any retail  
116 | establishment, or any gasoline station.

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117 (c) Any motion picture theater, theater, concert hall,  
118 sports arena, stadium, or other place of exhibition or  
119 entertainment.

120 (d) Any establishment which is physically located within  
121 the premises of any establishment otherwise covered by this  
122 subsection, or within the premises of which is physically located  
123 any such covered establishment, and which holds itself out as  
124 serving patrons of such covered establishment.

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

127 Section 3. Section 760.05, Florida Statutes, is amended to  
128 read:

129 760.05 Functions of the commission.--The commission shall  
130 promote and encourage fair treatment and equal opportunity for  
131 all persons regardless of race, color, religion, sex, national  
132 origin, age, disability, sexual orientation, familial status  
133 ~~handicap~~, or marital status and mutual understanding and respect  
134 among all members of all economic, social, racial, religious, and  
135 ethnic groups; and shall endeavor to eliminate discrimination  
136 against, and antagonism between, religious, racial, and ethnic  
137 groups and their members.

138 Section 4. Section 760.07, Florida Statutes, is amended to  
139 read:

140 760.07 Remedies for unlawful discrimination.--Any violation  
141 of any Florida statute making unlawful discrimination because of  
142 race, color, religion, gender, national origin, age, disability,  
143 sexual orientation, familial status ~~handicap~~, or marital status  
144 in the areas of education, employment, housing, or public  
145 accommodations gives rise to a cause of action for all relief and

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146 damages described in s. 760.11(5), unless greater damages are  
147 expressly provided for. If the statute prohibiting unlawful  
148 discrimination provides an administrative remedy, the action for  
149 equitable relief and damages provided for in this section may be  
150 initiated only after the plaintiff has exhausted his or her  
151 administrative remedy. The term "public accommodations" does not  
152 include lodge halls or other similar facilities of private  
153 organizations which are made available for public use  
154 occasionally or periodically. The right to trial by jury is  
155 preserved in any case in which the plaintiff is seeking actual or  
156 punitive damages.

157 Section 5. Section 760.08, Florida Statutes, is amended to  
158 read:

159 760.08 Discrimination in places of public accommodation.--  
160 All persons shall be entitled to the full and equal enjoyment of  
161 the goods, services, facilities, privileges, advantages, and  
162 accommodations of any place of public accommodation, as defined  
163 in this chapter, without discrimination or segregation on the  
164 ground of race, color, national origin, sex, disability, sexual  
165 orientation ~~handicap~~, familial status, marital status, or  
166 religion.

167 Section 6. Subsections (1) and (2), paragraphs (a) and (b)  
168 of subsection (3), subsections (4), (5), and (6), and paragraph  
169 (a) of subsection (8) of section 760.10, Florida Statutes, are  
170 amended to read:

171 760.10 Unlawful employment practices.--

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

173 (a) To discharge or to fail or refuse to hire any  
174 individual, or otherwise to discriminate against any individual

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175 | with respect to compensation, terms, conditions, or privileges of  
176 | employment, because of such individual's race, color, religion,  
177 | sex, national origin, age, disability, sexual orientation,  
178 | familial status ~~handicap~~, or marital status.

179 |       (b) To limit, segregate, or classify employees or  
180 | applicants for employment in any way which would deprive or tend  
181 | to deprive any individual of employment opportunities, or  
182 | adversely affect any individual's status as an employee, because  
183 | of such individual's race, color, religion, sex, national origin,  
184 | age, disability, sexual orientation, familial status ~~handicap~~, or  
185 | marital status.

186 |       (2) It is an unlawful employment practice for an employment  
187 | agency to fail or refuse to refer for employment, or otherwise to  
188 | discriminate against, any individual because of race, color,  
189 | religion, sex, national origin, age, disability, sexual  
190 | orientation, familial status ~~handicap~~, or marital status or to  
191 | classify or refer for employment any individual on the basis of  
192 | race, color, religion, sex, national origin, age, disability,  
193 | sexual orientation, familial status ~~handicap~~, or marital status.

194 |       (3) It is an unlawful employment practice for a labor  
195 | organization:

196 |       (a) To exclude or to expel from its membership, or  
197 | otherwise to discriminate against, any individual because of  
198 | race, color, religion, sex, national origin, age, disability,  
199 | sexual orientation, familial status ~~handicap~~, or marital status.

200 |       (b) To limit, segregate, or classify its membership or  
201 | applicants for membership, or to classify or fail or refuse to  
202 | refer for employment any individual, in any way which would  
203 | deprive or tend to deprive any individual of employment

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204 | opportunities, or adversely affect any individual's status as an  
205 | employee or as an applicant for employment, because of such  
206 | individual's race, color, religion, sex, national origin, age,  
207 | disability, sexual orientation, familial status ~~handicap~~, or  
208 | marital status.

209 |       (4) It is an unlawful employment practice for any employer,  
210 | labor organization, or joint labor-management committee  
211 | controlling apprenticeship or other training or retraining,  
212 | including on-the-job training programs, to discriminate against  
213 | any individual because of race, color, religion, sex, national  
214 | origin, age, disability, sexual orientation, familial status  
215 | ~~handicap~~, or marital status in admission to, or employment in,  
216 | any program established to provide apprenticeship or other  
217 | training.

218 |       (5) Whenever, in order to engage in a profession,  
219 | occupation, or trade, it is required that a person receive a  
220 | license, certification, or other credential, become a member or  
221 | an associate of any club, association, or other organization, or  
222 | pass any examination, it is an unlawful employment practice for  
223 | any person to discriminate against any other person seeking such  
224 | license, certification, or other credential, seeking to become a  
225 | member or associate of such club, association, or other  
226 | organization, or seeking to take or pass such examination,  
227 | because of such other person's race, color, religion, sex,  
228 | national origin, age, disability, sexual orientation, familial  
229 | status ~~handicap~~, or marital status.

230 |       (6) It is an unlawful employment practice for an employer,  
231 | labor organization, employment agency, or joint labor-management  
232 | committee to print, or cause to be printed or published, any



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233 notice or advertisement relating to employment, membership,  
234 classification, referral for employment, or apprenticeship or  
235 other training, indicating any preference, limitation,  
236 specification, or discrimination, based on race, color, religion,  
237 sex, national origin, age, absence of disability, sexual  
238 orientation, familial status ~~handicap~~, or marital status.

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

243 (a) Take or fail to take any action on the basis of  
244 religion, sex, national origin, age, disability, sexual  
245 orientation ~~handicap~~, or marital status in those certain  
246 instances in which religion, sex, national origin, age, absence  
247 of a particular disability, sexual orientation ~~handicap~~, or  
248 marital status is a bona fide occupational qualification  
249 reasonably necessary for the performance of the particular  
250 employment to which such action or inaction is related.

251 Section 7. Section 509.092, Florida Statutes, is amended to  
252 read:

253 509.092 Public lodging establishments and public food  
254 service establishments; rights as private enterprises.--Public  
255 lodging establishments and public food service establishments are  
256 private enterprises, and the operator has the right to refuse  
257 accommodations or service to any person who is objectionable or  
258 undesirable to the operator, but such refusal may not be based  
259 upon race, creed, color, sex, physical disability, sexual  
260 orientation, familial status, or national origin. A person  
261 aggrieved by a violation of this section or a violation of a rule

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262 adopted under this section has a right of action pursuant to s.  
263 760.11.

264 Section 8. Section 760.22, Florida Statutes, is amended to  
265 read:

266 760.22 Definitions.--As used in ss. 760.20-760.37, the  
267 term:

268 (1) "Commission" means the Florida Commission on Human  
269 Relations.

270 (2) "Covered multifamily dwelling" means:

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

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

275 (3) "Disability" means:

276 (a) A physical or mental impairment that a person has, has  
277 a record of having, or is regarded as having and that  
278 substantially limits one or more major life activities; or

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

280 (4)~~(3)~~ "Discriminatory housing practice" means an act that  
281 is unlawful under the terms of ss. 760.20-760.37.

282 (5)~~(4)~~ "Dwelling" means any building or structure, or  
283 portion thereof, which is occupied as, or designed or intended  
284 for occupancy as, a residence by one or more families, and any  
285 vacant land which is offered for sale or lease for the  
286 construction or location on the land of any such building or  
287 structure, or portion thereof.

288 (6)~~(5)~~ "Familial status" is established when an individual  
289 who has not attained the age of 18 years is domiciled with:

290 (a) A parent or other person having legal custody of such

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291 individual; or

292 (b) A designee of a parent or other person having legal  
293 custody, with the written permission of such parent or other  
294 person.

295 (7)~~(6)~~ "Family" includes a single individual.

296 ~~(7) "Handicap" means:~~

297 ~~(a) A person has a physical or mental impairment which~~  
298 ~~substantially limits one or more major life activities, or he or~~  
299 ~~she has a record of having, or is regarded as having, such~~  
300 ~~physical or mental impairment; or~~

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

303 (8) "Person" includes one or more individuals,  
304 corporations, partnerships, associations, labor organizations,  
305 legal representatives, mutual companies, joint-stock companies,  
306 trusts, unincorporated organizations, trustees, trustees in  
307 bankruptcy, receivers, and fiduciaries.

308 (9) "Substantially equivalent" means an administrative  
309 subdivision of the State of Florida meeting the requirements of  
310 24 C.F.R. part 115, s. 115.6.

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

314 Section 9. Subsections (1), (2), (3), (5), (7), (8), and  
315 (9) and paragraphs (a) and (d) of subsection (10) of section  
316 760.23, Florida Statutes, are amended to read:

317 760.23 Discrimination in the sale or rental of housing and  
318 other prohibited practices.--

319 (1) It is unlawful to refuse to sell or rent after the

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320 making of a bona fide offer, to refuse to negotiate for the sale  
321 or rental of, or otherwise to make unavailable or deny a dwelling  
322 to any person because of race, color, national origin, sex,  
323 disability, sexual orientation ~~handicap~~, familial status, marital  
324 status, or religion.

325 (2) It is unlawful to discriminate against any person in  
326 the terms, conditions, or privileges of sale or rental of a  
327 dwelling, or in the provision of services or facilities in  
328 connection therewith, because of race, color, national origin,  
329 sex, disability, sexual orientation ~~handicap~~, familial status,  
330 marital status, or religion.

331 (3) It is unlawful to make, print, or publish, or cause to  
332 be made, printed, or published, any notice, statement, or  
333 advertisement with respect to the sale or rental of a dwelling  
334 that indicates any preference, limitation, or discrimination  
335 based on race, color, national origin, sex, disability, sexual  
336 orientation ~~handicap~~, familial status, marital status, or  
337 religion or an intention to make any such preference, limitation,  
338 or discrimination.

339 (5) It is unlawful, for profit, to induce or attempt to  
340 induce any person to sell or rent any dwelling by a  
341 representation regarding the entry or prospective entry into the  
342 neighborhood of a person or persons of a particular race, color,  
343 national origin, sex, disability, sexual orientation ~~handicap~~,  
344 familial status, marital status, or religion.

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

348 (a) That buyer or renter;

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

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

352 (8) It is unlawful to discriminate against any person in  
353 the terms, conditions, or privileges of sale or rental of a  
354 dwelling, or in the provision of services or facilities in  
355 connection with such dwelling, because of a disability ~~handicap~~  
356 of:

357 (a) That buyer or renter;

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

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

361 (9) For purposes of subsections (7) and (8), discrimination  
362 includes:

363 (a) A refusal to permit, at the expense of the disabled  
364 ~~handicapped~~ person, reasonable modifications of existing premises  
365 occupied or to be occupied by such person if such modifications  
366 may be necessary to afford such person full enjoyment of the  
367 premises; or

368 (b) A refusal to make reasonable accommodations in rules,  
369 policies, practices, or services, when such accommodations may be  
370 necessary to afford such person equal opportunity to use and  
371 enjoy a dwelling.

372 (10) Covered multifamily dwellings as defined herein which  
373 are intended for first occupancy after March 13, 1991, shall be  
374 designed and constructed to have at least one building entrance  
375 on an accessible route unless it is impractical to do so because  
376 of the terrain or unusual characteristics of the site as  
377 determined by commission rule. Such buildings shall also be

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378 designed and constructed in such a manner that:

379 (a) The public use and common use portions of such  
380 dwellings are readily accessible to and usable by disabled  
381 ~~handicapped~~ persons.

382 (d) Compliance with the appropriate requirements of the  
383 American National Standards Institute for buildings and  
384 facilities providing accessibility and usability for physically  
385 disabled ~~handicapped~~ people, commonly cited as ANSI A117.1-1986,  
386 suffices to satisfy the requirements of paragraph (c).

387  
388 State agencies with building construction regulation  
389 responsibility or local governments, as appropriate, shall review  
390 the plans and specifications for the construction of covered  
391 multifamily dwellings to determine consistency with the  
392 requirements of this subsection.

393 Section 10. Section 760.24, Florida Statutes, is amended to  
394 read:

395 760.24 Discrimination in the provision of brokerage  
396 services.--It is unlawful to deny any person access to, or  
397 membership or participation in, any multiple-listing service,  
398 real estate brokers' organization, or other service,  
399 organization, or facility relating to the business of selling or  
400 renting dwellings, or to discriminate against him or her in the  
401 terms or conditions of such access, membership, or participation,  
402 on account of race, color, national origin, sex, disability,  
403 sexual orientation ~~handicap~~, familial status, marital status, or  
404 religion.

405 Section 11. Subsection (1) and paragraph (a) of subsection  
406 (2) of section 760.25, Florida Statutes, are amended to read:

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407 760.25 Discrimination in the financing of housing or in  
408 residential real estate transactions.--

409 (1) It is unlawful for any bank, building and loan  
410 association, insurance company, or other corporation,  
411 association, firm, or enterprise the business of which consists  
412 in whole or in part of the making of commercial real estate loans  
413 to deny a loan or other financial assistance to a person applying  
414 for the loan for the purpose of purchasing, constructing,  
415 improving, repairing, or maintaining a dwelling, or to  
416 discriminate against him or her in the fixing of the amount,  
417 interest rate, duration, or other term or condition of such loan  
418 or other financial assistance, because of the race, color,  
419 national origin, sex, disability, sexual orientation ~~handicap~~,  
420 familial status, marital status, or religion of such person or of  
421 any person associated with him or her in connection with such  
422 loan or other financial assistance or the purposes of such loan  
423 or other financial assistance, or because of the race, color,  
424 national origin, sex, disability, sexual orientation ~~handicap~~,  
425 familial status, marital status, or religion of the present or  
426 prospective owners, lessees, tenants, or occupants of the  
427 dwelling or dwellings in relation to which such loan or other  
428 financial assistance is to be made or given.

429 (2) (a) It is unlawful for any person or entity whose  
430 business includes engaging in residential real estate  
431 transactions to discriminate against any person in making  
432 available such a transaction, or in the terms or conditions of  
433 such a transaction, because of race, color, national origin, sex,  
434 disability, sexual orientation ~~handicap~~, familial status, marital  
435 status, or religion.

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436 Section 12. Section 760.26, Florida Statutes, is amended to  
437 read:

438 760.26 Prohibited discrimination in land use decisions and  
439 in permitting of development.--It is unlawful to discriminate in  
440 land use decisions or in the permitting of development based on  
441 race, color, national origin, sex, sexual orientation,  
442 disability, marital status, familial status, religion, or, except  
443 as otherwise provided by law, the source of financing of a  
444 development or proposed development.

445 Section 13. Paragraph (a) of subsection (5) of section  
446 760.29, Florida Statutes, is amended to read:

447 760.29 Exemptions.--

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

449 (a) Prohibits a person engaged in the business of  
450 furnishing appraisals of real property from taking into  
451 consideration factors other than race, color, national origin,  
452 sex, disability, sexual orientation ~~handicap~~, familial status,  
453 marital status, or religion.

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

456 760.31 Powers and duties of commission.--The commission  
457 shall:

458 (5) Adopt rules necessary to implement ss. 760.20-760.37  
459 and govern the proceedings of the commission in accordance with  
460 chapter 120. Commission rules shall clarify terms used with  
461 regard to disabled ~~handicapped~~ accessibility, exceptions from  
462 accessibility requirements based on terrain or site  
463 characteristics, and requirements related to housing for older  
464 persons. Commission rules shall specify the fee and the forms and



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465 | procedures to be used for the registration required by s.  
466 | 760.29(4) (e).

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

469 |       760.50 Discrimination on the basis of AIDS, AIDS-related  
470 | complex, and HIV prohibited.--

471 |       (2) Any person with or perceived as having acquired immune  
472 | deficiency syndrome, acquired immune deficiency syndrome related  
473 | complex, or human immunodeficiency virus shall have every  
474 | protection made available to disabled ~~handicapped~~ persons.

475 |       Section 16. Subsection (1) of section 760.60, Florida  
476 | Statutes, is amended to read:

477 |       760.60 Discriminatory practices of certain clubs  
478 | prohibited; remedies.--

479 |       (1) It is unlawful for a person to discriminate against any  
480 | individual because of race, color, religion, gender, national  
481 | origin, disability, sexual orientation, familial status ~~handicap~~,  
482 | age above the age of 21, or marital status in evaluating an  
483 | application for membership in a club that has more than 400  
484 | members, that provides regular meal service, and that regularly  
485 | receives payment for dues, fees, use of space, facilities,  
486 | services, meals, or beverages directly or indirectly from  
487 | nonmembers for business purposes. It is unlawful for a person, on  
488 | behalf of such a club, to publish, circulate, issue, display,  
489 | post, or mail any advertisement, notice, or solicitation that  
490 | contains a statement to the effect that the accommodations,  
491 | advantages, facilities, membership, or privileges of the club are  
492 | denied to any individual because of race, color, religion,  
493 | gender, national origin, disability, sexual orientation, familial

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494 status ~~handicap~~, age above the age of 21, or marital status. This  
495 subsection does not apply to fraternal or benevolent  
496 organizations, ethnic clubs, or religious organizations where  
497 business activity is not prevalent.

498 Section 17. Paragraph (d) of subsection (1) of section  
499 419.001, Florida Statutes, is amended to read:

500 419.001 Site selection of community residential homes.--

501 (1) For the purposes of this section, the following  
502 definitions shall apply:

503 (d) "Resident" means any of the following: a frail elder as  
504 defined in s. 429.65; a physically disabled or handicapped person  
505 as defined in s. 760.22(3)(a) ~~s. 760.22(7)(a)~~; a developmentally  
506 disabled person as defined in s. 393.063; a nondangerous mentally  
507 ill person as defined in s. 394.455(18); or a child who is found  
508 to be dependent or a child in need of services as defined in s.  
509 39.01(14), s. 984.03(9) or (12), or s. 985.03.

510 Section 18. This act shall take effect July 1, 2008.