

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

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29 419.001, F.S.; conforming a cross-reference; providing an  
 30 effective date.

31

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

33

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

36 760.01 Purposes; construction; title.--

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

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

50 760.02 Definitions.--For the purposes of ss. 760.01-760.11  
 51 and 509.092, the term:

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

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

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

60 (4) "Disability" means:

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

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

65 (5)-(4) "Discriminatory practice" means any practice made  
 66 unlawful by the Florida Civil Rights Act of 1992.

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

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

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

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

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

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

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

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  
 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  
 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  
 165 within the premises of any establishment otherwise covered by

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166 this 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  
 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  
 186 violation of any Florida statute making unlawful discrimination  
 187 because of race, color, religion, gender, national origin, age,  
 188 disability, sexual orientation, gender identity or expression,  
 189 pregnancy, familial status ~~handicap~~, or marital status in the  
 190 areas of education, employment, housing, or public  
 191 accommodations gives rise to a cause of action for all relief  
 192 and damages described in s. 760.11(5), unless greater damages  
 193 are expressly provided for. If the statute prohibiting unlawful

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194 discrimination provides an administrative remedy, the action for  
 195 equitable relief and damages provided for in this section may be  
 196 initiated only after the plaintiff has exhausted his or her  
 197 administrative remedy. The term "public accommodations" does not  
 198 include lodge halls or other similar facilities of private  
 199 organizations which are made available for public use  
 200 occasionally or periodically. The right to trial by jury is  
 201 preserved in any case in which the plaintiff is seeking actual  
 202 or punitive damages.

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

205 760.08 Discrimination in places of public  
 206 accommodation.--All persons shall be entitled to the full and  
 207 equal enjoyment of the goods, services, facilities, privileges,  
 208 advantages, and accommodations of any place of public  
 209 accommodation, as defined in this chapter, without  
 210 discrimination or segregation on the ground of race, color,  
 211 national origin, sex, disability, sexual orientation, gender  
 212 identity or expression, pregnancy ~~handicap~~, familial status,  
 213 marital status, or religion.

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

218 760.10 Unlawful employment practices.--

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

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



222 with respect to compensation, terms, conditions, or privileges  
 223 of employment, because of such individual's race, color,  
 224 religion, sex, national origin, age, disability, sexual  
 225 orientation, gender identity or expression, pregnancy, familial  
 226 status ~~handicap~~, or marital status.

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

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

245 (3) It is an unlawful employment practice for a labor  
 246 organization:

247 (a) To exclude or to expel from its membership, or  
 248 otherwise to discriminate against, any individual because of  
 249 race, color, religion, sex, national origin, age, disability,

250 sexual orientation, gender identity or expression, pregnancy,  
 251 familial status ~~handicap~~, or marital status.

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

261 (4) It is an unlawful employment practice for any  
 262 employer, labor organization, or joint labor-management  
 263 committee controlling apprenticeship or other training or  
 264 retraining, including on-the-job training programs, to  
 265 discriminate against any individual because of race, color,  
 266 religion, sex, national origin, age, disability, sexual  
 267 orientation, gender identity or expression, pregnancy, familial  
 268 status ~~handicap~~, or marital status in admission to, or  
 269 employment in, any program established to provide apprenticeship  
 270 or other training.

271 (5) Whenever, in order to engage in a profession,  
 272 occupation, or trade, it is required that a person receive a  
 273 license, certification, or other credential, become a member or  
 274 an associate of any club, association, or other organization, or  
 275 pass any examination, it is an unlawful employment practice for  
 276 any person to discriminate against any other person seeking such  
 277 license, certification, or other credential, seeking to become a

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278 member or associate of such club, association, or other  
279 organization, or seeking to take or pass such examination,  
280 because of such other person's race, color, religion, sex,  
281 national origin, age, disability, sexual orientation, gender  
282 identity or expression, pregnancy, familial status ~~handicap~~, or  
283 marital status.

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

294 (8) Notwithstanding any other provision of this section,  
295 it is not an unlawful employment practice under ss. 760.01-  
296 760.10 for an employer, employment agency, labor organization,  
297 or joint labor-management committee to:

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

306 necessary for the performance of the particular employment to  
 307 which such action or inaction is related.

308 Section 7. Section 509.092, Florida Statutes, is amended  
 309 to read:

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

322 Section 8. Section 760.22, Florida Statutes, is amended to  
 323 read:

324 760.22 Definitions.--As used in ss. 760.20-760.37, the  
 325 term:

326 (1) "Commission" means the Florida Commission on Human  
 327 Relations.

328 (2) "Covered multifamily dwelling" means:

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

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

333           (3) "Disability" has the same meaning as provided in s.  
 334 760.02.

335           ~~(4)(3)~~ "Discriminatory housing practice" means an act that  
 336 is unlawful under the terms of ss. 760.20-760.37.

337           ~~(5)(4)~~ "Dwelling" means any building or structure, or  
 338 portion thereof, which is occupied as, or designed or intended  
 339 for occupancy as, a residence by one or more families, and any  
 340 vacant land which is offered for sale or lease for the  
 341 construction or location on the land of any such building or  
 342 structure, or portion thereof.

343           ~~(6)(5)~~ "Familial status" is established when an individual  
 344 who has not attained the age of 18 years is domiciled with:

345           (a) A parent or other person having legal custody of such  
 346 individual; or

347           (b) A designee of a parent or other person having legal  
 348 custody, with the written permission of such parent or other  
 349 person.

350           ~~(7)(6)~~ "Family" includes a single individual.

351           (8) "Gender identity or expression" has the same meaning  
 352 as provided in s. 760.02.

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

354           ~~(a) A person has a physical or mental impairment which~~  
 355 ~~substantially limits one or more major life activities, or he or~~  
 356 ~~she has a record of having, or is regarded as having, such~~  
 357 ~~physical or mental impairment; or~~

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

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

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

367        ~~(11)~~ ~~(9)~~ "Substantially equivalent" means an administrative  
368 subdivision of the State of Florida meeting the requirements of  
369 24 C.F.R. part 115, s. 115.6.

370        ~~(12)~~ ~~(10)~~ "To rent" includes to lease, to sublease, to let,  
371 and otherwise to grant for a consideration the right to occupy  
372 premises not owned by the occupant.

373        Section 9. Subsections (1), (2), (3), (4), (5), (7), and  
374 (8), paragraph (a) of subsection (9), and paragraphs (a) and (d)  
375 of subsection (10) of section 760.23, Florida Statutes, are  
376 amended to read:

377        760.23 Discrimination in the sale or rental of housing and  
378 other prohibited practices.--

379        (1) It is unlawful to refuse to sell or rent after the  
380 making of a bona fide offer, to refuse to negotiate for the sale  
381 or rental of, or otherwise to make unavailable or deny a  
382 dwelling to any person because of race, color, national origin,  
383 sex, disability, sexual orientation, gender identity or  
384 expression, pregnancy handicap, familial status, marital status,  
385 or religion.

386        (2) It is unlawful to discriminate against any person in  
387 the terms, conditions, or privileges of sale or rental of a

388 dwelling, or in the provision of services or facilities in  
 389 connection therewith, because of race, color, national origin,  
 390 sex, disability, sexual orientation, gender identity or  
 391 expression, pregnancy handicap, familial status, marital status,  
 392 or religion.

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

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

407 (5) It is unlawful, for profit, to induce or attempt to  
 408 induce any person to sell or rent any dwelling by a  
 409 representation regarding the entry or prospective entry into the  
 410 neighborhood of a person or persons of a particular race, color,  
 411 national origin, sex, disability, sexual orientation, gender  
 412 identity or expression, pregnancy handicap, familial status,  
 413 marital status, or religion.

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

417 (a) That buyer or renter;

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

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

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

426 (a) That buyer or renter;

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

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

430 (9) For purposes of subsections (7) and (8),  
 431 discrimination includes:

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

437 (10) Covered multifamily dwellings as defined herein which  
 438 are intended for first occupancy after March 13, 1991, shall be  
 439 designed and constructed to have at least one building entrance  
 440 on an accessible route unless it is impractical to do so because  
 441 of the terrain or unusual characteristics of the site as



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442 determined by commission rule. Such buildings shall also be  
443 designed and constructed in such a manner that:

444 (a) The public use and common use portions of such  
445 dwellings are readily accessible to and usable by disabled  
446 ~~handicapped~~ persons.

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

452

453 State agencies with building construction regulation  
454 responsibility or local governments, as appropriate, shall  
455 review the plans and specifications for the construction of  
456 covered multifamily dwellings to determine consistency with the  
457 requirements of this subsection.

458 Section 10. Section 760.24, Florida Statutes, is amended  
459 to read:

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

469 pregnancy handicap, familial status, marital status, or  
 470 religion.

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

473 760.25 Discrimination in the financing of housing or in  
 474 residential real estate transactions.--

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

497 (2) (a) It is unlawful for any person or entity whose  
 498 business includes engaging in residential real estate  
 499 transactions to discriminate against any person in making  
 500 available such a transaction, or in the terms or conditions of  
 501 such a transaction, because of race, color, national origin,  
 502 sex, disability, sexual orientation, gender identity or  
 503 expression, pregnancy handicap, familial status, marital status,  
 504 or religion.

505 Section 12. Section 760.26, Florida Statutes, is amended  
 506 to read:

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

515 Section 13. Paragraph (a) of subsection (5) of section  
 516 760.29, Florida Statutes, is amended to read:

517 760.29 Exemptions.--

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

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

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

527 760.31 Powers and duties of commission.--The commission  
 528 shall:

529 (5) Adopt rules necessary to implement ss. 760.20-760.37  
 530 and govern the proceedings of the commission in accordance with  
 531 chapter 120. Commission rules shall clarify terms used with  
 532 regard to disabled ~~handicapped~~ accessibility, exceptions from  
 533 accessibility requirements based on terrain or site  
 534 characteristics, and requirements related to housing for older  
 535 persons. Commission rules shall specify the fee and the forms  
 536 and procedures to be used for the registration required by s.  
 537 760.29(4) (e).

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

540 760.50 Discrimination on the basis of AIDS, AIDS-related  
 541 complex, and HIV prohibited.--

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

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

548 760.60 Discriminatory practices of certain clubs  
 549 prohibited; remedies.--

550 (1) It is unlawful for a person to discriminate against  
 551 any individual because of race, color, religion, gender,  
 552 national origin, disability, sexual orientation, gender identity

553 or expression, pregnancy, familial status ~~handicap~~, age above  
 554 the age of 21, or marital status in evaluating an application  
 555 for membership in a club that has more than 400 members, that  
 556 provides regular meal service, and that regularly receives  
 557 payment for dues, fees, use of space, facilities, services,  
 558 meals, or beverages directly or indirectly from nonmembers for  
 559 business purposes. It is unlawful for a person, on behalf of  
 560 such a club, to publish, circulate, issue, display, post, or  
 561 mail any advertisement, notice, or solicitation that contains a  
 562 statement to the effect that the accommodations, advantages,  
 563 facilities, membership, or privileges of the club are denied to  
 564 any individual because of race, color, religion, gender,  
 565 national origin, disability, sexual orientation, gender identity  
 566 or expression, pregnancy, familial status ~~handicap~~, age above  
 567 the age of 21, or marital status. This subsection does not apply  
 568 to fraternal or benevolent organizations, ethnic clubs, or  
 569 religious organizations where business activity is not  
 570 prevalent.

571 Section 17. Paragraph (d) of subsection (1) of section  
 572 419.001, Florida Statutes, is amended to read:

573 419.001 Site selection of community residential homes.--

574 (1) For the purposes of this section, the following  
 575 definitions shall apply:

576 (d) "Resident" means any of the following: a frail elder  
 577 as defined in s. 429.65; a physically disabled ~~or handicapped~~  
 578 person as defined in s. 760.22 (3) ~~(7)(a)~~; a developmentally  
 579 disabled person as defined in s. 393.063; a nondangerous  
 580 mentally ill person as defined in s. 394.455(18); or a child who

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581 | is found to be dependent as defined in s. 39.01 or s. 984.03, or  
582 | a child in need of services as defined in s. 984.03 or s.  
583 | 985.03.

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