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1 A bill to be entitled
2 An act relating to Florida Commission on Human Relations;
3 amending s. 760.01, F.S.; substituting the term
4 "disability" for the term "handicap"; amending s. 760.02,
5 F.S.; providing definitions; amending s. 760.05, F.S.;
6 substituting the term "disability" for the term
7 "handicap"; amending s. 760.06, F.S.; permitting the
8 commission to use any method of discovery authorized by
9 the Florida Rules of Civil Procedure in its proceedings;
10 specifying persons and entities that may receive technical
11 assistance from the commission; amending s. 760.07, F.S.;
12 substituting the terms "sex" and "disability" for the
13 terms "gender" and "handicap," respectively; amending s.
14 760.08, F.S.; substituting the term "disability" for the
15 term "handicap"; amending s. 760.10, F.S.; substituting
16 the term "disability" for the term "handicap"; clarifying
17 the terms "because of sex" or "on the basis of sex" as
18 used in specified provisions; amending s. 760.11, F.S.;
19 revising provisions relating to responses to complaints;
20 providing a time limit on the commencement of certain
21 actions; providing for the effect of election to file for
22 an administrative hearing in certain proceedings; creating
23 s. 760.12, F.S.; providing for the computation of time
24 periods prescribed in specified provisions; amending s.
25 760.22, F.S.; revising definitions; amending ss. 760.23,
26 760.24, and 760.25, F.S.; substituting the term
27 "disability" for the term "handicap"; amending s. 760.29,
28 F.S.; revising procedures and fees for facilities or

29 communities claiming exemption from specified provisions
30 as housing for older persons; substituting the term
31 "disability" for the term "handicap"; amending s. 760.31,
32 F.S.; substituting the term "disability" for the term
33 "handicap"; amending s. 760.32, F.S.; permitting the
34 commission to use any method of discovery authorized by
35 the Florida Rules of Civil Procedure in its proceedings;
36 amending s. 760.34, F.S.; revising provisions relating to
37 filing a response to a complaint; providing that, if the
38 commission determines that there is not reasonable cause
39 to believe that a discriminatory housing practice has
40 occurred, the commission shall dismiss the complaint;
41 providing for administrative hearings following such a
42 determination; amending s. 760.50, F.S.; substituting a
43 reference to persons with disabilities for a reference to
44 handicapped persons; amending s. 760.60, F.S.;

45 substituting the terms "sex" and "disability" for the
46 terms "gender" and "handicap," respectively; creating s.
47 760.13, F.S.; providing for a direct-support organization
48 for the commission; providing definitions; providing for a
49 board of directors; providing for a contract between the
50 organization and the commission; providing for use of
51 property and services; providing for activities of the
52 organization; providing for budgets and audits; providing
53 limits of the powers of the organization; authorizing
54 commission rulemaking concerning the organization;
55 amending s. 419.001, F.S.; correcting a cross-reference;
56 providing an effective date.

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

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

760.01 Purposes; construction; title.--

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

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

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

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

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

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

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

1. A physical or mental impairment that substantially

85 limits one or more of the major life activities of such
 86 individual;

87 2. A record of such impairment;

88 3. Being regarded as having such an impairment; or

89 4. Having a developmental disability as defined in s.
 90 393.063.

91 (b) The term "disability" does not include transvestism,
 92 transsexualism, pedophilia, exhibitionism, voyeurism, gender
 93 identity disorders not resulting from physical impairments, or
 94 other sexual behavior disorders; compulsive gambling,
 95 kleptomania, or pyromania; or psychoactive substance use
 96 disorders resulting from current use of illegal drugs.

97 (5)-(4) "Discriminatory practice" means any practice made
 98 unlawful by the Florida Civil Rights Act of 1992.

99 (6)-(7) "Employer" means any person employing 15 or more
 100 employees for each working day in each of 20 or more calendar
 101 weeks in the current or preceding calendar year, and any agent
 102 of such a person.

103 (7)-(8) "Employment agency" means any person regularly
 104 undertaking, with or without compensation, to procure employees
 105 for an employer or to procure for employees opportunities to
 106 work for an employer, and includes an agent of such a person.

107 (8)-(1) "Florida Civil Rights Act of 1992" means ss.
 108 760.01-760.11 and 509.092.

109 (9) "Labor organization" means any organization which
 110 exists for the purpose, in whole or in part, of collective
 111 bargaining or of dealing with employers concerning grievances,

112 terms or conditions of employment, or other mutual aid or
 113 protection in connection with employment.

114 (10) "Major life activities" include, but are not limited
 115 to:

116 (a) Caring for one's self, performing manual tasks,
 117 seeing, hearing, eating, sleeping, walking, standing, lifting,
 118 bending, speaking, breathing, learning, reading, concentrating,
 119 thinking, communicating, and working.

120 (b) Operation of major bodily functions, including, but
 121 not limited to, functions of the immune system; normal cell
 122 growth; and digestive, bowel, bladder, neurological, brain,
 123 respiratory, circulatory, endocrine, and reproductive functions.

124 (11)-(5) "National origin" includes ancestry.

125 (12)-(6) "Person" includes an individual, association,
 126 corporation, joint apprenticeship committee, joint-stock
 127 company, labor union, legal representative, mutual company,
 128 partnership, receiver, trust, trustee in bankruptcy, or
 129 unincorporated organization; any other legal or commercial
 130 entity; the state; or any governmental entity or agency.

131 (13)-(11) "Public accommodations" means places of public
 132 accommodation, lodgings, facilities principally engaged in
 133 selling food for consumption on the premises, gasoline stations,
 134 places of exhibition or entertainment, and other covered
 135 establishments. Each of the following establishments which
 136 serves the public is a place of public accommodation within the
 137 meaning of this section:

138 (a) Any inn, hotel, motel, or other establishment which
 139 provides lodging to transient guests, other than an

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140 establishment located within a building which contains not more
141 than four rooms for rent or hire and which is actually occupied
142 by the proprietor of such establishment as his or her residence.

143 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
144 soda fountain, or other facility principally engaged in selling
145 food for consumption on the premises, including, but not limited
146 to, any such facility located on the premises of any retail
147 establishment, or any gasoline station.

148 (c) Any motion picture theater, theater, concert hall,
149 sports arena, stadium, or other place of exhibition or
150 entertainment.

151 (d) Any establishment which is physically located within
152 the premises of any establishment otherwise covered by this
153 subsection, or within the premises of which is physically
154 located any such covered establishment, and which holds itself
155 out as serving patrons of such covered establishment.

156 (14) "Substantially limits" means to materially restrict
157 an individual's ability to perform an activity.

158 (15) (a) "Transitory or minor impairment" is any impairment
159 with an actual, apparent, or expected duration of 6 months or
160 less. An impairment that limits one major life activity need not
161 limit other major life activities in order to be considered a
162 disability.

163 (b) An individual meets the requirement of being regarded
164 as having such an impairment if the individual establishes that
165 he or she has been subjected to an action prohibited under ss.
166 760.01-760.11 or 509.092 because of an actual or perceived
167 physical or mental impairment, whether or not the impairment

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168 limits or is perceived to limit a major life activity. An
169 individual shall not be deemed to be disabled for an impairment
170 that is transitory and minor. An impairment that is episodic or
171 in remission is a disability if it would substantially limit a
172 major life activity when such impairment is active or not in
173 remission. The determination of whether an impairment
174 substantially limits a major life activity shall be made without
175 regard to the ameliorative effects of mitigating measures such
176 as:

177 1. Medication, medical supplies, equipment, or appliances;
178 low-vision devices, not including ordinary eyeglasses or contact
179 lenses; prosthetics, including artificial limbs and devices;
180 hearing aids and cochlear implants or other implantable hearing
181 devices; mobility devices; or oxygen-therapy equipment and
182 supplies.

183 2. Use of assistive technology; reasonable accommodations
184 or auxiliary aids or services, which include qualified
185 interpreters or other effective measures of making aurally
186 delivered materials available to individuals with hearing
187 impairments, qualified readers, taped texts, or other effective
188 methods of making visually delivered materials available to
189 individuals with visual impairments; acquisition or modification
190 of equipment and devices and other similar services and actions;
191 or learned behavioral or adaptive neurological modifications.

192 Section 3. Section 760.05, Florida Statutes, is amended to
193 read:

194 760.05 Functions of the commission.--The commission shall
195 promote and encourage fair treatment and equal opportunity for

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196 all persons regardless of race, color, religion, sex, national
 197 origin, age, disability ~~handicap~~, or marital status and mutual
 198 understanding and respect among all members of all economic,
 199 social, racial, religious, and ethnic groups; and shall endeavor
 200 to eliminate discrimination against, and antagonism between,
 201 religious, racial, and ethnic groups and their members.

202 Section 4. Subsections (6) and (8) of section 760.06,
 203 Florida Statutes, are amended to read:

204 760.06 Powers of the commission.--Within the limitations
 205 provided by law, the commission shall have the following powers:

206 (6) To issue subpoenas for, administer oaths or
 207 affirmations to, and compel the attendance and testimony of
 208 witnesses or to issue subpoenas for and compel the production of
 209 books, papers, records, documents, and other evidence pertaining
 210 to any investigation or hearing convened pursuant to the powers
 211 of the commission; or to use any other method of discovery
 212 authorized by the Florida Rules of Civil Procedure. In
 213 conducting an investigation, the commission and its
 214 investigators shall have access at all reasonable times to
 215 premises, records, documents, and other evidence or possible
 216 sources of evidence and may examine, record, and copy such
 217 materials and take and record the testimony or statements of
 218 such persons as are reasonably necessary for the furtherance of
 219 the investigation. The authority to issue subpoenas and
 220 administer oaths may be delegated by the commission, for
 221 investigations or hearings, to a commissioner or the executive
 222 director. In the case of a refusal to obey a subpoena or comply
 223 with any other method of discovery authorized by the Florida

224 Civil Rules of Procedure issued to any person, the commission
 225 may make application to any circuit court of this state, which
 226 shall have jurisdiction to order the witness to appear before
 227 the commission to give testimony and to produce evidence
 228 concerning the matter in question. Failure to obey the court's
 229 order may be punished by the court as contempt. If the court
 230 enters an order holding a person in contempt or compelling the
 231 person to comply with the commission's order or subpoena, the
 232 court shall order the person to pay the commission reasonable
 233 expenses, including reasonable attorneys' fees, accrued by the
 234 commission in obtaining the order from the court.

235 (8) To furnish technical assistance to employees,
 236 employers, community leaders, school officials, and other groups
 237 and individuals requested by persons to facilitate progress in
 238 human relations.

239 Section 5. Section 760.07, Florida Statutes, is amended to
 240 read:

241 760.07 Remedies for unlawful discrimination.--Any
 242 violation of any Florida statute making unlawful discrimination
 243 because of race, color, religion, sex ~~gender~~, national origin,
 244 age, disability ~~handicap~~, or marital status in the areas of
 245 education, employment, housing, or public accommodations gives
 246 rise to a cause of action for all relief and damages described
 247 in s. 760.11(5), unless greater damages are expressly provided
 248 for. If the statute prohibiting unlawful discrimination provides
 249 an administrative remedy, the action for equitable relief and
 250 damages provided for in this section may be initiated only after
 251 the plaintiff has exhausted his or her administrative remedy.

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252 The term "public accommodations" does not include lodge halls or
 253 other similar facilities of private organizations which are made
 254 available for public use occasionally or periodically. The right
 255 to trial by jury is preserved in any case in which the plaintiff
 256 is seeking actual or punitive damages.

257 Section 6. Section 760.08, Florida Statutes, is amended to
 258 read:

259 760.08 Discrimination in places of public
 260 accommodation.--All persons shall be entitled to the full and
 261 equal enjoyment of the goods, services, facilities, privileges,
 262 advantages, and accommodations of any place of public
 263 accommodation, as defined in this chapter, without
 264 discrimination or segregation on the ground of race, color,
 265 national origin, sex, disability ~~handicap~~, familial status, or
 266 religion.

267 Section 7. Subsections (1), (2), (3), (4), (5), and (6)
 268 and paragraph (a) of subsection (8) of section 760.10, Florida
 269 Statutes, are amended, subsection (10) is renumbered as
 270 subsection (11), and a new subsection (10) is added to that
 271 section, to read:

272 760.10 Unlawful employment practices.--

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

274 (a) To discharge or to fail or refuse to hire any
 275 individual, or otherwise to discriminate against any individual
 276 with respect to compensation, terms, conditions, or privileges
 277 of employment, because of such individual's race, color,
 278 religion, sex, national origin, age, disability ~~handicap~~, or
 279 marital status.

280 (b) To limit, segregate, or classify employees or
 281 applicants for employment in any way which would deprive or tend
 282 to deprive any individual of employment opportunities, or
 283 adversely affect any individual's status as an employee, because
 284 of such individual's race, color, religion, sex, national
 285 origin, age, disability ~~handicap~~, or marital status.

286 (2) It is an unlawful employment practice for an
 287 employment agency to fail or refuse to refer for employment, or
 288 otherwise to discriminate against, any individual because of
 289 race, color, religion, sex, national origin, age, disability
 290 ~~handicap~~, or marital status or to classify or refer for
 291 employment any individual on the basis of race, color, religion,
 292 sex, national origin, age, disability ~~handicap~~, or marital
 293 status.

294 (3) It is an unlawful employment practice for a labor
 295 organization:

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

300 (b) To limit, segregate, or classify its membership or
 301 applicants for membership, or to classify or fail or refuse to
 302 refer for employment any individual, in any way which would
 303 deprive or tend to deprive any individual of employment
 304 opportunities, or adversely affect any individual's status as an
 305 employee or as an applicant for employment, because of such
 306 individual's race, color, religion, sex, national origin, age,
 307 disability ~~handicap~~, or marital status.

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

310 (4) It is an unlawful employment practice for any
 311 employer, labor organization, or joint labor-management
 312 committee controlling apprenticeship or other training or
 313 retraining, including on-the-job training programs, to
 314 discriminate against any individual because of race, color,
 315 religion, sex, national origin, age, disability ~~handicap~~, or
 316 marital status in admission to, or employment in, any program
 317 established to provide apprenticeship or other training.

318 (5) Whenever, in order to engage in a profession,
 319 occupation, or trade, it is required that a person receive a
 320 license, certification, or other credential, become a member or
 321 an associate of any club, association, or other organization, or
 322 pass any examination, it is an unlawful employment practice for
 323 any person to discriminate against any other person seeking such
 324 license, certification, or other credential, seeking to become a
 325 member or associate of such club, association, or other
 326 organization, or seeking to take or pass such examination,
 327 because of such other person's race, color, religion, sex,
 328 national origin, age, disability ~~handicap~~, or marital status.

329 (6) It is an unlawful employment practice for an employer,
 330 labor organization, employment agency, or joint labor-management
 331 committee to print, or cause to be printed or published, any
 332 notice or advertisement relating to employment, membership,
 333 classification, referral for employment, or apprenticeship or
 334 other training, indicating any preference, limitation,
 335 specification, or discrimination, based on race, color,

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336 religion, sex, national origin, age, absence of disability
337 ~~handicap~~, or marital status.

338 (8) Notwithstanding any other provision of this section,
339 it is not an unlawful employment practice under ss. 760.01-
340 760.10 for an employer, employment agency, labor organization,
341 or joint labor-management committee to:

342 (a) Take or fail to take any action on the basis of
343 religion, sex, national origin, age, disability ~~handicap~~, or
344 marital status in those certain instances in which religion,
345 sex, national origin, age, absence of a particular disability
346 ~~handicap~~, or marital status is a bona fide occupational
347 qualification reasonably necessary for the performance of the
348 particular employment to which such action or inaction is
349 related.

350 (10) As used in this section, the terms "because of sex"
351 or "on the basis of sex" include, but are not limited to,
352 because of or on the basis of pregnancy, childbirth, or any
353 medical condition related to pregnancy or childbirth. Women
354 affected by pregnancy, childbirth, or any medical condition
355 related to pregnancy or childbirth shall be treated the same for
356 all employment-related purposes as other persons not so affected
357 but similar in their ability or inability to work, and this
358 section may not be interpreted to permit otherwise.

359 Section 8. Subsections (1), (3), and (8) of section
360 760.11, Florida Statutes, are amended, subsection (16) is added
361 to that section, and, for purposes of incorporating the
362 amendments to section 760.10, Florida Statutes, in a reference

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363 thereto, subsection (15) of section 760.11, Florida Statutes, is
364 reenacted, to read:

365 760.11 Administrative and civil remedies; construction.--

366 (1) Any person aggrieved by a violation of ss. 760.01-
367 760.10 may file a complaint with the commission within 365 days
368 of the alleged violation, naming the employer, employment
369 agency, labor organization, or joint labor-management committee,
370 or, in the case of an alleged violation of s. 760.10(5), the
371 person responsible for the violation and describing the
372 violation. Any person aggrieved by a violation of s. 509.092 may
373 file a complaint with the commission within 365 days of the
374 alleged violation naming the person responsible for the
375 violation and describing the violation. The commission, a
376 commissioner, or the Attorney General may in like manner file
377 such a complaint. On the same day the complaint is filed with
378 the commission, the commission shall clearly stamp on the face
379 of the complaint the date the complaint was filed with the
380 commission. In lieu of filing the complaint with the commission,
381 a complaint under this section may be filed with the federal
382 Equal Employment Opportunity Commission or with any unit of
383 government of the state which is a fair-employment-practice
384 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
385 complaint is filed is clearly stamped on the face of the
386 complaint, that date is the date of filing. The date the
387 complaint is filed with the commission for purposes of this
388 section is the earliest date of filing with the Equal Employment
389 Opportunity Commission, the fair-employment-practice agency, or
390 the commission. The complaint shall contain a short and plain

391 statement of the facts describing the violation and the relief
 392 sought. The commission may require additional information to be
 393 in the complaint. The commission, within 5 days of the complaint
 394 being filed, shall provide ~~by registered mail send~~ a copy of the
 395 complaint to the person who allegedly committed the violation.
 396 The person who allegedly committed the violation shall respond,
 397 in writing, to the commission and shall also send a copy of such
 398 response to the aggrieved person ~~may file an answer to the~~
 399 ~~complaint~~ within 21 ~~25~~ days after the Notice of Filing Complaint
 400 ~~of the date the complaint was filed with the commission.~~ Any
 401 answer filed shall be mailed to the aggrieved person by the
 402 person filing the answer. Both the complaint and the response
 403 ~~answer~~ shall be verified.

404 (3) Except as provided in subsection (2), the commission
 405 shall investigate the allegations in the complaint. Within 180
 406 days of the filing of the complaint, the commission shall
 407 determine if there is reasonable cause to believe that
 408 discriminatory practice has occurred in violation of the Florida
 409 Civil Rights Act of 1992. When the commission determines whether
 410 or not there is reasonable cause, the commission ~~by registered~~
 411 ~~mail~~ shall promptly notify the aggrieved person and the
 412 respondent of the reasonable cause determination, the date of
 413 such determination, and the options available under this
 414 section.

415 (8) In the event that the commission fails to conciliate
 416 or determine whether there is reasonable cause on any complaint
 417 under this section within 180 days of the filing of the
 418 complaint, an aggrieved person may proceed under subsection (4),

419 as if the commission determined that there was reasonable cause,
 420 except that any civil action filed under this section shall be
 421 commenced no later than 4 years after the date the cause of
 422 action accrued.

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

428 (16) In the event that any party to a complaint filed
 429 pursuant to this section elects to file for an administrative
 430 hearing pursuant to s. 120.569 or s. 120.57, or any similar
 431 provision, the sending of the election by the commission under
 432 paragraph (4) (b) and subsections (6), (7), and (8) may not be
 433 construed as making the commission a party, a transmitting
 434 agency, an initiating agency, or a referral agency under s.
 435 120.569, and the commission is not liable for any costs, fees,
 436 expenses, including court reporting or recordation fees
 437 associated with the proceeding to which it is not a party. This
 438 subsection does not apply to any action where the commission
 439 initiates or is a party to an administrative hearing.

440 Section 9. Section 760.12, Florida Statutes, is created to
 441 read:

442 760.12 Computation of time.--In computing any period of
 443 time prescribed in this chapter, the day of the act, event, or
 444 default from which the designated period of time begins to run
 445 shall not be included. The last day of the period so computed
 446 shall be included unless it is a Saturday, Sunday, or legal

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447 state holiday, in which event the period shall run until the end
 448 of the next day which is not a Saturday, Sunday, or legal state
 449 holiday. When the period of time prescribed or allowed is less
 450 than 7 days, intermediate Saturdays, Sundays, and legal state
 451 holidays shall be excluded in the computation.

452 Section 10. Section 760.22, Florida Statutes, is amended
 453 to read:

454 760.22 Definitions.--As used in ss. 760.20-760.37, the
 455 term:

456 (1) "Commission" means the Florida Commission on Human
 457 Relations.

458 (2) "Covered multifamily dwelling" means:

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

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

463 (3) "Disability" shall have the same meaning as provided
 464 in s. 760.02.

465 (4)~~(3)~~ "Discriminatory housing practice" means an act that
 466 is unlawful under the terms of ss. 760.20-760.37.

467 (5)~~(4)~~ "Dwelling" means any building or structure, or
 468 portion thereof, which is occupied as, or designed or intended
 469 for occupancy as, a residence by one or more families, and any
 470 vacant land which is offered for sale or lease for the
 471 construction or location on the land of any such building or
 472 structure, or portion thereof.

473 (6)~~(5)~~ "Familial status" is established when an individual
 474 who has not attained the age of 18 years is domiciled with:

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475 (a) A parent or other person having legal custody of such
476 individual; or

477 (b) A designee of a parent or other person having legal
478 custody, with the written permission of such parent or other
479 person.

480 (7)~~(6)~~ "Family" includes a single individual.

481 (8) "Major life activities" shall have the same meaning as
482 provided in s. 760.02.

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

484 ~~(a) A person has a physical or mental impairment which~~
485 ~~substantially limits one or more major life activities, or he or~~
486 ~~she has a record of having, or is regarded as having, such~~
487 ~~physical or mental impairment; or~~

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

490 (9)~~(8)~~ "Person" includes one or more individuals,
491 corporations, partnerships, associations, labor organizations,
492 legal representatives, mutual companies, joint-stock companies,
493 trusts, unincorporated organizations, trustees, trustees in
494 bankruptcy, receivers, and fiduciaries.

495 (10)~~(9)~~ "Substantially equivalent" means an administrative
496 subdivision of the State of Florida meeting the requirements of
497 24 C.F.R. part 115, s. 115.6.

498 (11) "Substantially limits" shall have the meaning as
499 provided in s. 760.02.

500 (12)~~(10)~~ "To rent" includes to lease, to sublease, to let,
501 and otherwise to grant for a consideration the right to occupy
502 premises not owned by the occupant.

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503 (13) "Transitory or minor impairment" shall have the
504 meaning as provided in s. 760.02.

505 Section 11. Section 760.23, Florida Statutes, is amended
506 to read:

507 760.23 Discrimination in the sale or rental of housing and
508 other prohibited practices.--

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

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

519 (3) It is unlawful to make, print, or publish, or cause to
520 be made, printed, or published, any notice, statement, or
521 advertisement with respect to the sale or rental of a dwelling
522 that indicates any preference, limitation, or discrimination
523 based on race, color, national origin, sex, disability ~~handicap~~,
524 familial status, or religion or an intention to make any such
525 preference, limitation, or discrimination.

526 (4) It is unlawful to represent to any person because of
527 race, color, national origin, sex, disability ~~handicap~~, familial
528 status, or religion that any dwelling is not available for
529 inspection, sale, or rental when such dwelling is in fact so
530 available.

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531 (5) It is unlawful, for profit, to induce or attempt to
532 induce any person to sell or rent any dwelling by a
533 representation regarding the entry or prospective entry into the
534 neighborhood of a person or persons of a particular race, color,
535 national origin, sex, disability ~~handicap~~, familial status, or
536 religion.

537 (6) The protections afforded under ss. 760.20-760.37
538 against discrimination on the basis of familial status apply to
539 any person who is pregnant or is in the process of securing
540 legal custody of any individual who has not attained the age of
541 18 years.

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

545 (a) That buyer or renter;

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

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

549 (8) It is unlawful to discriminate against any person in
550 the terms, conditions, or privileges of sale or rental of a
551 dwelling, or in the provision of services or facilities in
552 connection with such dwelling, because of a disability ~~handicap~~
553 of:

554 (a) That buyer or renter;

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

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

558 (9) For purposes of subsections (7) and (8),
 559 discrimination includes:

560 (a) A refusal to permit, at the expense of the ~~handicapped~~
 561 person with a disability, reasonable modifications of existing
 562 premises occupied or to be occupied by such person if such
 563 modifications may be necessary to afford such person full
 564 enjoyment of the premises; or

565 (b) A refusal to make reasonable accommodations in rules,
 566 policies, practices, or services, when such accommodations may
 567 be necessary to afford such person equal opportunity to use and
 568 enjoy a dwelling.

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

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

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

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

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

585 2. Light switches, electrical outlets, thermostats, and
586 other environmental controls in accessible locations.

587 3. Reinforcements in bathroom walls to allow later
588 installation of grab bars.

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

591 (d) Compliance with the appropriate requirements of the
592 American National Standards Institute for buildings and
593 facilities providing accessibility and usability for persons
594 with disabilities ~~physically handicapped people~~, commonly cited
595 as ANSI A117.1-1986, suffices to satisfy the requirements of
596 paragraph (c).

597
598 State agencies with building construction regulation
599 responsibility or local governments, as appropriate, shall
600 review the plans and specifications for the construction of
601 covered multifamily dwellings to determine consistency with the
602 requirements of this subsection.

603 Section 12. Section 760.24, Florida Statutes, is amended
604 to read:

605 760.24 Discrimination in the provision of brokerage
606 services.--It is unlawful to deny any person access to, or
607 membership or participation in, any multiple-listing service,
608 real estate brokers' organization, or other service,
609 organization, or facility relating to the business of selling or
610 renting dwellings, or to discriminate against him or her in the
611 terms or conditions of such access, membership, or

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612 participation, on account of race, color, national origin, sex,
 613 disability ~~handicap~~, familial status, or religion.

614 Section 13. Section 760.25, Florida Statutes, is amended
 615 to read:

616 760.25 Discrimination in the financing of housing or in
 617 residential real estate transactions.--

618 (1) It is unlawful for any bank, building and loan
 619 association, insurance company, or other corporation,
 620 association, firm, or enterprise the business of which consists
 621 in whole or in part of the making of commercial real estate
 622 loans to deny a loan or other financial assistance to a person
 623 applying for the loan for the purpose of purchasing,
 624 constructing, improving, repairing, or maintaining a dwelling,
 625 or to discriminate against him or her in the fixing of the
 626 amount, interest rate, duration, or other term or condition of
 627 such loan or other financial assistance, because of the race,
 628 color, national origin, sex, disability ~~handicap~~, familial
 629 status, or religion of such person or of any person associated
 630 with him or her in connection with such loan or other financial
 631 assistance or the purposes of such loan or other financial
 632 assistance, or because of the race, color, national origin, sex,
 633 disability ~~handicap~~, familial status, or religion of the present
 634 or prospective owners, lessees, tenants, or occupants of the
 635 dwelling or dwellings in relation to which such loan or other
 636 financial assistance is to be made or given.

637 (2) (a) It is unlawful for any person or entity whose
 638 business includes engaging in residential real estate
 639 transactions to discriminate against any person in making

640 available such a transaction, or in the terms or conditions of
 641 such a transaction, because of race, color, national origin,
 642 sex, disability ~~handicap~~, familial status, or religion.

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

645 1. The making or purchasing of loans or providing other
 646 financial assistance:

647 a. For purchasing, constructing, improving, repairing, or
 648 maintaining a dwelling; or

649 b. Secured by residential real estate.

650 2. The selling, brokering, or appraising of residential
 651 real property.

652 Section 14. Paragraph (e) of subsection (4) and paragraph
 653 (a) of subsection (5) of section 760.29, Florida Statutes, are
 654 amended to read:

655 760.29 Exemptions.--

656 (4)

657 (e) A facility or community claiming an exemption under
 658 this subsection shall register with the commission by submitting
 659 to the commission a copy of its recorded documents establishing
 660 the facility or community for housing for older persons and
 661 ~~submit~~ a letter ~~to the commission~~ stating that the facility or
 662 community complies with the requirements of subparagraph (b)1.,
 663 subparagraph (b)2., or subparagraph (b)3. The letter shall be
 664 submitted on the letterhead of the facility or community and
 665 shall be signed by the president of the facility or community.
 666 This registration and documentation shall be renewed biennially
 667 from the date of original filing. The information in the

668 registry shall be made available to the public, and the
 669 commission shall include this information on an Internet
 670 website. The commission may charge ~~establish~~ a ~~reasonable~~
 671 registration fee of \$75, ~~which not to exceed \$20~~, that shall be
 672 deposited into the commission's trust fund to defray the
 673 administrative costs associated with maintaining the registry.
 674 The commission may impose an administrative fine, not to exceed
 675 \$500, on a facility or community that fails to register or renew
 676 its registration with the commission or that knowingly submits
 677 false information in the documentation required by this
 678 paragraph. Such fines shall be deposited in the commission's
 679 trust fund. The registration and documentation required by this
 680 paragraph shall not substitute for proof of compliance with the
 681 requirements of this subsection. Failure to comply with the
 682 requirements of this paragraph shall not disqualify a facility
 683 or community that otherwise qualifies for the exemption provided
 684 in this subsection.

685
 686 A county or municipal ordinance regarding housing for older
 687 persons may not contravene the provisions of this subsection.

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

689 (a) Prohibits a person engaged in the business of
 690 furnishing appraisals of real property from taking into
 691 consideration factors other than race, color, national origin,
 692 sex, disability ~~handicap~~, familial status, or religion.

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

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695 760.31 Powers and duties of commission.--The commission
696 shall:

697 (5) Adopt rules necessary to implement ss. 760.20-760.37
698 and govern the proceedings of the commission in accordance with
699 chapter 120. Commission rules shall clarify terms used with
700 regard to disabled ~~handicapped~~ accessibility, exceptions from
701 accessibility requirements based on terrain or site
702 characteristics, and requirements related to housing for older
703 persons. Commission rules shall specify the fee and the forms
704 and procedures to be used for the registration required by s.
705 760.29(4) (e).

706 Section 16. Subsection (1) of section 760.32, Florida
707 Statutes, is amended to read:

708 760.32 Investigations; subpoenas; oaths.--

709 (1) In conducting an investigation, the commission shall
710 have access at all reasonable times to premises, records,
711 documents, individuals, and other evidence or possible sources
712 of evidence and may examine, record, and copy such materials and
713 take and record the testimony or statements of such persons as
714 are reasonably necessary for the furtherance of the
715 investigation, provided the commission first complies with the
716 provisions of the State Constitution relating to unreasonable
717 searches and seizures. The commission may issue subpoenas to
718 compel its access to or the production of such materials or the
719 appearance of such persons, and may issue interrogatories to a
720 respondent, to the same extent and subject to the same
721 limitations as would apply if the subpoenas or interrogatories
722 were issued or served in aid of a civil action in court, and may

723 use any other method of discovery authorized by the Florida
 724 Rules of Civil Procedure. The commission may administer oaths.

725 Section 17. Subsections (2) and (4) of section 760.34,
 726 Florida Statutes, are amended to read:

727 760.34 Enforcement.--

728 (2) A complaint under subsection (1) must be filed within
 729 1 year after the alleged discriminatory housing practice
 730 occurred. The complaint must be in writing and shall state the
 731 facts upon which the allegations of a discriminatory housing
 732 practice are based. A complaint may be reasonably and fairly
 733 amended at any time. A respondent shall ~~may~~ file a response ~~an~~
 734 ~~answer~~ to the complaint against him or her and, with the leave
 735 of the commission, which shall be granted whenever it would be
 736 reasonable and fair to do so, may amend his or her response
 737 ~~answer~~ at any time. Both complaint and response ~~answer~~ shall be
 738 verified.

739 (4) If, within 180 days after a complaint is filed with
 740 the commission or within 180 days after expiration of any period
 741 of reference under subsection (3), the commission has been
 742 unable to obtain voluntary compliance with ss. 760.20-760.37,
 743 the person aggrieved may commence a civil action in any
 744 appropriate court against the respondent named in the complaint
 745 or petition for an administrative determination pursuant to s.
 746 760.35 to enforce the rights granted or protected by ss. 760.20-
 747 760.37.

748 (a) If, as a result of its investigation under subsection
 749 (1), the commission finds there is reasonable cause to believe
 750 that a discriminatory housing practice has occurred, at the

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751 request of the person aggrieved, the Attorney General shall
752 bring an action in the name of the state on behalf of the
753 aggrieved person to enforce the provisions of ss. 760.20-760.37.

754 (b) If the commission determines that there is not
755 reasonable cause to believe that a discriminatory housing
756 practice has occurred, the commission shall dismiss the
757 complaint. The aggrieved person may request an administrative
758 hearing under ss. 120.569 and 120.57, but any such request must
759 be made within 30 days after the service of the notice of the
760 determination of no reasonable cause and any such hearing shall
761 be heard by an administrative law judge and not by the
762 commission or a commissioner. If the aggrieved person does not
763 request an administrative hearing within 30 days, the claim
764 shall be barred. If the administrative law judge finds that a
765 discriminatory housing practice has occurred, he or she shall
766 issue an appropriate recommended order to the commission. Within
767 90 days after the date the recommended order is rendered, the
768 commission shall issue a final order by adopting, rejecting, or
769 modifying the recommended order as provided under ss. 120.569
770 and 120.57. The 90-day period may be extended with the consent
771 of all parties. In any action or proceeding under this
772 subsection, the commission, in its discretion, may allow the
773 prevailing party reasonable attorney's fees as part of the
774 costs. It is the intent of the Legislature that this provision
775 for attorney's fees be interpreted in a manner consistent with
776 federal case law involving a Title VII action. In the event the
777 final order issued by the commission determines that a

778 discriminatory housing practice has occurred, the aggrieved
 779 person may:

780 1. Request the Attorney General to bring an action in the
 781 name of the state on behalf of the aggrieved person to enforce
 782 the provisions of ss. 760.20-760.37; or

783 2. Proceed with the case pursuant to subsection (5),
 784 subsection (6), or subsection (7) as if there has been a
 785 reasonable cause determination.

786 Section 18. Subsection (2) of section 760.50, Florida
 787 Statutes, is amended to read:

788 760.50 Discrimination on the basis of AIDS, AIDS-related
 789 complex, and HIV prohibited.--

790 (2) Any person with or perceived as having acquired immune
 791 deficiency syndrome, acquired immune deficiency syndrome related
 792 complex, or human immunodeficiency virus shall have every
 793 protection made available to ~~handicapped~~ persons with
 794 disabilities.

795 Section 19. Subsection (1) of section 760.60, Florida
 796 Statutes, is amended to read:

797 760.60 Discriminatory practices of certain clubs
 798 prohibited; remedies.--

799 (1) It is unlawful for a person to discriminate against
 800 any individual because of race, color, religion, sex ~~gender~~,
 801 national origin, disability ~~handicap~~, age above the age of 21,
 802 or marital status in evaluating an application for membership in
 803 a club that has more than 400 members, that provides regular
 804 meal service, and that regularly receives payment for dues,
 805 fees, use of space, facilities, services, meals, or beverages

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806 directly or indirectly from nonmembers for business purposes. It
 807 is unlawful for a person, on behalf of such a club, to publish,
 808 circulate, issue, display, post, or mail any advertisement,
 809 notice, or solicitation that contains a statement to the effect
 810 that the accommodations, advantages, facilities, membership, or
 811 privileges of the club are denied to any individual because of
 812 race, color, religion, sex ~~gender~~, national origin, disability
 813 ~~handicap~~, age above the age of 21, or marital status. This
 814 subsection does not apply to fraternal or benevolent
 815 organizations, ethnic clubs, or religious organizations where
 816 business activity is not prevalent.

817 Section 20. Section 760.13, Florida Statutes, is created
 818 to read:

819 760.13 Florida Commission on Human Relations; direct-
 820 support organization.--

821 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.--The
 822 commission may establish a direct-support organization to
 823 provide assistance, funding, and support for the commission in
 824 carrying out its mission. This section governs the creation,
 825 use, powers, and duties of the direct-support organization.

826 (2) DEFINITIONS.--As used in this section, the term:

827 (a) "Commission" means the Florida Commission on Human
 828 Relations created by s. 760.03.

829 (b) "Direct-support organization" means an organization
 830 that is:

831 1. A Florida corporation not for profit, incorporated
 832 under the provisions of chapter 617 and approved by the

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833 Department of State. The organization is exempt from filing fees
834 under s. 617.0122.

835 (c) "Personal services" includes full-time or part-time
836 personnel.

837 (3) POWERS AND PURPOSES.--The direct-support organization:

838 (a) Shall be organized and operated exclusively to obtain
839 funds; request and receive grants, gifts, and bequests of
840 moneys; acquire, receive, hold, invest, and administer, in its
841 own name, securities, funds, or property; and make expenditures
842 to or for the direct or indirect benefit of the commission in
843 its efforts to:

844 1. Promote and encourage fair treatment and equal
845 opportunity for all persons regardless of race, color, religion,
846 sex, national origin, age, disability, or marital or familial
847 status;

848 2. Encourage mutual understanding and respect among all
849 members of all economic, social, racial, religious, and ethnic
850 groups; and

851 3. Endeavor to eliminate discrimination against, and
852 antagonism between, religious, racial, and ethnic groups and
853 their members.

854 (b) Shall be authorized to receive donations, funds, and
855 grants from any public or private entity for which the
856 commission does not have regulatory authority under this
857 chapter.

858 (c) Must be operated in a manner consistent with the goals
859 and purposes of the commission and in the best interest of the
860 state as determined by the commission.

861 (4) BOARD OF DIRECTORS.--The direct-support organization
862 shall be governed by a board of directors.

863 (a) The board of directors shall consist of no fewer than
864 three members or more than five members appointed by the
865 executive director of the commission.

866 (b) The term of office of the board members shall be 3
867 years, except that the terms of the initial appointees shall be
868 for 1 year, 2 years, or 3 years in order to achieve staggered
869 terms. A member may be reappointed when his or her term expires.
870 The executive director of the commission or his or her designee
871 shall serve as an ex officio member of the board of directors.

872 (c) Members must be current residents of this state and
873 must be knowledgeable about human and civil rights. The
874 executive director of the commission may remove any member of
875 the board for cause and with the approval of a majority of the
876 membership of the board of directors. The executive director of
877 the commission shall appoint a replacement for any vacancy that
878 occurs.

879 (5) CONTRACT.--The direct-support organization shall
880 operate under a written contract with the commission. The
881 written contract must provide for:

882 (a) Submission of an annual budget for approval by the
883 executive director of the commission.

884 (b) Certification by the commission that the direct-
885 support organization is complying with the terms of the contract
886 and is doing so consistent with the goals and purposes of the
887 commission and in the best interests of the state. This

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888 certification must be made annually and reported in the official
889 minutes of a meeting of the direct-support organization.

890 (c) The reversion of moneys and property held by the
891 direct-support organization:

892 1. To the commission if the direct-support organization is
893 no longer approved to operate for the commission;

894 2. To the commission if the direct-support organization
895 ceases to exist; or

896 3. To the state if the commission ceases to exist.

897 (d) The disclosure of the material provisions of the
898 contract, and the distinction between the commission and the
899 direct-support organization, to donors of gifts, contributions,
900 or bequests, including such disclosure on all promotional and
901 fundraising publications.

902 (6) USE OF PROPERTY AND SERVICES.--

903 (a) The commission may permit the use of property,
904 facilities, and personal services of the commission by the
905 direct-support organization, subject to this section.

906 (b) The commission may prescribe, by contract, any
907 condition with which the direct-support organization must comply
908 in order to use property, facilities, or personal services of
909 the commission.

910 (c) The commission may not permit the use of its property,
911 facilities, or personal services by any direct-support
912 organization organized under this section which does not provide
913 equal employment opportunities to all persons regardless of
914 race, color, national origin, sex, age, religion, disability, or
915 familial or marital status.

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916 (7) ACTIVITIES; RESTRICTIONS.--Any transaction or
917 agreement between the direct-support organization organized
918 under this section and another direct-support organization or
919 other entity must be approved by the executive director of the
920 commission.

921 (8) ANNUAL BUDGETS AND REPORTS.--

922 (a) The fiscal year of the direct-support organization
923 shall begin on July 1 of each year and end on June 30 of the
924 following year.

925 (b) The direct-support organization shall submit to the
926 commission its federal application for recognition of tax
927 exemption and its federal income tax return forms.

928 (9) ANNUAL AUDIT.--The direct-support organization shall
929 provide for an annual financial audit in accordance with s.
930 215.981.

931 (10) LIMITS ON DIRECT-SUPPORT ORGANIZATION.--The direct-
932 support organization shall not exercise any power under s.
933 617.0302(12) or (16). A state employee may not receive
934 compensation from the direct-support organization for services
935 on the board of directors or for services rendered to the
936 direct-support organization.

937 (11) RULEMAKING.--The commission may adopt rules pursuant
938 to ss. 120.536(1) and 120.54 to implement the provisions of this
939 section.

940 Section 21. Paragraph (d) of subsection (1) of section
941 419.001, Florida Statutes, is amended to read:

942 419.001 Site selection of community residential homes.--

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943 (1) For the purposes of this section, the following
944 definitions shall apply:

945 (d) "Resident" means any of the following: a frail elder
946 as defined in s. 429.65; a physically disabled ~~or handicapped~~
947 person as defined in s. 760.02(4)(a)1., 2., or 3. ~~760.22(7)(a);~~
948 a developmentally disabled person as defined in s. 393.063; a
949 nondangerous mentally ill person as defined in s. 394.455(18);
950 or a child who is found to be dependent as defined in s. 39.01
951 or s. 984.03, or a child in need of services as defined in s.
952 984.03 or s. 985.03.

953 Section 22. This act shall take effect July 1, 2009.