

By Senator Deutch

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1                   A bill to be entitled  
2           An act relating to prohibited discrimination; amending  
3           s. 760.01, F.S.; revising provisions to include sexual  
4           orientation, gender identity or expression, pregnancy,  
5           and familial status as impermissible grounds for  
6           discrimination; conforming terminology; amending s.  
7           760.02, F.S.; defining additional terms; amending ss.  
8           760.05, 760.07, 760.08, and 760.10, F.S.; revising  
9           provisions to include sexual orientation, gender  
10          identity or expression, pregnancy, familial status,  
11          and marital status as impermissible grounds for  
12          discrimination; conforming terminology; amending s.  
13          509.092, F.S.; revising provisions to include sexual  
14          orientation, gender identity or expression, pregnancy,  
15          and familial status as impermissible grounds for  
16          discrimination in public lodging establishments and  
17          public food service establishments; amending s.  
18          760.22, F.S.; defining additional terms; deleting the  
19          definition of the term "handicap"; amending ss.  
20          760.23, 760.24, 760.25, 760.26, and 760.29, F.S.;  
21          revising provisions to include sexual orientation,  
22          gender identity or expression, pregnancy, familial  
23          status, and marital status as impermissible grounds  
24          for discrimination; conforming terminology; amending  
25          ss. 760.31 and 760.50, F.S.; conforming terminology;  
26          amending s. 760.60, F.S.; revising provisions to  
27          include sexual orientation, gender identity or  
28          expression, pregnancy, and familial status as  
29          impermissible grounds for discrimination; conforming

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30 terminology; amending s. 419.001, F.S.; conforming a  
31 cross-reference; providing an effective date.  
32

33 Be It Enacted by the Legislature of the State of Florida:  
34

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

37 760.01 Purposes; construction; title.—

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

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

51 760.02 Definitions.—For the purposes of ss. 760.01-760.11  
52 and 509.092, the term:

53 (1) "Aggrieved person" means any person who files a  
54 complaint with the Florida Commission on Human Relations  
55 ~~"Florida Civil Rights Act of 1992" means ss. 760.01-760.11 and~~  
56 ~~509.092.~~

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

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

61 (4) "Disability" means:

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

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

66 (5)-(4) "Discriminatory practice" means any practice made  
67 unlawful by the Florida Civil Rights Act of 1992.

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

72 (7) "Employment agency" means any person regularly  
73 undertaking, with or without compensation, to procure employees  
74 for an employer or to procure for employees opportunities to  
75 work for an employer, and includes an agent of such a person.

76 (8) "Familial status" is established when an individual who  
77 has not attained the age of 18 years is domiciled with:

78 (a) A parent or other person having legal custody of such  
79 individual; or

80 (b) A designee of a parent or other person having legal  
81 custody of the individual, with the written permission of such  
82 parent or other person.

83 (9) "Florida Civil Rights Act of 1992" means ss. 760.01-  
84 760.11 and 509.092.

85 (10) "Gender identity or expression" means a gender-related  
86 identity, appearance, expression, or behavior of an individual,  
87 regardless of the individual's assigned sex at birth.

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88       (11) "Labor organization" means any organization that  
89 exists for the purpose, in whole or in part, of collective  
90 bargaining or of dealing with employers concerning grievances,  
91 terms or conditions of employment, or other mutual aid or  
92 protection in connection with employment.

93       ~~(12)-(5)~~ "National origin" includes ancestry.

94       ~~(13)-(6)~~ "Person" includes an individual, association,  
95 corporation, joint apprenticeship committee, joint-stock  
96 company, labor union, legal representative, mutual company,  
97 partnership, receiver, trust, trustee in bankruptcy, or  
98 unincorporated organization; any other legal or commercial  
99 entity; the state; or any governmental entity or agency.

100       ~~(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       ~~(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       ~~(9) "Labor organization" means any organization which~~  
109 ~~exists for the purpose, in whole or in part, of collective~~  
110 ~~bargaining or of dealing with employers concerning grievances,~~  
111 ~~terms or conditions of employment, or other mutual aid or~~  
112 ~~protection in connection with employment.~~

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

115       ~~(14)-(11)~~ "Public accommodations" means places of public  
116 accommodation that affect commerce, lodgings, facilities

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117 ~~principally engaged in selling food for consumption on the~~  
118 ~~premises, gasoline stations, places of exhibition or~~  
119 ~~entertainment, and other covered establishments.~~ Each of the  
120 following categories of establishments that serve ~~which serves~~  
121 the public is a place of public accommodation within the meaning  
122 of this section:

123 (a) Any inn, hotel, motel, or other place of lodging,  
124 except for an establishment located within a building that  
125 contains not more than five rooms for rent or hire and that is  
126 actually occupied by the proprietor of such establishment as his  
127 or her residence ~~which provides lodging to transient guests,~~  
128 ~~other than an establishment located within a building which~~  
129 ~~contains not more than four rooms for rent or hire and which is~~  
130 ~~actually occupied by the proprietor of such establishment as his~~  
131 ~~or her residence.~~

132 (b) Any restaurant, bar, or other establishment serving  
133 food or drink ~~cafeteria, lunchroom, lunch counter, soda~~  
134 ~~fountain, or other facility principally engaged in selling food~~  
135 ~~for consumption on the premises, including, but not limited to,~~  
136 ~~any such facility located on the premises of any retail~~  
137 ~~establishment, or any gasoline station.~~

138 (c) Any motion picture house ~~theater,~~ theater, concert  
139 hall, sports arena, stadium, or other place of exhibition or  
140 entertainment.

141 (d) Any auditorium, convention center, lecture hall, or  
142 other place of public gathering.

143 (e) Any bakery, grocery store, clothing store, hardware  
144 store, shopping center, or other sales or rental establishment.

145 (f) Any laundromat, dry cleaner, bank, barber shop, beauty

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146 shop, travel service, shoe repair service, funeral parlor, gas  
 147 station, office of an accountant or lawyer, pharmacy, insurance  
 148 office, professional office of a health care provider, hospital,  
 149 or other service establishment.

150 (g) Any terminal, depot, or other station used for public  
 151 transportation.

152 (h) Any museum, library, gallery, or other place of public  
 153 display or collection.

154 (i) Any park, zoo, amusement park, or other place of  
 155 recreation.

156 (j) Any nursery, elementary, secondary, undergraduate, or  
 157 postgraduate public or private school, or other place of  
 158 education.

159 (k) Any day care center, senior citizen center, homeless  
 160 shelter, food bank, adoption agency, or other social service  
 161 center establishment.

162 (l) Any gymnasium, health spa, bowling alley, golf course,  
 163 or other place of exercise or recreation.

164 (m)~~(d)~~ Any establishment which is physically located within  
 165 the premises of any establishment otherwise covered by this  
 166 subsection, or within the premises of which is physically  
 167 located any such covered establishment, and which holds itself  
 168 out as serving patrons of such covered establishment.

169 (15) "Sexual orientation" means an individual's actual or  
 170 perceived heterosexuality, homosexuality, or bisexuality.

171 Section 3. Section 760.05, Florida Statutes, is amended to  
 172 read:

173 760.05 Functions of the commission.—The commission shall  
 174 promote and encourage fair treatment and equal opportunity for

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175 all persons regardless of race, color, religion, sex, national  
176 origin, age, disability, sexual orientation, gender identity or  
177 expression, pregnancy, familial status ~~handicap~~, or marital  
178 status and mutual understanding and respect among all members of  
179 all economic, social, racial, religious, and ethnic groups; and  
180 shall endeavor to eliminate discrimination against, and  
181 antagonism between, religious, racial, and ethnic groups and  
182 their members.

183 Section 4. Section 760.07, Florida Statutes, is amended to  
184 read:

185 760.07 Remedies for unlawful discrimination.—Any violation  
186 of any Florida statute making unlawful discrimination because of  
187 race, color, religion, gender, national origin, age, disability,  
188 sexual orientation, gender identity or expression, pregnancy,  
189 familial status ~~handicap~~, or marital status in the areas of  
190 education, employment, housing, or public accommodations gives  
191 rise to a cause of action for all relief and damages described  
192 in s. 760.11(5), unless greater damages are expressly provided  
193 for. If the statute prohibiting unlawful discrimination provides  
194 an administrative remedy, the action for equitable relief and  
195 damages provided for in this section may be initiated only after  
196 the plaintiff has exhausted his or her administrative remedy.  
197 The term "public accommodations" does not include lodge halls or  
198 other similar facilities of private organizations which are made  
199 available for public use occasionally or periodically. The right  
200 to trial by jury is preserved in any case in which the plaintiff  
201 is seeking actual or punitive damages.

202 Section 5. Section 760.08, Florida Statutes, is amended to  
203 read:

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204 760.08 Discrimination in places of public accommodation.—

205 All persons shall be entitled to the full and equal enjoyment of  
206 the goods, services, facilities, privileges, advantages, and  
207 accommodations of any place of public accommodation, as defined  
208 in this chapter, without discrimination or segregation on the  
209 ground of race, color, national origin, sex, disability, sexual  
210 orientation, gender identity or expression, pregnancy ~~handicap~~,  
211 familial status, marital status, or religion.

212 Section 6. Subsections (1) and (2), paragraphs (a) and (b)  
213 of subsection (3), subsections (4), (5), and (6), and paragraph  
214 (a) of subsection (8) of section 760.10, Florida Statutes, are  
215 amended to read:

216 760.10 Unlawful employment practices.—

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

218 (a) To discharge or to fail or refuse to hire any  
219 individual, or otherwise to discriminate against any individual  
220 with respect to compensation, terms, conditions, or privileges  
221 of employment, because of such individual's race, color,  
222 religion, sex, national origin, age, disability, sexual  
223 orientation, gender identity or expression, pregnancy, familial  
224 status ~~handicap~~, or marital status.

225 (b) To limit, segregate, or classify employees or  
226 applicants for employment in any way which would deprive or tend  
227 to deprive any individual of employment opportunities, or  
228 adversely affect any individual's status as an employee, because  
229 of such individual's race, color, religion, sex, national  
230 origin, age, disability, sexual orientation, gender identity or  
231 expression, pregnancy, familial status ~~handicap~~, or marital  
232 status.



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233 (2) It is an unlawful employment practice for an employment  
234 agency to fail or refuse to refer for employment, or otherwise  
235 to discriminate against, any individual because of race, color,  
236 religion, sex, national origin, age, disability, sexual  
237 orientation, gender identity or expression, pregnancy, familial  
238 status ~~handicap~~, or marital status or to classify or refer for  
239 employment any individual on the basis of race, color, religion,  
240 sex, national origin, age, disability, sexual orientation,  
241 gender identity or expression, pregnancy, familial status  
242 ~~handicap~~, or marital status.

243 (3) It is an unlawful employment practice for a labor  
244 organization:

245 (a) To exclude or to expel from its membership, or  
246 otherwise to discriminate against, any individual because of  
247 race, color, religion, sex, national origin, age, disability,  
248 sexual orientation, gender identity or expression, pregnancy,  
249 familial status ~~handicap~~, or marital status.

250 (b) To limit, segregate, or classify its membership or  
251 applicants for membership, or to classify or fail or refuse to  
252 refer for employment any individual, in any way which would  
253 deprive or tend to deprive any individual of employment  
254 opportunities, or adversely affect any individual's status as an  
255 employee or as an applicant for employment, because of such  
256 individual's race, color, religion, sex, national origin, age,  
257 disability, sexual orientation, gender identity or expression,  
258 pregnancy, familial status ~~handicap~~, or marital status.

259 (4) It is an unlawful employment practice for any employer,  
260 labor organization, or joint labor-management committee  
261 controlling apprenticeship or other training or retraining,

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262 including on-the-job training programs, to discriminate against  
263 any individual because of race, color, religion, sex, national  
264 origin, age, disability, sexual orientation, gender identity or  
265 expression, pregnancy, familial status ~~handicap~~, or marital  
266 status in admission to, or employment in, any program  
267 established to provide apprenticeship or other training.

268 (5) Whenever, in order to engage in a profession,  
269 occupation, or trade, it is required that a person receive a  
270 license, certification, or other credential, become a member or  
271 an associate of any club, association, or other organization, or  
272 pass any examination, it is an unlawful employment practice for  
273 any person to discriminate against any other person seeking such  
274 license, certification, or other credential, seeking to become a  
275 member or associate of such club, association, or other  
276 organization, or seeking to take or pass such examination,  
277 because of such other person's race, color, religion, sex,  
278 national origin, age, disability, sexual orientation, gender  
279 identity or expression, pregnancy, familial status ~~handicap~~, or  
280 marital status.

281 (6) It is an unlawful employment practice for an employer,  
282 labor organization, employment agency, or joint labor-management  
283 committee to print, or cause to be printed or published, any  
284 notice or advertisement relating to employment, membership,  
285 classification, referral for employment, or apprenticeship or  
286 other training, indicating any preference, limitation,  
287 specification, or discrimination, based on race, color,  
288 religion, sex, national origin, age, absence of disability,  
289 sexual orientation, gender identity or expression, pregnancy,  
290 familial status ~~handicap~~, or marital status.

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

295 (a) Take or fail to take any action on the basis of  
296 religion, sex, national origin, age, disability, sexual  
297 orientation, gender identity or expression, pregnancy, familial  
298 status ~~handicap~~, or marital status in those certain instances in  
299 which religion, sex, national origin, age, absence of a  
300 particular disability, sexual orientation, gender identity or  
301 expression, pregnancy, familial status ~~handicap~~, or marital  
302 status is a bona fide occupational qualification reasonably  
303 necessary for the performance of the particular employment to  
304 which such action or inaction is related.

305 Section 7. Section 509.092, Florida Statutes, is amended to  
306 read:

307 509.092 Public lodging establishments and public food  
308 service establishments; rights as private enterprises.—Public  
309 lodging establishments and public food service establishments  
310 are private enterprises, and the operator has the right to  
311 refuse accommodations or service to any person who is  
312 objectionable or undesirable to the operator, but such refusal  
313 may not be based upon race, creed, color, sex, ~~physical~~  
314 disability, sexual orientation, gender identity or expression,  
315 pregnancy, familial status, or national origin. A person  
316 aggrieved by a violation of this section or a violation of a  
317 rule adopted under this section has a right of action pursuant  
318 to s. 760.11.

319 Section 8. Section 760.22, Florida Statutes, is amended to

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320 read:

321 760.22 Definitions.—As used in ss. 760.20-760.37, the term:

322 (1) "Commission" means the Florida Commission on Human  
323 Relations.

324 (2) "Covered multifamily dwelling" means:

325 (a) A building which consists of four or more units and has  
326 an elevator; or327 (b) The ground floor units of a building which consists of  
328 four or more units and does not have an elevator.329 (3) "Disability" has the same meaning as provided in s.  
330 760.02.331 (4)~~(3)~~ "Discriminatory housing practice" means an act that  
332 is unlawful under the terms of ss. 760.20-760.37.333 (5)~~(4)~~ "Dwelling" means any building or structure, or  
334 portion thereof, which is occupied as, or designed or intended  
335 for occupancy as, a residence by one or more families, and any  
336 vacant land which is offered for sale or lease for the  
337 construction or location on the land of any such building or  
338 structure, or portion thereof.339 (6)~~(5)~~ "Familial status" is established when an individual  
340 who has not attained the age of 18 years is domiciled with:341 (a) A parent or other person having legal custody of such  
342 individual; or343 (b) A designee of a parent or other person having legal  
344 custody, with the written permission of such parent or other  
345 person.346 (7)~~(6)~~ "Family" includes a single individual.347 (8) "Gender identity or expression" has the same meaning as  
348 provided in s. 760.02.

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

350 ~~(a) A person has a physical or mental impairment which~~  
351 ~~substantially limits one or more major life activities, or he or~~  
352 ~~she has a record of having, or is regarded as having, such~~  
353 ~~physical or mental impairment; or~~

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

356 (9)~~(8)~~ "Person" includes one or more individuals,  
357 corporations, partnerships, associations, labor organizations,  
358 legal representatives, mutual companies, joint-stock companies,  
359 trusts, unincorporated organizations, trustees, trustees in  
360 bankruptcy, receivers, and fiduciaries.

361 (10) "Sexual orientation" has the same meaning as provided  
362 in s. 760.02.

363 (11)~~(9)~~ "Substantially equivalent" means an administrative  
364 subdivision of the State of Florida meeting the requirements of  
365 24 C.F.R. part 115, s. 115.6.

366 (12)~~(10)~~ "To rent" includes to lease, to sublease, to let,  
367 and otherwise to grant for a consideration the right to occupy  
368 premises not owned by the occupant.

369 Section 9. Subsections (1), (2), (3), (4), (5), (7), and  
370 (8), paragraph (a) of subsection (9), and paragraphs (a) and (d)  
371 of subsection (10) of section 760.23, Florida Statutes, are  
372 amended to read:

373 760.23 Discrimination in the sale or rental of housing and  
374 other prohibited practices.—

375 (1) It is unlawful to refuse to sell or rent after the  
376 making of a bona fide offer, to refuse to negotiate for the sale  
377 or rental of, or otherwise to make unavailable or deny a

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378 dwelling to any person because of race, color, national origin,  
379 sex, disability, sexual orientation, gender identity or  
380 expression, pregnancy handicap, familial status, marital status,  
381 or religion.

382 (2) It is unlawful to discriminate against any person in  
383 the terms, conditions, or privileges of sale or rental of a  
384 dwelling, or in the provision of services or facilities in  
385 connection therewith, because of race, color, national origin,  
386 sex, disability, sexual orientation, gender identity or  
387 expression, pregnancy handicap, familial status, marital status,  
388 or religion.

389 (3) It is unlawful to make, print, or publish, or cause to  
390 be made, printed, or published, any notice, statement, or  
391 advertisement with respect to the sale or rental of a dwelling  
392 that indicates any preference, limitation, or discrimination  
393 based on race, color, national origin, sex, disability, sexual  
394 orientation, gender identity or expression, pregnancy handicap,  
395 familial status, marital status, or religion or an intention to  
396 make any such preference, limitation, or discrimination.

397 (4) It is unlawful to represent to any person because of  
398 race, color, national origin, sex, disability, sexual  
399 orientation, gender identity or expression, pregnancy handicap,  
400 familial status, marital status, or religion that any dwelling  
401 is not available for inspection, sale, or rental when such  
402 dwelling is in fact so available.

403 (5) It is unlawful, for profit, to induce or attempt to  
404 induce any person to sell or rent any dwelling by a  
405 representation regarding the entry or prospective entry into the  
406 neighborhood of a person or persons of a particular race, color,

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407 national origin, sex, disability, sexual orientation, gender  
408 identity or expression, pregnancy ~~handicap~~, familial status,  
409 marital status, or religion.

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

413 (a) That buyer or renter;

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

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

417 (8) It is unlawful to discriminate against any person in  
418 the terms, conditions, or privileges of sale or rental of a  
419 dwelling, or in the provision of services or facilities in  
420 connection with such dwelling, because of a disability ~~handicap~~  
421 of:

422 (a) That buyer or renter;

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

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

426 (9) For purposes of subsections (7) and (8), discrimination  
427 includes:

428 (a) A refusal to permit, at the expense of the disabled  
429 ~~handicapped~~ person, reasonable modifications of existing  
430 premises occupied or to be occupied by such person if such  
431 modifications may be necessary to afford such person full  
432 enjoyment of the premises; or

433 (10) Covered multifamily dwellings as defined herein which  
434 are intended for first occupancy after March 13, 1991, shall be  
435 designed and constructed to have at least one building entrance

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436 on an accessible route unless it is impractical to do so because  
437 of the terrain or unusual characteristics of the site as  
438 determined by commission rule. Such buildings shall also be  
439 designed and constructed in such a manner that:

440 (a) The public use and common use portions of such  
441 dwellings are readily accessible to and usable by disabled  
442 ~~handicapped~~ persons.

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

448  
449 State agencies with building construction regulation  
450 responsibility or local governments, as appropriate, shall  
451 review the plans and specifications for the construction of  
452 covered multifamily dwellings to determine consistency with the  
453 requirements of this subsection.

454 Section 10. Section 760.24, Florida Statutes, is amended to  
455 read:

456 760.24 Discrimination in the provision of brokerage  
457 services.—It is unlawful to deny any person access to, or  
458 membership or participation in, any multiple-listing service,  
459 real estate brokers' organization, or other service,  
460 organization, or facility relating to the business of selling or  
461 renting dwellings, or to discriminate against him or her in the  
462 terms or conditions of such access, membership, or  
463 participation, on account of race, color, national origin, sex,  
464 disability, sexual orientation, gender identity or expression,



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465 pregnancy handicap, familial status, marital status, or  
466 religion.

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

469 760.25 Discrimination in the financing of housing or in  
470 residential real estate transactions.—

471 (1) It is unlawful for any bank, building and loan  
472 association, insurance company, or other corporation,  
473 association, firm, or enterprise the business of which consists  
474 in whole or in part of the making of commercial real estate  
475 loans to deny a loan or other financial assistance to a person  
476 applying for the loan for the purpose of purchasing,  
477 constructing, improving, repairing, or maintaining a dwelling,  
478 or to discriminate against him or her in the fixing of the  
479 amount, interest rate, duration, or other term or condition of  
480 such loan or other financial assistance, because of the race,  
481 color, national origin, sex, disability, sexual orientation,  
482 gender identity or expression, pregnancy handicap, familial  
483 status, marital status, or religion of such person or of any  
484 person associated with him or her in connection with such loan  
485 or other financial assistance or the purposes of such loan or  
486 other financial assistance, or because of the race, color,  
487 national origin, sex, disability, sexual orientation, gender  
488 identity or expression, pregnancy handicap, familial status,  
489 marital status, or religion of the present or prospective  
490 owners, lessees, tenants, or occupants of the dwelling or  
491 dwellings in relation to which such loan or other financial  
492 assistance is to be made or given.

493 (2) (a) It is unlawful for any person or entity whose

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494 business includes engaging in residential real estate  
495 transactions to discriminate against any person in making  
496 available such a transaction, or in the terms or conditions of  
497 such a transaction, because of race, color, national origin,  
498 sex, disability, sexual orientation, gender identity or  
499 expression, pregnancy handicap, familial status, marital status,  
500 or religion.

501 Section 12. Section 760.26, Florida Statutes, is amended to  
502 read:

503 760.26 Prohibited discrimination in land use decisions and  
504 in permitting of development.—It is unlawful to discriminate in  
505 land use decisions or in the permitting of development based on  
506 race, color, national origin, sex, sexual orientation, gender  
507 identity or expression, disability, marital status, pregnancy,  
508 familial status, religion, or, except as otherwise provided by  
509 law, the source of financing of a development or proposed  
510 development.

511 Section 13. Paragraph (a) of subsection (5) of section  
512 760.29, Florida Statutes, is amended to read:

513 760.29 Exemptions.—

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

515 (a) Prohibits a person engaged in the business of  
516 furnishing appraisals of real property from taking into  
517 consideration factors other than race, color, national origin,  
518 sex, disability, sexual orientation, gender identity or  
519 expression, pregnancy handicap, familial status, marital status,  
520 or religion.

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

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523           760.31 Powers and duties of commission.—The commission  
524 shall:

525           (5) Adopt rules necessary to implement ss. 760.20-760.37  
526 and govern the proceedings of the commission in accordance with  
527 chapter 120. Commission rules shall clarify terms used with  
528 regard to disabled ~~handicapped~~ accessibility, exceptions from  
529 accessibility requirements based on terrain or site  
530 characteristics, and requirements related to housing for older  
531 persons. Commission rules shall specify the fee and the forms  
532 and procedures to be used for the registration required by s.  
533 760.29(4) (e).

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

536           760.50 Discrimination on the basis of AIDS, AIDS-related  
537 complex, and HIV prohibited.—

538           (2) Any person with or perceived as having acquired immune  
539 deficiency syndrome, acquired immune deficiency syndrome related  
540 complex, or human immunodeficiency virus shall have every  
541 protection made available to disabled ~~handicapped~~ persons.

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

544           760.60 Discriminatory practices of certain clubs  
545 prohibited; remedies.—

546           (1) It is unlawful for a person to discriminate against any  
547 individual because of race, color, religion, gender, national  
548 origin, disability, sexual orientation, gender identity or  
549 expression, pregnancy, familial status ~~handicap~~, age above the  
550 age of 21, or marital status in evaluating an application for  
551 membership in a club that has more than 400 members, that

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552 provides regular meal service, and that regularly receives  
553 payment for dues, fees, use of space, facilities, services,  
554 meals, or beverages directly or indirectly from nonmembers for  
555 business purposes. It is unlawful for a person, on behalf of  
556 such a club, to publish, circulate, issue, display, post, or  
557 mail any advertisement, notice, or solicitation that contains a  
558 statement to the effect that the accommodations, advantages,  
559 facilities, membership, or privileges of the club are denied to  
560 any individual because of race, color, religion, gender,  
561 national origin, disability, sexual orientation, gender identity  
562 or expression, pregnancy, familial status ~~handicap~~, age above  
563 the age of 21, or marital status. This subsection does not apply  
564 to fraternal or benevolent organizations, ethnic clubs, or  
565 religious organizations where business activity is not  
566 prevalent.

567 Section 17. Paragraph (d) of subsection (1) of section  
568 419.001, Florida Statutes, is amended to read:

569 419.001 Site selection of community residential homes.—

570 (1) For the purposes of this section, the following  
571 definitions shall apply:

572 (d) "Resident" means any of the following: a frail elder as  
573 defined in s. 429.65; a physically disabled ~~or handicapped~~  
574 person as defined in s. 760.22(3) ~~s. 760.22(7)(a)~~; a  
575 developmentally disabled person as defined in s. 393.063; a  
576 nondangerous mentally ill person as defined in s. 394.455(18);  
577 or a child who is found to be dependent as defined in s. 39.01  
578 or s. 984.03, or a child in need of services as defined in s.  
579 984.03 or s. 985.03.

580 Section 18. This act shall take effect July 1, 2009.