

By Senator Joyner

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1                                   A bill to be entitled  
2           An act relating to discrimination based on disability;  
3           amending ss. 110.105, 110.112, 110.181, 110.233,  
4           112.042, 119.071, 119.0713, 259.1053, 288.7015,  
5           288.9625, 290.0135, 381.026, 395.1041, 409.907,  
6           414.095, 419.001, 420.624, 420.9075, 440.02, 562.51,  
7           636.009, and 636.022, F.S.; conforming terms to  
8           changes made by the act; amending s. 760.01, F.S.;  
9           substituting the term "disability" for the term  
10          "handicap"; updating terms and conforming cross-  
11          references; amending s. 760.02, F.S.; defining the  
12          terms "disability," "major life activities,"  
13          "substantially limits," and "transitory or minor  
14          impairment"; creating s. 760.025, F.S.; providing that  
15          an impairment that limits one major life activity is a  
16          disability; amending s. 760.03, F.S.; providing that  
17          the Florida Commission on Human Relations may delegate  
18          its functions relating to the Florida Civil Rights  
19          Act; amending s. 760.04, F.S.; conforming terms to  
20          changes made by the act; amending s. 760.05, F.S.;  
21          providing that the commission shall administer the  
22          Florida Civil Rights Act; amending s. 760.06, F.S.;  
23          authorizing the commission to use any method of  
24          discovery authorized by the Florida Rules of Civil  
25          Procedure; specifying to whom the commission shall  
26          provide technical assistance; authorizing the  
27          commission to assess costs and charge fees; amending  
28          ss. 760.07 and 760.08, F.S.; substituting the word  
29          "sex" for the term "gender" and conforming other terms

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30 to changes made by the act; amending s. 760.10, F.S.;

31 specifying what is an unlawful employment practice

32 with respect to paying compensation; providing

33 additional grounds that constitute unlawful employment

34 practices; amending s. 760.11, F.S.; revising

35 procedures for filing a complaint; authorizing the

36 commission to bring an action for temporary or

37 preliminary relief; providing for injunctions and

38 other remedies; authorizing the executive director of

39 the commission to reconsider a determination of

40 reasonable cause; providing a statute of limitations

41 for bringing a civil action under certain

42 circumstances; creating s. 760.12, F.S.; authorizing

43 the commission to recover expenditures made on behalf

44 of persons seeking relief; creating s. 760.13, F.S.;

45 establishing fees; creating s. 760.14, F.S.; providing

46 for the availability of mediation, arbitration, and

47 conciliation services; providing a fee for such

48 services; creating s. 760.15, F.S.; specifying how

49 time is to be computed under the act; creating s.

50 760.16, F.S.; providing for a direct-support

51 organization to support the commission; providing

52 purposes; providing for a board of directors;

53 providing for a contract and the content of such

54 contract; providing limitations; authorizing the

55 commission to adopt rules; amending s. 760.20, F.S.;

56 conforming terms; amending s. 760.22, F.S.; defining

57 the terms "disability," major life activities,"

58 "substantially limits," and "transitory or minor

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59       impairment"; deleting the term "handicap"; creating s.  
60       760.225, F.S.; providing that an impairment that  
61       limits one major life activity is a disability;  
62       amending ss. 760.23, 760.24, and 760.25, F.S.;  
63       conforming terms to changes made by the act; amending  
64       s. 760.29, F.S.; revising provisions providing housing  
65       exemptions from the Fair Housing Act; increasing the  
66       fee for registering the exemption; amending ss. 760.30  
67       and 760.31, F.S.; conforming terms to changes made by  
68       the act; amending s. 760.32, F.S.; authorizing the  
69       commission to use any method of discovery authorized  
70       by the Florida Rules of Civil Procedure; amending s.  
71       760.34, F.S.; revising procedures for filing a  
72       complaint; authorizing the commission to bring an  
73       action for temporary or preliminary relief; providing  
74       for injunctions; providing for administrative  
75       procedures under certain circumstances; providing for  
76       the award of attorney's fees and costs; amending s.  
77       760.35, F.S.; revising provisions relating to bringing  
78       a civil action; amending ss. 760.36 and 760.37, F.S.;  
79       conforming cross-references; creating s. 760.38, F.S.;  
80       authorizing the commission to recover expenditures  
81       made on behalf of persons seeking relief; creating s.  
82       760.381, F.S.; establishing fees; creating s. 760.382,  
83       F.S.; providing for the availability of mediation,  
84       arbitration, and conciliation services; creating s.  
85       760.383, F.S.; specifying how time is to be computed  
86       under the act; amending ss. 760.50, 760.60, 849.086,  
87       849.0931, 874.02, 1004.447, and 1012.855, F.S.;

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88 conforming terms to changes made by the act; providing  
89 an effective date.

90

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

92

93 Section 1. Subsection (2) of section 110.105, Florida  
94 Statutes, is amended to read:

95 110.105 Employment policy of the state.—

96 (2) All appointments, terminations, assignments and  
97 maintenance of status, compensation, privileges, and other terms  
98 and conditions of employment in state government shall be made  
99 without regard to age, sex, race, religion, national origin,  
100 political affiliation, marital status, or disability ~~handicap~~,  
101 except when a specific sex, age, or physical requirement  
102 constitutes a bona fide occupational qualification necessary to  
103 proper and efficient administration.

104 Section 2. Subsection (4) of section 110.112, Florida  
105 Statutes, is amended to read:

106 110.112 Affirmative action; equal employment opportunity.—

107 (4) The state and ~~r~~ its agencies and officers shall ensure  
108 freedom from discrimination in employment as provided by the  
109 Florida Civil Rights Act ~~of 1992~~, ~~by~~ s. 112.044, and ~~by~~ this  
110 chapter.

111 Section 3. Paragraph (h) of subsection (1) of section  
112 110.181, Florida Statutes, is amended to read:

113 110.181 Florida State Employees' Charitable Campaign.—

114 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

115 (h) Organizations ineligible to participate in the Florida  
116 State Employees' Charitable Campaign include, but are not

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117 limited to, ~~the following~~:

118 1. Organizations whose fundraising and administrative  
119 expenses exceed 25 percent, unless extraordinary circumstances  
120 are ~~can be~~ demonstrated.

121 2. Organizations whose activities contain an element that  
122 is more than incidentally political in nature or whose  
123 activities are primarily political, religious, professional, or  
124 fraternal in nature.

125 3. Organizations that ~~which~~ discriminate against any  
126 individual or group on account of race, color, religion, sex,  
127 national origin, age, disability ~~handicap~~, or political  
128 affiliation.

129 4. Organizations not properly registered as a charitable  
130 organization as required by the Solicitation of Contributions  
131 Act, ss. 496.401-496.424.

132 5. Organizations that ~~which~~ have not received tax-exempt  
133 status under s. 501(c)(3), Internal Revenue Code.

134 Section 4. Subsection (1) of section 110.233, Florida  
135 Statutes, is amended to read:

136 110.233 Political activities and unlawful acts prohibited.—

137 (1) No person shall be appointed to, demoted, or dismissed  
138 from any position in the career service, or in any way favored  
139 or discriminated against with respect to employment in the  
140 career service, because of race, color, national origin, sex,  
141 disability ~~handicap~~, religious creed, or political opinion or  
142 affiliation.

143 Section 5. Subsection (1) of section 112.042, Florida  
144 Statutes, is amended to read:

145 112.042 Discrimination in county and municipal employment;

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146 relief.-

147 (1) It is against the public policy of this state for the  
148 governing body of any county or municipal agency, board,  
149 commission, department, or office, solely because of ~~the~~ race,  
150 color, national origin, sex, disability handicap, or religious  
151 creed ~~of any individual~~, to refuse to hire or employ, to bar, ~~or~~  
152 to discharge from employment, ~~such individuals~~ or to otherwise  
153 discriminate against any individual ~~such individuals~~ with  
154 respect to compensation, hire, tenure, terms, conditions, or  
155 privileges of employment, if the individual is the most  
156 competent and able to perform the services required.

157 Section 6. Paragraph (g) of subsection (2) of section  
158 119.071, Florida Statutes, is amended to read:

159 119.071 General exemptions from inspection or copying of  
160 public records.-

161 (2) AGENCY INVESTIGATIONS.-

162 (g)1.~~a.~~ All complaints and other records in the custody of  
163 any agency which relate to a complaint of discrimination  
164 relating to race, color, religion, sex, national origin, age,  
165 disability handicap, or marital status in connection with hiring  
166 practices, position classifications, salary, benefits,  
167 discipline, discharge, employee performance, evaluation, or  
168 other related activities are exempt from s. 119.07(1) and s.  
169 24(a), Art. I of the State Constitution until a finding ~~is made~~  
170 relating to probable cause is made, the investigation of the  
171 complaint becomes inactive, or the complaint or other record is  
172 made part of the official record of any hearing or court  
173 proceeding.

174 ~~a.b.~~ This provision does ~~shall~~ not affect any function or

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175 activity of the Florida Commission on Human Relations.

176 ~~b.e.~~ Any state or federal agency that is authorized by law  
177 to have access to such complaints or records ~~by any provision of~~  
178 ~~law~~ shall be granted such access in the furtherance of its ~~such~~  
179 ~~agency's~~ statutory duties.

180 2. If ~~When~~ the alleged victim chooses not to file a  
181 complaint and requests that records of the complaint remain  
182 confidential, all records relating to an allegation of  
183 employment discrimination are confidential and exempt from s.  
184 119.07(1) and s. 24(a), Art. I of the State Constitution.

185 3. This paragraph is subject to the Open Government Sunset  
186 Review Act in accordance with s. 119.15 and shall stand repealed  
187 on October 2, 2013, unless reviewed and saved from repeal  
188 through reenactment by the Legislature.

189 Section 7. Subsection (1) of section 119.0713, Florida  
190 Statutes, is amended to read:

191 119.0713 Local government agency exemptions from inspection  
192 or copying of public records.—

193 (1) All complaints and other records in the custody of any  
194 unit of local government which relate to a complaint of  
195 discrimination relating to race, color, religion, sex, national  
196 origin, age, disability ~~handicap~~, marital status, sale or rental  
197 of housing, the provision of brokerage services, or the  
198 financing of housing are exempt from s. 119.07(1) and s. 24(a),  
199 Art. I of the State Constitution until a finding ~~is made~~  
200 relating to probable cause is made, the investigation of the  
201 complaint becomes inactive, or the complaint or other record is  
202 made part of the official record of any hearing or court  
203 proceeding. This provision does ~~shall~~ not affect any function or

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204 activity of the Florida Commission on Human Relations. Any state  
205 or federal agency that is authorized by law to have access to  
206 such complaints or records ~~by any provision of law~~ shall be  
207 granted such access in the furtherance of its ~~such agency's~~  
208 statutory duties. This subsection does ~~shall not be construed to~~  
209 modify or repeal any special or local act.

210 Section 8. Paragraph (h) of subsection (9) of section  
211 259.1053, Florida Statutes, is amended to read:

212 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;  
213 creation; membership; organization; meetings.-

214 (9) POWERS AND DUTIES.-

215 (h) The corporation and its subsidiaries shall ~~must~~ provide  
216 equal employment opportunities for all persons regardless of  
217 race, color, religion, sex ~~gender~~, national origin, age,  
218 disability ~~handicap~~, or marital status.

219 Section 9. Subsection (5) of section 288.7015, Florida  
220 Statutes, is amended to read:

221 288.7015 Appointment of rules ombudsman; duties.-The  
222 Governor shall appoint a rules ombudsman, as defined in s.  
223 288.703, in the Executive Office of the Governor, for  
224 considering the impact of agency rules on the state's citizens  
225 and businesses. In carrying out duties as provided by law, the  
226 ombudsman shall consult with Enterprise Florida, Inc., at which  
227 point the office may recommend to improve the regulatory  
228 environment of this state. The duties of the rules ombudsman are  
229 to:

230 (5) Each state agency shall cooperate fully with the rules  
231 ombudsman in identifying such rules and. ~~Further, each agency~~  
232 shall take the necessary steps to waive, modify, or otherwise



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233 minimize the ~~such~~ adverse effects of ~~any~~ such rules. However,  
 234 ~~nothing in~~ this section does not authorize a ~~authorizes any~~  
 235 state agency to waive, modify, provide exceptions to, or  
 236 otherwise alter any rule that is:

237 (a) Expressly required to implement or enforce any  
 238 statutory provision or ~~the~~ express legislative intent ~~thereof~~;

239 (b) Designed to protect persons against discrimination on  
 240 the basis of race, color, national origin, religion, sex, age,  
 241 disability ~~handicap~~, or marital status; or

242 (c) Likely to prevent a significant risk or danger to the  
 243 public health, the public safety, or the environment of the  
 244 state.

245 Section 10. Subsection (3) of section 288.9625, Florida  
 246 Statutes, is amended to read:

247 288.9625 Institute for the Commercialization of Public  
 248 Research.—There is established the Institute for the  
 249 Commercialization of Public Research.

250 (3) The articles of incorporation of the institute must be  
 251 approved in a written agreement with Enterprise Florida, Inc.  
 252 The agreement and the articles of incorporation shall:

253 (a) Provide that the institute shall provide equal  
 254 employment opportunities for all persons regardless of race,  
 255 color, religion, sex ~~gender~~, national origin, age, disability  
 256 ~~handicap~~, or marital status;

257 (b) Provide that the institute is subject to the public  
 258 records and meeting requirements of s. 24, Art. I of the State  
 259 Constitution;

260 (c) Provide that all officers, directors, and employees of  
 261 the institute shall be governed by the code of ethics for public

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262 officers and employees as set forth in part III of chapter 112;

263 (d) Provide that members of the board of directors of the  
264 institute are responsible for the prudent use of all public and  
265 private funds and that they will ensure that the use of funds is  
266 in accordance with all applicable laws, bylaws, and contractual  
267 requirements; and

268 (e) Provide that the fiscal year of the institute is from  
269 July 1 to June 30.

270 Section 11. Subsection (2) of section 290.0135, Florida  
271 Statutes, is amended to read:

272 290.0135 Local government ordinances; encouragements and  
273 incentives; review for adverse effects; certain changes  
274 prohibited.—

275 (2) ~~Nothing in~~ This section does not authorize a ~~authorizes~~  
276 ~~any~~ local government to waive, amend, provide exceptions to, or  
277 otherwise modify ~~or alter~~ any ordinance:

278 (a) That ~~which~~ is expressly required to implement or  
279 enforce any statutory provision or ~~the~~ legislative intent  
280 thereof;

281 (b) That ~~which~~ is designed to protect persons against  
282 discrimination on the basis of race, color, national origin,  
283 religion, sex, age, disability ~~handicap~~, or marital status; or

284 (c) The waiver, amendment, or modification of which is  
285 likely to present a significant risk to the public health,  
286 public safety, or the environment of the state.

287 Section 12. Paragraph (d) of subsection (4) and subsection  
288 (6) of section 381.026, Florida Statutes, are amended to read:

289 381.026 Florida Patient's Bill of Rights and  
290 Responsibilities.—

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291 (4) RIGHTS OF PATIENTS.—Each health care facility or  
 292 provider shall observe the following standards:

293 (d) *Access to health care.*—

294 1. A patient has the right to impartial access to medical  
 295 treatment or accommodations, regardless of race, national  
 296 origin, religion, disability ~~handicap~~, or source of payment.

297 2. A patient has the right to treatment for any emergency  
 298 medical condition that will deteriorate due to ~~from~~ failure to  
 299 provide ~~such~~ treatment.

300 3. A patient has the right to access any mode of treatment  
 301 that ~~is~~, in his or her own judgment and the judgment of his or  
 302 her health care practitioner, is in the best interests of the  
 303 patient, including complementary or alternative health care  
 304 treatments, in accordance with ~~the provisions of~~ s. 456.41.

305 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care  
 306 provider who treats a patient in an office or ~~any~~ health care  
 307 facility licensed under chapter 395 which ~~that~~ provides  
 308 emergency services and care or outpatient services and care to a  
 309 patient, or admits and treats a patient, shall adopt and make  
 310 available to the patient, in writing, a statement of the rights  
 311 and responsibilities of patients, including the following:

312 SUMMARY OF THE FLORIDA PATIENT'S BILL  
 313 OF RIGHTS AND RESPONSIBILITIES

314  
 315 Florida law requires that your health care provider or  
 316 health care facility recognize your rights while you are  
 317 receiving medical care and that you respect the health care  
 318 provider's or health care facility's right to expect certain  
 319 behavior on the part of patients. You may request a copy of the

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320 full text of this law from your health care provider or health  
321 care facility. A summary of your rights and responsibilities  
322 follows:

323 A patient has the right to be treated with courtesy and  
324 respect, with appreciation of his or her individual dignity, and  
325 with protection of his or her need for privacy.

326 A patient has the right to a prompt and reasonable response  
327 to questions and requests.

328 A patient has the right to know who is providing medical  
329 services and who is responsible for his or her care.

330 A patient has the right to know what patient support  
331 services are available, including whether an interpreter is  
332 available if he or she does not speak English.

333 A patient has the right to know what rules and regulations  
334 apply to his or her conduct.

335 A patient has the right to be given by the health care  
336 provider information concerning diagnosis, planned course of  
337 treatment, alternatives, risks, and prognosis.

338 A patient has the right to refuse any treatment, except as  
339 otherwise provided by law.

340 A patient has the right to be given, upon request, full  
341 information and necessary counseling on the availability of  
342 known financial resources for his or her care.

343 A patient who is eligible for Medicare has the right to  
344 know, upon request and in advance of treatment, whether the  
345 health care provider or health care facility accepts the  
346 Medicare assignment rate.

347 A patient has the right to receive, upon request, prior to  
348 treatment, a reasonable estimate of charges for medical care.

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349 A patient has the right to receive a copy of a reasonably  
350 clear and understandable, itemized bill and, upon request, to  
351 have the charges explained.

352 A patient has the right to impartial access to medical  
353 treatment or accommodations, regardless of race, national  
354 origin, religion, disability ~~handicap~~, or source of payment.

355 A patient has the right to treatment for any emergency  
356 medical condition that will deteriorate due to ~~from~~ failure to  
357 provide treatment.

358 A patient has the right to know if medical treatment is for  
359 purposes of experimental research and to give his or her consent  
360 or refusal to participate in such experimental research.

361 A patient has the right to express grievances regarding any  
362 violation of his or her rights, as stated in Florida law,  
363 through the grievance procedure of the health care provider or  
364 health care facility that ~~which~~ served him or her and to the  
365 appropriate state licensing agency.

366 A patient is responsible for providing to the health care  
367 provider, to the best of his or her knowledge, accurate and  
368 complete information about present complaints, past illnesses,  
369 hospitalizations, medications, and other matters relating to his  
370 or her health.

371 A patient is responsible for reporting unexpected changes  
372 in his or her condition to the health care provider.

373 A patient is responsible for reporting to the health care  
374 provider whether he or she comprehends a contemplated course of  
375 action and what is expected of him or her.

376 A patient is responsible for following the treatment plan  
377 recommended by the health care provider.

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378 A patient is responsible for keeping appointments and, when  
379 he or she is unable to do so for any reason, for notifying the  
380 health care provider or health care facility.

381 A patient is responsible for his or her actions if he or  
382 she refuses treatment or does not follow the health care  
383 provider's instructions.

384 A patient is responsible for assuring that the financial  
385 obligations of his or her health care are fulfilled as promptly  
386 as possible.

387 A patient is responsible for following health care facility  
388 rules and regulations affecting patient care and conduct.

389 Section 13. Paragraph (f) of subsection (3) of section  
390 395.1041, Florida Statutes, is amended to read:

391 395.1041 Access to emergency services and care.—

392 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF  
393 FACILITY OR HEALTH CARE PERSONNEL.—

394 (f) ~~In no event shall~~ The provision of emergency services  
395 and care, the acceptance of a medically necessary transfer, or  
396 the return of a patient pursuant to paragraph (e) may not be  
397 based upon, or affected by, the person's race, ethnicity,  
398 religion, national origin, citizenship, age, sex, preexisting  
399 medical condition, physical or mental disability handicap,  
400 insurance status, economic status, or ability to pay for medical  
401 services, except to the extent that a circumstance such as age,  
402 sex, preexisting medical condition, or physical or mental  
403 disability handicap is medically significant to the provision of  
404 appropriate medical care to the patient.

405 Section 14. Section 409.907, Florida Statutes, is amended  
406 to read:

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407           409.907 Medicaid provider agreements.—The agency may make  
408 payments for medical assistance and related services rendered to  
409 Medicaid recipients only to an individual or entity who has a  
410 provider agreement in effect with the agency, who is performing  
411 services or supplying goods in accordance with federal, state,  
412 and local law, and who agrees that no person shall, on the  
413 grounds of disability ~~handicap~~, race, color, or national origin,  
414 or for any other reason, be subjected to discrimination under  
415 any program or activity for which the provider receives payment  
416 from the agency.

417           (1) Each provider agreement must ~~shall~~ require the provider  
418 to comply fully with all state and federal laws pertaining to  
419 the Medicaid program, as well as all federal, state, and local  
420 laws pertaining to licensure, if required, and the practice of  
421 any of the healing arts, and ~~shall require the provider to~~  
422 provide services or goods of not less than the scope and quality  
423 it provides to the general public.

424           (2) Each provider agreement must ~~shall~~ be a voluntary  
425 contract between the agency and the provider, in which the  
426 provider agrees to comply with all laws and rules pertaining to  
427 the Medicaid program when furnishing a service or goods to a  
428 Medicaid recipient and the agency agrees to pay a sum,  
429 determined by fee schedule, payment methodology, or other  
430 manner, for the service or goods provided to the Medicaid  
431 recipient. Each provider agreement must ~~shall~~ be effective for a  
432 stipulated period of time, ~~shall~~ be terminable by either party  
433 after reasonable notice, and ~~shall~~ be renewable by mutual  
434 agreement.

435           (3) The provider agreement developed by the agency, in

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436 addition to the requirements specified in subsections (1) and  
437 (2), must ~~shall~~ require the provider to:

438 (a) Have in its possession at the time of signing the  
439 provider agreement, and maintain in good standing throughout the  
440 period of the agreement's effectiveness, a valid professional or  
441 facility license pertinent to the services or goods being  
442 provided, as required by the state or locality in which the  
443 provider is located, and the Federal Government, if applicable.

444 (b) Maintain in a systematic and orderly manner all medical  
445 and Medicaid-related records that the agency requires and  
446 determines are relevant to the services or goods being provided.

447 (c) Retain all medical and Medicaid-related records for a  
448 ~~period of~~ 5 years to satisfy all necessary inquiries by the  
449 agency.

450 (d) Safeguard the use and disclosure of information  
451 pertaining to current or former Medicaid recipients and comply  
452 with all state and federal laws pertaining to confidentiality of  
453 patient information.

454 (e) Permit the agency, the Attorney General, the Federal  
455 Government, and the authorized agents of each of these entities  
456 access to all Medicaid-related information, which may be in the  
457 form of records, logs, documents, or computer files, and other  
458 information pertaining to services or goods billed to the  
459 Medicaid program, including access to all patient records and  
460 other provider information if the provider cannot easily  
461 separate records for Medicaid patients from other records.

462 (f) Bill other insurers and third parties, including the  
463 Medicare program, before billing the Medicaid program, if the  
464 recipient is eligible for payment for health care or related



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465 services from another insurer or person, and comply with all  
466 other state and federal requirements in this regard.

467 (g) Promptly report any moneys received in error or in  
468 excess of the amount to which the provider is entitled from the  
469 Medicaid program, and promptly refund such moneys to the agency.

470 (h) Be liable for and indemnify, defend, and hold the  
471 agency harmless from all claims, suits, judgments, or damages,  
472 including court costs and attorney's fees, arising out of the  
473 negligence or omissions of the provider in the course of  
474 providing services to a recipient or a person believed to be a  
475 recipient.

476 (i) At the option of the agency, provide proof of liability  
477 insurance and maintain such insurance in effect for any period  
478 during which services or goods are furnished to Medicaid  
479 recipients.

480 (j) Accept Medicaid payment as payment in full, and  
481 prohibit the provider from billing or collecting from the  
482 recipient or the recipient's responsible party any additional  
483 amount except, and only to the extent the agency permits or  
484 requires, copayments, coinsurance, or deductibles to be paid by  
485 the recipient for the services or goods provided. The Medicaid  
486 payment-in-full policy does not apply to services or goods  
487 provided to a recipient if the services or goods are not covered  
488 by the Medicaid program.

489 (4) A provider agreement must ~~shall~~ provide that, if the  
490 provider sells or transfers a business interest or practice that  
491 substantially constitutes the entity named as the provider in  
492 the provider agreement, or sells or transfers a facility that is  
493 of substantial importance to the entity named as the provider in

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494 the provider agreement, the provider must ~~is required to~~  
495 maintain and make available to the agency Medicaid-related  
496 records that relate to the sale or transfer of the business  
497 interest, practice, or facility in the same manner as though the  
498 sale or transaction had not taken place, unless the provider  
499 enters into an agreement with the purchaser of the business  
500 interest, practice, or facility to fulfill this requirement.

501 (5) The agency:

502 (a) Shall ~~is required to~~ make timely payment at the  
503 established rate for services or goods furnished to a recipient  
504 by the provider upon receipt of a properly completed claim form.  
505 The claim form must ~~shall~~ require certification that the  
506 services or goods have been completely furnished to the  
507 recipient and that, with the exception of those services or  
508 goods specified by the agency, the amount billed does not exceed  
509 the provider's usual and customary charge for the same services  
510 or goods.

511 (b) Is prohibited from demanding repayment from the  
512 provider in any instance in which the Medicaid overpayment is  
513 attributable to error of the department in determining the  
514 ~~determination of~~ eligibility of a recipient.

515 (c) May adopt, and include in the provider agreement, such  
516 other requirements and stipulations on either party as the  
517 agency finds necessary to properly and efficiently administer  
518 the Medicaid program.

519 (6) A Medicaid provider agreement may be revoked, at the  
520 option of the agency, as the result of a change of ownership of  
521 any facility, association, partnership, or other entity named as  
522 the provider in the provider agreement.

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523           (a) If there is ~~In the event of~~ a change of ownership, the  
524 transferor remains liable for all outstanding overpayments,  
525 administrative fines, and ~~any~~ other moneys owed to the agency  
526 before the effective date of the change of ownership. In  
527 addition to the continuing liability of the transferor, the  
528 transferee is liable to the agency for all outstanding  
529 overpayments identified by the agency on or before the effective  
530 date of the change of ownership. For purposes of this  
531 subsection, the term "outstanding overpayment" includes any  
532 amount identified in a preliminary audit report issued to the  
533 transferor by the agency on or before the effective date of the  
534 change of ownership. If ~~In the event of~~ a change of ownership is  
535 for a skilled nursing facility or intermediate care facility,  
536 the Medicaid provider agreement shall be assigned to the  
537 transferee if the transferee meets all other Medicaid provider  
538 qualifications. If ~~In the event of~~ a change of ownership  
539 involves ~~involving~~ a skilled nursing facility licensed under  
540 part II of chapter 400, liability for all outstanding  
541 overpayments, administrative fines, and any moneys owed to the  
542 agency before the effective date of the change of ownership  
543 shall be determined in accordance with s. 400.179.

544           (b) At least 60 days before the anticipated date of the  
545 change of ownership, the transferor shall notify the agency of  
546 the intended change of ownership and the transferee shall submit  
547 to the agency a Medicaid provider enrollment application. If a  
548 change of ownership occurs without compliance with the notice  
549 requirements of this subsection, the transferor and transferee  
550 are ~~shall be~~ jointly and severally liable for all overpayments,  
551 administrative fines, and other moneys due to the agency,

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552 regardless of whether the agency identified the overpayments,  
553 administrative fines, or other moneys before or after the  
554 effective date of the change of ownership. The agency may not  
555 approve a transferee's Medicaid provider enrollment application  
556 if the transferee or transferor has not paid or agreed in  
557 writing to a payment plan for all outstanding overpayments,  
558 administrative fines, and other moneys due to the agency. This  
559 subsection does not preclude the agency from seeking any other  
560 legal or equitable remedies available to the agency for the  
561 recovery of moneys owed to the Medicaid program. If ~~In~~ the event  
562 ~~of a~~ change of ownership involves ~~involving~~ a skilled nursing  
563 facility licensed under part II of chapter 400, liability for  
564 all outstanding overpayments, administrative fines, and any  
565 moneys owed to the agency before the effective date of the  
566 change of ownership shall be determined in accordance with s.  
567 400.179 if the Medicaid provider enrollment application for  
568 change of ownership is submitted before the change of ownership.

569 (7) The agency may require, as a condition of participating  
570 in the Medicaid program and before entering into the provider  
571 agreement, that the provider submit information, in an initial  
572 and any required renewal applications, concerning the  
573 professional, business, and personal background of the provider  
574 and permit an onsite inspection of the provider's service  
575 location by agency staff or other personnel designated by the  
576 agency to perform this function. The agency shall perform a  
577 random onsite inspection, within 60 days after receipt of a  
578 fully complete new provider's application, of the provider's  
579 service location before ~~prior to~~ making its first payment to the  
580 provider for Medicaid services to determine the applicant's

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581 ability to provide the services that the applicant is proposing  
582 to provide for Medicaid reimbursement. The agency is not  
583 required to perform an onsite inspection of a provider or  
584 program that is licensed by the agency, that provides services  
585 under waiver programs for home and community-based services, or  
586 that is licensed as a medical foster home by the Department of  
587 Children and Family Services. As a continuing condition of  
588 participation in the Medicaid program, a provider shall  
589 immediately notify the agency of any current or pending  
590 bankruptcy filing. Before entering into the provider agreement,  
591 or as a condition of continuing participation in the Medicaid  
592 program, the agency may also require that Medicaid providers  
593 reimbursed on a fee-for-services basis or fee schedule basis  
594 that ~~which~~ is not cost-based, post a surety bond not to exceed  
595 \$50,000 or the total amount billed by the provider to the  
596 program during the current or most recent calendar year,  
597 whichever is greater. For new providers, the amount of the  
598 surety bond shall be determined by the agency based on the  
599 provider's estimate of its first year's billing. If the  
600 provider's billing during the first year exceeds the bond  
601 amount, the agency may require the provider to acquire an  
602 additional bond equal to the actual billing level of the  
603 provider. A provider's bond may ~~shall~~ not exceed \$50,000 if a  
604 physician or group of physicians licensed under chapter 458,  
605 chapter 459, or chapter 460 has a 50 percent or greater  
606 ownership interest in the provider or if the provider is an  
607 assisted living facility licensed under chapter 429. The bonds  
608 permitted by this section are in addition to the bonds  
609 referenced in s. 400.179(2)(d). If the provider is a

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610 corporation, partnership, association, or other entity, the  
611 agency may require the provider to submit information concerning  
612 the background of that entity and of any principal of the  
613 entity, including any partner or shareholder having an ownership  
614 interest in the entity equal to 5 percent or greater, and any  
615 treating provider who participates in or intends to participate  
616 in Medicaid through the entity. The information must include:

617 (a) Proof of holding a valid license or operating  
618 certificate, as applicable, if required by the state or local  
619 jurisdiction in which the provider is located or if required by  
620 the Federal Government.

621 (b) Information concerning any prior violation, fine,  
622 suspension, termination, or other administrative action taken  
623 under the Medicaid laws, rules, or regulations of this state or  
624 of any other state or the Federal Government; any prior  
625 violation of the laws, rules, or regulations relating to the  
626 Medicare program; any prior violation of the rules or  
627 regulations of any other public or private insurer; and any  
628 prior violation of the laws, rules, or regulations of any  
629 regulatory body of this or any other state.

630 (c) Full and accurate disclosure of any financial or  
631 ownership interest that the provider, or any principal, partner,  
632 or major shareholder thereof, may hold in any other Medicaid  
633 provider or health-care-related ~~health-care-related~~ entity or  
634 any other entity that is licensed by the state to provide health  
635 or residential care and treatment to persons.

636 (d) If a group provider, identification of all members of  
637 the group and attestation that all members of the group are  
638 enrolled in or have applied to enroll in the Medicaid program.

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639 (8)~~(a)~~ Each provider, or each principal of the provider if  
640 the provider is a corporation, partnership, association, or  
641 other entity, seeking to participate in the Medicaid program  
642 must submit a complete set of ~~his or her~~ fingerprints to the  
643 agency for the purpose of conducting a criminal history record  
644 check. Principals of the provider include any officer, director,  
645 billing agent, managing employee, or affiliated person, or any  
646 partner or shareholder who has an ownership interest equal to 5  
647 percent or more in the provider. However, a director of a not-  
648 for-profit corporation or organization is not a principal for  
649 purposes of a background investigation as required by this  
650 section if the director~~+~~ serves solely in a voluntary capacity  
651 for the corporation or organization, does not regularly take  
652 part in the day-to-day operational decisions of the corporation  
653 or organization, does not receive ~~receives no~~ remuneration from  
654 the not-for-profit corporation or organization for his or her  
655 service on the board of directors, does not have any ~~has no~~  
656 financial interest in the not-for-profit corporation or  
657 organization, and does not have any ~~has no~~ family members with a  
658 financial interest in the not-for-profit corporation or  
659 organization; and if the director submits an affidavit, under  
660 penalty of perjury, to this effect to the agency and the not-  
661 for-profit corporation or organization submits an affidavit,  
662 under penalty of perjury, to this effect to the agency as part  
663 of the corporation's or organization's Medicaid provider  
664 agreement application. Notwithstanding the above, the agency may  
665 require a background check for any person reasonably suspected  
666 by the agency to have been convicted of a crime.

667 (a) This subsection does ~~shall~~ not apply to:

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668 1. A hospital licensed under chapter 395;  
669 2. A nursing home licensed under chapter 400;  
670 3. A hospice licensed under chapter 400;  
671 4. An assisted living facility licensed under chapter 429;  
672 5. A unit of local government, except that ~~requirements of~~  
673 this subsection applies ~~apply~~ to nongovernmental providers and  
674 entities when contracting with the local government to provide  
675 Medicaid services. The actual cost of the state and national  
676 criminal history record checks must be borne by the  
677 nongovernmental provider or entity; or

678 6. Any business that derives more than 50 percent of its  
679 revenue from the sale of goods to the final consumer, and the  
680 business or its controlling parent must ~~either is required to~~  
681 file a form 10-K or other similar statement with the Securities  
682 and Exchange Commission or have ~~has~~ a net worth of \$50 million  
683 or more.

684 (b) The agency shall submit the fingerprints to the  
685 Department of Law Enforcement. The department shall conduct a  
686 state criminal-background investigation and forward the  
687 fingerprints to the Federal Bureau of Investigation for a  
688 national criminal-history record check. The cost of the state  
689 and national criminal record check shall be borne by the  
690 provider.

691 (c) The agency may permit a provider to participate in the  
692 Medicaid program pending the results of the criminal record  
693 check. However, such permission is fully revocable if the record  
694 check reveals any crime-related history as provided in  
695 subsection (10).

696 (d) Proof of compliance with the requirements of level 2



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697 screening under s. 435.04 conducted within 12 months before  
698 ~~prior to~~ the date that the Medicaid provider application is  
699 submitted to the agency fulfills ~~shall fulfill~~ the requirements  
700 of this subsection. Proof of compliance with the requirements of  
701 level 1 screening under s. 435.03 conducted within 12 months  
702 before ~~prior to~~ the date that the Medicaid provider application  
703 is submitted to the agency meets ~~shall meet~~ the requirement that  
704 the Department of Law Enforcement conduct a state criminal  
705 history record check.

706 (9) Upon receipt of a completed, signed, and dated  
707 application, and completion of any necessary background  
708 investigation and criminal history record check, the agency must  
709 either:

710 (a) Enroll the applicant as a Medicaid provider upon  
711 approval of the provider application. The enrollment effective  
712 date is ~~shall be~~ the date the agency receives the provider  
713 application. If the ~~With respect to a~~ provider ~~that~~ requires a  
714 Medicare certification survey, the enrollment effective date is  
715 the date the certification is awarded. If the ~~With respect to a~~  
716 provider ~~that~~ completes a change of ownership, the effective  
717 date is the date the agency received the application, the date  
718 the change of ownership was complete, or the date the applicant  
719 became eligible to provide services under Medicaid, whichever  
720 date is later. For a ~~With respect to a~~ provider of emergency  
721 medical services transportation or emergency services and care,  
722 the effective date is the date the services were rendered.  
723 Payment for ~~any~~ claims for services provided to Medicaid  
724 recipients between the date of receipt of the application and  
725 the date of approval is contingent on applying ~~any and all~~

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726 applicable audits and edits contained in the agency's claims  
727 adjudication and payment processing systems. The agency may  
728 enroll a provider located outside the state of ~~Florida~~ if the  
729 provider's location is within ~~no more than~~ 50 miles of ~~from~~ the  
730 ~~Florida~~ state line, or the agency determines a need for that  
731 provider type to ensure adequate access to care; or

732 (b) Deny the application if the agency finds that it is in  
733 the best interest of the Medicaid program to do so. The agency  
734 may consider the factors listed in subsection (10), as well as  
735 any other factor that could affect the effective and efficient  
736 administration of the program, including, but not limited to,  
737 the applicant's demonstrated ability to provide services,  
738 conduct business, and operate a financially viable concern; the  
739 current availability of medical care, services, or supplies to  
740 recipients, taking into account geographic location and  
741 reasonable travel time; the number of providers of the same type  
742 already enrolled in the same geographic area; and the  
743 credentials, experience, success, and patient outcomes of the  
744 provider for the services that it is making application to  
745 provide in the Medicaid program. The agency shall deny the  
746 application if the agency finds that a provider; any officer,  
747 director, agent, managing employee, or affiliated person; or any  
748 partner or shareholder having an ownership interest equal to 5  
749 percent or greater in the provider if the provider is a  
750 corporation, partnership, or other business entity, has failed  
751 to pay all outstanding fines or overpayments assessed by final  
752 order of the agency or final order of the Centers for Medicare  
753 and Medicaid Services, not subject to further appeal, unless the  
754 provider agrees to a repayment plan that includes withholding

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755 Medicaid reimbursement until the amount due is paid in full.

756 (10) The agency may consider whether the provider, or any  
757 officer, director, agent, managing employee, or affiliated  
758 person, or any partner or shareholder having an ownership  
759 interest equal to 5 percent or greater in the provider if the  
760 provider is a corporation, partnership, or other business  
761 entity, has:

762 (a) Made a false representation or omission of any material  
763 fact in making the application, including the submission of an  
764 application that conceals the controlling or ownership interest  
765 of any officer, director, agent, managing employee, affiliated  
766 person, or partner or shareholder who may not be eligible to  
767 participate;

768 (b) Been or is currently excluded, suspended, terminated  
769 from, or has involuntarily withdrawn from participation in,  
770 Florida's Medicaid program or any other state's Medicaid  
771 program, or from participation in any other governmental or  
772 private health care or health insurance program;

773 (c) Been convicted of a criminal offense relating to the  
774 delivery of any goods or services under Medicaid or Medicare or  
775 any other public or private health care or health insurance  
776 program including the performance of management or  
777 administrative services relating to the delivery of goods or  
778 services under ~~any~~ such program;

779 (d) Been convicted under federal or state law of a criminal  
780 offense related to the neglect or abuse of a patient in  
781 connection with the delivery of any health care goods or  
782 services;

783 (e) Been convicted under federal or state law of a criminal

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784 offense relating to the unlawful manufacture, distribution,  
785 prescription, or dispensing of a controlled substance;

786 (f) Been convicted of any criminal offense relating to  
787 fraud, theft, embezzlement, breach of fiduciary responsibility,  
788 or other financial misconduct;

789 (g) Been convicted under federal or state law of a crime  
790 punishable by imprisonment of a year or more which involves  
791 moral turpitude;

792 (h) Been convicted in connection with the interference or  
793 obstruction of any investigation into any criminal offense  
794 listed in this subsection;

795 (i) Been found to have violated federal or state laws,  
796 rules, or regulations governing this ~~Florida's Medicaid program~~  
797 or any other state's Medicaid program, the Medicare program, or  
798 any other publicly funded federal or state health care or health  
799 insurance program, and been sanctioned accordingly;

800 (j) Been previously found by a licensing, certifying, or  
801 professional standards board or agency to have violated the  
802 standards or conditions relating to licensure or certification  
803 or the quality of services provided; or

804 (k) Failed to pay any fine or overpayment properly assessed  
805 under the Medicaid program in which no appeal is pending or  
806 after resolution of the proceeding by stipulation or agreement,  
807 unless the agency has issued a specific letter of forgiveness or  
808 has approved a repayment schedule to which the provider agrees  
809 to adhere.

810 (11) Before signing a provider agreement and at the  
811 discretion of the agency, other provisions of this section  
812 notwithstanding, an entity may become eligible to receive

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813 payment from the Medicaid program at the time it first furnishes  
814 services or goods, if:

815 (a) The services or goods provided are otherwise  
816 compensable;

817 (b) The entity meets all other requirements of a Medicaid  
818 provider at the time the services or goods were provided; and

819 (c) The entity agrees to abide by the provisions of the  
820 provider agreement effective from the date the services or goods  
821 were provided.

822 (12) Licensed, certified, or otherwise qualified providers  
823 are not entitled to enrollment in a Medicaid provider network.

824 Section 15. Paragraph (b) of subsection (9) of section  
825 414.095, Florida Statutes, is amended to read:

826 414.095 Determining eligibility for temporary cash  
827 assistance.—

828 (9) OPPORTUNITIES AND OBLIGATIONS.—An applicant for  
829 temporary cash assistance has the following opportunities and  
830 obligations:

831 (b) To have eligibility determined without discrimination  
832 based on race, color, sex, age, marital status, disability  
833 ~~handicap~~, religion, national origin, or political beliefs.

834 Section 16. Paragraph (d) of subsection (1) of section  
835 419.001, Florida Statutes, is amended to read:

836 419.001 Site selection of community residential homes.—

837 (1) For the purposes of this section, the following  
838 definitions shall apply:

839 (d) "Resident" means any of the following: a frail elder as  
840 defined in s. 429.65; a person who has a disability ~~physically~~  
841 ~~disabled or handicapped person~~ as defined in s. 760.22(7)(a); a

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842 ~~developmentally disabled person who has a developmental~~  
 843 disability as defined in s. 393.063; a nondangerous ~~mentally ill~~  
 844 person who has a mental illness as defined in s. 394.455 ~~as~~  
 845 ~~defined in s. 394.455(18)~~; or a child who is found to be  
 846 dependent as defined in s. 39.01 or s. 984.03, or a child in  
 847 need of services as defined in s. 984.03 or s. 985.03.

848 Section 17. Subsection (8) of section 420.624, Florida  
 849 Statutes, is amended to read:

850 420.624 Local homeless assistance continuum of care.—

851 (8) Continuum of care plans must promote participation by  
 852 all interested individuals and organizations and may not exclude  
 853 individuals and organizations on the basis of race, color,  
 854 national origin, sex, disability ~~handicap~~, familial status, or  
 855 religion. Faith-based organizations must be encouraged to  
 856 participate. To the extent possible, these components should be  
 857 coordinated and integrated with other mainstream health, social  
 858 services, and employment programs for which homeless populations  
 859 may be eligible, including Medicaid, State Children's Health  
 860 Insurance Program, Temporary Assistance for Needy Families, Food  
 861 Stamps, and services funded through the Mental Health and  
 862 Substance Abuse Block Grant, the Workforce Investment Act, and  
 863 the welfare-to-work grant program.

864 Section 18. Paragraph (c) of subsection (4) of section  
 865 420.9075, Florida Statutes, is amended to read:

866 420.9075 Local housing assistance plans; partnerships.—

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

869 (c) In accordance with the Fair Housing Act under part II  
 870 of chapter 760 ~~provisions of ss. 760.20-760.37~~, it is unlawful

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871 to discriminate on the basis of race, creed, religion, color,  
872 age, sex, marital status, familial status, national origin, or  
873 disability handicap in the award application process for  
874 eligible housing.

875 Section 19. Subsection (1) of section 440.02, Florida  
876 Statutes, is amended to read:

877 440.02 Definitions.—When used in this chapter, unless the  
878 context clearly requires otherwise, the following terms shall  
879 have the following meanings:

880 (1) "Accident" means only an unexpected or unusual event or  
881 result that happens suddenly. Disability or death due to the  
882 accidental acceleration or aggravation of a venereal disease or  
883 of a disease due to the habitual use of alcohol or controlled  
884 substances or narcotic drugs, or a disease that manifests itself  
885 in the fear of or dislike for an individual because of the  
886 individual's race, color, religion, sex, national origin, age,  
887 or disability handicap is not an injury by accident arising out  
888 of the employment. Subject to s. 440.15(5), if a preexisting  
889 disease or anomaly is accelerated or aggravated by an accident  
890 arising out of and in the course of employment, only  
891 acceleration of death or acceleration or aggravation of the  
892 preexisting condition reasonably attributable to the accident is  
893 compensable, with respect to any compensation otherwise payable  
894 under this chapter. An injury or disease caused by exposure to a  
895 toxic substance, including, but not limited to, fungus or mold,  
896 is not an injury by accident arising out of the employment  
897 unless there is clear and convincing evidence establishing that  
898 exposure to the specific substance involved, at the levels to  
899 which the employee was exposed, can cause the injury or disease

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900 sustained by the employee.

901 Section 20. Subsection (1) of section 562.51, Florida  
902 Statutes, is amended to read:

903 562.51 Retail alcoholic beverage establishments; rights as  
904 private enterprise.—A licensed retail alcoholic beverage  
905 establishment open to the public is a private enterprise and:

906 (1) May refuse service to any person who is objectionable  
907 or undesirable to the licensee, but such refusal of service may  
908 ~~shall~~ not be on the basis of race, creed, color, religion, sex,  
909 national origin, marital status, or physical disability  
910 ~~handicap~~.

911 Section 21. Paragraph (d) of subsection (1) of section  
912 636.009, Florida Statutes, is amended to read:

913 636.009 Issuance of certificate of authority; denial.—

914 (1) Following receipt of an application filed pursuant to  
915 s. 636.008, the office shall review such application and notify  
916 the applicant of any deficiencies contained therein. The office  
917 shall issue a certificate of authority to an applicant who has  
918 filed a completed application in conformity with s. 636.008,  
919 upon payment of the fees specified by s. 636.057 and upon the  
920 office being satisfied that the following conditions are met:

921 (d) The procedures for offering limited health services and  
922 offering and terminating contracts to subscribers do will not  
923 unfairly discriminate on the basis of age, sex, race, disability  
924 ~~handicap~~, health, or economic status. However, this paragraph  
925 does not prohibit reasonable underwriting classifications for  
926 the purposes of establishing contract rates, nor does it  
927 prohibit prospective experience rating.

928 Section 22. Section 636.022, Florida Statutes, is amended



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929 to read:

930           636.022 Restrictions upon expulsion or refusal to issue or  
931 renew contract.—A prepaid limited health service organization  
932 may not expel or refuse to renew the coverage of or refuse to  
933 enroll any individual member of a subscriber group on the basis  
934 of the race, color, creed, disability ~~handicap~~, marital status,  
935 sex, or national origin of the subscriber or individual. A  
936 prepaid limited health service organization may not expel or  
937 refuse to renew the coverage of any individual member of a  
938 subscriber group on the basis of the age or health status of the  
939 subscriber or individual. For group solicitations, a prepaid  
940 limited health service organization may preunderwrite to  
941 determine group acceptability. However, once a contract is  
942 issued, a prepaid limited health service organization must  
943 provide coverage to all existing enrollees and their dependents,  
944 and newly employed enrollees and their dependents who have  
945 enrolled within 30 days after ~~of~~ eligibility or membership. Late  
946 enrollees who apply during other than an open enrollment period  
947 may be subject to evidence of insurability requirements of the  
948 prepaid limited health service organization. ~~Nothing in~~ This  
949 section does not prohibit ~~prohibits~~ a prepaid limited health  
950 service organization from requiring that, as a condition of  
951 continued eligibility for membership, dependents of a subscriber  
952 upon reaching a specified age convert to a converted contract.  
953 Coverage must continue to be provided to disabled ~~handicapped~~  
954 children who are incapable of self-sustaining employment by  
955 reason of mental or physical disability ~~handicap~~, and  
956 substantially dependent upon the enrollee for support and  
957 maintenance.

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958 Section 23. Section 760.01, Florida Statutes, is amended to  
959 read:

960 760.01 Purposes; construction; title.—

961 (1) This part may ~~Sections 760.01-760.11 and 509.092 shall~~  
962 be cited as the "Florida Civil Rights Act ~~of 1992.~~"

963 (2) The general purposes of the Florida Civil Rights Act ~~of~~  
964 ~~1992~~ are to secure for all individuals within the state freedom  
965 from discrimination because of race, color, religion, sex,  
966 national origin, age, disability ~~handicap~~, or marital status and  
967 thereby to protect their interest in personal dignity, to make  
968 available to the state their full productive capacities, to  
969 secure the state against domestic strife and unrest, to preserve  
970 the public safety, health, and general welfare, and to promote  
971 the interests, rights, and privileges of individuals within the  
972 state.

973 (3) The Florida Civil Rights Act ~~of 1992~~ shall be construed  
974 according to the fair import of its terms and shall be liberally  
975 construed to further the general purposes stated in this section  
976 and the special purposes of the particular provision involved.

977 Section 24. Section 760.02, Florida Statutes, is amended  
978 and reordered to read:

979 760.02 Definitions.—For the purposes of this part ~~ss.~~  
980 ~~760.01-760.11~~ and s. 509.092, the term:

981 (8) ~~(1)~~ "Florida Civil Rights Act ~~of 1992~~" means the  
982 provisions of this part and s. ~~ss. 760.01-760.11 and~~ 509.092.

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

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

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

988 (a) A physical or mental impairment that substantially  
 989 limits one or more of the major life activities of the  
 990 individual;

991 (b) A record of such impairment;

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

993 (d) Having a developmental disability as defined in s.  
 994 393.063.

995 (5)~~(4)~~ "Discriminatory practice" means any practice made  
 996 unlawful by the Florida Civil Rights Act ~~of 1992~~.

997 (11)~~(5)~~ "National origin" includes ancestry.

998 (12)~~(6)~~ "Person" includes an individual, association,  
 999 corporation, joint apprenticeship committee, joint-stock  
 1000 company, labor union, legal representative, mutual company,  
 1001 partnership, receiver, trust, trustee in bankruptcy, or  
 1002 unincorporated organization; any other legal or commercial  
 1003 entity; the state; or any governmental entity or agency.

1004 (6)~~(7)~~ "Employer" means any person employing 15 or more  
 1005 employees for each working day in each of 20 or more calendar  
 1006 weeks in the current or preceding calendar year, and any agent  
 1007 of such a person.

1008 (7)~~(8)~~ "Employment agency" means any person regularly  
 1009 undertaking, with or without compensation, to procure employees  
 1010 for an employer or to procure for employees opportunities to  
 1011 work for an employer, and includes an agent of such a person.

1012 (9) "Labor organization" means any organization that ~~which~~  
 1013 exists for the purpose, in whole or in part, of collective  
 1014 bargaining or of dealing with employers concerning grievances,  
 1015 terms or conditions of employment, or other mutual aid or

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1016 protection in connection with employment.

1017 (10) "Major life activities" includes, but is not limited  
1018 to:

1019 (a) Caring for one's self, performing manual tasks, and  
1020 functioning in a workplace environment.

1021 (b) Major bodily functions, including, but not limited to,  
1022 visual, auditory, aural, and cognitive functions; functions of  
1023 the immune, digestive, neurological, respiratory, circulatory,  
1024 endocrine, and reproductive systems; normal cell growth; and  
1025 functions of the bowel, bladder, and brain.

1026 (1) ~~(10)~~ "Aggrieved person" means any person who files a  
1027 complaint with the ~~Human Relations~~ commission.

1028 (13) ~~(11)~~ "Public accommodations" means places of public  
1029 accommodation, lodgings, facilities principally engaged in  
1030 selling food for consumption on the premises, gasoline stations,  
1031 places of exhibition or entertainment, and other covered  
1032 establishments. The term includes ~~Each of the following~~  
1033 ~~establishments which serves the public is a place of public~~  
1034 ~~accommodation within the meaning of this section:~~

1035 (a) ~~An~~ Any inn, hotel, motel, or other establishment that  
1036 ~~which~~ provides lodging to transient guests, other than an  
1037 establishment located within a building having ~~which contains~~  
1038 ~~not more than~~ four or fewer rooms for rent or hire ~~and~~ which is  
1039 actually occupied by the proprietor of such establishment as his  
1040 or her residence.

1041 (b) ~~A~~ Any restaurant, cafeteria, lunchroom, lunch counter,  
1042 soda fountain, or other facility principally engaged in selling  
1043 food for consumption on the premises, including, but not limited  
1044 to, any such facility located on the premises of any retail

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1045 establishment, or any gasoline station.

1046 (c) A ~~Any~~ motion picture theater, theater, concert hall,  
1047 sports arena, stadium, or other place of exhibition or  
1048 entertainment.

1049 (d) An ~~Any~~ establishment that ~~which~~ is physically located  
1050 within the premises of an ~~any~~ establishment otherwise covered by  
1051 this subsection, or within the premises of which is physically  
1052 located any such covered establishment, and which holds itself  
1053 out as serving patrons of such covered establishment.

1054  
1055 The term does not include lodge halls or other similar  
1056 facilities of private organizations which are made available for  
1057 public use occasionally or periodically.

1058 (14) "Substantially limits" means to materially restrict an  
1059 individual's ability.

1060 (15) "Transitory or minor impairment" means an impairment  
1061 having an actual, apparent, or expected duration of 6 months or  
1062 less.

1063 Section 25. Section 760.025, Florida Statutes, is created  
1064 to read:

1065 760.025 Impairment.—For purposes of this part, an  
1066 individual who has been subjected to an action prohibited under  
1067 this chapter because of an actual or perceived physical or  
1068 mental impairment, regardless of whether the impairment limits  
1069 or is perceived to limit a major life activity, has an  
1070 impairment. An impairment that limits one major life activity  
1071 may be considered a disability; however, a transitory or minor  
1072 impairment may not be considered a disability. An impairment  
1073 that is episodic or in remission is considered to be a

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1074 disability if it substantially limits at least one major life  
1075 activity when the impairment is active or not in remission. The  
1076 determination of whether an impairment substantially limits at  
1077 least one major life activity must be made without regard to the  
1078 ameliorative effects of mitigating measures, such as medication;  
1079 medical supplies; equipment or appliances; low-vision devices,  
1080 not including ordinary eyeglasses or contact lenses;  
1081 prosthetics, including artificial limbs and devices, hearing  
1082 aids and cochlear implants or other implantable hearing devices,  
1083 and mobility devices; oxygen therapy equipment and supplies; use  
1084 of assistive technology; reasonable accommodations or auxiliary  
1085 aids or services, including qualified interpreters or other  
1086 effective measures of making aurally delivered materials  
1087 available to individuals with hearing impairments; qualified  
1088 readers; taped texts or other effective methods of making  
1089 visually delivered materials available to individuals with  
1090 visual impairments; acquisition or modification of equipment and  
1091 devices and other similar services and actions; or learned  
1092 behavioral or adaptive neurological modifications.

1093 Section 26. Section 760.03, Florida Statutes, is amended to  
1094 read:

1095 760.03 Commission on Human Relations; ~~staff.~~

1096 ~~(1) There is hereby created~~ The Florida Commission on Human  
1097 Relations is created.

1098 (1) The commission shall be composed, ~~comprised~~ of 12  
1099 members appointed by the Governor, subject to confirmation by  
1100 the Senate. The commission shall select one of its members to  
1101 serve as chairperson for terms of 2 years.

1102 (2) The members of the commission must be broadly

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1103 representative of various racial, religious, ethnic, social,  
1104 economic, political, and professional groups within the state;  
1105 and at least one member of the commission must be 60 years of  
1106 age or older.

1107 (3) Commissioners shall be appointed for terms of 4 years.  
1108 A member chosen to fill a vacancy otherwise than by expiration  
1109 of term shall be appointed for the unexpired term of the member  
1110 whom such appointee is to succeed. A member of the commission is  
1111 ~~shall be~~ eligible for reappointment. A vacancy in the commission  
1112 does ~~shall~~ not impair the right of the remaining members to  
1113 exercise the powers of the commission.

1114 (4) The Governor may suspend a member of the commission  
1115 only for cause, subject to removal or reinstatement by the  
1116 Senate.

1117 (5) Seven members ~~shall~~ constitute a quorum for the conduct  
1118 of business; however, the commission may establish panels of not  
1119 fewer ~~less~~ than three ~~of its~~ members to exercise its powers  
1120 under the ~~Florida Civil Rights act of 1992~~, subject to such  
1121 procedures and limitations as the commission may provide by  
1122 rule.

1123 (6) Each commissioner shall be compensated at the rate of  
1124 \$50 per day for each day of actual attendance to commission  
1125 duties and is ~~shall be~~ entitled to receive per diem and travel  
1126 expenses as provided by s. 112.061.

1127 (7) The commission shall appoint, and may remove, an  
1128 executive director who, with the consent of the commission, may  
1129 employ a deputy, attorneys, investigators, clerks, and such  
1130 other personnel as ~~may be~~ necessary to adequately ~~to~~ perform the  
1131 functions of the commission, within budgetary limitations.

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1132       (8) The commission may delegate any of its functions,  
1133 duties, and powers to its employees, including investigating,  
1134 conciliating, hearing, determining, ordering, certifying,  
1135 reporting, or otherwise acting as to any work, business, or  
1136 matter under the act.

1137       Section 27. Section 760.04, Florida Statutes, is amended to  
1138 read:

1139       760.04 Commission on Human Relations, assigned to  
1140 Department of Management Services.—~~The commission created by s.~~  
1141 ~~760.03~~ is assigned to the Department of Management Services. The  
1142 commission, in the performance of its duties pursuant to the  
1143 Florida Civil Rights Act ~~of 1992~~, is ~~shall~~ not ~~be~~ subject to  
1144 control, supervision, or direction by the department ~~of~~  
1145 ~~Management Services.~~

1146       Section 28. Section 760.05, Florida Statutes, is amended to  
1147 read:

1148       760.05 Functions of the commission.—The commission shall  
1149 administer the Florida Civil Rights Act. In carrying out this  
1150 function, the commission shall promote and encourage fair  
1151 treatment and equal opportunity for all persons, regardless of  
1152 race, color, religion, sex, national origin, age, disability  
1153 ~~handicap~~, or marital status, and mutual understanding and  
1154 respect among all members of all economic, social, racial,  
1155 religious, and ethnic groups; and shall endeavor to eliminate  
1156 discrimination against, and antagonism between, religious,  
1157 racial, and ethnic groups and their members.

1158       Section 29. Section 760.06, Florida Statutes, is amended to  
1159 read:

1160       760.06 Powers of the commission.—Within the limitations



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1161 provided by law, the commission shall ~~have the following~~ powers:

1162 (1) ~~To~~ Maintain offices in the State of Florida.

1163 (2) ~~To~~ Meet and exercise its powers at any place within the  
1164 state.

1165 (3) ~~To~~ Promote the creation of, and ~~to~~ provide continuing  
1166 technical assistance to, local commissions on human relations  
1167 and ~~to~~ cooperate with individuals and state, local, and other  
1168 agencies, ~~both~~ public and private, including agencies of the  
1169 Federal Government and of other states.

1170 (4) ~~To~~ Accept gifts, bequests, grants, or other payments,  
1171 public or private, to help finance its activities.

1172 (5) ~~To~~ Receive, initiate, investigate, seek to conciliate,  
1173 hold hearings on, and act upon complaints alleging any  
1174 discriminatory practice, as defined by the Florida Civil Rights  
1175 Act ~~of 1992~~.

1176 (6) ~~To~~ Issue subpoenas for, administer oaths or  
1177 affirmations to and compel the attendance and testimony of  
1178 witnesses; or to issue subpoenas for and compel the production  
1179 of books, papers, records, documents, and other evidence  
1180 pertaining to any investigation or hearing convened pursuant to  
1181 the powers of the commission; or use any other method of  
1182 discovery authorized by the Florida Rules of Civil Procedure. In  
1183 conducting an investigation, the commission and its  
1184 investigators shall have access at all reasonable times to  
1185 premises, records, documents, and other evidence or possible  
1186 sources of evidence, and may examine, record, and copy such  
1187 materials and take and record the testimony or statements of  
1188 such persons as are reasonably necessary for the furtherance of  
1189 the investigation. The authority to issue subpoenas and

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1190 administer oaths may be delegated by the commission, for  
1191 investigations or hearings, to a commissioner or the executive  
1192 director. If any person refuses ~~In the case of a refusal~~ to obey  
1193 a subpoena or other method of discovery ~~issued to any person~~,  
1194 the commission may make application to any circuit court of this  
1195 state, which may ~~shall have jurisdiction to~~ order such person  
1196 ~~the witness~~ to appear before the commission to give testimony  
1197 and to produce evidence concerning the matter in question.  
1198 Failure to obey the court's order may be punished by the court  
1199 as contempt. If the court enters an order holding a person in  
1200 contempt or compelling the person to comply with the  
1201 commission's order or subpoena, the court shall order the person  
1202 to pay the commission reasonable expenses, including reasonable  
1203 attorneys' fees, accrued by the commission in obtaining the  
1204 court order ~~from the court~~.

1205 (7) ~~To~~ Recommend methods for elimination of discrimination  
1206 and intergroup tensions and ~~to~~ use its best efforts to secure  
1207 compliance with its recommendations.

1208 (8) ~~To~~ Furnish technical assistance to employees,  
1209 employers, community leaders, educational institutions,  
1210 individuals, and other private and public entities in order  
1211 ~~requested by persons~~ to facilitate progress in human relations.

1212 (9) ~~To~~ Make or arrange for studies appropriate to  
1213 effectuate the purposes and policies of the Florida Civil Rights  
1214 Act ~~of 1992~~ and ~~to~~ make the results ~~thereof~~ available to the  
1215 public.

1216 (10) ~~To~~ Become a deferral agency for the Federal Government  
1217 and ~~to~~ comply with the necessary federal regulations to effect  
1218 the Florida Civil Rights Act ~~of 1992~~.

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1219 (11) ~~To~~ Render, at least annually, a comprehensive written  
1220 report to the Governor and the Legislature. The report may  
1221 contain recommendations ~~of the commission~~ for legislation or  
1222 other action to effectuate the purposes and policies of the  
1223 Florida Civil Rights Act ~~of 1992~~.

1224 (12) ~~To~~ Adopt, ~~promulgate~~, amend, and rescind rules to  
1225 effectuate the purposes and policies of the Florida Civil Rights  
1226 Act ~~of 1992~~ and govern the proceedings of the commission, in  
1227 accordance with chapter 120.

1228 (13) ~~To~~ Receive complaints and coordinate all activities as  
1229 required by the Whistle-blower's Act pursuant to ss. 112.3187-  
1230 112.31895.

1231 (14) Assess costs incurred and charge reasonable fees for  
1232 products or services provided by the commission.

1233 Section 30. Section 760.07, Florida Statutes, is amended to  
1234 read:

1235 760.07 Remedies for unlawful discrimination.—Any violation  
1236 of a state law prohibiting any Florida statute making unlawful  
1237 discrimination because of race, color, religion, sex gender,  
1238 national origin, age, disability handicap, or marital status in  
1239 the areas of education, employment, housing, or public  
1240 accommodations gives rise to a cause of action for all relief  
1241 and damages described in s. 760.11(5), unless greater damages  
1242 are expressly provided for. If the statute prohibiting unlawful  
1243 discrimination provides an administrative remedy, the action for  
1244 equitable relief and damages provided for in this section may be  
1245 initiated only after the plaintiff has exhausted his or her  
1246 administrative remedy. ~~The term "public accommodations" does not~~  
1247 include lodge halls or other similar facilities of private

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1248 ~~organizations which are made available for public use~~  
1249 ~~occasionally or periodically.~~ The right to trial by jury is  
1250 preserved in any case in which the plaintiff is seeking actual  
1251 or punitive damages.

1252 Section 31. Section 760.08, Florida Statutes, is amended to  
1253 read:

1254 760.08 Discrimination in places of public accommodation.—  
1255 All persons are ~~shall be~~ entitled to the full and equal  
1256 enjoyment of the goods, services, facilities, privileges,  
1257 advantages, and accommodations of any place of public  
1258 accommodation, ~~as defined in this chapter,~~ without  
1259 discrimination or segregation on the ground of race, color,  
1260 religion, sex, national origin, age, disability ~~sex, handicap,~~  
1261 or marital status ~~familial status, or religion.~~

1262 Section 32. Section 760.10, Florida Statutes, is amended to  
1263 read:

1264 760.10 Unlawful employment practices.—

1265 (1) It is an unlawful employment practice for an employer  
1266 to:

1267 (a) ~~To~~ Discharge or ~~to~~ fail ~~or~~ refuse to hire any  
1268 individual, or otherwise to discriminate against any individual  
1269 with respect to compensation, terms, conditions, or privileges  
1270 of employment, because of such individual's race, color,  
1271 religion, sex, national origin, age, disability ~~handicap~~, or  
1272 marital status. For purposes of this section, an unlawful  
1273 employment practice with respect to compensation occurs if a  
1274 discriminatory compensation decision or other practice is  
1275 adopted, if an individual becomes subject to a discriminatory  
1276 compensation decision or other practice, or if an individual is

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1277 affected by the application of a discriminatory compensation  
1278 decision or other practice, including each time that wages,  
1279 benefits, or other compensation are paid, as a result of, in  
1280 whole or in part, such a decision or other practice. In addition  
1281 to any relief authorized under s. 760.11, liability may accrue,  
1282 and an aggrieved person may obtain relief as provided in s.  
1283 760.11, including recovery of back pay for up to 2 years  
1284 preceding the filing of the charge, if the unlawful employment  
1285 practice that occurred during the filing period is similar or  
1286 related to the unlawful employment practice that occurred  
1287 outside the time for filing a charge.

1288 (b) ~~To~~ Limit, segregate, or classify employees or  
1289 applicants for employment in any way that ~~which~~ would deprive or  
1290 tend to deprive any individual of employment opportunities, or  
1291 adversely affect any individual's status as an employee, because  
1292 of such individual's race, color, religion, sex, national  
1293 origin, age, disability handicap, or marital status.

1294 (2) It is an unlawful employment practice for an employment  
1295 agency to fail ~~or refuse~~ to refer for employment, or otherwise  
1296 to discriminate against, any individual because of race, color,  
1297 religion, sex, national origin, age, disability handicap, or  
1298 marital status or to classify or refer for employment any  
1299 individual on the basis of race, color, religion, sex, national  
1300 origin, age, disability handicap, or marital status.

1301 (3) It is an unlawful employment practice for a labor  
1302 organization to:

1303 (a) ~~To~~ Exclude or to expel from its membership, or  
1304 otherwise to discriminate against, any individual because of  
1305 race, color, religion, sex, national origin, age, disability

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1306 ~~handicap~~, or marital status.

1307 (b) ~~To~~ Limit, segregate, or classify its membership or  
 1308 applicants for membership, or to classify or fail ~~or refuse~~ to  
 1309 refer for employment any individual, in any way that ~~which~~ would  
 1310 deprive or tend to deprive any individual of employment  
 1311 opportunities, or adversely affect any individual's status as an  
 1312 employee or as an applicant for employment, because of such  
 1313 individual's race, color, religion, sex, national origin, age,  
 1314 disability ~~handicap~~, or marital status.

1315 (c) ~~To~~ Cause or attempt to cause an employer to  
 1316 discriminate against an individual in violation of this section.

1317 (4) It is an unlawful employment practice for an ~~any~~  
 1318 employer, labor organization, or joint labor-management  
 1319 committee controlling apprenticeship or other training or  
 1320 retraining, including on-the-job training programs, to  
 1321 discriminate against any individual because of race, color,  
 1322 religion, sex, national origin, age, disability ~~handicap~~, or  
 1323 marital status in admission to, or employment in, any program  
 1324 established to provide apprenticeship or other training.

1325 (5) If ~~Whenever~~, in order to engage in a profession,  
 1326 occupation, or trade, ~~it is required that~~ a person must receive  
 1327 a license, certification, or other credential; or become a member  
 1328 or an associate of any club, association, or other  
 1329 organization; or pass an ~~any~~ examination, it is an unlawful  
 1330 employment practice for any person to discriminate against any  
 1331 other person seeking such license, certification, or other  
 1332 credential; or seeking to become a member or associate of such  
 1333 club, association, or other organization; or seeking to take or  
 1334 pass such examination or because of such ~~other~~ person's race,

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1335 color, religion, sex, national origin, age, disability ~~handicap~~,  
1336 or marital status.

1337 (6) It is an unlawful employment practice for an employer,  
1338 labor organization, employment agency, or joint labor-management  
1339 committee to print, or cause to be printed or published, any  
1340 notice or advertisement relating to employment, membership,  
1341 classification, referral for employment, or apprenticeship or  
1342 other training, indicating any preference, limitation,  
1343 specification, or discrimination, based on race, color,  
1344 religion, sex, national origin, age, absence of disability  
1345 ~~handicap~~, or marital status.

1346 (7) It is an unlawful employment practice for an employer,  
1347 an employment agency, a joint labor-management committee, or a  
1348 labor organization to discriminate against any person because  
1349 that person has opposed any practice that ~~which~~ is an unlawful  
1350 employment practice under this section, or because that person  
1351 has made a charge, testified, assisted, or participated in any  
1352 manner in an investigation, proceeding, or hearing under this  
1353 section.

1354 (8) Notwithstanding any other provision of this section, it  
1355 is not an unlawful employment practice under this part ~~ss.~~  
1356 ~~760.01-760.10~~ for an employer, employment agency, labor  
1357 organization, or joint labor-management committee to:

1358 (a) Take or fail to take any action on the basis of  
1359 religion, sex, national origin, age, disability ~~handicap~~, or  
1360 marital status in those ~~certain~~ instances in which religion,  
1361 sex, national origin, age, absence of a particular disability  
1362 ~~handicap~~, or marital status is a bona fide occupational  
1363 qualification reasonably necessary for the performance of the

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1364 particular employment to which such action or inaction is  
1365 related.

1366 (b) Observe the terms of a bona fide seniority system, a  
1367 bona fide employee benefit plan, such as a retirement, pension,  
1368 or insurance plan, or a system that ~~which~~ measures earnings by  
1369 quantity or quality of production and, ~~which~~ is not designed,  
1370 intended, or used to evade the purposes of this part ~~ss. 760.01-~~  
1371 ~~760.10~~. However, ~~no~~ such employee benefit plan or system that  
1372 ~~which~~ measures earnings does not ~~shall~~ excuse the failure to  
1373 hire, and ~~no~~ such seniority system, employee benefit plan, or  
1374 system that ~~which~~ measures earnings does not ~~shall~~ excuse the  
1375 involuntary retirement of, any individual on the basis of any  
1376 factor not related to the ability of such individual to perform  
1377 the particular employment for which the ~~such~~ individual has  
1378 applied or in which the ~~such~~ individual is engaged. This  
1379 subsection does ~~shall~~ not prohibit ~~be construed to make unlawful~~  
1380 the rejection or termination of employment if ~~when~~ the  
1381 individual applicant or employee has failed to meet bona fide  
1382 requirements for the job or position sought or held or ~~to~~  
1383 require any changes in any bona fide retirement or pension  
1384 programs or existing collective bargaining agreements during the  
1385 life of the contract, and ~~or for 2 years after October 1, 1981,~~  
1386 ~~whichever occurs first, nor shall~~ this part does not ~~act~~  
1387 preclude such physical and medical examinations of applicants  
1388 and employees as an employer may require of applicants and  
1389 employees to determine fitness for the job or position sought or  
1390 held.

1391 (c) Take or fail to take any action on the basis of age,  
1392 pursuant to law or regulation governing any employment or



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1393 training program designed to benefit persons of a particular age  
1394 group.

1395 (d) Take or fail to take any action on the basis of marital  
1396 status if that status is prohibited under its antinepotism  
1397 policy.

1398 (9) Except as otherwise provided in this act, an unlawful  
1399 employment practice is established if the complaining party  
1400 demonstrates that race, color, religion, sex, national origin,  
1401 age, disability, or marital status is a motivating factor for  
1402 any unlawful employment practice, including any adverse  
1403 personnel action even though other factors may have also  
1404 contributed to or motivated the practice.

1405 (10) The protections of this section extend to women who  
1406 are pregnant or who have any medical condition related to  
1407 pregnancy or childbirth. Women affected by pregnancy,  
1408 childbirth, or any medical condition related to pregnancy or  
1409 childbirth must be treated the same for employment-related  
1410 purposes as all other persons having similar abilities.

1411 (11)~~(9)~~ This section does ~~shall~~ not apply to any religious  
1412 corporation, association, educational institution, or society  
1413 that ~~which~~ conditions opportunities in the area of employment or  
1414 public accommodation to members of that religious corporation,  
1415 association, educational institution, or society or to persons  
1416 who subscribe to its tenets or beliefs. This section does ~~shall~~  
1417 not prohibit a religious corporation, association, educational  
1418 institution, or society from giving preference in employment to  
1419 individuals of a particular religion to perform work connected  
1420 with the carrying on by such corporations, associations,  
1421 educational institutions, or societies of its various

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1422 activities.

1423 (12)~~(10)~~ Each employer, employment agency, and labor  
 1424 organization shall post and keep posted in conspicuous places  
 1425 upon its premises a notice provided by the commission setting  
 1426 forth such information as the commission deems appropriate to  
 1427 effectuate the purposes of the Florida Civil Rights Act ~~ss.~~  
 1428 ~~760.01-760.10~~.

1429 Section 33. Section 760.11, Florida Statutes, is amended to  
 1430 read:

1431 760.11 Administrative and civil remedies; construction.—

1432 (1) Any person aggrieved by a violation of this part ~~ss.~~  
 1433 ~~760.01-760.10~~ may file a complaint with the commission within  
 1434 365 days after ~~of~~ the alleged violation, naming the employer,  
 1435 employment agency, labor organization, or joint labor-management  
 1436 committee, or, in the case of an alleged violation of s.  
 1437 760.10~~(5)~~, the person responsible for the violation and  
 1438 describing the violation. Any person aggrieved by a violation of  
 1439 s. 509.092 may file a complaint with the commission within 365  
 1440 days after ~~of~~ the alleged violation naming the person  
 1441 responsible for the violation and describing the violation. In  
 1442 lieu of filing the complaint with the commission, a complaint  
 1443 may be filed with the federal Equal Employment Opportunity  
 1444 Commission or with any unit of government of the state which is  
 1445 a fair-employment-practice agency under 29 C.F.R. ss. 1601.70-  
 1446 1601.80. The commission, a commissioner, or the Attorney General  
 1447 may in like manner file such a complaint.

1448 (a) On the same day the complaint is filed with the  
 1449 commission, the commission shall clearly stamp ~~on the face of~~  
 1450 ~~the complaint~~ the date the complaint was filed with the

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1451 commission on the face of the complaint. ~~In lieu of filing the~~  
1452 ~~complaint with the commission, a complaint under this section~~  
1453 ~~may be filed with the federal Equal Employment Opportunity~~  
1454 ~~Commission or with any unit of government of the state which is~~  
1455 ~~a fair-employment-practice agency under 29 C.F.R. ss. 1601.70-~~  
1456 ~~1601.80.~~ If the date the complaint is filed is clearly stamped  
1457 on the face of the complaint, that date is the date of filing.  
1458 The date the complaint is filed with the commission for purposes  
1459 of this section is the earliest date for ~~of~~ filing with the  
1460 Equal Employment Opportunity Commission, the fair-employment-  
1461 practice agency, or the commission.

1462 (b) The complaint must ~~shall~~ contain a short and plain  
1463 statement of the facts describing the violation and the relief  
1464 sought. The commission may require additional information ~~to be~~  
1465 in the complaint.

1466 (c) ~~The commission,~~ Within 5 days after ~~of~~ the complaint is  
1467 ~~being~~ filed, the commission shall provide ~~by registered mail~~  
1468 ~~send~~ a copy of the complaint to the person who allegedly  
1469 committed the violation.

1470 (d) The person who allegedly committed the violation must  
1471 respond in writing to the commission and send a copy of the  
1472 response to the aggrieved person ~~may file an answer to the~~  
1473 ~~complaint~~ within 25 days after ~~of~~ the date the commission mailed  
1474 the complaint to the respondent ~~was filed with the commission.~~  
1475 ~~Any answer filed shall be mailed to the aggrieved person by the~~  
1476 ~~person filing the answer.~~ Both The complaint and the response  
1477 must answer ~~shall~~ be verified.

1478 (2) ~~If In the event that~~ any other state agency ~~of the~~  
1479 ~~state or of any other unit of government of the state~~ has

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1480 jurisdiction of the subject matter of a ~~any~~ complaint filed with  
1481 the commission and has legal authority to investigate the  
1482 complaint, the commission may refer such complaint to such  
1483 agency for ~~an~~ investigation. Referral of ~~such~~ a complaint by the  
1484 commission does ~~shall~~ not constitute agency action within the  
1485 meaning of s. 120.52. ~~In the event of any referral under this~~  
1486 ~~subsection,~~ The commission shall accord substantial weight to  
1487 any findings and conclusions of ~~any~~ such agency. The referral of  
1488 a complaint by the commission to a local agency does not divest  
1489 the commission's jurisdiction over the complaint.

1490 (3) Except as provided in subsection (2), the commission  
1491 shall investigate the allegations in the complaint. Within 180  
1492 days after ~~of the filing of~~ the complaint is filed, the  
1493 commission shall determine if there is reasonable cause to  
1494 believe that a discriminatory practice has occurred in violation  
1495 of the Florida Civil Rights Act ~~of 1992~~. When the commission  
1496 determines whether or not there is reasonable cause, the  
1497 commission ~~by registered mail~~ shall promptly notify the  
1498 aggrieved person and the respondent of the reasonable cause  
1499 determination, the date of such determination, and the options  
1500 available under this section.

1501 (4) If a charge is filed with the commission and the  
1502 commission concludes on the basis of a preliminary investigation  
1503 that prompt judicial action is necessary to carry out the  
1504 purposes of the Florida Civil Rights Act, the commission may  
1505 bring an action for appropriate temporary or preliminary relief  
1506 pending final disposition of such charge. Any temporary  
1507 restraining order or other order granting preliminary or  
1508 temporary relief must be issued in accordance with Florida Rules

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1509 of Civil Procedure. If the court finds that the respondent has  
1510 intentionally engaged in or is intentionally engaging in an  
1511 unlawful employment practice as charged in the complaint, the  
1512 court may enjoin the respondent from engaging in such practice  
1513 and order such affirmative relief as may be appropriate, which  
1514 may include, but is not limited to, reinstatement or hiring of  
1515 employees, with or without back pay, payable by the employer,  
1516 employment agency, or labor organization, as appropriate,  
1517 responsible for the unlawful employment practice, or any other  
1518 equitable relief the court deems appropriate. Back pay liability  
1519 does not accrue from a date more than 2 years before a charge is  
1520 filed with the commission. Interim earnings or amounts earnable  
1521 with reasonable diligence by the person or persons discriminated  
1522 against reduce the back pay otherwise allowable. The court may  
1523 not require the admission or reinstatement of an individual as a  
1524 member of a union, the hiring, reinstatement, or promotion of an  
1525 individual as an employee, or the payment to an individual of  
1526 any back pay if the individual was refused admission, suspended,  
1527 or expelled, was refused employment or advancement, or was  
1528 suspended or discharged for any reason other than discrimination  
1529 on account of race, color, religion, sex, national origin, age,  
1530 disability, or marital status.

1531 (5) (4) If In the event that the commission determines that  
1532 there is reasonable cause to believe that a discriminatory  
1533 practice has occurred in violation of the Florida Civil Rights  
1534 Act ~~of 1992~~, the aggrieved person may either:

1535 (a) Bring a civil action against the person named in the  
1536 complaint in any court of competent jurisdiction; or

1537 (b) Request an administrative hearing under ss. 120.569 and

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1538 120.57.

1539

1540 The ~~election by the aggrieved person of~~ filing of a civil action  
1541 or requesting an administrative hearing under this subsection is  
1542 the exclusive procedure available to the aggrieved person  
1543 pursuant to this part act. The executive director may, at his or  
1544 her own initiative, reconsider his or her final determination of  
1545 reasonable cause. If the director decides to reconsider, a  
1546 notice of intent to reconsider must be promptly issued to all  
1547 parties within a reasonable time.

1548 (6)~~(5)~~ In any civil action brought under this section, the  
1549 court may issue an order prohibiting the discriminatory practice  
1550 and providing affirmative relief from the effects of the  
1551 practice, including back pay. The court may also award  
1552 compensatory damages, including, but not limited to, damages for  
1553 mental anguish, loss of dignity, and any other intangible  
1554 injuries, and punitive damages. The provisions of ss. 768.72 and  
1555 768.73 do not apply to this section. The judgment for the total  
1556 amount of punitive damages awarded under this section may to an  
1557 ~~aggrieved person shall~~ not exceed \$100,000. In any action or  
1558 proceeding under this subsection, the court,~~in its discretion,~~  
1559 may allow the prevailing party a reasonable attorney's fee as  
1560 part of the costs. It is the intent of the Legislature that this  
1561 provision for attorney's fees be interpreted in a manner  
1562 consistent with federal case law involving a Title VII action.  
1563 The right to trial by jury is preserved in any such private  
1564 right of action in which the aggrieved person is seeking  
1565 compensatory or punitive damages, and any party may demand a  
1566 trial by jury. The commission's determination of reasonable

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1567 cause is not admissible into evidence in any civil proceeding,  
 1568 including any hearing or trial, except to establish ~~for the~~  
 1569 ~~court~~ the right to maintain the private right of action. A civil  
 1570 action brought under this section must ~~shall~~ be commenced within  
 1571 ~~no later than~~ 1 year after the date of determination of  
 1572 reasonable cause by the commission. The commencement of such  
 1573 action divests ~~shall divest~~ the commission of jurisdiction of  
 1574 the complaint, except that the commission may intervene in the  
 1575 civil action as a matter of right. ~~Notwithstanding the above,~~  
 1576 The state and its agencies and subdivisions are ~~shall~~ not be  
 1577 liable for punitive damages. The total amount of recovery  
 1578 against the state and its agencies and subdivisions may ~~shall~~  
 1579 not exceed the limitation ~~as~~ set forth in s. 768.28(5).

1580 (7) ~~(6)~~ An ~~Any~~ administrative hearing brought pursuant to  
 1581 paragraph (5) (b) ~~(4) (b)~~ ~~shall~~ be conducted under ss.  
 1582 120.569 and 120.57. The commission may hear the case if provided  
 1583 ~~that~~ the final order is issued by members of the commission who  
 1584 did not conduct the hearing or the commission may request that  
 1585 it be heard by an administrative law judge pursuant to s.  
 1586 120.569(2) (a).

1587 (a) If the commission elects to hear the case, it may be  
 1588 heard by a commissioner. If the commissioner, after the hearing,  
 1589 finds that a violation of the Florida Civil Rights Act ~~of 1992~~  
 1590 has occurred, the commissioner shall issue an appropriate  
 1591 proposed order in accordance with chapter 120 prohibiting the  
 1592 practice and providing affirmative relief from the effects of  
 1593 the practice, including back pay.

1594 (b) If the administrative law judge, after the hearing,  
 1595 finds that a violation of the Florida Civil Rights Act ~~of 1992~~

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1596 has occurred, the administrative law judge shall issue an  
1597 appropriate recommended order in accordance with chapter 120  
1598 prohibiting the practice and providing affirmative relief from  
1599 the effects of the practice, including back pay.

1600 (c) Within 90 days after ~~of~~ the date the recommended or  
1601 proposed order is rendered, the commission shall issue a final  
1602 order by adopting, rejecting, or modifying the recommended order  
1603 as provided under ss. 120.569 and 120.57. The 90-day period may  
1604 be extended with the consent of all the parties. An  
1605 administrative hearing ~~pursuant to paragraph (4)(b)~~ must be  
1606 requested within ~~no later than~~ 35 days after the date of  
1607 determination of reasonable cause by the commission.

1608 (d) In any action or proceeding under this subsection, the  
1609 commission, ~~in its discretion,~~ may allow the prevailing party a  
1610 reasonable attorney's fee as part of the costs. It is the intent  
1611 of the Legislature that this provision for attorney's fees be  
1612 interpreted in a manner consistent with federal case law  
1613 involving a Title VII action.

1614 (8)(7) If the commission determines that there is no ~~not~~  
1615 reasonable cause to believe that a violation of the Florida  
1616 Civil Rights Act ~~of 1992~~ has occurred, the commission shall  
1617 dismiss the complaint. The aggrieved person may request an  
1618 administrative hearing under ss. 120.569 and 120.57. ~~but any~~  
1619 Such request must be made within 35 days after ~~of~~ the date of  
1620 determination ~~of reasonable cause~~ and any such hearing must  
1621 ~~shall~~ be heard by an administrative law judge and not by the  
1622 commission or a commissioner. If the aggrieved person does not  
1623 request an administrative hearing within the 35 days, the claim  
1624 is ~~will be~~ barred.



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1625        (a) If the administrative law judge finds that a violation  
1626 of the Florida Civil Rights Act ~~of 1992~~ has occurred, he or she  
1627 shall issue an appropriate recommended order to the commission  
1628 prohibiting the practice and recommending affirmative relief  
1629 from the effects of the practice, including back pay. Within 90  
1630 days after ~~of~~ the date the recommended order is rendered, the  
1631 commission shall issue a final order by adopting, rejecting, or  
1632 modifying the recommended order as provided under ss. 120.569  
1633 and 120.57. The 90-day period may be extended with the consent  
1634 of all the parties.

1635        (b) In any action or proceeding under this subsection, the  
1636 commission, ~~in its discretion,~~ may allow the prevailing party a  
1637 reasonable attorney's fee as part of the costs. It is the intent  
1638 of the Legislature that this provision for attorney's fees be  
1639 interpreted in a manner consistent with federal case law  
1640 involving a Title VII action. If ~~In the event~~ the final order  
1641 issued by the commission determines that a violation of the  
1642 Florida Civil Rights Act ~~of 1992~~ has occurred, the aggrieved  
1643 person may ~~bring~~, within 1 year after ~~of~~ the date of the final  
1644 order, bring a civil action under subsection (6) ~~(5)~~ as if there  
1645 has been a reasonable cause determination or accept the  
1646 affirmative relief offered by the commission, but not both.

1647        (c) The executive director may, on his or her own  
1648 initiative, reconsider his or her final determination of no  
1649 reasonable cause. If the executive director decides to  
1650 reconsider a determination of no cause, a notice of intent to  
1651 reconsider must be promptly issued within a reasonable time to  
1652 all parties.

1653        (9) ~~(8)~~ If ~~In the event that~~ the commission fails to

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1654 conciliate or determine whether there is reasonable cause on any  
1655 complaint under this section within 180 days after ~~of the filing~~  
1656 ~~of the complaint~~ is filed, an aggrieved person may proceed under  
1657 subsection (5) ~~(4)~~, as if the commission determined that there  
1658 was reasonable cause. However, a civil action filed under this  
1659 section must commence within 4 years after the date the cause of  
1660 action accrued.

1661 (10) ~~(9)~~ No Liability for back pay does not shall accrue  
1662 from a date more than 2 years before ~~prior to~~ the filing of a  
1663 complaint with the commission.

1664 (11) ~~(10)~~ A judgment for the amount of damages and costs  
1665 assessed pursuant to a final order by the commission may be  
1666 entered in any court having jurisdiction ~~thereof~~ and may be  
1667 enforced as any other judgment.

1668 (12) ~~(11)~~ If a complaint is within the jurisdiction of the  
1669 commission, the commission shall simultaneously with its other  
1670 statutory obligations attempt to eliminate or correct the  
1671 alleged discrimination by informal methods of conference,  
1672 conciliation, and persuasion. Nothing said or done in the course  
1673 of such informal endeavors may be made public or used as  
1674 evidence in a subsequent civil proceeding, trial, or hearing.  
1675 The commission may initiate dispute resolution procedures,  
1676 including voluntary arbitration, by special magistrates or  
1677 mediators. The commission may adopt rules as to the  
1678 qualifications of persons who may serve as special magistrates  
1679 and mediators.

1680 (13) ~~(12)~~ All complaints filed with the commission and all  
1681 records and documents in the custody of the commission, ~~which~~  
1682 relate to and identify a particular person, including, but not

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1683 limited to, a complainant, employer, employment agency, labor  
1684 organization, or joint labor-management committee are ~~shall be~~  
1685 confidential and may ~~shall~~ not be disclosed by the commission,  
1686 except to the parties or in the course of a hearing or  
1687 proceeding under this section. This limitation does ~~The~~  
1688 ~~restriction of this subsection shall~~ not apply to any record or  
1689 document that ~~which~~ is part of the record of any hearing or  
1690 court proceeding.

1691 (14) ~~(13)~~ Final orders of the commission are subject to  
1692 judicial review pursuant to s. 120.68. The commission's  
1693 determination of reasonable cause is not final agency action  
1694 that is subject to judicial review. Unless specifically ordered  
1695 by the court, the commencement of an appeal does not suspend or  
1696 stay the order of the commission, ~~except as provided in the~~  
1697 Rules of Appellate Procedure. In any action or proceeding under  
1698 this subsection, the court, ~~in its discretion,~~ may allow the  
1699 prevailing party a reasonable attorney's fee as part of the  
1700 cost. It is the intent of the Legislature that this provision  
1701 for attorney's fees be interpreted in a manner consistent with  
1702 federal case law involving a Title VII action. If ~~In the event~~  
1703 the order of the court determines that a violation of the  
1704 Florida Civil Rights Act ~~of 1992~~ has occurred, the court shall  
1705 remand the matter to the commission for appropriate relief. The  
1706 aggrieved party may ~~has the option to~~ accept the relief offered  
1707 by the commission or may ~~bring,~~ within 1 year after ~~of~~ the date  
1708 of the court order, bring a civil action under subsection (6)  
1709 ~~(5)~~ as if there has been a reasonable cause determination.

1710 (15) ~~(14)~~ The commission may adopt, ~~promulgate,~~ amend, and  
1711 rescind rules to effectuate the purposes and policies of this

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1712 section and to govern the proceedings of the commission under  
1713 this section.

1714 (16)~~(15)~~ In any civil action or administrative proceeding  
1715 brought pursuant to this section, a finding that a person  
1716 employed by the state or any governmental entity or agency has  
1717 violated s. 760.10 shall, as a matter of law, constitute just or  
1718 substantial cause for such person's discharge.

1719 Section 34. Section 760.12, Florida Statutes, is created to  
1720 read:

1721 760.12 Recovery of expenditures by commission.-

1722 (1) The commission may recover expenditures for any state-  
1723 funded products or services provided to any person seeking  
1724 administrative or judicial relief and who possesses the present  
1725 ability to pay. The rate of compensation for such products or  
1726 services must include the actual cost, including cost of  
1727 recovery, of court reporter services and transcriptions, court  
1728 interpreter services and translation, and any other product or  
1729 service for which state funds were incurred by the commission  
1730 due to persons seeking administrative or judicial relief.

1731 (2) Funds received by the commission pursuant to this  
1732 section shall be deposited into the commission's trust fund to  
1733 assist the commission in defraying some of the costs associated  
1734 with parties seeking administrative or judicial relief.

1735 Section 35. Section 760.13, Florida Statutes, is created to  
1736 read:

1737 760.13 Fees.-

1738 (1) The commission may charge fees for products or services  
1739 provided in the performance of its duties pursuant to this part  
1740 in amounts not to exceed:

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1741       (a) For examining, comparing, correcting, verifying, and  
 1742 certifying transcripts of records in appellate proceedings,  
 1743 prepared by an attorney for appellant proceedings or someone  
 1744 other than the commission clerk, per page                   \$5.

1745       (b) For preparing, numbering, and indexing an original  
 1746 record of appellate proceedings, per instrument               \$3.50.

1747       (c) For certifying copies of any instrument             \$2.

1748       (d) For verifying any instrument presented for  
 1749 certification prepared by someone other than the commission  
 1750 clerk, per page   \$3.50.

1751       (e) For writing any other paper, same as for copying,  
 1752 including signing and sealing                                     \$7.

1753       (f) For indexing each entry not recorded                 \$1.

1754

1755       The clerk of the commission may provide the requested  
 1756 information or record in an electronic format in lieu of a hard  
 1757 copy if ready accessibility by the requesting entity is  
 1758 available.

1759       (2) Any funds received by the commission pursuant to this  
 1760 section shall be deposited into the commission's trust fund.

1761       Section 36. Section 760.14, Florida Statutes, is created to  
 1762 read:

1763       760.14 Mediation services.—

1764       (1) Mediation, arbitration, and conciliation services must  
 1765 be available and accessible by all parties to any discrimination  
 1766 complaint filed with the commission regardless of financial  
 1767 status.

1768       (2) A fee of \$120 per person per scheduled mediation,  
 1769 arbitration, or conciliation session conducted pursuant to this

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1770 part shall be divided equally among the parties. Such fees shall  
1771 be collected by the clerk of the commission and deposited into  
1772 the commission's trust fund. The fees shall be waived for any  
1773 party who is found to be indigent pursuant to s. 57.081.

1774 (3) A person serving as a mediator in any action pursuant  
1775 to this part is immune from liability arising from the  
1776 performance of that person's duties while acting within the  
1777 scope of the mediation function if mediation is required by law  
1778 or agency rule or order, conducted by express agreement of the  
1779 mediation parties, or facilitated by a mediator certified by the  
1780 Supreme Court. The mediator is not immune from liability if he  
1781 or she acts in bad faith, with malicious purpose, or in a manner  
1782 exhibiting wanton and willful disregard of human rights, safety,  
1783 or property.

1784 Section 37. Section 760.15, Florida Statutes, is created to  
1785 read:

1786 760.15 Computation of time.—In computing any period of time  
1787 under this part, the day of the act, event, or default from  
1788 which the designated period of time begins to run is not  
1789 included. The last day of the period is included unless it is a  
1790 Saturday, Sunday, or legal state holiday, in which case the  
1791 designated period ends on the next day that is not a Saturday,  
1792 Sunday, or legal state holiday. If the period of time prescribed  
1793 or allowed is less than 7 days, intermediate Saturdays, Sundays,  
1794 and legal state holidays are excluded from the computation.

1795 Section 38. Section 760.16, Florida Statutes, is created to  
1796 read:

1797 760.16 Direct-support organization.—

1798 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.—The commission

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1799 may establish a direct-support organization to provide  
1800 assistance, funding, and support to the commission in carrying  
1801 out its mission.

1802 (2) DEFINITIONS.—As used in this section, the term:

1803 (a) "Direct-support organization" means an organization  
1804 that is:

1805 1. A Florida corporation, not for profit, incorporated  
1806 under chapter 617, exempt from filing fees under s. 617.0122,  
1807 and approved by the Department of State.

1808 2. Organized and operated exclusively to obtain funds;  
1809 request and receive grants, gifts, and bequests of moneys;  
1810 acquire, receive, hold, invest, and administer, in its own name,  
1811 securities, funds, or property; and make expenditures to or for  
1812 the direct or indirect benefit of the commission in its efforts  
1813 to:

1814 a. Promote and encourage fair treatment and equal  
1815 opportunity for all persons regardless of race, color, religion,  
1816 sex, national origin, age, disability, or marital status;

1817 b. Encourage mutual understanding and respect among all  
1818 members of all economic, social, racial, religious, and ethnic  
1819 groups; and

1820 c. Endeavor to eliminate discrimination against, and  
1821 antagonism between, religious, racial, and ethnic groups and  
1822 their members.

1823 3. Authorized to receive federal subsidies, endowments,  
1824 grants, and aid, but not authorized to receive donations in any  
1825 manner from any private or public entity or individuals  
1826 connected with entities over which the commission has regulatory  
1827 authority pursuant to this chapter.

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1828 4. Determined by the commission to be operating in a manner  
1829 consistent with the goals and purposes of the commission and in  
1830 the best interest of the state.

1831 (b) "Personnel services" includes full-time or part-time  
1832 personnel.

1833 (3) BOARD OF DIRECTORS.—The direct-support organization  
1834 shall be governed by a board of directors.

1835 (a) The board of directors shall consist of at least three  
1836 but no more than five members appointed by the executive  
1837 director of the commission.

1838 (b) The term of office of the board members is 3 years,  
1839 except that the terms of the initial appointees are for 1 year,  
1840 2 years, or 3 years in order to achieve staggered terms. A  
1841 member may be reappointed when his or her term expires. The  
1842 executive director of the commission, or designee, shall serve  
1843 as an ex officio member of the board of directors.

1844 (c) Board members must be current residents of this state  
1845 and knowledgeable about human and civil rights. The executive  
1846 director of the commission may remove any board member for cause  
1847 and with the approval of a majority of the board members. The  
1848 executive director of the commission shall appoint a replacement  
1849 for any vacancy that occurs.

1850 (4) CONTRACT.—The direct-support organization shall operate  
1851 under a written contract with the commission. The written  
1852 contract must provide for:

1853 (a) Submission of an annual budget for approval by the  
1854 executive director of the commission.

1855 (b) Certification by the commission that the direct-support  
1856 organization is complying with the terms of the contract and is



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1857 doing so consistent with the goals and purposes of the  
1858 commission and in the best interests of the state. Certification  
1859 must be made annually and reported in the official minutes of a  
1860 meeting of the direct-support organization.

1861 (c) The reversion of all moneys and property held by the  
1862 direct-support organization. Moneys and property shall revert:

1863 1. To the commission if the direct-support organization is  
1864 no longer approved to operate for the commission;

1865 2. To the commission if the direct-support organization  
1866 ceases to exist; or

1867 3. To the state if the commission ceases to exist.

1868 (d) The disclosure of the material provisions of the  
1869 contract and the distinction between the commission and the  
1870 direct-support organization to donors of gifts, contributions,  
1871 or bequests, including such disclosure on all promotional and  
1872 fundraising publications.

1873 (5) USE OF PROPERTY AND SERVICES.—

1874 (a) The commission may permit the use of property,  
1875 facilities, and personnel services of the commission by the  
1876 direct-support organization, subject to this section.

1877 (b) The commission may prescribe, by contract, any  
1878 condition with which the direct-support organization must comply  
1879 in order to use property, facilities, or personnel services of  
1880 the commission.

1881 (c) The commission may not permit the use of its property,  
1882 facilities, or personnel services by a direct-support  
1883 organization that does not provide equal employment  
1884 opportunities to all persons regardless of race, color,  
1885 religion, sex, national origin, age, disability, or marital

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status.

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

(7) ANNUAL BUDGETS AND REPORTS.—

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

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

(c) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

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

(9) RULEMAKING AUTHORITY.—The commission may adopt rules to administer this section.

Section 39. Section 760.20, Florida Statutes, is amended to read:

760.20 Fair Housing Act; short title.—~~This part Sections 760.20–760.37~~ may be cited as the “Fair Housing Act.”

Section 40. Section 760.22, Florida Statutes, is amended to read:

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1915 760.22 Definitions.—As used in this part ~~ss. 760.20-760.37,~~  
 1916 the term:

1917 (1) "Commission" means the Florida Commission on Human  
 1918 Relations.

1919 (2) "Covered multifamily dwelling" means:

1920 (a) A building that ~~which~~ consists of four or more units  
 1921 and has an elevator; or

1922 (b) The ground floor units of a building that ~~which~~  
 1923 consists of four or more units and does not have an elevator.

1924 (3) "Disability," with respect to an individual, means:

1925 (a) A physical or mental impairment that substantially  
 1926 limits one or more major life activities of the individual;

1927 (b) A record of the impairment;

1928 (c) Being regarded as having an impairment; or

1929 (d) Having a developmental disability as defined in s.  
 1930 393.063.

1931 (4)~~(3)~~ "Discriminatory housing practice" means an act that  
 1932 is unlawful under this part ~~the terms of ss. 760.20-760.37.~~

1933 (5)~~(4)~~ "Dwelling" means any building or structure, or  
 1934 portion thereof, which is occupied ~~as~~, or designed or intended  
 1935 for occupancy, ~~as~~ a residence by one or more families, and any  
 1936 vacant land that ~~which~~ is offered for sale or lease for the  
 1937 construction or location on the land of ~~any~~ such building or  
 1938 structure, or portion thereof.

1939 (6)~~(5)~~ "Familial status" is established when an individual  
 1940 who has not attained the age of 18 years is domiciled with:

1941 (a) A parent or other person having legal custody of such  
 1942 individual; or

1943 (b) A designee of a parent or other person having legal

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1944 custody, with the written permission of such parent or other  
1945 person.

1946 (7)~~(6)~~ "Family" includes a single individual.

1947 ~~(7) "Handicap" means:~~

1948 ~~(a) A person has a physical or mental impairment which~~  
1949 ~~substantially limits one or more major life activities, or he or~~  
1950 ~~she has a record of having, or is regarded as having, such~~  
1951 ~~physical or mental impairment; or~~

1952 ~~(b) A person has a developmental disability as defined in~~  
1953 ~~s. 393.063.~~

1954 (8) "Major life activities" includes, but is not limited  
1955 to:

1956 (a) Caring for one's self, performing manual tasks, and  
1957 functioning in a workplace environment.

1958 (b) Major bodily functions, including, but not limited to,  
1959 visual, auditory, aural, and cognitive functions; functions of  
1960 the immune, digestive, neurological, respiratory, circulatory,  
1961 endocrine, and reproductive systems; normal cell growth; and  
1962 functions of the bowel, bladder, and brain.

1963 (9)~~(8)~~ "Person" includes one or more individuals,  
1964 corporations, partnerships, associations, labor organizations,  
1965 legal representatives, mutual companies, joint-stock companies,  
1966 trusts, unincorporated organizations, trustees, trustees in  
1967 bankruptcy, receivers, and fiduciaries.

1968 (10)~~(9)~~ "Substantially equivalent" means an administrative  
1969 subdivision of the State of Florida meeting the requirements of  
1970 24 C.F.R. part 115, s. 115.6.

1971 (11) "Substantially limits" means to materially restrict an  
1972 individual's ability.

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1973            ~~(12)~~~~(10)~~ "To rent" means ~~includes~~ to lease, to sublease, to  
1974 let, and otherwise to grant for a consideration the right to  
1975 occupy premises not owned by the occupant.

1976            (13) "Transitory or minor impairment" means any impairment  
1977 having an actual, apparent, or expected duration of 6 months or  
1978 less.

1979            Section 41. Section 760.225, Florida Statutes, is created  
1980 to read:

1981            760.225 Impairment.—For purposes of this part, an  
1982 individual who has been subjected to an action prohibited under  
1983 this chapter because of an actual or perceived physical or  
1984 mental impairment, regardless of whether the impairment limits  
1985 or is perceived to limit a major life activity, has an  
1986 impairment. An impairment that limits one major life activity  
1987 may be considered a disability; however, a transitory or minor  
1988 impairment may not be considered a disability. An impairment  
1989 that is episodic or in remission is considered a disability if  
1990 it substantially limits at least one major life activity when  
1991 the impairment is active or not in remission. The determination  
1992 of whether an impairment substantially limits a major life  
1993 activity must be made without regard to the ameliorative effects  
1994 of mitigating measures, such as medication; medical supplies;  
1995 equipment or appliances; low-vision devices, not including  
1996 ordinary eyeglasses or contact lenses; prosthetics, including  
1997 artificial limbs and devices, hearing aids and cochlear implants  
1998 or other implantable hearing devices, and mobility devices;  
1999 oxygen therapy equipment and supplies; use of assistive  
2000 technology; reasonable accommodations or auxiliary aids or  
2001 services, including qualified interpreters or other effective

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2002 measures of making aurally delivered materials available to  
 2003 individuals with hearing impairments; qualified readers; taped  
 2004 texts or other effective methods of making visually delivered  
 2005 materials available to individuals with visual impairments;  
 2006 acquisition or modification of equipment and devices and other  
 2007 similar services and actions; or learned behavioral or adaptive  
 2008 neurological modifications.

2009 Section 42. Section 760.23, Florida Statutes, is amended to  
 2010 read:

2011 760.23 Discrimination in the sale or rental of housing and  
 2012 other prohibited practices.—

2013 (1) It is unlawful to refuse to sell or rent after the  
 2014 making of a bona fide offer, to refuse to negotiate for the sale  
 2015 or rental of, or otherwise to make unavailable or deny a  
 2016 dwelling to any person because of race, color, national origin,  
 2017 sex, disability ~~handicap~~, familial status, or religion.

2018 (2) It is unlawful to discriminate against any person in  
 2019 the terms, conditions, or privileges of sale or rental of a  
 2020 dwelling, or in the provision of related services or facilities  
 2021 ~~in connection therewith~~, because of race, color, national  
 2022 origin, sex, disability ~~handicap~~, familial status, or religion.

2023 (3) It is unlawful to make, print, or publish, or cause to  
 2024 be made, printed, or published, any notice, statement, or  
 2025 advertisement with respect to the sale or rental of a dwelling  
 2026 which ~~that~~ indicates any preference, limitation, or  
 2027 discrimination based on race, color, national origin, sex,  
 2028 disability ~~handicap~~, familial status, or religion or an  
 2029 intention to make any such preference, limitation, or  
 2030 discrimination.

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2031 (4) It is unlawful to represent to any person because of  
2032 race, color, national origin, sex, disability ~~handicap~~, familial  
2033 status, or religion that any dwelling is not available for  
2034 inspection, sale, or rental if ~~when~~ such dwelling is in fact so  
2035 available.

2036 (5) It is unlawful, for profit, to induce or attempt to  
2037 induce any person to sell or rent any dwelling by a  
2038 representation regarding the entry or prospective entry into the  
2039 neighborhood of a person or persons of a particular race, color,  
2040 national origin, sex, disability ~~handicap~~, familial status, or  
2041 religion.

2042 (6) The protections provided ~~afforded~~ under this part ss.  
2043 ~~760.20-760.37~~ against discrimination on the basis of familial  
2044 status apply to any person who is pregnant or is in the process  
2045 of securing legal custody of any individual who has not attained  
2046 the age of 18 years.

2047 (7) It is unlawful to discriminate in the sale or rental  
2048 of, or to otherwise make unavailable or deny, a dwelling to any  
2049 buyer or renter because of a disability ~~handicap~~ of:

2050 (a) That buyer or renter;

2051 (b) A person residing in or intending to reside in that  
2052 dwelling after it is sold, rented, or made available; or

2053 (c) Any person associated with the buyer or renter.

2054 (8) It is unlawful to discriminate against any person in  
2055 the terms, conditions, or privileges of sale or rental of a  
2056 dwelling, or in the provision of services or facilities in  
2057 connection with such dwelling, because of a disability ~~handicap~~  
2058 of:

2059 (a) That buyer or renter;

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2060 (b) A person residing in or intending to reside in that  
2061 dwelling after it is sold, rented, or made available; or

2062 (c) Any person associated with the buyer or renter.

2063 (9) For purposes of subsections (7) and (8), discrimination  
2064 includes:

2065 (a) A refusal to permit, at the expense of the ~~handicapped~~  
2066 person who has a disability, reasonable modifications of  
2067 existing premises occupied or to be occupied by such person if  
2068 such modifications may be necessary to provide ~~afford~~ such  
2069 person full enjoyment of the premises; or

2070 (b) A refusal to make reasonable accommodations in rules,  
2071 policies, practices, or services, if ~~when~~ such accommodations  
2072 may be necessary to provide ~~afford~~ such person equal opportunity  
2073 to use and enjoy a dwelling.

2074 (10) Covered multifamily dwellings that ~~as defined herein~~  
2075 ~~which~~ are intended for first occupancy after March 13, 1991,  
2076 must ~~shall~~ be designed and constructed to have at least one  
2077 building entrance on an accessible route unless it is  
2078 impractical to do so because of the terrain or unusual  
2079 characteristics of the site as determined by commission rule.  
2080 Such buildings shall also be designed and constructed ~~in~~ such a  
2081 ~~manner~~ that:

2082 (a) The public use and common use portions of such  
2083 dwellings are readily accessible to and usable by ~~handicapped~~  
2084 persons who have disabilities.

2085 (b) All doors designed to allow passage into and within all  
2086 premises within such dwellings are sufficiently wide to allow  
2087 passage by a person in a wheelchair.

2088 (c) All premises within such dwellings contain the



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2089 following features of adaptive design:

- 2090 1. An accessible route into and through the dwelling.
- 2091 2. Light switches, electrical outlets, thermostats, and
- 2092 other environmental controls in accessible locations.
- 2093 3. Reinforcements in bathroom walls to allow later
- 2094 installation of grab bars.
- 2095 4. Usable kitchens and bathrooms such that a person in a
- 2096 wheelchair can maneuver about the space.

2097 (d) Compliance with the appropriate requirements of the

2098 American National Standards Institute for buildings and

2099 facilities providing accessibility and usability for persons

2100 with physical disabilities ~~physically handicapped people,~~

2101 commonly cited as ANSI A117.1-1986, suffices to satisfy the

2102 requirements of paragraph (c).

2103

2104 State agencies that are responsible for regulating ~~with~~ building

2105 ~~construction regulation responsibility~~ or local governments, as

2106 appropriate, shall review the plans and specifications for the

2107 construction of covered multifamily dwellings to determine

2108 consistency with the requirements of this subsection.

2109 Section 43. Section 760.24, Florida Statutes, is amended to

2110 read:

2111 760.24 Discrimination in the provision of brokerage

2112 services.—It is unlawful to deny any person access to, or

2113 membership or participation in, any multiple-listing service,

2114 real estate brokers' organization, or other service,

2115 organization, or facility relating to the business of selling or

2116 renting dwellings, or to discriminate against him or her in the

2117 terms or conditions of such access, membership, or

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2118 participation, on account of race, color, national origin, sex,  
2119 disability handicap, familial status, or religion.

2120 Section 44. Section 760.25, Florida Statutes, is amended to  
2121 read:

2122 760.25 Discrimination in the financing of housing or in  
2123 residential real estate transactions.—

2124 (1) It is unlawful for any bank, building and loan  
2125 association, insurance company, or other corporation,  
2126 association, firm, or enterprise whose ~~the~~ business ~~of which~~  
2127 consists, in whole or in part, of ~~the~~ making ~~of~~ commercial real  
2128 estate loans to deny a loan or other financial assistance to a  
2129 person applying for the loan for the purpose of purchasing,  
2130 constructing, improving, repairing, or maintaining a dwelling,  
2131 or to discriminate against him or her in the fixing of the  
2132 amount, interest rate, duration, or other term or condition of  
2133 such loan or other financial assistance, because of the race,  
2134 color, national origin, sex, disability handicap, familial  
2135 status, or religion of such person or of any person associated  
2136 with him or her in connection with such loan or other financial  
2137 assistance or the purposes of such loan or other financial  
2138 assistance, or because of the race, color, national origin, sex,  
2139 disability handicap, familial status, or religion of the present  
2140 or prospective owners, lessees, tenants, or occupants of the  
2141 dwelling or dwellings in relation to which such loan or other  
2142 financial assistance is to be made or given.

2143 (2) ~~(a)~~ It is unlawful for any person or entity whose  
2144 business includes engaging in residential real estate  
2145 transactions to discriminate against any person in making  
2146 available such a transaction, or in the terms or conditions of

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2147 such a transaction, because of race, color, national origin,  
2148 sex, disability ~~handicap~~, familial status, or religion.

2149 ~~(b)~~ As used in this subsection, the term "residential real  
2150 estate transaction" means any of the following:

2151 (a)1. The making or purchasing of loans or providing other  
2152 financial assistance:

2153 1.a. For purchasing, constructing, improving, repairing, or  
2154 maintaining a dwelling; or

2155 2.b. Secured by residential real estate.

2156 (b)2. The selling, brokering, or appraising of residential  
2157 real property.

2158 Section 45. Section 760.29, Florida Statutes, is amended to  
2159 read:

2160 760.29 Exemptions.—

2161 (1) (a) Sections ~~Nothing in ss.~~ 760.23 and 760.25 do not  
2162 apply ~~applies~~ to:

2163 1. Any single-family house sold or rented by its private  
2164 individual owner ~~if, provided~~ such ~~private individual~~ owner does  
2165 not own more than three single-family houses at any one time. If  
2166 ~~the In the case of the sale of a single-family house by a~~  
2167 private individual owner ~~who~~ does not reside in such house at  
2168 the time of the sale or ~~who~~ was not the most recent resident of  
2169 the house prior to the sale, the exemption ~~granted by this~~  
2170 ~~paragraph~~ applies only ~~with respect~~ to one sale within any 24-  
2171 month period. In addition, the bona fide private individual  
2172 owner may ~~shall~~ not own any interest in, and ~~nor shall~~ there may  
2173 not be owned or reserved on his or her behalf, under any express  
2174 or voluntary agreement, title to, or any right to all or a  
2175 portion of the proceeds from the sale or rental of, more than

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2176 three single-family houses at any one time. The sale or rental  
2177 of any single-family house is ~~shall be~~ excepted from the  
2178 application of this part ~~ss. 760.20-760.37~~ only if the house is  
2179 sold or rented:

2180 a. Without the use ~~in any manner~~ of the sales or rental  
2181 facilities or the sales or rental services of any real estate  
2182 licensee or the ~~such~~ facilities or services of any person in the  
2183 business of selling or renting dwellings, or of any employee or  
2184 agent of ~~any~~ such licensee or person; and

2185 b. Without the publication, posting, or mailing, after  
2186 notice, of any advertisement or written notice in violation of  
2187 s. 760.23(3).

2188  
2189 ~~Nothing in~~ This provision does not prohibit ~~prohibits~~ the use of  
2190 attorneys, escrow agents, abstractors, title companies, and  
2191 other ~~such~~ professional assistance ~~as is~~ necessary to perfect or  
2192 transfer the title.

2193 2. Rooms or units in dwellings containing living quarters  
2194 occupied or intended to be occupied by no more than four  
2195 families living independently of each other, if the owner  
2196 actually maintains and occupies one of such living quarters as  
2197 his or her residence.

2198 (b) For the purposes of paragraph (a), a person is deemed  
2199 to be in the business of selling or renting dwellings if the  
2200 person:

2201 1. Has, within the preceding 12 months, participated as  
2202 principal in three or more transactions involving the sale or  
2203 rental of any dwelling or interest therein;

2204 2. Has, within the preceding 12 months, participated as

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2205 agent, other than in the sale of his or her own personal  
 2206 residence, in providing sales or rental facilities or sales or  
 2207 rental services in two or more transactions involving the sale  
 2208 or rental of any dwelling or interest therein; or

2209 3. Is the owner of any dwelling designed or intended for  
 2210 occupancy ~~by,~~ or is occupied by, five or more families.

2211 (2) This part does not prohibit: ~~Nothing in ss. 760.20-~~  
 2212 ~~760.37 prohibits~~

2213 (a) A religious organization, association, or society, or  
 2214 any nonprofit institution or organization operated, supervised,  
 2215 or controlled by or in conjunction with a religious  
 2216 organization, association, or society, from limiting the sale,  
 2217 rental, or occupancy of any dwelling that ~~which~~ it owns or  
 2218 operates for other than a commercial purpose to persons of the  
 2219 same religion or from giving preference to such persons, unless  
 2220 membership in such religion is restricted on account of race,  
 2221 color, or national origin; or. ~~Nothing in ss. 760.20-760.37~~  
 2222 ~~prohibits~~

2223 (b) A private club not ~~in fact~~ open to the public, which as  
 2224 an incident to its primary purpose ~~or purposes~~ provides lodgings  
 2225 that ~~which~~ it owns or operates for other than a commercial  
 2226 purpose, from limiting the rental or occupancy of such lodgings  
 2227 to its members or from giving preference to its members.

2228 (3) This part does not require ~~Nothing in ss. 760.20-760.37~~  
 2229 ~~requires~~ any person renting or selling a dwelling constructed  
 2230 for first occupancy before March 13, 1991, to modify, ~~alter,~~ ~~or~~  
 2231 ~~adjust~~ the dwelling in order to provide physical accessibility  
 2232 except as otherwise required by law.

2233 (4) (a) Any provision of this part ~~ss. 760.20-760.37~~

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2234 regarding familial status does not apply ~~with respect~~ to housing  
2235 for older persons.

2236 (b) As used in this subsection, the term "housing for older  
2237 persons" means housing:

2238 1. Provided under any state or federal program that the  
2239 commission determines is specifically designed and operated to  
2240 assist elderly persons, as defined in the state or federal  
2241 program;

2242 2. Intended for, and solely occupied by, persons 62 years  
2243 of age or older; or

2244 3. Intended and operated for occupancy by persons 55 years  
2245 of age or older which ~~that~~ meets the following requirements:

2246 a. At least 80 percent of the occupied units are occupied  
2247 by at least one person 55 years of age or older.

2248 b. The housing facility or community publishes and adheres  
2249 to policies and procedures that demonstrate the intent required  
2250 under this subparagraph. If the housing facility or community  
2251 meets the requirements of sub-subparagraphs a. and c. and the  
2252 recorded governing documents provide for an adult, senior, or  
2253 retirement housing facility or community and the governing  
2254 documents lack an amendatory procedure, prohibit amendments, or  
2255 restrict amendments until a specified future date, ~~then~~ that  
2256 housing facility or community shall be deemed housing for older  
2257 persons intended and operated for occupancy by persons 55 years  
2258 of age or older. If those documents further provide a  
2259 prohibition against residents 16 years of age or younger, that  
2260 provision must ~~shall~~ be construed, for purposes of the Fair  
2261 Housing Act, to ~~only~~ apply only to residents 18 years of age or  
2262 younger, in order to conform with federal law requirements.

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2263 Governing documents that ~~which~~ can be amended at a future date  
2264 must be amended and properly recorded within 1 year after that  
2265 date to reflect the requirements for consideration as housing  
2266 for older persons, if that housing facility or community intends  
2267 to continue as housing for older persons.

2268 c. The housing facility or community complies with rules  
2269 made by the Secretary of the United States Department of Housing  
2270 and Urban Development pursuant to 24 C.F.R. part 100 for  
2271 verification of occupancy, which rules provide for verification  
2272 by reliable surveys and affidavits and include examples of the  
2273 types of policies and procedures relevant to a determination of  
2274 compliance with the requirements of sub-subparagraph b. Such  
2275 surveys and affidavits are admissible in administrative and  
2276 judicial proceedings for the purposes of such verification.

2277 (c) Housing shall ~~not fail to~~ be considered housing for  
2278 older persons if:

2279 1. A person who resides in such housing on or after October  
2280 1, 1989, does not meet the age requirements of this subsection  
2281 but, ~~provided that~~ any new occupant meets such age requirements;  
2282 or

2283 2. One or more units are unoccupied but the, ~~provided that~~  
2284 ~~any~~ unoccupied units are reserved for occupancy by persons who  
2285 meet the age requirements of this subsection.

2286 (d) A person is ~~shall~~ not ~~be~~ personally liable for monetary  
2287 damages for a violation of this subsection if such person  
2288 reasonably relied in good faith on the application of the  
2289 exemption under this subsection relating to housing for older  
2290 persons. For purposes of this paragraph, a person may show good  
2291 faith reliance on the application of the exemption only by

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2292 showing that:

2293 1. The person has no actual knowledge that the facility or  
2294 the community is ineligible, or will become ineligible, for such  
2295 exemption; and

2296 2. The facility or community has stated formally, in  
2297 writing, that the facility or community complies with the  
2298 requirements for such exemption.

2299 (e) A facility or community claiming an exemption under  
2300 this subsection shall register with the commission by submitting  
2301 a copy of its recorded documents establishing the facility or  
2302 community as housing for older persons and ~~submit~~ a letter ~~to~~  
2303 ~~the commission~~ stating that the facility or community complies  
2304 with the requirements of paragraph (b) ~~subparagraph (b)1.,~~  
2305 ~~subparagraph (b)2., or subparagraph (b)3.~~ The letter shall be  
2306 submitted on the letterhead of the facility or community and  
2307 ~~shall be~~ signed by the president of the facility or community.  
2308 This registration and documentation must ~~shall~~ be renewed  
2309 biennially following ~~from~~ the date of original filing. The  
2310 information in the registry shall be made available to the  
2311 public, and the commission shall include this information on an  
2312 Internet website. The commission may charge ~~establish~~ a  
2313 ~~reasonable~~ registration fee of \$75, which not to exceed \$20,  
2314 ~~that~~ shall be deposited into the commission's trust fund to  
2315 defray the administrative costs associated with maintaining the  
2316 registry. The commission may impose an administrative fine, not  
2317 to exceed \$500, on a facility or community that fails to  
2318 register or renew its registration with the commission or that  
2319 knowingly submits false information in the documentation  
2320 required by this paragraph. Such fines shall be deposited in the



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2321 commission's trust fund. The registration and documentation  
 2322 required by this paragraph do ~~shall~~ not substitute for proof of  
 2323 compliance with the requirements of this subsection. However,  
 2324 failure to comply does ~~with the requirements of this paragraph~~  
 2325 ~~shall~~ not disqualify a facility or community that otherwise  
 2326 qualifies for the exemption provided in this subsection.

2327  
 2328 A county or municipal ordinance regarding housing for older  
 2329 persons may not contravene the provisions of this subsection.

2330 (5) This part does not ~~Nothing in ss. 760.20-760.37:~~

2331 (a) Prohibit ~~Prohibits~~ a person engaged in the business of  
 2332 furnishing appraisals of real property from considering ~~taking~~  
 2333 ~~into consideration~~ factors other than race, color, national  
 2334 origin, sex, disability ~~handicap~~, familial status, or religion.

2335 (b) Limit ~~Limits~~ the applicability of any reasonable local  
 2336 restriction regarding the maximum number of occupants permitted  
 2337 to occupy a dwelling.

2338 (c) Require ~~Requires that~~ a dwelling be made available to  
 2339 an individual whose tenancy would constitute a direct threat to  
 2340 the health or safety of other individuals or whose tenancy would  
 2341 result in substantial physical damage to the property of others.

2342 (d) Prohibit ~~Prohibits~~ conduct against a person because  
 2343 such person has been convicted ~~by any court of competent~~  
 2344 ~~jurisdiction~~ of the illegal manufacture or distribution of a  
 2345 controlled substance as defined under chapter 893.

2346 Section 46. Section 760.30, Florida Statutes, is amended to  
 2347 read:

2348 760.30 Administration of ss. 760.20-760.37.—

2349 ~~(1)~~ The commission shall administer the Fair Housing Act

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2350 ~~and authority and responsibility for administering ss. 760.20-~~  
2351 ~~760.37 is in the commission.~~

2352 ~~(2) The commission~~ may delegate any of its functions,  
2353 duties, and powers to its employees, including functions,  
2354 duties, and powers with respect to investigating, conciliating,  
2355 hearing, determining, ordering, certifying, reporting, or  
2356 otherwise acting as to any work, business, or matter under this  
2357 part ~~ss. 760.20-760.37.~~

2358 Section 47. Section 760.31, Florida Statutes, is amended to  
2359 read:

2360 760.31 Powers and duties of commission.—The commission  
2361 shall:

2362 (1) Conduct ~~Make~~ studies with respect to the nature and  
2363 extent of discriminatory housing practices in representative  
2364 urban, suburban, and rural communities throughout the state.

2365 (2) Publish and disseminate reports, recommendations, and  
2366 information derived from such studies.

2367 (3) Cooperate with and render technical assistance to  
2368 public or private agencies, organizations, and institutions  
2369 within the state which are formulating or carrying on programs  
2370 to prevent or eliminate discriminatory housing practices.

2371 (4) Administer the programs and activities relating to  
2372 housing in a manner affirmatively to further the policies of the  
2373 Fair Housing Act ~~ss. 760.20-760.37.~~

2374 (5) Adopt rules necessary to administer this part ~~implement~~  
2375 ~~ss. 760.20-760.37~~ and govern the proceedings of the commission  
2376 in accordance with chapter 120. Commission rules may ~~shall~~  
2377 clarify terms used with regard to disability ~~handicapped~~  
2378 accessibility, exceptions from accessibility requirements based

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2379 on terrain or site characteristics, and requirements related to  
2380 housing for older persons. Commission rules must ~~shall~~ specify  
2381 the fee and the forms and procedures to be used for the  
2382 registration required by s. 760.29(4) (e).

2383 Section 48. Section 760.32, Florida Statutes, is amended to  
2384 read:

2385 760.32 Investigations; subpoenas; oaths.—

2386 (1) In conducting an investigation, the commission shall  
2387 have access at all reasonable times to premises, records,  
2388 documents, individuals, and other evidence or possible sources  
2389 of evidence and may examine, record, and copy such materials and  
2390 take and record the testimony or statements of such persons as  
2391 are reasonably necessary for the furtherance of the  
2392 investigation, if provided ~~if provided~~ the commission first complies with  
2393 the provisions of the State Constitution relating to  
2394 unreasonable searches and seizures. The commission may issue  
2395 subpoenas to compel its access to, or the production of, such  
2396 materials or the appearance of such persons, and may issue  
2397 interrogatories to a respondent, to the same extent and subject  
2398 to the same limitations as would apply if the subpoenas or  
2399 interrogatories were issued or served in aid of a civil action  
2400 in court. The commission may also use any other method of  
2401 discovery authorized by the Florida Rules of Civil Procedure.  
2402 The commission may administer oaths.

2403 (2) Upon written application to the commission, a  
2404 respondent is ~~shall be~~ entitled to the issuance of a reasonable  
2405 number of subpoenas by, and in the name of, the commission to  
2406 the same extent, and subject to the same limitations, as  
2407 subpoenas issued by the commission ~~itself~~. A subpoena issued at

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2408 the request of a respondent must ~~shall~~ show on its face the name  
2409 and address of the ~~such~~ respondent and ~~shall~~ state that it was  
2410 issued at her or his request.

2411 (3) Within 5 days after service of a subpoena upon any  
2412 person, such person may petition the commission to revoke or  
2413 modify the subpoena. The commission shall grant the petition if  
2414 it finds that the subpoena requires appearance or attendance at  
2415 an unreasonable time or place, ~~that it~~ requires production of  
2416 evidence that ~~which~~ does not relate to any matter under  
2417 investigation, or ~~that it~~ does not describe with sufficient  
2418 particularity the evidence to be produced; if it finds, ~~or~~ that  
2419 compliance would be unduly onerous; or for other good reason.

2420 (4) In case of refusal to obey a subpoena, the commission  
2421 or the person at whose request the subpoena was issued may  
2422 petition for its enforcement in the circuit court for the county  
2423 in which the person to whom the subpoena was addressed resides,  
2424 was served, or transacts business.

2425 (5) Witnesses summoned by commission subpoena are ~~of the~~  
2426 ~~commission shall be~~ entitled to the same witness and mileage  
2427 fees as are witnesses in proceedings in court. Fees payable to a  
2428 witness summoned by a subpoena issued at the request of a  
2429 respondent shall be paid by the respondent.

2430 Section 49. Section 760.34, Florida Statutes, is amended to  
2431 read:

2432 760.34 Enforcement.—

2433 (1) Any person who claims to have been injured by a  
2434 discriminatory housing practice or who believes that he or she  
2435 will be injured by a discriminatory housing practice that is  
2436 about to occur may file a complaint with the commission.

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2437 Complaints must ~~shall~~ be in writing and ~~shall~~ contain such  
2438 information and be in such form as the commission requires. Upon  
2439 receipt of ~~such~~ a complaint, the commission shall furnish a copy  
2440 to the person ~~or persons~~ who allegedly committed the  
2441 discriminatory housing practice or is ~~are~~ about to commit the  
2442 alleged discriminatory housing practice. Within 100 days after  
2443 receiving a complaint, or within 100 days after the expiration  
2444 of any period of reference under subsection (3), the commission  
2445 shall investigate the complaint and give notice in writing to  
2446 the person aggrieved whether it intends to resolve it. If the  
2447 commission decides to resolve the complaint, it shall ~~proceed to~~  
2448 attempt ~~try~~ to eliminate or correct the alleged discriminatory  
2449 housing practice by informal methods of conference,  
2450 conciliation, and persuasion. If ~~Insofar as~~ possible,  
2451 conciliation meetings shall be held in the cities or other  
2452 localities where the discriminatory housing practices allegedly  
2453 occurred. Anything ~~Nothing~~ said or done in the course of such  
2454 informal endeavors may not be made public or used as evidence in  
2455 a subsequent proceeding under this part ~~ss. 760.20-760.37~~  
2456 without the written consent of the persons concerned. An ~~Any~~  
2457 employee of the commission who makes public any information in  
2458 violation of this provision commits ~~is guilty of~~ a misdemeanor  
2459 of the first degree, punishable as provided in s. 775.082 or s.  
2460 775.083.

2461 (2) A complaint under subsection (1) must be filed within 1  
2462 year after the alleged discriminatory housing practice occurred.  
2463 The complaint must be in writing and ~~shall~~ state the facts upon  
2464 which the allegations of a discriminatory housing practice are  
2465 based. A complaint may be reasonably and fairly amended at any

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2466 time. A respondent may file a response ~~an answer~~ to the  
2467 complaint against him or her and, with the leave of the  
2468 commission, which shall be granted if ~~whenever it would be~~  
2469 reasonable and fair to do so, may amend his or her response  
2470 ~~answer~~ at any time. The Both complaint and response must ~~answer~~  
2471 ~~shall~~ be verified.

2472 (3) If ~~Wherever~~ a local fair housing law provides rights  
2473 and remedies for alleged discriminatory housing practices which  
2474 are substantially equivalent to the rights and remedies provided  
2475 under this part in ss. 760.20-760.37, the commission shall  
2476 notify the appropriate local agency of any complaint filed under  
2477 this part ss. 760.20-760.37 which appears to constitute a  
2478 violation of the local fair housing law., ~~and~~ The commission may  
2479 ~~shall~~ take no further action with respect to such complaint if  
2480 the local law enforcement official has, within 30 days after  
2481 ~~from~~ the date the alleged offense was brought to his or her  
2482 attention, commenced proceedings in the matter. ~~In no event~~  
2483 ~~shall~~ The commission may not take further action unless it  
2484 certifies that in its judgment, under the circumstances of the  
2485 particular case, the protection of the rights of the parties or  
2486 the interests of justice require such action.

2487 (4) If a charge is filed with the commission and the  
2488 commission concludes on the basis of a preliminary investigation  
2489 that prompt judicial action is necessary to carry out the  
2490 purposes of this part, the commission may bring an action for  
2491 appropriate temporary or preliminary relief pending final  
2492 disposition of such charge. Any temporary restraining order or  
2493 other order granting preliminary or temporary relief shall be  
2494 issued in accordance with the Florida Rules of Civil Procedure.

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2495 If the court finds that the respondent has or is engaged in an  
2496 unlawful practice under this part as charged in the complaint,  
2497 the court may enjoin the respondent from engaging in such  
2498 unlawful practice and order such affirmative relief as it deems  
2499 appropriate.

2500 (5)~~(4)~~ If, within 180 days after a complaint is filed with  
2501 the commission or within 180 days after expiration of any period  
2502 of reference under subsection (3), the commission cannot ~~has~~  
2503 ~~been unable to~~ obtain voluntary compliance with this part ~~ss.~~  
2504 ~~760.20-760.37~~, the person aggrieved may commence a civil action  
2505 in any appropriate court against the respondent named in the  
2506 complaint or petition for an administrative determination  
2507 pursuant to s. 760.35 to enforce the rights granted or protected  
2508 under this part ~~by ss. 760.20-760.37.~~

2509 (a) If, as a result of its investigation under subsection  
2510 (1), the commission finds there is reasonable cause to believe  
2511 that a discriminatory housing practice has occurred, at the  
2512 request of the person aggrieved, the Attorney General shall  
2513 bring an action in the name of the state on behalf of the  
2514 aggrieved person to enforce the provisions of this part ~~ss.~~  
2515 ~~760.20-760.37.~~

2516 (b) If the commission determines that there is no  
2517 reasonable cause to believe that a discriminatory housing  
2518 practice has occurred, the commission shall dismiss the  
2519 complaint. The aggrieved person may request an administrative  
2520 hearing under ss. 120.569 and 120.57, but such request must be  
2521 made within 30 days after the service of the notice of the  
2522 determination of no reasonable cause, or is barred. Such hearing  
2523 must be heard by an administrative law judge and not by the

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2524 commission or a commissioner.

2525 1. If the administrative law judge finds that a  
2526 discriminatory housing practice has occurred, he or she shall  
2527 issue an appropriate recommended order to the commission. Within  
2528 90 days after the date the recommended order is rendered, the  
2529 commission shall issue a final order by adopting, rejecting, or  
2530 modifying the recommended order as provided under ss. 120.569  
2531 and 120.57. The 90-day period may be extended with the consent  
2532 of all parties.

2533 2. If the final order issued by the commission determines  
2534 that a discriminatory housing practice has occurred, the  
2535 aggrieved person may:

2536 a. Request the Attorney General to bring an action in the  
2537 name of the state on behalf of the aggrieved person to enforce  
2538 the provisions of this part; or

2539 b. Proceed with the case pursuant to subsection (7) or  
2540 subsection (8) as if there has been a determination of  
2541 reasonable cause.

2542 3. In any action or proceeding under this subsection, the  
2543 commission may allow the prevailing party reasonable attorney's  
2544 fees as part of the costs. It is the intent of the Legislature  
2545 that provision for attorney's fees be interpreted in a manner  
2546 consistent with federal case law involving an action under Title  
2547 VIII.

2548 (6)-(5) In any proceeding brought pursuant to this section  
2549 or s. 760.35, the burden of proof is on the complainant.

2550 (7)-(6) If ~~Whenever~~ an action filed in court pursuant to  
2551 this section or s. 760.35 comes to trial, the commission shall  
2552 immediately terminate all efforts to obtain voluntary



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2553 compliance.

2554 ~~(8)-(7)-(a)~~ The commission may institute a civil action in  
2555 any appropriate court if it cannot ~~is unable to~~ obtain voluntary  
2556 compliance with the provisions of this part ss. 760.20-760.37.  
2557 The commission need not have petitioned for an administrative  
2558 hearing or exhausted its administrative remedies before ~~prior to~~  
2559 bringing a civil action. The court shall award reasonable  
2560 attorney's fees and costs to the commission in any action in  
2561 which the commission prevails.

2562 ~~(9)-(b)~~ The court may impose the following fines for each  
2563 violation of this part ss. 760.20-760.37:

2564 ~~(a)1-~~ Up to \$10,000, if the respondent has not previously  
2565 been found guilty of a violation of this part ss. 760.20-760.37.

2566 ~~(b)2-~~ Up to \$25,000, if the respondent has been found  
2567 guilty of one prior violation of this part ss. 760.20-760.37  
2568 within the preceding 5 years.

2569 ~~(c)3-~~ Up to \$50,000, if the respondent has been found  
2570 guilty of two or more violations of this part ss. 760.20-760.37  
2571 within the preceding 7 years.

2572  
2573 In imposing a fine under this subsection ~~paragraph~~, the court  
2574 shall consider the nature and circumstances of the violation,  
2575 the degree of culpability, the history of prior violations ~~of~~  
2576 ~~ss. 760.20-760.37~~, the financial circumstances of the  
2577 respondent, and the goal of deterring future violations ~~of ss.~~  
2578 ~~760.20-760.37~~.

2579 ~~(c) The court shall award reasonable attorney's fees and~~  
2580 ~~costs to the commission in any action in which the commission~~  
2581 ~~prevails.~~

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2582        (10)~~(8)~~ Any local agency certified as substantially  
2583 equivalent may institute a civil action in any appropriate  
2584 court, including circuit court, if it cannot ~~is unable to~~ obtain  
2585 voluntary compliance with the local fair housing law. The agency  
2586 need not have petitioned for an administrative hearing or  
2587 exhausted its administrative remedies before ~~prior to~~ bringing a  
2588 civil action. The court may impose fines as provided in the  
2589 local fair housing law.

2590        Section 50. Section 760.35, Florida Statutes, is amended to  
2591 read:

2592        760.35 Civil actions and relief; administrative  
2593 procedures.—

2594        (1) A civil action must ~~shall~~ be commenced within ~~no later~~  
2595 ~~than~~ 2 years after an alleged discriminatory housing practice  
2596 has occurred. The computation of the 2-year period does not  
2597 include any time during which an administrative proceeding was  
2598 pending with respect to a complaint or charge based upon such  
2599 discriminatory housing practice under this part. This does not  
2600 apply to actions arising from a breach of a conciliation  
2601 agreement. However, the court shall continue a civil case  
2602 brought pursuant to this section or s. 760.34 from time to time  
2603 before bringing it to trial if the court believes that the  
2604 conciliation efforts of the commission or local agency are  
2605 likely to result in satisfactory settlement of the  
2606 discriminatory housing practice complained of in the complaint  
2607 made to the commission or to the local agency and which practice  
2608 forms the basis for the action in court. Any sale, encumbrance,  
2609 or rental consummated before ~~prior to~~ the issuance of a any  
2610 court order issued under this part ~~the authority of ss. 760.20~~

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2611 ~~760.37~~ and involving a bona fide purchaser, encumbrancer, or  
 2612 tenant without actual notice of ~~the existence of~~ the filing of a  
 2613 complaint or civil action under this part ~~is the provisions of~~  
 2614 ~~ss. 760.20-760.37 shall not be affected.~~

2615 (2) If the court finds that a discriminatory housing  
 2616 practice has occurred, it shall issue an order prohibiting the  
 2617 practice and providing affirmative relief from the effects of  
 2618 the practice, including injunctive and other equitable relief,  
 2619 actual and punitive damages, and reasonable attorney's fees and  
 2620 costs.

2621 (3) ~~(a)~~ If the commission cannot ~~is unable to~~ obtain  
 2622 voluntary compliance with this part ~~ss. 760.20-760.37~~ or has  
 2623 reasonable cause to believe that a discriminatory practice has  
 2624 occurred, ÷

2625 ~~1.~~ the commission may institute an administrative  
 2626 proceeding under chapter 120, ÷ or

2627 ~~2.~~ the person aggrieved may request administrative relief  
 2628 under chapter 120 within 30 days after receiving notice that the  
 2629 commission has concluded its investigation under s. 760.34.

2630 (a) ~~(b)~~ Administrative hearings shall be conducted pursuant  
 2631 to ss. 120.569 and 120.57(1). The respondent must be served  
 2632 written notice by certified mail. If the administrative law  
 2633 judge finds that a discriminatory housing practice has occurred  
 2634 or is about to occur, he or she shall issue a recommended order  
 2635 to the commission prohibiting the practice and recommending  
 2636 affirmative relief from the effects of the practice, including  
 2637 quantifiable damages and reasonable attorney's fees and costs.  
 2638 The commission may adopt, reject, or modify a recommended order  
 2639 only as provided under s. 120.57(1). Judgment for the amount of

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2640 damages and costs assessed pursuant to a final order by the  
 2641 commission may be entered in any court having jurisdiction  
 2642 ~~thereof~~ and may be enforced as any other judgment.

2643 (b)~~(e)~~ The district courts of appeal may, upon the filing  
 2644 of appropriate notices of appeal, review final orders of the  
 2645 commission pursuant to s. 120.68. Costs or fees may not be  
 2646 assessed against the commission in any appeal from a final order  
 2647 issued by the commission under this subsection. Unless  
 2648 specifically ordered by the court, the commencement of an appeal  
 2649 does not suspend or stay an order of the commission.

2650 (c)~~(d)~~ This subsection does not prevent any other legal or  
 2651 administrative action provided by law.

2652 Section 51. Section 760.36, Florida Statutes, is amended to  
 2653 read:

2654 760.36 Conciliation agreements.—Any conciliation agreement  
 2655 arising out of conciliation efforts by the ~~Florida~~ commission ~~on~~  
 2656 ~~Human Relations~~ pursuant to the Fair Housing Act must be agreed  
 2657 to by the respondent and the complainant and is subject to the  
 2658 approval of the commission. Notwithstanding ~~the provisions of s.~~  
 2659 760.11(12) and (13) ~~760.11(11) and (12)~~, each conciliation  
 2660 agreement arising out of a complaint filed under the ~~Fair~~  
 2661 ~~Housing~~ act shall be made public unless the complainant and the  
 2662 respondent otherwise agree and the commission determines that  
 2663 disclosure is not required to further the purposes of the  
 2664 ~~Florida Fair Housing~~ act.

2665 Section 52. Section 760.37, Florida Statutes, is amended to  
 2666 read:

2667 760.37 Interference, coercion, or intimidation;~~enforcement~~  
 2668 ~~by administrative or civil action.~~—It is unlawful to coerce,

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2669 intimidate, threaten, or interfere with any person in the  
2670 exercise of, or on account of her or his having exercised, or on  
2671 account of her or his having aided or encouraged any other  
2672 person in the exercise of any right granted under this part ~~ss.~~  
2673 ~~760.20-760.37~~. This section may be enforced by appropriate  
2674 administrative or civil action.

2675 Section 53. Section 760.38, Florida Statutes, is created to  
2676 read:

2677 760.38 Recovery of expenditures by the commission.-

2678 (1) The commission may recover expenditures for any state-  
2679 funded products or services furnished to any person seeking  
2680 administrative or judicial relief and who possesses the present  
2681 ability to pay. The rate of compensation must include the actual  
2682 cost, including cost of recovery, of court reporter services and  
2683 transcriptions, court interpreter services and translation, and  
2684 any other product or service for which state funds were incurred  
2685 by the commission due to persons seeking administrative or  
2686 judicial relief.

2687 (2) Funds received by the commission pursuant to this  
2688 section shall be deposited into the commission's trust fund to  
2689 assist the commission in defraying some of the costs associated  
2690 with parties seeking administrative or judicial relief.

2691 Section 54. Section 760.381, Florida Statutes, is created  
2692 to read:

2693 760.381 Fees.-

2694 (1) The commission may charge fees for products or services  
2695 provided in the performance of its duties under this part in  
2696 amounts not to exceed:

2697 (a) For examining, comparing, correcting, verifying, and

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2698 certifying transcripts of record in appellate proceedings,  
 2699 prepared by the attorney for appellant or someone other than the  
 2700 commission clerk, per page \$5.

2701 (b) For preparing, numbering, and indexing an original  
 2702 record of appellate proceedings, per instrument \$3.50

2703 (c) For certifying copies of any instrument \$2.

2704 (d) For verifying any instrument presented for  
 2705 certification prepared by someone other than the commission  
 2706 clerk, per page \$3.50.

2707 (e) For writing any other paper, same as for copying,  
 2708 including signing and sealing \$7.

2709 (f) For indexing each entry not recorded \$1.

2710

2711 The clerk of the commission may provide the requested  
 2712 information or record in an electronic format in lieu of a hard  
 2713 copy if ready accessibility by the requesting entity is  
 2714 available.

2715 (2) Any funds received by the commission pursuant to this  
 2716 section shall be deposited into the commission's trust fund.

2717 Section 55. Section 760.382, Florida Statutes, is created  
 2718 to read:

2719 760.382 Mediation services.-

2720 (1) Mediation, arbitration, and conciliation services must  
 2721 be available and accessible by all parties to any discrimination  
 2722 complaint filed with the commission regardless of financial  
 2723 status.

2724 (2) A person serving as a mediator in any action pursuant  
 2725 to this part is immune from liability arising from the  
 2726 performance of that person's duties while acting within the

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2727 scope of the mediation function if mediation is required by law  
2728 or agency rule or order, conducted by express agreement of the  
2729 mediation parties, or facilitated by a mediator certified by the  
2730 Supreme Court. The mediator is not immune from liability if he  
2731 or she acts in bad faith, with malicious purpose, or in a manner  
2732 exhibiting wanton and willful disregard of human rights, safety,  
2733 or property.

2734 Section 56. Section 760.383, Florida Statutes, is created  
2735 to read:

2736 760.383 Computation of time.—In computing any period of  
2737 time under this part, the day of the act, event, or default from  
2738 which the designated period of time begins to run is not  
2739 included. The last day of the period is included unless it is a  
2740 Saturday, Sunday, or legal state holiday, in which case the  
2741 designated period ends on the next day that is not a Saturday,  
2742 Sunday, or legal state holiday. If the period of time prescribed  
2743 or allowed is less than 7 days, intermediate Saturdays, Sundays,  
2744 and legal state holidays are excluded from the computation.

2745 Section 57. Subsection (2) of section 760.50, Florida  
2746 Statutes, is amended to read:

2747 760.50 Discrimination on the basis of AIDS, AIDS-related  
2748 complex, and HIV prohibited.—

2749 (2) Any person with or perceived as having acquired immune  
2750 deficiency syndrome, acquired immune deficiency syndrome related  
2751 complex, or human immunodeficiency virus shall have every  
2752 protection made available to persons who have a disability  
2753 ~~handicapped persons.~~

2754 Section 58. Subsection (1) of section 760.60, Florida  
2755 Statutes, is amended to read:

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2756           760.60 Discriminatory practices of certain clubs  
2757 prohibited; remedies.—

2758           (1) It is unlawful for a person to discriminate against any  
2759 individual because of race, color, religion, sex ~~gender~~,  
2760 national origin, disability ~~handicap~~, age above the age of 21,  
2761 or marital status in evaluating an application for membership in  
2762 a club that has more than 400 members, that provides regular  
2763 meal service, and that regularly receives payment for dues,  
2764 fees, use of space, facilities, services, meals, or beverages  
2765 directly or indirectly from nonmembers for business purposes. It  
2766 is unlawful for a person, on behalf of such a club, to publish,  
2767 circulate, issue, display, post, or mail any advertisement,  
2768 notice, or solicitation that contains a statement to the effect  
2769 that the accommodations, advantages, facilities, membership, or  
2770 privileges of the club are denied to any individual because of  
2771 race, color, religion, sex ~~gender~~, national origin, disability  
2772 ~~handicap~~, age above the age of 21, or marital status. This  
2773 subsection does not apply to fraternal or benevolent  
2774 organizations, ethnic clubs, or religious organizations where  
2775 business activity is not prevalent.

2776           Section 59. Paragraph (g) of subsection (7) of section  
2777 849.086, Florida Statutes, is amended to read:

2778           849.086 Cardrooms authorized.—

2779           (7) CONDITIONS FOR OPERATING A CARDROOM.—

2780           (g) A cardroom operator may refuse entry to or refuse to  
2781 allow any person who is objectionable, undesirable, or  
2782 disruptive to play, but such refusal may not be on the basis of  
2783 race, creed, color, religion, sex ~~gender~~, national origin,  
2784 marital status, physical disability ~~handicap~~, or age, except as



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2785 provided in this section.

2786 Section 60. Paragraph (b) of subsection (10) of section  
2787 849.0931, Florida Statutes, is amended to read:

2788 849.0931 Bingo authorized; conditions for conduct;  
2789 permitted uses of proceeds; limitations.—

2790 (10)

2791 (b) Any organization conducting bingo open to the public  
2792 may refuse entry to any person who is objectionable or  
2793 undesirable to the sponsoring organization, but such refusal of  
2794 entry may ~~shall~~ not be on the basis of race, creed, color,  
2795 religion, sex, national origin, marital status, or physical  
2796 disability ~~handicap~~.

2797 Section 61. Subsection (1) of section 874.02, Florida  
2798 Statutes, is amended to read:

2799 874.02 Legislative findings and intent.—

2800 (1) The Legislature finds that it is the right of every  
2801 person, regardless of race, color, creed, religion, national  
2802 origin, sex, age, sexual orientation, or disability ~~handicap~~, to  
2803 be secure and protected from fear, intimidation, and physical  
2804 harm caused by the activities of criminal gangs and their  
2805 members. It is not the intent of this chapter to interfere with  
2806 the exercise of the constitutionally protected rights of freedom  
2807 of expression and association. The Legislature recognizes the  
2808 constitutional right of every citizen to harbor and express  
2809 beliefs on any lawful subject whatsoever, to lawfully associate  
2810 with others who share similar beliefs, to petition lawfully  
2811 constituted authority for a redress of perceived grievances, and  
2812 to participate in the electoral process.

2813 Section 62. Paragraph (a) of subsection (4) of section

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2814 1004.447, Florida Statutes, is amended to read:

2815 1004.447 Florida Institute for Human and Machine Cognition,  
2816 Inc.—

2817 (4) The articles of incorporation of the corporation or any  
2818 authorized and approved subsidiary must be approved in a written  
2819 agreement by the Board of Governors. The agreement and the  
2820 articles of incorporation shall:

2821 (a) Provide that the corporation and any authorized and  
2822 approved subsidiary shall provide equal employment opportunities  
2823 for all persons regardless of race, color, religion, sex ~~gender~~,  
2824 national origin, age, disability ~~handicap~~, or marital status.

2825 Section 63. Subsection (2) of section 1012.855, Florida  
2826 Statutes, is amended to read:

2827 1012.855 Employment of community college personnel;  
2828 discrimination in granting salary prohibited.—

2829 (2) Each community college board of trustees shall  
2830 undertake a program to eradicate any discrimination on the basis  
2831 of sex ~~gender~~, race, or physical disability ~~handicap~~ in the  
2832 granting of salaries to employees.

2833 Section 64. This act shall take effect July 1, 2010.