

1                   A bill to be entitled  
2           An act relating to Florida Commission on Human Relations;  
3           amending s. 110.112, F.S.; revising a reference to the  
4           Florida Civil Rights Act; amending s. 419.001, F.S.;  
5           deleting a reference to the term "handicapped"; conforming  
6           a cross-reference; amending s. 420.9075, F.S.; revising a  
7           cross-reference; amending s. 760.01, F.S.; redesignating  
8           the Florida Civil Rights Act of 1992 as the Florida Civil  
9           Rights Act; revising a cross-reference; substituting the  
10          term "disability" for the term "handicap"; amending s.  
11          760.02, F.S.; providing definitions; creating s. 760.0201,  
12          F.S.; providing guidelines for determination of the  
13          existence of an impairment; amending ss. 760.03 and  
14          760.04, F.S.; revising references to the Florida Civil  
15          Rights Act; amending s. 760.05, F.S.; substituting the  
16          term "disability" for the term "handicap"; creating s.  
17          760.055, F.S.; providing for administration of the Florida  
18          Civil Rights Act; amending s. 760.06, F.S.; revising  
19          references to the Florida Civil Rights Act; permitting the  
20          commission to use any method of discovery authorized by  
21          the Florida Rules of Civil Procedure in its proceedings;  
22          specifying persons and entities that may receive technical  
23          assistance from the commission; authorizing the commission  
24          to charge reasonable fees and assess costs for certain  
25          products or services; amending s. 760.07, F.S.;  
26          substituting the terms "sex" and "disability" for the  
27          terms "gender" and "handicap," respectively; conforming a  
28          cross-reference; amending s. 760.08, F.S.; substituting

29 | the term "disability" for the term "handicap"; amending s.  
30 | 760.10, F.S.; substituting the term "disability" for the  
31 | term "handicap"; specifying when an unlawful employment  
32 | practice occurs with respect to compensation  
33 | discrimination; providing for relief for unlawful  
34 | employment practices with regard to compensation  
35 | discrimination; providing that an unlawful employment  
36 | practice is established when a prohibited ground for  
37 | discrimination is a motivating factor, even though other  
38 | factors may have also contributed; specifying that certain  
39 | protections extend to women who are pregnant or who have  
40 | any medical condition related to pregnancy or childbirth;  
41 | amending s. 760.11, F.S.; revising provisions relating to  
42 | responses to complaints; providing for temporary or  
43 | preliminary relief pending final disposition of charges;  
44 | providing for relief upon a finding that a respondent to a  
45 | complaint has intentionally engaged in unlawful practices;  
46 | prohibiting orders of reinstatement, hiring, or promotion  
47 | in certain circumstances; authorizing the executive  
48 | director, on his or her own initiative, to reconsider his  
49 | or her final determination of reasonable cause; conforming  
50 | cross-references; providing a time limit for the  
51 | commencement of certain actions; creating s. 760.12, F.S.;  
52 | providing for recovery of expenditures for state-funded  
53 | products or services provided by the commission under the  
54 | Florida Civil Rights Act; creating s. 760.13, F.S.;  
55 | providing fees for products or services provided under the  
56 | Florida Civil Rights Act; authorizing the provision of

57 information in electronic format; providing for  
58 disposition of fees; creating s. 760.14, F.S.; providing  
59 for mediation, arbitration, and conciliation services  
60 under the Florida Civil Rights Act; providing for a  
61 session fee and its disposition; specifying conditions for  
62 immunity from liability for persons providing such  
63 services; creating s. 760.15, F.S.; providing for  
64 computation of time under the Florida Civil Rights Act;  
65 creating s. 760.16, F.S.; providing for a direct-support  
66 organization for the commission; providing definitions;  
67 providing for a board of directors; providing for a  
68 contract between the organization and the commission;  
69 providing for use of property and services; providing for  
70 activities of the organization; providing for budgets and  
71 audits; providing limits on the powers of the  
72 organization; authorizing commission rulemaking concerning  
73 the organization; amending s. 760.20, F.S.; revising a  
74 cross-reference; amending s. 760.22, F.S.; revising a  
75 cross-reference; providing definitions; deleting the  
76 definition of the term "handicap"; creating s. 760.221,  
77 F.S.; providing guidelines for determination of the  
78 existence of an impairment for purposes of the Fair  
79 Housing Act; amending ss. 760.23, 760.24, and 760.25,  
80 F.S.; substituting the term "disability" for the term  
81 "handicap"; revising a cross-reference; amending s.  
82 760.29, F.S.; revising cross-references; revising  
83 procedures and fees for facilities or communities claiming  
84 exemption from specified provisions as housing for older

85 persons; providing additional grounds for imposing an  
86 administrative fine; substituting the term "disability"  
87 for the term "handicap"; amending s. 760.30, F.S.;  
88 revising cross-references; amending s. 760.31, F.S.;  
89 revising cross-references; substituting the term  
90 "disability" for the term "handicap"; amending s. 760.32,  
91 F.S.; permitting the commission to use in its proceedings  
92 any method of discovery authorized by the Florida Rules of  
93 Civil Procedure; amending s. 760.34, F.S.; revising cross-  
94 references; substituting the term "response" for the term  
95 "answer"; providing for actions for temporary or  
96 preliminary relief in certain circumstances; providing  
97 that, if the commission determines that there is not  
98 reasonable cause to believe that a discriminatory housing  
99 practice has occurred, the commission shall dismiss the  
100 complaint; providing for administrative hearings following  
101 such a determination; amending s. 760.35, F.S.; providing  
102 that the statute of limitations for certain actions is  
103 tolled during the pendency of certain administrative  
104 proceedings; revising cross-references; amending ss.  
105 760.36 and 760.37, F.S.; revising cross-references;  
106 creating s. 760.38, F.S.; providing for recovery of  
107 expenditures for state-funded products or services  
108 provided by the commission under the Fair Housing Act;  
109 creating s. 760.39, F.S.; providing fees for products or  
110 services provided under the Fair Housing Act; authorizing  
111 the provision of information in electronic format;  
112 providing for disposition of fees; creating s. 760.401,

113 F.S.; providing for mediation, arbitration, and  
 114 conciliation services under the Fair Housing Act;  
 115 specifying conditions for immunity from liability for  
 116 persons providing such services; creating s. 760.41, F.S.;  
 117 providing for computation of time under the Fair Housing  
 118 Act; amending s. 760.50, F.S.; revising a reference to  
 119 handicapped persons; amending s. 760.60, F.S.;  
 120 substituting the terms "sex" and "disability" for the  
 121 terms "gender" and "handicap," respectively; providing an  
 122 effective date.

123

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

125

126 Section 1. Subsection (4) of section 110.112, Florida  
 127 Statutes, is amended to read:

128 110.112 Affirmative action; equal employment  
 129 opportunity.--

130 (4) The state, its agencies and officers shall ensure  
 131 freedom from discrimination in employment as provided by the  
 132 Florida Civil Rights Act ~~of 1992~~, by s. 112.044, and by this  
 133 chapter.

134 Section 2. Paragraph (d) of subsection (1) of section  
 135 419.001, Florida Statutes, is amended to read:

136 419.001 Site selection of community residential homes.--

137 (1) For the purposes of this section, the following  
 138 definitions shall apply:

139 (d) "Resident" means any of the following: a frail elder  
 140 as defined in s. 429.65; a physically disabled ~~or handicapped~~

141 person as defined in s. 760.22~~(7)(a)~~; a developmentally disabled  
 142 person as defined in s. 393.063; a nondangerous mentally ill  
 143 person as defined in s. 394.455(18); ~~or~~ a child who is found to  
 144 be dependent as defined in s. 39.01 or s. 984.03;~~;~~ or a child in  
 145 need of services as defined in s. 984.03 or s. 985.03.

146 Section 3. Paragraph (c) of subsection (4) of section  
 147 420.9075, Florida Statutes, is amended to read:

148 420.9075 Local housing assistance plans; partnerships.--

149 (4) Each local housing assistance plan is governed by the  
 150 following criteria and administrative procedures:

151 (c) In accordance with the provisions of ss. 760.20-760.41  
 152 ~~760.20-760.37~~, it is unlawful to discriminate on the basis of  
 153 race, creed, religion, color, age, sex, marital status, familial  
 154 status, national origin, or handicap in the award application  
 155 process for eligible housing.

156 Section 4. Section 760.01, Florida Statutes, is amended to  
 157 read:

158 760.01 Purposes; construction; title.--

159 (1) Sections 760.01-760.15 ~~760.01-760.11~~ and 509.092 shall  
 160 be cited as the "Florida Civil Rights Act ~~of 1992~~."

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

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169 welfare, and to promote the interests, rights, and privileges of  
 170 individuals within the state.

171 (3) The Florida Civil Rights Act ~~of 1992~~ shall be  
 172 construed according to the fair import of its terms and shall be  
 173 liberally construed to further the general purposes stated in  
 174 this section and the special purposes of the particular  
 175 provision involved.

176 Section 5. Section 760.02, Florida Statutes, is amended to  
 177 read:

178 760.02 Definitions.--For the purposes of ss. 760.01-760.15  
 179 ~~760.01-760.11~~ and 509.092, the term:

180 ~~(1)-(10)~~ (1) "Aggrieved person" means any person who files a  
 181 complaint with the Human Relations Commission.

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

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

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

187 (a) A physical or mental impairment that substantially  
 188 limits one or more of the major life activities of the  
 189 individual;

190 (b) A record of such impairment;

191 (c) Being regarded as having such an impairment; or

192 (d) Having a developmental disability as defined in s.  
 193 393.063.

194 ~~(5)-(4)~~ (5) "Discriminatory practice" means any practice made  
 195 unlawful by the Florida Civil Rights Act ~~of 1992~~.

196           ~~(6)-(7)~~ "Employer" means any person employing 15 or more  
 197 employees for each working day in each of 20 or more calendar  
 198 weeks in the current or preceding calendar year, and any agent  
 199 of such a person.

200           ~~(7)-(8)~~ "Employment agency" means any person regularly  
 201 undertaking, with or without compensation, to procure employees  
 202 for an employer or to procure for employees opportunities to  
 203 work for an employer, and includes an agent of such a person.

204           ~~(8)-(1)~~ "Florida Civil Rights Act ~~of 1992~~" means ss.  
 205 760.01-760.15 ~~760.01-760.11~~ and 509.092.

206           (9) "Labor organization" means any organization which  
 207 exists for the purpose, in whole or in part, of collective  
 208 bargaining or of dealing with employers concerning grievances,  
 209 terms or conditions of employment, or other mutual aid or  
 210 protection in connection with employment.

211           ~~(10)~~ "Major life activities" includes, but is not limited  
 212 to:

213           ~~(a)~~ Caring for one's self, performing manual tasks, and  
 214 functioning in a workplace environment.

215           ~~(b)~~ Major bodily functions, including, but not limited to,  
 216 visual, auditory, aural, and cognitive functions; functions of  
 217 the immune, digestive, neurological, respiratory, circulatory,  
 218 endocrine, and reproductive systems; normal cell growth; and  
 219 functions of the bowel, bladder, and brain.

220           ~~(11)-(5)~~ "National origin" includes ancestry.

221           ~~(12)-(6)~~ "Person" includes an individual, association,  
 222 corporation, joint apprenticeship committee, joint-stock  
 223 company, labor union, legal representative, mutual company,



224 partnership, receiver, trust, trustee in bankruptcy, or  
 225 unincorporated organization; any other legal or commercial  
 226 entity; the state; or any governmental entity or agency.

227 (13)~~(11)~~ "Public accommodations" means places of public  
 228 accommodation, lodgings, facilities principally engaged in  
 229 selling food for consumption on the premises, gasoline stations,  
 230 places of exhibition or entertainment, and other covered  
 231 establishments. Each of the following establishments which  
 232 serves the public is a place of public accommodation within the  
 233 meaning of this section:

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

239 (b) Any restaurant, cafeteria, lunchroom, lunch counter,  
 240 soda fountain, or other facility principally engaged in selling  
 241 food for consumption on the premises, including, but not limited  
 242 to, any such facility located on the premises of any retail  
 243 establishment, or any gasoline station.

244 (c) Any motion picture theater, theater, concert hall,  
 245 sports arena, stadium, or other place of exhibition or  
 246 entertainment.

247 (d) Any establishment which is physically located within  
 248 the premises of any establishment otherwise covered by this  
 249 subsection, or within the premises of which is physically  
 250 located any such covered establishment, and which holds itself  
 251 out as serving patrons of such covered establishment.

252           (14) "Substantially limits" means to materially restrict  
 253 an individual's ability.

254           (15) "Transitory or minor impairment" means any impairment  
 255 having an actual, apparent, or expected duration of 6 months or  
 256 less.

257           Section 6. Section 760.0201, Florida Statutes, is created  
 258 to read:

259           760.0201 Impairment.--For purposes of the Florida Civil  
 260 Rights Act, an individual who has been subjected to an action  
 261 prohibited under the act because of an actual or perceived  
 262 physical or mental impairment, regardless of whether the  
 263 impairment limits or is perceived to limit a major life  
 264 activity, has an impairment. An impairment that limits a single  
 265 major life activity may be considered a disability; however, a  
 266 transitory or minor impairment may not be considered a  
 267 disability. An impairment that is episodic or in remission is  
 268 considered a disability if it substantially limits a major life  
 269 activity when the impairment is active or not in remission. The  
 270 determination of whether an impairment substantially limits a  
 271 major life activity must be made without regard to the  
 272 ameliorative effects of mitigating measures, such as medication;  
 273 medical supplies; equipment or appliances; low-vision devices,  
 274 not including ordinary eyeglasses or contact lenses;  
 275 prosthetics, including artificial limbs and devices, hearing  
 276 aids, cochlear implants or other implantable hearing devices,  
 277 and mobility devices; oxygen-therapy equipment and supplies; use  
 278 of assistive technology; reasonable accommodations or auxiliary  
 279 aids or services, including qualified interpreters or other

280 effective measures of making aurally delivered materials  
 281 available to individuals with hearing impairments; qualified  
 282 readers; taped texts or other effective methods of making  
 283 visually delivered materials available to individuals with  
 284 visual impairments; acquisition or modification of equipment and  
 285 devices and other similar services and actions; or learned  
 286 behavioral or adaptive neurological modifications.

287 Section 7. Subsection (5) of section 760.03, Florida  
 288 Statutes, is amended to read:

289 760.03 Commission on Human Relations; staff.--

290 (5) Seven members shall constitute a quorum for the  
 291 conduct of business; however, the commission may establish  
 292 panels of not less than three of its members to exercise its  
 293 powers under the Florida Civil Rights Act ~~of 1992~~, subject to  
 294 such procedures and limitations as the commission may provide by  
 295 rule.

296 Section 8. Section 760.04, Florida Statutes, is amended to  
 297 read:

298 760.04 Commission on Human Relations, assigned to  
 299 Department of Management Services.--The commission created by s.  
 300 760.03 is assigned to the Department of Management Services. The  
 301 commission, in the performance of its duties pursuant to the  
 302 Florida Civil Rights Act ~~of 1992~~, shall not be subject to  
 303 control, supervision, or direction by the Department of  
 304 Management Services.

305 Section 9. Section 760.05, Florida Statutes, is amended to  
 306 read:

307           760.05 Functions of the commission.--The commission shall  
 308 promote and encourage fair treatment and equal opportunity for  
 309 all persons regardless of race, color, religion, sex, national  
 310 origin, age, disability ~~handicap~~, or marital status and mutual  
 311 understanding and respect among all members of all economic,  
 312 social, racial, religious, and ethnic groups; and shall endeavor  
 313 to eliminate discrimination against, and antagonism between,  
 314 religious, racial, and ethnic groups and their members.

315           Section 10. Section 760.055, Florida Statutes, is created  
 316 to read:

317           760.055 Administration of the Florida Civil Rights  
 318 Act.--The authority and responsibility for administering the  
 319 Florida Civil Rights Act shall be with the commission. The  
 320 commission may delegate any of its functions, duties, and powers  
 321 to its employees, including functions, duties, and powers with  
 322 respect to investigating, conciliating, hearing, determining,  
 323 ordering, certifying, reporting, or otherwise acting as to any  
 324 work, business, or matter under the Florida Civil Rights Act.

325           Section 11. Subsections (5), (6), (8), (9), (10), (11),  
 326 and (12) of section 760.06, Florida Statutes, are amended, and  
 327 subsection (14) is added to that section, to read:

328           760.06 Powers of the commission.--Within the limitations  
 329 provided by law, the commission shall have the following powers:

330           (5) To receive, initiate, investigate, seek to conciliate,  
 331 hold hearings on, and act upon complaints alleging any  
 332 discriminatory practice, as defined by the Florida Civil Rights  
 333 Act ~~of 1992~~.

334 (6) To issue subpoenas for, administer oaths or  
335 affirmations to, and compel the attendance and testimony of  
336 witnesses; ~~or~~ to issue subpoenas for and compel the production  
337 of books, papers, records, documents, and other evidence  
338 pertaining to any investigation or hearing convened pursuant to  
339 the powers of the commission; or to use any other method of  
340 discovery authorized by the Florida Rules of Civil Procedure. In  
341 conducting an investigation, the commission and its  
342 investigators shall have access at all reasonable times to  
343 premises, records, documents, and other evidence or possible  
344 sources of evidence and may examine, record, and copy such  
345 materials and take and record the testimony or statements of  
346 such persons as are reasonably necessary for the furtherance of  
347 the investigation. The authority to issue subpoenas and  
348 administer oaths may be delegated by the commission, for  
349 investigations or hearings, to a commissioner or the executive  
350 director. In the case of a refusal to obey a subpoena or other  
351 method of discovery authorized by the Florida Rules of Civil  
352 Procedure issued to any person, the commission may make  
353 application to any circuit court of this state, which shall have  
354 jurisdiction to order the witness to appear before the  
355 commission to give testimony and to produce evidence concerning  
356 the matter in question. Failure to obey the court's order may be  
357 punished by the court as contempt. If the court enters an order  
358 holding a person in contempt or compelling the person to comply  
359 with the commission's order or subpoena, the court shall order  
360 the person to pay the commission reasonable expenses, including

361 reasonable attorneys' fees, accrued by the commission in  
 362 obtaining the order from the court.

363 (8) To furnish technical assistance to employees,  
 364 employers, community leaders, educational institutions,  
 365 individuals, and other private and public entities ~~requested by~~  
 366 ~~persons~~ to facilitate progress in human relations.

367 (9) To make or arrange for studies appropriate to  
 368 effectuate the purposes and policies of the Florida Civil Rights  
 369 Act ~~of 1992~~ and to make the results thereof available to the  
 370 public.

371 (10) To become a deferral agency for the Federal  
 372 Government and to comply with the necessary federal regulations  
 373 to effect the Florida Civil Rights Act ~~of 1992~~.

374 (11) To render, at least annually, a comprehensive written  
 375 report to the Governor and the Legislature. The report may  
 376 contain recommendations of the commission for legislation or  
 377 other action to effectuate the purposes and policies of the  
 378 Florida Civil Rights Act ~~of 1992~~.

379 (12) To adopt, promulgate, amend, and rescind rules to  
 380 effectuate the purposes and policies of the Florida Civil Rights  
 381 Act ~~of 1992~~ and govern the proceedings of the commission, in  
 382 accordance with chapter 120.

383 (14) To charge reasonable fees and assess costs incurred  
 384 by the commission for products or services provided.

385 Section 12. Section 760.07, Florida Statutes, is amended  
 386 to read:

387 760.07 Remedies for unlawful discrimination.--Any  
 388 violation of any Florida statute making unlawful discrimination

389 because of race, color, religion, sex ~~gender~~, national origin,  
 390 age, disability ~~handicap~~, or marital status in the areas of  
 391 education, employment, housing, or public accommodations gives  
 392 rise to a cause of action for all relief and damages described  
 393 in s. 760.11(6)~~(5)~~, unless greater damages are expressly  
 394 provided for. If the statute prohibiting unlawful discrimination  
 395 provides an administrative remedy, the action for equitable  
 396 relief and damages provided for in this section may be initiated  
 397 only after the plaintiff has exhausted his or her administrative  
 398 remedy. The term "public accommodations" does not include lodge  
 399 halls or other similar facilities of private organizations which  
 400 are made available for public use occasionally or periodically.  
 401 The right to trial by jury is preserved in any case in which the  
 402 plaintiff is seeking actual or punitive damages.

403 Section 13. Section 760.08, Florida Statutes, is amended  
 404 to read:

405 760.08 Discrimination in places of public  
 406 accommodation.--All persons shall be entitled to the full and  
 407 equal enjoyment of the goods, services, facilities, privileges,  
 408 advantages, and accommodations of any place of public  
 409 accommodation, as defined in this chapter, without  
 410 discrimination or segregation on the ground of race, color,  
 411 national origin, sex, disability ~~handicap~~, familial status, or  
 412 religion.

413 Section 14. Subsections (1) through (6) and paragraph (a)  
 414 of subsection (8) of section 760.10, Florida Statutes, are  
 415 amended, present subsections (9) and (10) of that section are

416 renumbered as subsections (11) and (12), respectively, and new  
 417 subsections (9) and (10) are added to that section, to read:

418 760.10 Unlawful employment practices.--

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

420 (a) To discharge or to fail or refuse to hire any  
 421 individual, or otherwise to discriminate against any individual  
 422 with respect to compensation, terms, conditions, or privileges  
 423 of employment, because of such individual's race, color,  
 424 religion, sex, national origin, age, disability ~~handicap~~, or  
 425 marital status.

426 1. For the purposes of this paragraph, an unlawful  
 427 employment practice occurs with respect to compensation  
 428 discrimination in violation of this paragraph when a  
 429 discriminatory compensation decision or other practice is  
 430 adopted, when an individual becomes subject to a discriminatory  
 431 compensation decision or other practice, or when an individual  
 432 is affected by application of a discriminatory compensation  
 433 decision or other practice, including each time wages, benefits,  
 434 or other compensation are paid, resulting in whole or in part  
 435 from such a decision or other practice.

436 2. In addition to any relief authorized by s. 760.11,  
 437 liability under this paragraph may accrue and an aggrieved  
 438 person may obtain relief as provided in s. 760.11, including  
 439 recovery of back pay for up to 2 years preceding the filing of  
 440 the charge, if the unlawful employment practice that occurred  
 441 during the time for filing a charge is similar or related to an  
 442 unlawful employment practice with regard to discrimination in  
 443 compensation that occurred outside the time for filing a charge.



444 (b) To limit, segregate, or classify employees or  
 445 applicants for employment in any way which would deprive or tend  
 446 to deprive any individual of employment opportunities, or  
 447 adversely affect any individual's status as an employee, because  
 448 of such individual's race, color, religion, sex, national  
 449 origin, age, disability ~~handicap~~, or marital status.

450 (2) It is an unlawful employment practice for an  
 451 employment agency to fail or refuse to refer for employment, or  
 452 otherwise to discriminate against, any individual because of  
 453 race, color, religion, sex, national origin, age, disability  
 454 ~~handicap~~, or marital status or to classify or refer for  
 455 employment any individual on the basis of race, color, religion,  
 456 sex, national origin, age, disability ~~handicap~~, or marital  
 457 status.

458 (3) It is an unlawful employment practice for a labor  
 459 organization:

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

464 (b) To limit, segregate, or classify its membership or  
 465 applicants for membership, or to classify or fail or refuse to  
 466 refer for employment any individual, in any way which would  
 467 deprive or tend to deprive any individual of employment  
 468 opportunities, or adversely affect any individual's status as an  
 469 employee or as an applicant for employment, because of such  
 470 individual's race, color, religion, sex, national origin, age,  
 471 disability ~~handicap~~, or marital status.

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

474 (4) It is an unlawful employment practice for any  
 475 employer, labor organization, or joint labor-management  
 476 committee controlling apprenticeship or other training or  
 477 retraining, including on-the-job training programs, to  
 478 discriminate against any individual because of race, color,  
 479 religion, sex, national origin, age, disability ~~handicap~~, or  
 480 marital status in admission to, or employment in, any program  
 481 established to provide apprenticeship or other training.

482 (5) Whenever, in order to engage in a profession,  
 483 occupation, or trade, it is required that a person receive a  
 484 license, certification, or other credential, become a member or  
 485 an associate of any club, association, or other organization, or  
 486 pass any examination, it is an unlawful employment practice for  
 487 any person to discriminate against any other person seeking such  
 488 license, certification, or other credential, seeking to become a  
 489 member or associate of such club, association, or other  
 490 organization, or seeking to take or pass such examination,  
 491 because of such other person's race, color, religion, sex,  
 492 national origin, age, disability ~~handicap~~, or marital status.

493 (6) It is an unlawful employment practice for an employer,  
 494 labor organization, employment agency, or joint labor-management  
 495 committee to print, or cause to be printed or published, any  
 496 notice or advertisement relating to employment, membership,  
 497 classification, referral for employment, or apprenticeship or  
 498 other training, indicating any preference, limitation,  
 499 specification, or discrimination, based on race, color,

500 religion, sex, national origin, age, absence of disability  
 501 ~~handicap~~, or marital status.

502 (8) Notwithstanding any other provision of this section,  
 503 it is not an unlawful employment practice under ss. 760.01-  
 504 760.10 for an employer, employment agency, labor organization,  
 505 or joint labor-management committee to:

506 (a) Take or fail to take any action on the basis of  
 507 religion, sex, national origin, age, disability ~~handicap~~, or  
 508 marital status in those certain instances in which religion,  
 509 sex, national origin, age, absence of a particular disability  
 510 ~~handicap~~, or marital status is a bona fide occupational  
 511 qualification reasonably necessary for the performance of the  
 512 particular employment to which such action or inaction is  
 513 related.

514 (9) Except as otherwise provided in this section, an  
 515 unlawful employment practice is established when the complaining  
 516 party demonstrates that race, color, religion, sex, age,  
 517 disability, marital status, or national origin is a motivating  
 518 factor for any unlawful employment practice, including any  
 519 adverse personnel action, even though other factors may have  
 520 also contributed to or motivated the practice.

521 (10) The protections of this section extend to women who  
 522 are pregnant or who have any medical condition related to  
 523 pregnancy or childbirth. Women affected by pregnancy,  
 524 childbirth, or any medical condition related to pregnancy or  
 525 childbirth must be treated the same for employment-related  
 526 purposes as all other persons having similar abilities.

527 Section 15. Subsections (1), (3), (4), (6), (7), (8), and  
528 (13) of section 760.11, Florida Statutes, are amended, present  
529 subsections (4) through (15) of that section are renumbered as  
530 subsections (5) through (16), respectively, and a new subsection  
531 (4) is added to that section, to read:

532 760.11 Administrative and civil remedies; construction.--

533 (1) Any person aggrieved by a violation of ss. 760.01-  
534 760.10 may file a complaint with the commission within 365 days  
535 of the alleged violation, naming the employer, employment  
536 agency, labor organization, or joint labor-management committee,  
537 or, in the case of an alleged violation of s. 760.10(5), the  
538 person responsible for the violation and describing the  
539 violation. Any person aggrieved by a violation of s. 509.092 may  
540 file a complaint with the commission within 365 days of the  
541 alleged violation naming the person responsible for the  
542 violation and describing the violation. The commission, a  
543 commissioner, or the Attorney General may in like manner file  
544 such a complaint. On the same day the complaint is filed with  
545 the commission, the commission shall clearly stamp on the face  
546 of the complaint the date the complaint was filed with the  
547 commission. In lieu of filing the complaint with the commission,  
548 a complaint under this section may be filed with the federal  
549 Equal Employment Opportunity Commission or with any unit of  
550 government of the state which is a fair-employment-practice  
551 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the  
552 complaint is filed is clearly stamped on the face of the  
553 complaint, that date is the date of filing. The date the  
554 complaint is filed with the commission for purposes of this

555 section is the earliest date of filing with the Equal Employment  
 556 Opportunity Commission, the fair-employment-practice agency, or  
 557 the commission. The complaint shall contain a short and plain  
 558 statement of the facts describing the violation and the relief  
 559 sought. The commission may require additional information to be  
 560 in the complaint. The commission, within 5 days of the complaint  
 561 being filed, shall provide ~~by registered mail send~~ a copy of the  
 562 complaint to the person who allegedly committed the violation.  
 563 The person who allegedly committed the violation must respond in  
 564 writing to the commission and send a copy of his or her response  
 565 to the aggrieved person ~~may file an answer to the complaint~~  
 566 within 25 days of the date the commission mailed the complaint  
 567 to the respondent ~~was filed with the commission. Any answer~~  
 568 ~~filed shall be mailed to the aggrieved person by the person~~  
 569 ~~filing the answer.~~ Both the complaint and the response ~~answer~~  
 570 must ~~shall~~ be verified.

571 (3) Except as provided in subsection (2), the commission  
 572 shall investigate the allegations in the complaint. Within 180  
 573 days of the filing of the complaint, the commission shall  
 574 determine if there is reasonable cause to believe that  
 575 discriminatory practice has occurred in violation of the Florida  
 576 Civil Rights Act ~~of 1992~~. When the commission determines whether  
 577 or not there is reasonable cause, the commission ~~by registered~~  
 578 ~~mail~~ shall promptly notify the aggrieved person and the  
 579 respondent of the reasonable cause determination, the date of  
 580 such determination, and the options available under this  
 581 section.

582 (4) (a) Whenever a charge is filed with the commission and  
583 the commission concludes on the basis of a preliminary  
584 investigation that prompt judicial action is necessary to carry  
585 out the purposes of the Florida Civil Rights Act, the commission  
586 may bring an action for appropriate temporary or preliminary  
587 relief pending final disposition of such charge. Any temporary  
588 restraining order or other order granting preliminary or  
589 temporary relief shall be issued in accordance with the  
590 applicable Florida Rules of Civil Procedure.

591 (b) If the court finds that the respondent has  
592 intentionally engaged in or is intentionally engaging in an  
593 unlawful employment practice charged in the complaint, the court  
594 may enjoin the respondent from engaging in such unlawful  
595 employment practice and order such affirmative relief as may be  
596 appropriate. Such affirmative relief may include, but is not  
597 limited to, reinstatement or hiring of employees, with or  
598 without back pay, or any other equitable relief as the court  
599 deems appropriate. Back pay may be payable by the employer,  
600 employment agency, or labor organization responsible for the  
601 unlawful employment practice, and liability for back pay may not  
602 accrue from a date more than 2 years prior to the filing of a  
603 charge with the commission. Interim earnings or amounts earnable  
604 with reasonable diligence by the person or persons discriminated  
605 against shall operate to reduce the back pay otherwise  
606 allowable.

607 (c) No order of the court may require the admission or  
608 reinstatement of an individual as a member of a union, or the  
609 hiring, reinstatement, or promotion of an individual as an

610 employee, or the payment to an individual of any back pay, if  
 611 such individual was refused admission, suspended, or expelled,  
 612 or was refused employment or advancement or was suspended or  
 613 discharged for any reason other than discrimination on account  
 614 of race, color, religion, sex, national origin, disability, or  
 615 marital status.

616 (5)-(4) In the event that the commission determines that  
 617 there is reasonable cause to believe that a discriminatory  
 618 practice has occurred in violation of the Florida Civil Rights  
 619 Act ~~of 1992~~, the aggrieved person may either:

620 (a) Bring a civil action against the person named in the  
 621 complaint in any court of competent jurisdiction; or

622 (b) Request an administrative hearing under ss. 120.569  
 623 and 120.57.

624  
 625 The election by the aggrieved person of filing a civil action or  
 626 requesting an administrative hearing under this subsection is  
 627 the exclusive procedure available to the aggrieved person  
 628 pursuant to this act. The executive director may, on his or her  
 629 own initiative, reconsider his or her final determination of  
 630 reasonable cause. If the executive director decides to  
 631 reconsider a cause determination, a notice of intent to  
 632 reconsider shall be promptly issued within a reasonable time to  
 633 all parties.

634 (7)-(6) Any administrative hearing brought pursuant to  
 635 paragraph (5)-(4)(b) shall be conducted under ss. 120.569 and  
 636 120.57. The commission may hear the case provided that the final  
 637 order is issued by members of the commission who did not conduct

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638 the hearing or the commission may request that it be heard by an  
639 administrative law judge pursuant to s. 120.569(2)(a). If the  
640 commission elects to hear the case, it may be heard by a  
641 commissioner. If the commissioner, after the hearing, finds that  
642 a violation of the Florida Civil Rights Act ~~of 1992~~ has  
643 occurred, the commissioner shall issue an appropriate proposed  
644 order in accordance with chapter 120 prohibiting the practice  
645 and providing affirmative relief from the effects of the  
646 practice, including back pay. If the administrative law judge,  
647 after the hearing, finds that a violation of the Florida Civil  
648 Rights Act ~~of 1992~~ has occurred, the administrative law judge  
649 shall issue an appropriate recommended order in accordance with  
650 chapter 120 prohibiting the practice and providing affirmative  
651 relief from the effects of the practice, including back pay.  
652 Within 90 days of the date the recommended or proposed order is  
653 rendered, the commission shall issue a final order by adopting,  
654 rejecting, or modifying the recommended order as provided under  
655 ss. 120.569 and 120.57. The 90-day period may be extended with  
656 the consent of all the parties. An administrative hearing  
657 pursuant to paragraph (5) ~~(4)~~ (b) must be requested no later than  
658 35 days after the date of determination of reasonable cause by  
659 the commission. In any action or proceeding under this  
660 subsection, the commission, in its discretion, may allow the  
661 prevailing party a reasonable attorney's fee as part of the  
662 costs. It is the intent of the Legislature that this provision  
663 for attorney's fees be interpreted in a manner consistent with  
664 federal case law involving a Title VII action.



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665        (8)~~(7)~~ If the commission determines that there is not  
666 reasonable cause to believe that a violation of the Florida  
667 Civil Rights Act ~~of 1992~~ has occurred, the commission shall  
668 dismiss the complaint. The aggrieved person may request an  
669 administrative hearing under ss. 120.569 and 120.57, but any  
670 such request must be made within 35 days of the date of  
671 determination of reasonable cause and any such hearing shall be  
672 heard by an administrative law judge and not by the commission  
673 or a commissioner. If the aggrieved person does not request an  
674 administrative hearing within the 35 days, the claim will be  
675 barred. If the administrative law judge finds that a violation  
676 of the Florida Civil Rights Act ~~of 1992~~ has occurred, he or she  
677 shall issue an appropriate recommended order to the commission  
678 prohibiting the practice and recommending affirmative relief  
679 from the effects of the practice, including back pay. Within 90  
680 days of the date the recommended order is rendered, the  
681 commission shall issue a final order by adopting, rejecting, or  
682 modifying the recommended order as provided under ss. 120.569  
683 and 120.57. The 90-day period may be extended with the consent  
684 of all the parties. In any action or proceeding under this  
685 subsection, the commission, in its discretion, may allow the  
686 prevailing party a reasonable attorney's fee as part of the  
687 costs. It is the intent of the Legislature that this provision  
688 for attorney's fees be interpreted in a manner consistent with  
689 federal case law involving a Title VII action. In the event the  
690 final order issued by the commission determines that a violation  
691 of the Florida Civil Rights Act ~~of 1992~~ has occurred, the  
692 aggrieved person may bring, within 1 year of the date of the

693 final order, a civil action under subsection (6) ~~(5)~~ as if there  
 694 has been a reasonable cause determination or accept the  
 695 affirmative relief offered by the commission, but not both. The  
 696 executive director may, on his or her own initiative, reconsider  
 697 his or her final determination that there is not reasonable  
 698 cause. If the executive director decides to reconsider a  
 699 determination that there is not reasonable cause, a notice of  
 700 intent to reconsider shall be promptly issued within a  
 701 reasonable time to all parties.

702 ~~(9)(8)~~ If ~~In the event that~~ the commission fails to  
 703 conciliate or determine whether there is reasonable cause on any  
 704 complaint under this section within 180 days of the filing of  
 705 the complaint, an aggrieved person may proceed under subsection  
 706 (5) ~~(4)~~, as if the commission determined that there was  
 707 reasonable cause, except that any civil action filed under this  
 708 section shall commence no later than 4 years after the date the  
 709 cause of action accrued.

710 ~~(14)(13)~~ Final orders of the commission are subject to  
 711 judicial review pursuant to s. 120.68. The commission's  
 712 determination of reasonable cause is not final agency action  
 713 that is subject to judicial review. Unless specifically ordered  
 714 by the court, the commencement of an appeal does not suspend or  
 715 stay the order of the commission, except as provided in the  
 716 Rules of Appellate Procedure. In any action or proceeding under  
 717 this subsection, the court, in its discretion, may allow the  
 718 prevailing party a reasonable attorney's fee as part of the  
 719 cost. It is the intent of the Legislature that this provision  
 720 for attorney's fees be interpreted in a manner consistent with

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721 federal case law involving a Title VII action. In the event the  
722 order of the court determines that a violation of the Florida  
723 Civil Rights Act ~~of 1992~~ has occurred, the court shall remand  
724 the matter to the commission for appropriate relief. The  
725 aggrieved party has the option to accept the relief offered by  
726 the commission or may bring, within 1 year of the date of the  
727 court order, a civil action under subsection (6) ~~(5)~~ as if there  
728 has been a reasonable cause determination.

729 Section 16. Section 760.12, Florida Statutes, is created  
730 to read:

731 760.12 Recovery of expenditures for state-funded products  
732 or services provided by the commission.--

733 (1) The commission may recover expenditures for any state-  
734 funded products or services provided to any person seeking  
735 administrative or judicial relief under the Florida Civil Rights  
736 Act who has the present ability to pay. The rate of compensation  
737 for such products or services shall include the actual cost,  
738 including cost of recovery, of court reporter services and  
739 transcriptions, court interpreter services and translation, and  
740 any other product or service for which state funds were incurred  
741 by the commission as a result of persons seeking administrative  
742 or judicial relief.

743 (2) Funds received by the commission pursuant to this  
744 section shall be deposited into the commission's trust fund to  
745 assist the commission in defraying some of the costs associated  
746 with parties seeking administrative or judicial relief.

747 Section 17. Section 760.13, Florida Statutes, is created  
748 to read:

749           760.13 Fees for products or services provided.--  
 750           (1) The commission may charge fees for products or  
 751 services provided in the performance of its duties pursuant to  
 752 the Florida Civil Rights Act in amounts not to exceed:  
 753           (a) For examining, comparing, correcting, verifying, and  
 754 certifying transcripts of record in appellate proceedings,  
 755 prepared by an attorney for the appellant or anyone other than  
 756 the clerk of the commission, per page...\$5.00.  
 757           (b) For preparing, numbering, and indexing an original  
 758 record of appellate proceedings, per instrument...\$3.50.  
 759           (c) For certifying copies of any instrument...\$2.00.  
 760           (d) For verifying any instrument presented for  
 761 certification prepared by anyone other than the clerk of the  
 762 commission, per page...\$3.50.  
 763           (e) For writing or copying, including signing and sealing,  
 764 any paper not otherwise mentioned in this subsection...\$7.00.  
 765           (f) For indexing each entry not recorded ...\$1.00.  
 766           (2) The clerk of the commission may provide the requested  
 767 information or record in an electronic format in lieu of a hard  
 768 copy when ready accessibility by the requesting entity is  
 769 available.  
 770           (3) Any funds received by the commission pursuant to this  
 771 section shall be deposited into the commission's trust fund.  
 772           Section 18. Section 760.14, Florida Statutes, is created  
 773 to read:  
 774           760.14 Mediation, arbitration, and conciliation services;  
 775 fees to be charged; immunity from liability for mediators.--

776 (1) Mediation, arbitration, and conciliation services  
777 shall be available to and accessible by all parties to any  
778 discrimination complaint filed with the commission pursuant to  
779 the Florida Civil Rights Act, regardless of financial status.

780 (2) A fee of \$120 per person per scheduled mediation,  
781 arbitration, or conciliation session conducted pursuant to the  
782 Florida Civil Rights Act shall be divided equally among the  
783 parties and collected by the clerk of the commission. Such fee  
784 shall be waived for any party that is found to be indigent  
785 pursuant to s. 57.081. Such fee shall be deposited into the  
786 commission's trust fund.

787 (3) (a) A person performing services specified in  
788 subsection (1) in any action pursuant to the Florida Civil  
789 Rights Act shall have immunity from liability arising from the  
790 performance of his or her duties while acting within the scope  
791 of that function if the services are:

- 792 1. Required by statute or agency rule or order;  
793 2. Conducted by express agreement of the parties; or  
794 3. Facilitated by a mediator certified by the Supreme  
795 Court.

796 (b) A person performing services specified in subsection  
797 (1) does not have immunity under this subsection if he or she  
798 acts in bad faith, with malicious purpose, or in a manner  
799 exhibiting wanton and willful disregard of human rights, safety,  
800 or property.

801 Section 19. Section 760.15, Florida Statutes, is created  
802 to read:

803        760.15 Computation of time.--In computing any period of  
 804 time under the Florida Civil Rights Act, the day of the act,  
 805 event, or default from which the designated period of time  
 806 begins to run shall not be included. The last day of the period  
 807 so computed shall be included unless it is a Saturday, Sunday,  
 808 or legal state holiday, in which event the period shall run  
 809 until the end of the next day which is not a Saturday, Sunday,  
 810 or legal state holiday. If the period of time prescribed or  
 811 allowed is less than 7 days, intermediate Saturdays, Sundays,  
 812 and legal state holidays shall be excluded in the computation.

813        Section 20. Section 760.16, Florida Statutes, is created  
 814 to read:

815        760.16 Florida Commission on Human Relations; direct-  
 816 support organization.--

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

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

824        (a) "Commission" means the Florida Commission on Human  
 825 Relations as created in s. 760.03.

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

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

830 Department of State. The direct-support organization shall be  
831 exempt from paying fees under s. 617.0122.

832 2. Organized and operated exclusively to obtain funds;  
833 request and receive grants, gifts, and bequests of moneys;  
834 acquire, receive, hold, invest, and administer, in its own name,  
835 securities, funds, or property; and make expenditures to or for  
836 the direct or indirect benefit of the commission in its efforts  
837 to:

838 a. Promote and encourage fair treatment and equal  
839 opportunity for all persons regardless of race, color, religion,  
840 sex, national origin, age, disability, or marital or familial  
841 status;

842 b. Encourage mutual understanding and respect among all  
843 members of all economic, social, racial, religious, and ethnic  
844 groups; and

845 c. Endeavor to eliminate discrimination against, and  
846 antagonism between, religious, racial, and ethnic groups and  
847 their members.

848 3. Authorized to receive federal subsidies, endowments,  
849 grants, and aid, but not authorized to receive any donation from  
850 any private or public entity, or any individual connected with  
851 such an entity, over which the commission has regulatory  
852 authority pursuant to this chapter.

853 4. Determined by the commission to be operating in a  
854 manner consistent with the goals and purposes of the commission  
855 and in the best interest of the state.

856 (c) "Personnel services" includes full-time or part-time  
857 personnel.

858       (3) BOARD OF DIRECTORS.--The direct-support organization  
859 shall be governed by a board of directors.

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

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

869       (c) Members must be residents of this state and  
870 knowledgeable about human and civil rights. The executive  
871 director of the commission may remove any member of the board  
872 for cause, with the approval of a majority of the members of the  
873 board of directors. The executive director of the commission  
874 shall appoint a member to fill any vacancy on the board of  
875 directors for the remainder of that term.

876       (4) CONTRACT.--The direct-support organization shall  
877 operate under a written contract with the commission. The  
878 written contract must provide for:

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

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



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

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

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

891 2. To the commission if the direct-support organization  
 892 ceases to exist; or

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

894 (d) The disclosure of the material provisions of the  
 895 contract and the distinction between the commission and the  
 896 direct-support organization to donors of gifts, contributions,  
 897 or bequests. Such disclosure must be included on all promotional  
 898 and fundraising publications.

899 (5) USE OF PROPERTY AND SERVICES.--

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

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

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

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

918 (7) ANNUAL BUDGETS AND REPORTS.--

919 (a) The fiscal year of the direct-support organization  
920 begins on July 1 of each year and ends on June 30 of the  
921 following year.

922 (b) The direct-support organization shall submit to the  
923 commission its federal Internal Revenue Service Application for  
924 Recognition of Exemption form and its federal Internal Revenue  
925 Service Return of Organization Exempt From Income Tax form.

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

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

935 (10) RULEMAKING AUTHORITY.--The commission may adopt rules  
936 pursuant to ss. 120.536(1) and 120.54 to implement this section.

937 Section 21. Section 760.20, Florida Statutes, is amended  
938 to read:

939 760.20 Fair Housing Act; short title.--Sections 760.20-  
940 760.41 ~~760.20-760.37~~ may be cited as the "Fair Housing Act."

941 Section 22. Section 760.22, Florida Statutes, is amended  
 942 to read:

943 760.22 Definitions.--As used in ss. 760.20-760.41 ~~760.20-~~  
 944 ~~760.37~~, the term:

945 (1) "Commission" means the Florida Commission on Human  
 946 Relations.

947 (2) "Covered multifamily dwelling" means:

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

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

952 (3) "Disability" has the same meaning as provided in s.  
 953 760.02.

954 (4)~~(3)~~ "Discriminatory housing practice" means an act that  
 955 is unlawful under the terms of ss. 760.20-760.41 ~~760.20-760.37~~.

956 (5)~~(4)~~ "Dwelling" means any building or structure, or  
 957 portion thereof, which is occupied as, or designed or intended  
 958 for occupancy as, a residence by one or more families, and any  
 959 vacant land which is offered for sale or lease for the  
 960 construction or location on the land of any such building or  
 961 structure, or portion thereof.

962 (6)~~(5)~~ "Familial status" is established when an individual  
 963 who has not attained the age of 18 years is domiciled with:

964 (a) A parent or other person having legal custody of such  
 965 individual; or

966 (b) A designee of a parent or other person having legal  
 967 custody, with the written permission of such parent or other  
 968 person.

969  
 970 The protections afforded against discrimination on the basis of  
 971 familial status shall also apply to any person who is pregnant  
 972 or is in the process of securing legal custody of any individual  
 973 who has not attained the age of 18 years.

974 (7)-(6) "Family" includes a single individual.

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

976 ~~(a)~~ ~~A person has a physical or mental impairment which~~  
 977 ~~substantially limits one or more major life activities, or he or~~  
 978 ~~she has a record of having, or is regarded as having, such~~  
 979 ~~physical or mental impairment; or~~

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

982 (8) "Major life activities" has the same meaning as  
 983 provided in s. 760.02.

984 (9)-(8) "Person" includes one or more individuals,  
 985 corporations, partnerships, associations, labor organizations,  
 986 legal representatives, mutual companies, joint-stock companies,  
 987 trusts, unincorporated organizations, trustees, trustees in  
 988 bankruptcy, receivers, and fiduciaries.

989 (10)-(9) "Substantially equivalent" means an administrative  
 990 subdivision of the State of Florida meeting the requirements of  
 991 24 C.F.R. part 115, s. 115.6.

992 (11) "Substantially limits" has the same meaning as  
 993 provided in s. 760.02.

994 (12)-(10) "To rent" includes to lease, to sublease, to let,  
 995 and otherwise to grant for a consideration the right to occupy  
 996 premises not owned by the occupant.

997 (13) "Transitory or minor impairment" has the same meaning  
998 as provided in s. 760.02.

999 Section 23. Section 760.221, Florida Statutes, is created  
1000 to read:

1001 760.221 Impairment.--For purposes of ss. 760.20-760.41, an  
1002 individual who has been subjected to an action prohibited under  
1003 ss. 760.20-760.41 because of an actual or perceived physical or  
1004 mental impairment, regardless of whether the impairment limits  
1005 or is perceived to limit a major life activity, has an  
1006 impairment. An impairment that limits one major life activity  
1007 may be considered a disability; however, a transitory or minor  
1008 impairment may not be considered a disability. An impairment  
1009 that is episodic or in remission is considered a disability if  
1010 it substantially limits a major life activity when the  
1011 impairment is active or not in remission. The determination of  
1012 whether an impairment substantially limits a major life activity  
1013 must be made without regard to the ameliorative effects of  
1014 mitigating measures, such as medication; medical supplies;  
1015 equipment or appliances; low-vision devices, not including  
1016 ordinary eyeglasses or contact lenses; prosthetics, including  
1017 artificial limbs and devices, hearing aids, cochlear implants or  
1018 other implantable hearing devices, and mobility devices; oxygen-  
1019 therapy equipment and supplies; use of assistive technology;  
1020 reasonable accommodations or auxiliary aids or services,  
1021 including qualified interpreters or other effective measures of  
1022 making aurally delivered materials available to individuals with  
1023 hearing impairments; qualified readers; taped texts or other  
1024 effective methods of making visually delivered materials

1025 available to individuals with visual impairments; acquisition or  
 1026 modification of equipment and devices and other similar services  
 1027 and actions; or learned behavioral or adaptive neurological  
 1028 modifications.

1029 Section 24. Section 760.23, Florida Statutes, is amended  
 1030 to read:

1031 760.23 Discrimination in the sale or rental of housing and  
 1032 other prohibited practices.--

1033 (1) It is unlawful to refuse to sell or rent after the  
 1034 making of a bona fide offer, to refuse to negotiate for the sale  
 1035 or rental of, or otherwise to make unavailable or deny a  
 1036 dwelling to any person because of race, color, national origin,  
 1037 sex, disability ~~handicap~~, familial status, or religion.

1038 (2) It is unlawful to discriminate against any person in  
 1039 the terms, conditions, or privileges of sale or rental of a  
 1040 dwelling, or in the provision of services or facilities in  
 1041 connection therewith, because of race, color, national origin,  
 1042 sex, disability ~~handicap~~, familial status, or religion.

1043 (3) It is unlawful to make, print, or publish, or cause to  
 1044 be made, printed, or published, any notice, statement, or  
 1045 advertisement with respect to the sale or rental of a dwelling  
 1046 that indicates any preference, limitation, or discrimination  
 1047 based on race, color, national origin, sex, disability ~~handicap~~,  
 1048 familial status, or religion or an intention to make any such  
 1049 preference, limitation, or discrimination.

1050 (4) It is unlawful to represent to any person because of  
 1051 race, color, national origin, sex, disability ~~handicap~~, familial  
 1052 status, or religion that any dwelling is not available for

1053 inspection, sale, or rental when such dwelling is in fact so  
 1054 available.

1055 (5) It is unlawful, for profit, to induce or attempt to  
 1056 induce any person to sell or rent any dwelling by a  
 1057 representation regarding the entry or prospective entry into the  
 1058 neighborhood of a person or persons of a particular race, color,  
 1059 national origin, sex, disability ~~handicap~~, familial status, or  
 1060 religion.

1061 (6) The protections afforded under ss. 760.20-760.41  
 1062 ~~760.20-760.37~~ against discrimination on the basis of familial  
 1063 status apply to any person who is pregnant or is in the process  
 1064 of securing legal custody of any individual who has not attained  
 1065 the age of 18 years.

1066 (7) It is unlawful to discriminate in the sale or rental  
 1067 of, or to otherwise make unavailable or deny, a dwelling to any  
 1068 buyer or renter because of a disability ~~handicap~~ of:

1069 (a) That buyer or renter;

1070 (b) A person residing in or intending to reside in that  
 1071 dwelling after it is sold, rented, or made available; or

1072 (c) Any person associated with the buyer or renter.

1073 (8) It is unlawful to discriminate against any person in  
 1074 the terms, conditions, or privileges of sale or rental of a  
 1075 dwelling, or in the provision of services or facilities in  
 1076 connection with such dwelling, because of a disability ~~handicap~~  
 1077 of:

1078 (a) That buyer or renter;

1079 (b) A person residing in or intending to reside in that  
 1080 dwelling after it is sold, rented, or made available; or

1081 (c) Any person associated with the buyer or renter.  
 1082 (9) For purposes of subsections (7) and (8),  
 1083 discrimination includes:  
 1084 (a) A refusal to permit, at the expense of the ~~handicapped~~  
 1085 person having a disability, reasonable modifications of existing  
 1086 premises occupied or to be occupied by such person if such  
 1087 modifications may be necessary to afford such person full  
 1088 enjoyment of the premises; or  
 1089 (b) A refusal to make reasonable accommodations in rules,  
 1090 policies, practices, or services, when such accommodations may  
 1091 be necessary to afford such person equal opportunity to use and  
 1092 enjoy a dwelling.  
 1093 (10) Covered multifamily dwellings as defined herein which  
 1094 are intended for first occupancy after March 13, 1991, shall be  
 1095 designed and constructed to have at least one building entrance  
 1096 on an accessible route unless it is impractical to do so because  
 1097 of the terrain or unusual characteristics of the site as  
 1098 determined by commission rule. Such buildings shall also be  
 1099 designed and constructed in such a manner that:  
 1100 (a) The public use and common use portions of such  
 1101 dwellings are readily accessible to and usable by ~~handicapped~~  
 1102 persons having disabilities.  
 1103 (b) All doors designed to allow passage into and within  
 1104 all premises within such dwellings are sufficiently wide to  
 1105 allow passage by a person in a wheelchair.  
 1106 (c) All premises within such dwellings contain the  
 1107 following features of adaptive design:  
 1108 1. An accessible route into and through the dwelling.



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1109           2. Light switches, electrical outlets, thermostats, and  
1110 other environmental controls in accessible locations.

1111           3. Reinforcements in bathroom walls to allow later  
1112 installation of grab bars.

1113           4. Usable kitchens and bathrooms such that a person in a  
1114 wheelchair can maneuver about the space.

1115           (d) Compliance with the appropriate requirements of the  
1116 American National Standards Institute for buildings and  
1117 facilities providing accessibility and usability for persons  
1118 having disabilities ~~physically handicapped people~~, commonly  
1119 cited as ANSI A117.1-1986, suffices to satisfy the requirements  
1120 of paragraph (c).

1121  
1122 State agencies with building construction regulation  
1123 responsibility or local governments, as appropriate, shall  
1124 review the plans and specifications for the construction of  
1125 covered multifamily dwellings to determine consistency with the  
1126 requirements of this subsection.

1127           Section 25. Section 760.24, Florida Statutes, is amended  
1128 to read:

1129           760.24 Discrimination in the provision of brokerage  
1130 services.--It is unlawful to deny any person access to, or  
1131 membership or participation in, any multiple-listing service,  
1132 real estate brokers' organization, or other service,  
1133 organization, or facility relating to the business of selling or  
1134 renting dwellings, or to discriminate against him or her in the  
1135 terms or conditions of such access, membership, or

1136 participation, on account of race, color, national origin, sex,  
 1137 disability ~~handicap~~, familial status, or religion.

1138 Section 26. Section 760.25, Florida Statutes, is amended  
 1139 to read:

1140 760.25 Discrimination in the financing of housing or in  
 1141 residential real estate transactions.--

1142 (1) It is unlawful for any bank, building and loan  
 1143 association, insurance company, or other corporation,  
 1144 association, firm, or enterprise the business of which consists  
 1145 in whole or in part of the making of commercial real estate  
 1146 loans to deny a loan or other financial assistance to a person  
 1147 applying for the loan for the purpose of purchasing,  
 1148 constructing, improving, repairing, or maintaining a dwelling,  
 1149 or to discriminate against him or her in the fixing of the  
 1150 amount, interest rate, duration, or other term or condition of  
 1151 such loan or other financial assistance, because of the race,  
 1152 color, national origin, sex, disability ~~handicap~~, familial  
 1153 status, or religion of such person or of any person associated  
 1154 with him or her in connection with such loan or other financial  
 1155 assistance or the purposes of such loan or other financial  
 1156 assistance, or because of the race, color, national origin, sex,  
 1157 disability ~~handicap~~, familial status, or religion of the present  
 1158 or prospective owners, lessees, tenants, or occupants of the  
 1159 dwelling or dwellings in relation to which such loan or other  
 1160 financial assistance is to be made or given.

1161 (2) (a) It is unlawful for any person or entity whose  
 1162 business includes engaging in residential real estate  
 1163 transactions to discriminate against any person in making

1164 available such a transaction, or in the terms or conditions of  
 1165 such a transaction, because of race, color, national origin,  
 1166 sex, disability ~~handicap~~, familial status, or religion.

1167 (b) As used in this subsection, the term "residential real  
 1168 estate transaction" means any of the following:

1169 1. The making or purchasing of loans or providing other  
 1170 financial assistance:

1171 a. For purchasing, constructing, improving, repairing, or  
 1172 maintaining a dwelling; or

1173 b. Secured by residential real estate.

1174 2. The selling, brokering, or appraising of residential  
 1175 real property.

1176 Section 27. Subsections (1), (2), and (3), paragraphs (a)  
 1177 and (e) of subsection (4), and subsection (5) of section 760.29,  
 1178 Florida Statutes, are amended to read:

1179 760.29 Exemptions.--

1180 (1)(a) Nothing in ss. 760.23 and 760.25 applies to:

1181 1. Any single-family house sold or rented by its owner,  
 1182 provided such private individual owner does not own more than  
 1183 three single-family houses at any one time. In the case of the  
 1184 sale of a single-family house by a private individual owner who  
 1185 does not reside in such house at the time of the sale or who was  
 1186 not the most recent resident of the house prior to the sale, the  
 1187 exemption granted by this paragraph applies only with respect to  
 1188 one sale within any 24-month period. In addition, the bona fide  
 1189 private individual owner shall not own any interest in, nor  
 1190 shall there be owned or reserved on his or her behalf, under any  
 1191 express or voluntary agreement, title to, or any right to all or

1192 a portion of the proceeds from the sale or rental of, more than  
 1193 three single-family houses at any one time. The sale or rental  
 1194 of any single-family house shall be excepted from the  
 1195 application of ss. 760.20-760.41 ~~760.20-760.37~~ only if the house  
 1196 is sold or rented:

1197 a. Without the use in any manner of the sales or rental  
 1198 facilities or the sales or rental services of any real estate  
 1199 licensee or such facilities or services of any person in the  
 1200 business of selling or renting dwellings, or of any employee or  
 1201 agent of any such licensee or person; and

1202 b. Without the publication, posting, or mailing, after  
 1203 notice, of any advertisement or written notice in violation of  
 1204 s. 760.23(3).

1205  
 1206 Nothing in this provision prohibits the use of attorneys, escrow  
 1207 agents, abstractors, title companies, and other such  
 1208 professional assistance as is necessary to perfect or transfer  
 1209 the title.

1210 2. Rooms or units in dwellings containing living quarters  
 1211 occupied or intended to be occupied by no more than four  
 1212 families living independently of each other, if the owner  
 1213 actually maintains and occupies one of such living quarters as  
 1214 his or her residence.

1215 (b) For the purposes of paragraph (a), a person is deemed  
 1216 to be in the business of selling or renting dwellings if the  
 1217 person:

1218 1. Has, within the preceding 12 months, participated as  
 1219 principal in three or more transactions involving the sale or  
 1220 rental of any dwelling or interest therein;

1221 2. Has, within the preceding 12 months, participated as  
 1222 agent, other than in the sale of his or her own personal  
 1223 residence, in providing sales or rental facilities or sales or  
 1224 rental services in two or more transactions involving the sale  
 1225 or rental of any dwelling or interest therein; or

1226 3. Is the owner of any dwelling designed or intended for  
 1227 occupancy by, or occupied by, five or more families.

1228 (2) Nothing in ss. 760.20-760.41 ~~760.20-760.37~~ prohibits a  
 1229 religious organization, association, or society, or any  
 1230 nonprofit institution or organization operated, supervised, or  
 1231 controlled by or in conjunction with a religious organization,  
 1232 association, or society, from limiting the sale, rental, or  
 1233 occupancy of any dwelling which it owns or operates for other  
 1234 than a commercial purpose to persons of the same religion or  
 1235 from giving preference to such persons, unless membership in  
 1236 such religion is restricted on account of race, color, or  
 1237 national origin. Nothing in ss. 760.20-760.41 ~~760.20-760.37~~  
 1238 prohibits a private club not in fact open to the public, which  
 1239 as an incident to its primary purpose or purposes provides  
 1240 lodgings which it owns or operates for other than a commercial  
 1241 purpose, from limiting the rental or occupancy of such lodgings  
 1242 to its members or from giving preference to its members.

1243 (3) Nothing in ss. 760.20-760.41 ~~760.20-760.37~~ requires  
 1244 any person renting or selling a dwelling constructed for first  
 1245 occupancy before March 13, 1991, to modify, alter, or adjust the

1246 dwelling in order to provide physical accessibility except as  
 1247 otherwise required by law.

1248 (4) (a) Any provision of ss. 760.20-760.41 ~~760.20-760.37~~  
 1249 regarding familial status does not apply with respect to housing  
 1250 for older persons.

1251 (e) A facility or community claiming an exemption under  
 1252 this subsection shall register with the commission by submitting  
 1253 to the commission a copy of the recorded documents establishing  
 1254 the facility or community as housing for older persons and  
 1255 ~~submit~~ a letter ~~to the commission~~ stating that the facility or  
 1256 community complies with the requirements of subparagraph (b)1.,  
 1257 subparagraph (b)2., or subparagraph (b)3. The letter shall be  
 1258 submitted on the letterhead of the facility or community and  
 1259 ~~shall be~~ signed by the president of the facility or community.  
 1260 This registration and documentation shall be renewed biennially  
 1261 from the date of original filing. The information in the  
 1262 registry shall be made available to the public, and the  
 1263 commission shall include this information on an Internet  
 1264 website. The commission may charge a ~~establish a reasonable~~  
 1265 registration fee of \$75, which, ~~not to exceed \$20,~~ that shall be  
 1266 deposited into the commission's trust fund to defray the  
 1267 administrative costs associated with maintaining the registry.  
 1268 The commission may impose an administrative fine, not to exceed  
 1269 \$500, on a facility or community that fails to register or renew  
 1270 its registration with the commission or that knowingly submits  
 1271 false information in the documentation required by this  
 1272 paragraph. Such fines shall be deposited in the commission's  
 1273 trust fund. The registration and documentation required by this

1274 paragraph shall not substitute for proof of compliance with the  
 1275 requirements of this subsection. Failure to comply with the  
 1276 requirements of this paragraph shall not disqualify a facility  
 1277 or community that otherwise qualifies for the exemption provided  
 1278 in this subsection.

1279  
 1280 A county or municipal ordinance regarding housing for older  
 1281 persons may not contravene the provisions of this subsection.

1282 (5) Nothing in ss. 760.20-760.41 ~~760.20-760.37~~:

1283 (a) Prohibits a person engaged in the business of  
 1284 furnishing appraisals of real property from taking into  
 1285 consideration factors other than race, color, national origin,  
 1286 sex, disability ~~handicap~~, familial status, or religion.

1287 (b) Limits the applicability of any reasonable local  
 1288 restriction regarding the maximum number of occupants permitted  
 1289 to occupy a dwelling.

1290 (c) Requires that a dwelling be made available to an  
 1291 individual whose tenancy would constitute a direct threat to the  
 1292 health or safety of other individuals or whose tenancy would  
 1293 result in substantial physical damage to the property of others.

1294 (d) Prohibits conduct against a person because such person  
 1295 has been convicted by any court of competent jurisdiction of the  
 1296 illegal manufacture or distribution of a controlled substance as  
 1297 defined under chapter 893.

1298 Section 28. Section 760.30, Florida Statutes, is amended  
 1299 to read:

1300 760.30 Administration of ss. 760.20-760.41 ~~760.20-~~  
 1301 ~~760.37~~.--

1302 (1) The authority and responsibility for administering ss.  
 1303 760.20-760.41 ~~760.20-760.37~~ is in the commission.

1304 (2) The commission may delegate any of its functions,  
 1305 duties, and powers to its employees, including functions,  
 1306 duties, and powers with respect to investigating, conciliating,  
 1307 hearing, determining, ordering, certifying, reporting, or  
 1308 otherwise acting as to any work, business, or matter under ss.  
 1309 760.20-760.41 ~~760.20-760.37~~.

1310 Section 29. Subsections (4) and (5) of section 760.31,  
 1311 Florida Statutes, are amended to read:

1312 760.31 Powers and duties of commission.--The commission  
 1313 shall:

1314 (4) Administer the programs and activities relating to  
 1315 housing in a manner affirmatively to further the policies of ss.  
 1316 760.20-760.41 ~~760.20-760.37~~.

1317 (5) Adopt rules necessary to implement ss. 760.20-760.41  
 1318 ~~760.20-760.37~~ and govern the proceedings of the commission in  
 1319 accordance with chapter 120. Commission rules shall clarify  
 1320 terms used with regard to disability ~~handicapped~~ accessibility,  
 1321 exceptions from accessibility requirements based on terrain or  
 1322 site characteristics, and requirements related to housing for  
 1323 older persons. Commission rules shall specify the fee and the  
 1324 forms and procedures to be used for the registration required by  
 1325 s. 760.29(4)(e).

1326 Section 30. Subsection (1) of section 760.32, Florida  
 1327 Statutes, is amended to read:

1328 760.32 Investigations; subpoenas; oaths.--



1329           (1) In conducting an investigation, the commission shall  
 1330 have access at all reasonable times to premises, records,  
 1331 documents, individuals, and other evidence or possible sources  
 1332 of evidence and may examine, record, and copy such materials and  
 1333 take and record the testimony or statements of such persons as  
 1334 are reasonably necessary for the furtherance of the  
 1335 investigation if, ~~provided~~ the commission first complies with  
 1336 the provisions of the State Constitution relating to  
 1337 unreasonable searches and seizures. The commission may issue  
 1338 subpoenas to compel its access to or the production of such  
 1339 materials or the appearance of such persons, and may issue  
 1340 interrogatories to a respondent, to the same extent and subject  
 1341 to the same limitations as would apply if the subpoenas or  
 1342 interrogatories were issued or served in aid of a civil action  
 1343 in court. The commission may also use any other method of  
 1344 discovery authorized by the Florida Rules of Civil Procedure.  
 1345 The commission may administer oaths.

1346           Section 31. Section 760.34, Florida Statutes, is amended  
 1347 to read:

1348           760.34 Enforcement.--

1349           (1) Any person who claims to have been injured by a  
 1350 discriminatory housing practice or who believes that he or she  
 1351 will be injured by a discriminatory housing practice that is  
 1352 about to occur may file a complaint with the commission.  
 1353 Complaints shall be in writing and shall contain such  
 1354 information and be in such form as the commission requires. Upon  
 1355 receipt of such a complaint, the commission shall furnish a copy  
 1356 to the person or persons who allegedly committed the

1357 discriminatory housing practice or are about to commit the  
 1358 alleged discriminatory housing practice. Within 100 days after  
 1359 receiving a complaint, or within 100 days after the expiration  
 1360 of any period of reference under subsection (3), the commission  
 1361 shall investigate the complaint and give notice in writing to  
 1362 the person aggrieved whether it intends to resolve it. If the  
 1363 commission decides to resolve the complaint, it shall proceed to  
 1364 try to eliminate or correct the alleged discriminatory housing  
 1365 practice by informal methods of conference, conciliation, and  
 1366 persuasion. Insofar as possible, conciliation meetings shall be  
 1367 held in the cities or other localities where the discriminatory  
 1368 housing practices allegedly occurred. Nothing said or done in  
 1369 the course of such informal endeavors may be made public or used  
 1370 as evidence in a subsequent proceeding under ss. 760.20-760.41  
 1371 ~~760.20-760.37~~ without the written consent of the persons  
 1372 concerned. Any employee of the commission who makes public any  
 1373 information in violation of this provision is guilty of a  
 1374 misdemeanor of the first degree, punishable as provided in s.  
 1375 775.082 or s. 775.083.

1376 (2) A complaint under subsection (1) must be filed within  
 1377 1 year after the alleged discriminatory housing practice  
 1378 occurred. The complaint must be in writing and shall state the  
 1379 facts upon which the allegations of a discriminatory housing  
 1380 practice are based. A complaint may be reasonably and fairly  
 1381 amended at any time. A respondent may file a response ~~an answer~~  
 1382 to the complaint against him or her and, with the leave of the  
 1383 commission, which shall be granted whenever it would be  
 1384 reasonable and fair to do so, may amend his or her response

1385 ~~answer~~ at any time. Both complaint and response ~~answer~~ shall be  
 1386 verified.

1387 (3) Wherever a local fair housing law provides rights and  
 1388 remedies for alleged discriminatory housing practices that ~~which~~  
 1389 are substantially equivalent to the rights and remedies provided  
 1390 in ss. 760.20-760.41 ~~760.20-760.37~~, the commission shall notify  
 1391 the appropriate local agency of any complaint filed under ss.  
 1392 760.20-760.41 ~~760.20-760.37~~ which appears to constitute a  
 1393 violation of the local fair housing law, and the commission  
 1394 shall take no further action with respect to such complaint if  
 1395 the local law enforcement official has, within 30 days after  
 1396 ~~from~~ the date the alleged offense was brought to his or her  
 1397 attention, commenced proceedings in the matter. In no event  
 1398 shall the commission take further action unless it certifies  
 1399 that in its judgment, under the circumstances of the particular  
 1400 case, the protection of the rights of the parties or the  
 1401 interests of justice require such action.

1402 (4) Whenever a charge is filed with the commission and the  
 1403 commission concludes on the basis of a preliminary investigation  
 1404 that prompt judicial action is necessary to carry out the  
 1405 purposes of ss. 760.20-760.41, the commission may bring an  
 1406 action for appropriate temporary or preliminary relief pending  
 1407 final disposition of such charge. Any temporary restraining  
 1408 order or other order granting preliminary or temporary relief  
 1409 shall be issued in accordance with the applicable Florida Rules  
 1410 of Civil Procedure. If the court finds that the respondent has  
 1411 intentionally engaged in or is intentionally engaging in an  
 1412 unlawful practice under ss. 760.20-760.41 as charged in the

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1413 complaint, the court may enjoin the respondent from engaging in  
1414 such unlawful practice and order such affirmative relief as may  
1415 be appropriate.

1416 (5) (a) ~~(4)~~ If, within 180 days after a complaint is filed  
1417 with the commission or within 180 days after expiration of any  
1418 period of reference under subsection (3), the commission has  
1419 been unable to obtain voluntary compliance with ss. 760.20-  
1420 760.41 ~~760.20-760.37~~, the person aggrieved may commence a civil  
1421 action in any appropriate court against the respondent named in  
1422 the complaint or petition for an administrative determination  
1423 pursuant to s. 760.35 to enforce the rights granted or protected  
1424 by ss. 760.20-760.41 ~~760.20-760.37~~.

1425 (b) If, as a result of its investigation under subsection  
1426 (1), the commission finds there is reasonable cause to believe  
1427 that a discriminatory housing practice has occurred, at the  
1428 request of the person aggrieved, the Attorney General shall  
1429 bring an action in the name of the state on behalf of the  
1430 aggrieved person to enforce the provisions of ss. 760.20-760.41  
1431 ~~760.20-760.37~~.

1432 (c) If the commission determines that there is not reasonable  
1433 cause to believe that a discriminatory housing practice has  
1434 occurred, the commission shall dismiss the complaint. The aggrieved  
1435 person may request an administrative hearing under ss. 120.569 and  
1436 120.57, but any such request must be made within 30 days after the  
1437 service of the notice of the determination of no reasonable cause.  
1438 Any such hearing shall be heard by an administrative law judge and  
1439 not by the commission or a commissioner. If the aggrieved person  
1440 does not request an administrative hearing within 30 days, the

1441 claim is barred. If the administrative law judge finds that a  
 1442 discriminatory housing practice has occurred, he or she shall issue  
 1443 an appropriate recommended order to the commission. Within 90 days  
 1444 after the date that the recommended order is rendered, the  
 1445 commission shall issue a final order by adopting, rejecting, or  
 1446 modifying the recommended order as provided under ss. 120.569 and  
 1447 120.57. The 90-day period may be extended with the consent of all  
 1448 parties. In any action or proceeding under this subsection, the  
 1449 commission may allow the prevailing party reasonable attorney's  
 1450 fees as part of the costs. It is the intent of the Legislature that  
 1451 this provision for attorney's fees be interpreted in a manner  
 1452 consistent with federal case law involving a Title VIII action. If  
 1453 the final order issued by the commission determines that a  
 1454 discriminatory housing practice has occurred, the aggrieved person  
 1455 may:

- 1456 1. Request the Attorney General to bring an action in the  
 1457 name of the state on behalf of the aggrieved person to enforce the  
 1458 provisions of ss. 760.20-760.41; or
- 1459 2. Proceed with the case pursuant to this subsection,  
 1460 subsection (7), or subsection (8) as if there has been a  
 1461 determination of reasonable cause.

1462 (6)-(5) In any proceeding brought pursuant to this section  
 1463 or s. 760.35, the burden of proof is on the complainant.

1464 (7)-(6) Whenever an action filed in court pursuant to this  
 1465 section or s. 760.35 comes to trial, the commission shall  
 1466 immediately terminate all efforts to obtain voluntary  
 1467 compliance.

1468            ~~(7)~~(8) (a) The commission may institute a civil action in  
 1469 any appropriate court if it is unable to obtain voluntary  
 1470 compliance with ss. 760.20-760.41 ~~760.20-760.37~~. The commission  
 1471 need not have petitioned for an administrative hearing or  
 1472 exhausted its administrative remedies prior to bringing a civil  
 1473 action.

1474            (b) The court may impose the following fines for each  
 1475 violation of ss. 760.20-760.41 ~~760.20-760.37~~:

1476            1. Up to \$10,000, if the respondent has not previously  
 1477 been found guilty of a violation of ss. 760.20-760.41 ~~760.20-~~  
 1478 ~~760.37~~.

1479            2. Up to \$25,000, if the respondent has been found guilty  
 1480 of one prior violation of ss. 760.20-760.41 ~~760.20-760.37~~ within  
 1481 the preceding 5 years.

1482            3. Up to \$50,000, if the respondent has been found guilty  
 1483 of two or more violations of ss. 760.20-760.41 ~~760.20-760.37~~  
 1484 within the preceding 7 years.

1485  
 1486 In imposing a fine under this paragraph, the court shall  
 1487 consider the nature and circumstances of the violation, the  
 1488 degree of culpability, the history of prior violations of ss.  
 1489 760.20-760.41 ~~760.20-760.37~~, the financial circumstances of the  
 1490 respondent, and the goal of deterring future violations of ss.  
 1491 760.20-760.41 ~~760.20-760.37~~.

1492            (c) The court shall award reasonable attorney's fees and  
 1493 costs to the commission in any action in which the commission  
 1494 prevails.

1495        ~~(9)~~ Any local agency certified as substantially  
 1496 equivalent may institute a civil action in any appropriate  
 1497 court, including circuit court, if it is unable to obtain  
 1498 voluntary compliance with the local fair housing law. The agency  
 1499 need not have petitioned for an administrative hearing or  
 1500 exhausted its administrative remedies prior to bringing a civil  
 1501 action. The court may impose fines as provided in the local fair  
 1502 housing law.

1503        Section 32. Subsection (1) and paragraph (a) of subsection  
 1504 (3) of section 760.35, Florida Statutes, are amended to read:

1505        760.35 Civil actions and relief; administrative  
 1506 procedures.--

1507        (1) (a)1. A civil action shall be commenced no later than 2  
 1508 years after an alleged discriminatory housing practice has  
 1509 occurred.

1510        2. The computation of such 2-year period may not include  
 1511 any time during which an administrative proceeding under ss.  
 1512 760.20-760.41 was pending with respect to a complaint or charge  
 1513 based upon such discriminatory housing practice. This  
 1514 subparagraph does not apply to actions arising from a breach of  
 1515 a conciliation agreement.

1516        (b) However, the court shall continue a civil case brought  
 1517 pursuant to this section or s. 760.34 from time to time before  
 1518 bringing it to trial if the court believes that the conciliation  
 1519 efforts of the commission or local agency are likely to result  
 1520 in satisfactory settlement of the discriminatory housing  
 1521 practice complained of in the complaint made to the commission  
 1522 or to the local agency and which practice forms the basis for

1523 the action in court. Any sale, encumbrance, or rental  
 1524 consummated prior to the issuance of any court order issued  
 1525 under the authority of ss. 760.20-760.41 ~~760.20-760.37~~ and  
 1526 involving a bona fide purchaser, encumbrancer, or tenant without  
 1527 actual notice of the existence of the filing of a complaint or  
 1528 civil action under the provisions of ss. 760.20-760.41 ~~760.20-~~  
 1529 ~~760.37~~ shall not be affected.

1530 (3) (a) If the commission is unable to obtain voluntary  
 1531 compliance with ss. 760.20-760.41 ~~760.20-760.37~~ or has  
 1532 reasonable cause to believe that a discriminatory practice has  
 1533 occurred:

1534 1. The commission may institute an administrative  
 1535 proceeding under chapter 120; or

1536 2. The person aggrieved may request administrative relief  
 1537 under chapter 120 within 30 days after receiving notice that the  
 1538 commission has concluded its investigation under s. 760.34.

1539 Section 33. Section 760.36, Florida Statutes, is amended  
 1540 to read:

1541 760.36 Conciliation agreements.--Any conciliation  
 1542 agreement arising out of conciliation efforts by the Florida  
 1543 Commission on Human Relations pursuant to the Fair Housing Act  
 1544 must be agreed to by the respondent and the complainant and is  
 1545 subject to the approval of the commission. Notwithstanding the  
 1546 provisions of s. 760.11 (12) ~~(11)~~ and (13) ~~(12)~~, each conciliation  
 1547 agreement arising out of a complaint filed under the Fair  
 1548 Housing Act shall be made public unless the complainant and the  
 1549 respondent otherwise agree and the commission determines that



1550 disclosure is not required to further the purposes of the  
 1551 Florida Fair Housing Act.

1552 Section 34. Section 760.37, Florida Statutes, is amended  
 1553 to read:

1554 760.37 Interference, coercion, or intimidation;  
 1555 enforcement by administrative or civil action.--It is unlawful  
 1556 to coerce, intimidate, threaten, or interfere with any person in  
 1557 the exercise of, or on account of her or his having exercised,  
 1558 or on account of her or his having aided or encouraged any other  
 1559 person in the exercise of any right granted under ss. 760.20-  
 1560 760.41 ~~760.20-760.37~~. This section may be enforced by  
 1561 appropriate administrative or civil action.

1562 Section 35. Section 760.38, Florida Statutes, is created  
 1563 to read:

1564 760.38 Recovery for state-funded products or services  
 1565 provided.--

1566 (1) The commission may recover expenditures for any state-  
 1567 funded products or services furnished to any person seeking  
 1568 administrative or judicial relief under ss. 760.20-760.41 who  
 1569 has the present ability to pay. The rate of compensation for  
 1570 such products or services shall include the actual cost,  
 1571 including cost of recovery, of court reporter services and  
 1572 transcriptions, court interpreter services and translation, and  
 1573 any other product or service for which state funds were incurred  
 1574 by the commission as a result of persons seeking administrative  
 1575 or judicial relief.

1576 (2) Funds received by the commission pursuant to this  
 1577 section shall be deposited into the commission's trust fund to

1578 assist the commission in defraying some of the costs associated  
 1579 with parties seeking administrative or judicial relief.

1580 Section 36. Section 760.39, Florida Statutes, is created  
 1581 to read:

1582 760.39 Fees for products or services provided.--

1583 (1) The commission may charge fees for products or  
 1584 services provided in the performance of its duties pursuant to  
 1585 ss. 760.20-760.41 in amounts not to exceed:

1586 (a) For examining, comparing, correcting, verifying, and  
 1587 certifying transcripts of record in appellate proceedings,  
 1588 prepared by an attorney for the appellant or someone else other  
 1589 than the clerk of the commission, per page...\$5.00.

1590 (b) For preparing, numbering, and indexing an original  
 1591 record of appellate proceedings, per instrument...\$3.50.

1592 (c) For certifying copies of any instrument...\$2.00.

1593 (d) For verifying any instrument presented for  
 1594 certification prepared by someone other than the clerk of the  
 1595 commission, per page...\$3.50.

1596 (e) For writing or copying, including signing and sealing,  
 1597 any paper not otherwise mentioned in this subsection...\$7.00.

1598 (f) For indexing each entry not recorded...\$1.00.

1599 (2) The clerk of the commission may provide the requested  
 1600 information or record in an electronic format in lieu of a hard  
 1601 copy when ready accessibility by the requesting entity is  
 1602 available.

1603 (3) Any funds received by the commission pursuant to this  
 1604 section shall be deposited into the commission's trust fund.

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1605 Section 37. Section 760.401, Florida Statutes, is created  
 1606 to read:

1607 760.401 Mediation, arbitration, and conciliation services;  
 1608 immunity from liability for mediators.--

1609 (1) Mediation, arbitration, and conciliation services  
 1610 shall be available to and accessible by all parties to any  
 1611 discrimination complaint filed with the commission pursuant to  
 1612 ss. 760.20-760.41, regardless of financial status.

1613 (2) A person performing services specified in subsection (1)  
 1614 in any action pursuant to ss. 760.20-760.41 shall have immunity  
 1615 from liability arising from the performance of his or her duties  
 1616 while acting within the scope of that function if the services are:

- 1617 1. Required by statute or agency rule or order;
- 1618 2. Conducted by express agreement of the parties; or
- 1619 3. Facilitated by a mediator certified by the Supreme Court.

1620 (b) A person performing services specified in subsection (1)  
 1621 does not have immunity under this subsection if he or she acts in  
 1622 bad faith, with malicious purpose, or in a manner exhibiting wanton  
 1623 and willful disregard of human rights, safety, or property.

1624 Section 38. Section 760.41, Florida Statutes, is created  
 1625 to read:

1626 760.41 Computation of time.--In computing any period of time  
 1627 under ss. 760.20-760.41, the day of the act, event, or default from  
 1628 which the designated period of time begins to run shall not be  
 1629 included. The last day of the period so computed shall be included  
 1630 unless it is a Saturday, Sunday, or legal state holiday, in which  
 1631 event the period shall run until the end of the next day that is  
 1632 not a Saturday, Sunday, or legal state holiday. If the period of

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1633 time prescribed or allowed is less than 7 days, intermediate  
1634 Saturdays, Sundays, and legal state holidays shall be excluded in  
1635 the computation.

1636 Section 39. Subsection (2) of section 760.50, Florida  
1637 Statutes, is amended to read:

1638 760.50 Discrimination on the basis of AIDS, AIDS-related  
1639 complex, and HIV prohibited.--

1640 (2) Any person with or perceived as having acquired immune  
1641 deficiency syndrome, acquired immune deficiency syndrome related  
1642 complex, or human immunodeficiency virus shall have every  
1643 protection made available to ~~handicapped~~ persons having  
1644 disabilities.

1645 Section 40. Subsection (1) of section 760.60, Florida  
1646 Statutes, is amended to read:

1647 760.60 Discriminatory practices of certain clubs  
1648 prohibited; remedies.--

1649 (1) It is unlawful for a person to discriminate against  
1650 any individual because of race, color, religion, gender,  
1651 national origin, disability ~~handicap~~, age above the age of 21,  
1652 or marital status in evaluating an application for membership in  
1653 a club that has more than 400 members, that provides regular  
1654 meal service, and that regularly receives payment for dues,  
1655 fees, use of space, facilities, services, meals, or beverages  
1656 directly or indirectly from nonmembers for business purposes. It  
1657 is unlawful for a person, on behalf of such a club, to publish,  
1658 circulate, issue, display, post, or mail any advertisement,  
1659 notice, or solicitation that contains a statement to the effect  
1660 that the accommodations, advantages, facilities, membership, or

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1661 | privileges of the club are denied to any individual because of  
1662 | race, color, religion, sex ~~gender~~, national origin, disability  
1663 | ~~handicap~~, age above the age of 21, or marital status. This  
1664 | subsection does not apply to fraternal or benevolent  
1665 | organizations, ethnic clubs, or religious organizations where  
1666 | business activity is not prevalent.

1667 |       Section 41. This act shall take effect July 1, 2010.