

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"; specifying  
17          that certain protections extend to women who are pregnant  
18          or who have any medical condition related to pregnancy or  
19          childbirth; amending s. 760.11, F.S.; revising provisions  
20          relating to responses to complaints; providing a time  
21          limit on the commencement of certain actions; providing  
22          for the effect of election to file for an administrative  
23          hearing in certain proceedings; creating s. 760.12, F.S.;  
24          providing for the computation of time periods prescribed  
25          in specified provisions; amending s. 760.22, F.S.;  
26          revising definitions; amending ss. 760.23, 760.24, and  
27          760.25, F.S.; substituting the term "disability" for the  
28          term "handicap"; amending s. 760.29, F.S.; revising

29 | procedures and fees for facilities or communities claiming  
30 | exemption from specified provisions as housing for older  
31 | persons; substituting the term "disability" for the term  
32 | "handicap"; amending s. 760.31, F.S.; substituting the  
33 | term "disability" for the term "handicap"; amending s.  
34 | 760.32, F.S.; permitting the commission to use any method  
35 | of discovery authorized by the Florida Rules of Civil  
36 | Procedure in its proceedings; amending s. 760.34, F.S.;  
37 | revising provisions relating to filing a response to a  
38 | complaint; providing that, if the commission determines  
39 | that there is not reasonable cause to believe that a  
40 | discriminatory housing practice has occurred, the  
41 | commission shall dismiss the complaint; providing for  
42 | administrative hearings following such a determination;  
43 | amending s. 760.50, F.S.; substituting a reference to  
44 | persons with disabilities for a reference to handicapped  
45 | persons; amending s. 760.60, F.S.; substituting the terms  
46 | "sex" and "disability" for the terms "gender" and  
47 | "handicap," respectively; creating s. 760.13, F.S.;  
48 | providing for a direct-support organization for the  
49 | commission; providing definitions; providing for a board  
50 | of directors; providing for a contract between the  
51 | organization and the commission; providing for use of  
52 | property and services; providing for activities of the  
53 | organization; providing for budgets and audits; providing  
54 | limits of the powers of the organization; authorizing  
55 | commission rulemaking concerning the organization;

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56 | amending s. 419.001, F.S.; correcting a cross-reference;  
 57 | providing an effective date.

58 |

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

60 |

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

63 | 760.01 Purposes; construction; title.--

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

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

76 | 760.02 Definitions.--For the purposes of ss. 760.01-760.11  
 77 | and 509.092, the term:

78 | (1) ~~(10)~~ "Aggrieved person" means any person who files a  
 79 | complaint with the Human Relations Commission.

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

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

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

85 1. A physical or mental impairment that substantially  
 86 limits one or more of the major life activities of such  
 87 individual;

88 2. A record of such impairment;

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

90 4. Having a developmental disability as defined in s.  
 91 393.063.

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

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

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

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

108 (8)-(1) "Florida Civil Rights Act of 1992" means ss.  
 109 760.01-760.11 and 509.092.

110 (9) "Labor organization" means any organization which  
 111 exists for the purpose, in whole or in part, of collective

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112 bargaining or of dealing with employers concerning grievances,  
113 terms or conditions of employment, or other mutual aid or  
114 protection in connection with employment.

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

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

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

125 (11)~~(5)~~ "National origin" includes ancestry.

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

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

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

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

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

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

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

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

164 (b) An individual meets the requirement of being regarded  
 165 as having such an impairment if the individual establishes that  
 166 he or she has been subjected to an action prohibited under ss.

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167 760.01-760.11 or 509.092 because of an actual or perceived  
168 physical or mental impairment, whether or not the impairment  
169 limits or is perceived to limit a major life activity. An  
170 individual shall not be deemed to be disabled for an impairment  
171 that is transitory and minor. An impairment that is episodic or  
172 in remission is a disability if it would substantially limit a  
173 major life activity when such impairment is active or not in  
174 remission. The determination of whether an impairment  
175 substantially limits a major life activity shall be made without  
176 regard to the ameliorative effects of mitigating measures such  
177 as:

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

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

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

195           760.05 Functions of the commission.--The commission shall  
 196 promote and encourage fair treatment and equal opportunity for  
 197 all persons regardless of race, color, religion, sex, national  
 198 origin, age, disability ~~handicap~~, or marital status and mutual  
 199 understanding and respect among all members of all economic,  
 200 social, racial, religious, and ethnic groups; and shall endeavor  
 201 to eliminate discrimination against, and antagonism between,  
 202 religious, racial, and ethnic groups and their members.

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

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

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



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

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

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

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

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251 damages provided for in this section may be initiated only after  
 252 the plaintiff has exhausted his or her administrative remedy.  
 253 The term "public accommodations" does not include lodge halls or  
 254 other similar facilities of private organizations which are made  
 255 available for public use occasionally or periodically. The right  
 256 to trial by jury is preserved in any case in which the plaintiff  
 257 is seeking actual or punitive damages.

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

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

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

273 760.10 Unlawful employment practices.--

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

275 (a) To discharge or to fail or refuse to hire any  
 276 individual, or otherwise to discriminate against any individual  
 277 with respect to compensation, terms, conditions, or privileges  
 278 of employment, because of such individual's race, color,

279 religion, sex, national origin, age, disability ~~handicap~~, or  
 280 marital status.

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

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

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

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

301 (b) To limit, segregate, or classify its membership or  
 302 applicants for membership, or to classify or fail or refuse to  
 303 refer for employment any individual, in any way which would  
 304 deprive or tend to deprive any individual of employment  
 305 opportunities, or adversely affect any individual's status as an  
 306 employee or as an applicant for employment, because of such

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307 individual's race, color, religion, sex, national origin, age,  
 308 disability ~~handicap~~, or marital status.

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

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

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

330 (6) It is an unlawful employment practice for an employer,  
 331 labor organization, employment agency, or joint labor-management  
 332 committee to print, or cause to be printed or published, any  
 333 notice or advertisement relating to employment, membership,  
 334 classification, referral for employment, or apprenticeship or

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335 other training, indicating any preference, limitation,  
336 specification, or discrimination, based on race, color,  
337 religion, sex, national origin, age, absence of disability  
338 ~~handicap~~, or marital status.

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

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

351 (10) The protections of this section extend to women who  
352 are pregnant or who have any medical condition related to  
353 pregnancy or childbirth. Women affected by pregnancy,  
354 childbirth, or any medical condition related to pregnancy or  
355 childbirth must be treated the same for employment-related  
356 purposes as all other persons having similar abilities.

357 Section 8. Subsections (1), (3), and (8) of section  
358 760.11, Florida Statutes, are amended, subsection (16) is added  
359 to that section, and, for purposes of incorporating the  
360 amendments to section 760.10, Florida Statutes, in a reference  
361 thereto, subsection (15) of section 760.11, Florida Statutes, is  
362 reenacted, to read:

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363 760.11 Administrative and civil remedies; construction.--  
364 (1) Any person aggrieved by a violation of ss. 760.01-  
365 760.10 may file a complaint with the commission within 365 days  
366 of the alleged violation, naming the employer, employment  
367 agency, labor organization, or joint labor-management committee,  
368 or, in the case of an alleged violation of s. 760.10(5), the  
369 person responsible for the violation and describing the  
370 violation. Any person aggrieved by a violation of s. 509.092 may  
371 file a complaint with the commission within 365 days of the  
372 alleged violation naming the person responsible for the  
373 violation and describing the violation. The commission, a  
374 commissioner, or the Attorney General may in like manner file  
375 such a complaint. On the same day the complaint is filed with  
376 the commission, the commission shall clearly stamp on the face  
377 of the complaint the date the complaint was filed with the  
378 commission. In lieu of filing the complaint with the commission,  
379 a complaint under this section may be filed with the federal  
380 Equal Employment Opportunity Commission or with any unit of  
381 government of the state which is a fair-employment-practice  
382 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the  
383 complaint is filed is clearly stamped on the face of the  
384 complaint, that date is the date of filing. The date the  
385 complaint is filed with the commission for purposes of this  
386 section is the earliest date of filing with the Equal Employment  
387 Opportunity Commission, the fair-employment-practice agency, or  
388 the commission. The complaint shall contain a short and plain  
389 statement of the facts describing the violation and the relief  
390 sought. The commission may require additional information to be

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

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

413 (8) In the event that the commission fails to conciliate  
 414 or determine whether there is reasonable cause on any complaint  
 415 under this section within 180 days of the filing of the  
 416 complaint, an aggrieved person may proceed under subsection (4),  
 417 as if the commission determined that there was reasonable cause,  
 418 except that any civil action filed under this section shall be

419 commenced no later than 4 years after the date the cause of  
 420 action accrued.

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

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

438 Section 9. Section 760.12, Florida Statutes, is created to  
 439 read:

440 760.12 Computation of time.--In computing any period of  
 441 time prescribed in this chapter, the day of the act, event, or  
 442 default from which the designated period of time begins to run  
 443 shall not be included. The last day of the period so computed  
 444 shall be included unless it is a Saturday, Sunday, or legal  
 445 state holiday, in which event the period shall run until the end  
 446 of the next day which is not a Saturday, Sunday, or legal state



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447 holiday. When the period of time prescribed or allowed is less  
448 than 7 days, intermediate Saturdays, Sundays, and legal state  
449 holidays shall be excluded in the computation.

450 Section 10. Section 760.22, Florida Statutes, is amended  
451 to read:

452 760.22 Definitions.--As used in ss. 760.20-760.37, the  
453 term:

454 (1) "Commission" means the Florida Commission on Human  
455 Relations.

456 (2) "Covered multifamily dwelling" means:

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

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

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

463 (4)~~(3)~~ "Discriminatory housing practice" means an act that  
464 is unlawful under the terms of ss. 760.20-760.37.

465 (5)~~(4)~~ "Dwelling" means any building or structure, or  
466 portion thereof, which is occupied as, or designed or intended  
467 for occupancy as, a residence by one or more families, and any  
468 vacant land which is offered for sale or lease for the  
469 construction or location on the land of any such building or  
470 structure, or portion thereof.

471 (6)~~(5)~~ "Familial status" is established when an individual  
472 who has not attained the age of 18 years is domiciled with:

473 (a) A parent or other person having legal custody of such  
474 individual; or

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

478 (7)~~(6)~~ "Family" includes a single individual.

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

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

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

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

488 (9)~~(8)~~ "Person" includes one or more individuals,  
489 corporations, partnerships, associations, labor organizations,  
490 legal representatives, mutual companies, joint-stock companies,  
491 trusts, unincorporated organizations, trustees, trustees in  
492 bankruptcy, receivers, and fiduciaries.

493 (10)~~(9)~~ "Substantially equivalent" means an administrative  
494 subdivision of the State of Florida meeting the requirements of  
495 24 C.F.R. part 115, s. 115.6.

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

498 (12)~~(10)~~ "To rent" includes to lease, to sublease, to let,  
499 and otherwise to grant for a consideration the right to occupy  
500 premises not owned by the occupant.

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

503 Section 11. Section 760.23, Florida Statutes, is amended  
 504 to read:

505 760.23 Discrimination in the sale or rental of housing and  
 506 other prohibited practices.--

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

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

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

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

529 (5) It is unlawful, for profit, to induce or attempt to  
 530 induce any person to sell or rent any dwelling by a

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531 representation regarding the entry or prospective entry into the  
532 neighborhood of a person or persons of a particular race, color,  
533 national origin, sex, disability ~~handicap~~, familial status, or  
534 religion.

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

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

543 (a) That buyer or renter;

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

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

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

552 (a) That buyer or renter;

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

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

556 (9) For purposes of subsections (7) and (8),  
557 discrimination includes:

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

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

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

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

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

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

- 582 1. An accessible route into and through the dwelling.
- 583 2. Light switches, electrical outlets, thermostats, and
- 584 other environmental controls in accessible locations.

585 3. Reinforcements in bathroom walls to allow later  
586 installation of grab bars.

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

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

595  
596 State agencies with building construction regulation  
597 responsibility or local governments, as appropriate, shall  
598 review the plans and specifications for the construction of  
599 covered multifamily dwellings to determine consistency with the  
600 requirements of this subsection.

601 Section 12. Section 760.24, Florida Statutes, is amended  
602 to read:

603 760.24 Discrimination in the provision of brokerage  
604 services.--It is unlawful to deny any person access to, or  
605 membership or participation in, any multiple-listing service,  
606 real estate brokers' organization, or other service,  
607 organization, or facility relating to the business of selling or  
608 renting dwellings, or to discriminate against him or her in the  
609 terms or conditions of such access, membership, or  
610 participation, on account of race, color, national origin, sex,  
611 disability ~~handicap~~, familial status, or religion.

612 Section 13. Section 760.25, Florida Statutes, is amended  
 613 to read:

614 760.25 Discrimination in the financing of housing or in  
 615 residential real estate transactions.--

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

635 (2) (a) It is unlawful for any person or entity whose  
 636 business includes engaging in residential real estate  
 637 transactions to discriminate against any person in making  
 638 available such a transaction, or in the terms or conditions of

639 such a transaction, because of race, color, national origin,  
 640 sex, disability ~~handicap~~, familial status, or religion.

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

643 1. The making or purchasing of loans or providing other  
 644 financial assistance:

645 a. For purchasing, constructing, improving, repairing, or  
 646 maintaining a dwelling; or

647 b. Secured by residential real estate.

648 2. The selling, brokering, or appraising of residential  
 649 real property.

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

653 760.29 Exemptions.--

654 (4)

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



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

683

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

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

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

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

693 760.31 Powers and duties of commission.--The commission  
694 shall:

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

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

706 760.32 Investigations; subpoenas; oaths.--

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

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

725 760.34 Enforcement.--

726 (2) A complaint under subsection (1) must be filed within  
 727 1 year after the alleged discriminatory housing practice  
 728 occurred. The complaint must be in writing and shall state the  
 729 facts upon which the allegations of a discriminatory housing  
 730 practice are based. A complaint may be reasonably and fairly  
 731 amended at any time. A respondent shall ~~may~~ file a response ~~an~~  
 732 ~~answer~~ to the complaint against him or her and, with the leave  
 733 of the commission, which shall be granted whenever it would be  
 734 reasonable and fair to do so, may amend his or her response  
 735 ~~answer~~ at any time. Both complaint and response ~~answer~~ shall be  
 736 verified.

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

746 (a) If, as a result of its investigation under subsection  
 747 (1), the commission finds there is reasonable cause to believe  
 748 that a discriminatory housing practice has occurred, at the  
 749 request of the person aggrieved, the Attorney General shall

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750 bring an action in the name of the state on behalf of the  
751 aggrieved person to enforce the provisions of ss. 760.20-760.37.

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

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

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

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

786           760.50 Discrimination on the basis of AIDS, AIDS-related  
 787 complex, and HIV prohibited.--

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

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

795           760.60 Discriminatory practices of certain clubs  
 796 prohibited; remedies.--

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

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

815 Section 20. Section 760.13, Florida Statutes, is created  
816 to read:

817 760.13 Florida Commission on Human Relations; direct-  
818 support organization.--

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

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

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

827 (b) "Direct-support organization" means an organization  
828 that is:

829 1. A Florida corporation not for profit, incorporated  
830 under the provisions of chapter 617 and approved by the  
831 Department of State. The organization is exempt from filing fees  
832 under s. 617.0122.

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833 (c) "Personal services" includes full-time or part-time  
834 personnel.

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

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

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

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

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

852 (b) Shall be authorized to receive federal subsidies,  
853 endowments, grants, and aid, but not authorized to receive any  
854 donations from any private or public entity, or individuals  
855 connected with such entities, in any manner over which the  
856 commission has regulatory authority pursuant to this chapter.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

920 (8) ANNUAL BUDGETS AND REPORTS.--

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

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

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

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

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

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

941 419.001 Site selection of community residential homes.--

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

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

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