

1 A bill to be entitled
2 An act relating to prohibited discrimination; amending s.
3 760.01, F.S.; revising provisions to include sexual
4 orientation and gender identity or expression as
5 impermissible grounds for discrimination; conforming
6 terminology; amending s. 760.02, F.S.; defining additional
7 terms; creating s. 760.025, F.S.; specifying when an
8 individual has an impairment for certain purposes;
9 amending ss. 760.05, 760.07, 760.08, and 760.10, F.S.;
10 revising provisions to include sexual orientation and
11 gender identity or expression as impermissible grounds for
12 discrimination; conforming terminology; amending s.
13 509.092, F.S.; revising provisions to include sexual
14 orientation and gender identity or expression as
15 impermissible grounds for discrimination in public lodging
16 establishments and public food service establishments;
17 amending s. 760.22, F.S.; defining additional terms;
18 deleting the definition of the term "handicap"; creating
19 s. 760.225, F.S.; specifying when an individual has an
20 impairment for certain purposes; amending ss. 760.23,
21 760.24, 760.25, 760.26, and 760.29, F.S.; revising
22 provisions to include sexual orientation and gender
23 identity or expression as impermissible grounds for
24 discrimination; conforming terminology; amending ss.
25 760.31 and 760.50, F.S.; conforming terminology; amending
26 s. 760.60, F.S.; revising provisions to include sexual
27 orientation and gender identity or expression as
28 impermissible grounds for discrimination; conforming

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

31

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

33

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

36 760.01 Purposes; construction; title.—

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

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

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

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

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

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

60 (4) "Disability" means:

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

64 (b) A record of such impairment;

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

66 (d) Having a developmental disability as defined in s.
67 393.063.

68 ~~(5)-(4)~~ "Discriminatory practice" means any practice made
69 unlawful by the Florida Civil Rights Act of 1992.

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

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

78 (8) "Florida Civil Rights Act of 1992" means ss. 760.01-
79 760.11 and 509.092.

80 (9) "Gender identity or expression" means a gender-related
81 identity, appearance, expression, or behavior of an individual,
82 regardless of the individual's assigned sex at birth.

83 (10) "Labor organization" means any organization that
 84 exists for the purpose, in whole or in part, of collective
 85 bargaining or of dealing with employers concerning grievances,
 86 terms or conditions of employment, or other mutual aid or
 87 protection in connection with employment.

88 (11) "Major life activities" includes, but is not limited
 89 to:

90 (a) Caring for oneself, performing manual tasks, and
 91 functioning in a workplace environment.

92 (b) Major bodily functions, including, but not limited to,
 93 visual, auditory, aural, and cognitive functions; functions of
 94 the immune, digestive, neurological, respiratory, circulatory,
 95 endocrine, and reproductive systems; normal cell growth; and
 96 functions of the bowel, bladder, and brain.

97 ~~(12)-(5)~~ "National origin" includes ancestry.

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

104 ~~(7) "Employer" means any person employing 15 or more~~
 105 ~~employees for each working day in each of 20 or more calendar~~
 106 ~~weeks in the current or preceding calendar year, and any agent~~
 107 ~~of such a person.~~

108 ~~(8) "Employment agency" means any person regularly~~
 109 ~~undertaking, with or without compensation, to procure employees~~

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110 ~~for an employer or to procure for employees opportunities to~~
111 ~~work for an employer, and includes an agent of such a person.~~

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

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

119 ~~(14)~~(11) "Public accommodations" means places of public
120 accommodation, lodgings, facilities principally engaged in
121 selling food for consumption on the premises, gasoline stations,
122 places of exhibition or entertainment, and other covered
123 establishments. Each of the following establishments which
124 serves the public is a place of public accommodation within the
125 meaning of this section:

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

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

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

140 (d) Any establishment that ~~which~~ is physically located
 141 within the premises of any establishment otherwise covered by
 142 this subsection, or within the premises of which is physically
 143 located any such covered establishment, and which holds itself
 144 out as serving patrons of such covered establishment.

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

147 Section 3. Section 760.025, Florida Statutes, is created
 148 to read:

149 760.025 Impairment.—For purposes of this part, an
 150 individual who has been subjected to an action prohibited under
 151 this chapter because of an actual or perceived physical or
 152 mental impairment, regardless of whether the impairment limits
 153 or is perceived to limit a major life activity, has an
 154 impairment. An impairment that limits one major life activity
 155 may be considered a disability; however, a transitory or minor
 156 impairment may not be considered a disability. An impairment
 157 that is episodic or in remission is considered to be a
 158 disability if it substantially limits at least one major life
 159 activity when the impairment is active or not in remission. The
 160 determination of whether an impairment substantially limits at
 161 least one major life activity must be made without regard to the
 162 ameliorative effects of mitigating measures, such as medication;
 163 medical supplies; equipment or appliances; low-vision devices,
 164 not including ordinary eyeglasses or contact lenses;

165 prosthetics, including artificial limbs and devices, hearing
 166 aids and cochlear implants or other implantable hearing devices,
 167 and mobility devices; oxygen therapy equipment and supplies; use
 168 of assistive technology; reasonable accommodations or auxiliary
 169 aids or services, including qualified interpreters or other
 170 effective measures of making aurally delivered materials
 171 available to individuals with hearing impairments; qualified
 172 readers; taped texts or other effective methods of making
 173 visually delivered materials available to individuals with
 174 visual impairments; acquisition or modification of equipment and
 175 devices and other similar services and actions; or learned
 176 behavioral or adaptive neurological modifications.

177 Section 4. Section 760.05, Florida Statutes, is amended to
 178 read:

179 760.05 Functions of the commission.—The commission shall
 180 promote and encourage fair treatment and equal opportunity for
 181 all persons regardless of race, color, religion, sex, national
 182 origin, age, disability, sexual orientation, gender identity or
 183 expression ~~handicap~~, or marital status and mutual understanding
 184 and respect among all members of society ~~all economic, social,~~
 185 ~~racial, religious, and ethnic groups~~; and the commission shall
 186 endeavor to eliminate discrimination against, and antagonism
 187 between, persons on the basis of race, color, religion, sex,
 188 national origin, age, disability, sexual orientation, gender
 189 identity or expression, or marital status ~~religious, racial, and~~
 190 ~~ethnic groups and their members.~~

191 Section 5. Section 760.07, Florida Statutes, is amended to
 192 read:

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

210 Section 6. Section 760.08, Florida Statutes, is amended to
 211 read:

212 760.08 Discrimination in places of public accommodation.—
 213 All persons shall be entitled to the full and equal enjoyment of
 214 the goods, services, facilities, privileges, advantages, and
 215 accommodations of any place of public accommodation, as defined
 216 in this chapter, without discrimination or segregation on the
 217 ground of race, color, national origin, sex, disability, sexual
 218 orientation, gender identity or expression ~~handicap~~, familial
 219 status, or religion.

220 Section 7. Subsections (1) and (2), paragraphs (a) and (b)
 221 of subsection (3), subsections (4), (5), and (6), and paragraph
 222 (a) of subsection (8) of section 760.10, Florida Statutes, are
 223 amended to read:

224 760.10 Unlawful employment practices.—

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

226 (a) To discharge or to fail or refuse to hire any
 227 individual, or otherwise to discriminate against any individual
 228 with respect to compensation, terms, conditions, or privileges
 229 of employment, because of such individual's race, color,
 230 religion, sex, national origin, age, disability, sexual
 231 orientation, gender identity or expression ~~handicap~~, or marital
 232 status.

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

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

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247 | origin, age, disability, sexual orientation, gender identity or
248 | expression ~~handicap~~, or marital status.

249 | (3) It is an unlawful employment practice for a labor
250 | organization:

251 | (a) To exclude or to expel from its membership, or
252 | otherwise to discriminate against, any individual because of
253 | race, color, religion, sex, national origin, age, disability,
254 | sexual orientation, gender identity or expression ~~handicap~~, or
255 | marital status.

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

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

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

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

296 (8) Notwithstanding any other provision of this section,
 297 it is not an unlawful employment practice under ss. 760.01-
 298 760.10 for an employer, employment agency, labor organization,
 299 or joint labor-management committee to:

300 (a) Take or fail to take any action on the basis of
 301 religion, sex, national origin, age, disability, sexual

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302 orientation, gender identity or expression ~~handicap~~, or marital
 303 status in those certain instances in which religion, sex,
 304 national origin, age, absence of a particular disability, sexual
 305 orientation, gender identity or expression ~~handicap~~, or marital
 306 status is a bona fide occupational qualification reasonably
 307 necessary for the performance of the particular employment to
 308 which such action or inaction is related.

309 Section 8. Section 509.092, Florida Statutes, is amended
 310 to read:

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

322 Section 9. Section 760.22, Florida Statutes, is amended to
 323 read:

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

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

328 (2) "Covered multifamily dwelling" means:

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

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

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

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

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

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

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

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

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

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

353 (9) "Major life activities" has the same meaning as
 354 provided in s. 760.02.

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

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

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

362 (10)~~(8)~~ "Person" includes one or more individuals,
363 corporations, partnerships, associations, labor organizations,
364 legal representatives, mutual companies, joint-stock companies,
365 trusts, unincorporated organizations, trustees, trustees in
366 bankruptcy, receivers, and fiduciaries.

367 (11) "Sexual orientation" has the same meaning as provided
368 in s. 760.02.

369 (12)~~(9)~~ "Substantially equivalent" means an administrative
370 subdivision of the State of Florida meeting the requirements of
371 24 C.F.R. part 115, s. 115.6.

372 (13) "Substantially limits" means to materially restrict
373 an individual's ability.

374 (14)~~(10)~~ "To rent" includes to lease, to sublease, to let,
375 and otherwise to grant for a consideration the right to occupy
376 premises not owned by the occupant.

377 (15) "Transitory or minor impairment" means any impairment
378 having an actual, apparent, or expected duration of 6 months or
379 less.

380 Section 10. Section 760.225, Florida Statutes, is created
381 to read:

382 760.225 Impairment.—For purposes of this part, an
383 individual who has been subjected to an action prohibited under

384 this chapter because of an actual or perceived physical or
385 mental impairment, regardless of whether the impairment limits
386 or is perceived to limit a major life activity, has an
387 impairment. An impairment that limits one major life activity
388 may be considered a disability; however, a transitory or minor
389 impairment may not be considered a disability. An impairment
390 that is episodic or in remission is considered a disability if
391 it substantially limits at least one major life activity when
392 the impairment is active or not in remission. The determination
393 of whether an impairment substantially limits a major life
394 activity must be made without regard to the ameliorative effects
395 of mitigating measures, such as medication; medical supplies;
396 equipment or appliances; low-vision devices, not including
397 ordinary eyeglasses or contact lenses; prosthetics, including
398 artificial limbs and devices, hearing aids and cochlear implants
399 or other implantable hearing devices, and mobility devices;
400 oxygen therapy equipment and supplies; use of assistive
401 technology; reasonable accommodations or auxiliary aids or
402 services, including qualified interpreters or other effective
403 measures of making aurally delivered materials available to
404 individuals with hearing impairments; qualified readers; taped
405 texts or other effective methods of making visually delivered
406 materials available to individuals with visual impairments;
407 acquisition or modification of equipment and devices and other
408 similar services and actions; or learned behavioral or adaptive
409 neurological modifications.

410 Section 11. Subsections (1), (2), (3), (4), (5), (7), and
411 (8), paragraph (a) of subsection (9), and paragraphs (a) and (d)

412 of subsection (10) of section 760.23, Florida Statutes, are
 413 amended to read:

414 760.23 Discrimination in the sale or rental of housing and
 415 other prohibited practices.—

416 (1) It is unlawful to refuse to sell or rent after the
 417 making of a bona fide offer, to refuse to negotiate for the sale
 418 or rental of, or otherwise to make unavailable or deny a
 419 dwelling to any person because of race, color, national origin,
 420 sex, disability, sexual orientation, gender identity or
 421 expression ~~handicap~~, familial status, or religion.

422 (2) It is unlawful to discriminate against any person in
 423 the terms, conditions, or privileges of sale or rental of a
 424 dwelling, or in the provision of services or facilities in
 425 connection therewith, because of race, color, national origin,
 426 sex, disability, sexual orientation, gender identity or
 427 expression ~~handicap~~, familial status, or religion.

428 (3) It is unlawful to make, print, or publish, or cause to
 429 be made, printed, or published, any notice, statement, or
 430 advertisement with respect to the sale or rental of a dwelling
 431 that indicates any preference, limitation, or discrimination
 432 based on race, color, national origin, sex, disability, sexual
 433 orientation, gender identity or expression ~~handicap~~, familial
 434 status, or religion or an intention to make any such preference,
 435 limitation, or discrimination.

436 (4) It is unlawful to represent to any person because of
 437 race, color, national origin, sex, disability, sexual
 438 orientation, gender identity or expression ~~handicap~~, familial
 439 status, or religion that any dwelling is not available for

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440 inspection, sale, or rental when such dwelling is in fact so
441 available.

442 (5) It is unlawful, for profit, to induce or attempt to
443 induce any person to sell or rent any dwelling by a
444 representation regarding the entry or prospective entry into the
445 neighborhood of a person or persons of a particular race, color,
446 national origin, sex, disability, sexual orientation, gender
447 identity or expression ~~handicap~~, familial status, or religion.

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

451 (a) That buyer or renter;

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

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

455 (8) It is unlawful to discriminate against any person in
456 the terms, conditions, or privileges of sale or rental of a
457 dwelling, or in the provision of services or facilities in
458 connection with such dwelling, because of a disability ~~handicap~~
459 of:

460 (a) That buyer or renter;

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

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

464 (9) For purposes of subsections (7) and (8),
465 discrimination includes:

466 (a) A refusal to permit, at the expense of the ~~handicapped~~
467 person who has a disability, reasonable modifications of

468 existing premises occupied or to be occupied by such person if
 469 such modifications may be necessary to afford such person full
 470 enjoyment of the premises; or

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

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

481 (d) Compliance with the appropriate requirements of the
 482 American National Standards Institute for buildings and
 483 facilities providing accessibility and usability for ~~physically~~
 484 ~~handicapped~~ people who have physical disabilities, commonly
 485 cited as ANSI A117.1-1986, suffices to satisfy the requirements
 486 of paragraph (c).

487
 488 State agencies with building construction regulation
 489 responsibility or local governments, as appropriate, shall
 490 review the plans and specifications for the construction of
 491 covered multifamily dwellings to determine consistency with the
 492 requirements of this subsection.

493 Section 12. Section 760.24, Florida Statutes, is amended
 494 to read:

495 760.24 Discrimination in the provision of brokerage
 496 services.—It is unlawful to deny any person access to, or
 497 membership or participation in, any multiple-listing service,
 498 real estate brokers' organization, or other service,
 499 organization, or facility relating to the business of selling or
 500 renting dwellings, or to discriminate against him or her in the
 501 terms or conditions of such access, membership, or
 502 participation, on account of race, color, national origin, sex,
 503 disability, sexual orientation, gender identity or expression
 504 ~~handicap~~, familial status, or religion.

505 Section 13. Subsection (1) and paragraph (a) of subsection
 506 (2) of section 760.25, Florida Statutes, are amended to read:

507 760.25 Discrimination in the financing of housing or in
 508 residential real estate transactions.—

509 (1) It is unlawful for any bank, building and loan
 510 association, insurance company, or other corporation,
 511 association, firm, or enterprise the business of which consists
 512 in whole or in part of the making of commercial real estate
 513 loans to deny a loan or other financial assistance to a person
 514 applying for the loan for the purpose of purchasing,
 515 constructing, improving, repairing, or maintaining a dwelling,
 516 or to discriminate against him or her in the fixing of the
 517 amount, interest rate, duration, or other term or condition of
 518 such loan or other financial assistance, because of the race,
 519 color, national origin, sex, disability, sexual orientation,
 520 gender identity or expression ~~handicap~~, familial status, or
 521 religion of such person or of any person associated with him or
 522 her in connection with such loan or other financial assistance

523 or the purposes of such loan or other financial assistance, or
 524 because of the race, color, national origin, sex, disability,
 525 sexual orientation, gender identity or expression ~~handicap,~~
 526 familial status, or religion of the present or prospective
 527 owners, lessees, tenants, or occupants of the dwelling or
 528 dwellings in relation to which such loan or other financial
 529 assistance is to be made or given.

530 (2) (a) It is unlawful for any person or entity whose
 531 business includes engaging in residential real estate
 532 transactions to discriminate against any person in making
 533 available such a transaction, or in the terms or conditions of
 534 such a transaction, because of race, color, national origin,
 535 sex, disability, sexual orientation, gender identity or
 536 expression ~~handicap,~~ familial status, or religion.

537 Section 14. Section 760.26, Florida Statutes, is amended
 538 to read:

539 760.26 Prohibited discrimination in land use decisions and
 540 in permitting of development.—It is unlawful to discriminate in
 541 land use decisions or in the permitting of development based on
 542 race, color, national origin, sex, sexual orientation, gender
 543 identity or expression, disability, familial status, religion,
 544 or, except as otherwise provided by law, the source of financing
 545 of a development or proposed development.

546 Section 15. Paragraph (a) of subsection (5) of section
 547 760.29, Florida Statutes, is amended to read:

548 760.29 Exemptions.—

549 (5) Nothing in ss. 760.20–760.37:

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550 (a) Prohibits a person engaged in the business of
 551 furnishing appraisals of real property from taking into
 552 consideration factors other than race, color, national origin,
 553 sex, disability, sexual orientation, gender identity or
 554 expression ~~handicap~~, familial status, or religion.

555 Section 16. Subsection (5) of section 760.31, Florida
 556 Statutes, is amended to read:

557 760.31 Powers and duties of commission.—The commission
 558 shall:

559 (5) Adopt rules necessary to implement ss. 760.20–760.37
 560 and govern the proceedings of the commission in accordance with
 561 chapter 120. Commission rules shall clarify terms used with
 562 regard to ~~handicapped~~ accessibility for persons with
 563 disabilities, exceptions from accessibility requirements based
 564 on terrain or site characteristics, and requirements related to
 565 housing for older persons. Commission rules shall specify the
 566 fee and the forms and procedures to be used for the registration
 567 required by s. 760.29(4) (e).

568 Section 17. Subsection (2) of section 760.50, Florida
 569 Statutes, is amended to read:

570 760.50 Discrimination on the basis of AIDS, AIDS-related
 571 complex, and HIV prohibited.—

572 (2) Any person with or perceived as having acquired immune
 573 deficiency syndrome, acquired immune deficiency syndrome related
 574 complex, or human immunodeficiency virus shall have every
 575 protection made available to ~~handicapped~~ persons with
 576 disabilities.

577 Section 18. Subsection (1) of section 760.60, Florida
 578 Statutes, is amended to read:

579 760.60 Discriminatory practices of certain clubs
 580 prohibited; remedies.—

581 (1) It is unlawful for a person to discriminate against
 582 any individual because of race, color, religion, gender,
 583 national origin, disability, sexual orientation, gender identity
 584 or expression ~~handicap~~, age above the age of 21, or marital
 585 status in evaluating an application for membership in a club
 586 that has more than 400 members, that provides regular meal
 587 service, and that regularly receives payment for dues, fees, use
 588 of space, facilities, services, meals, or beverages directly or
 589 indirectly from nonmembers for business purposes. It is unlawful
 590 for a person, on behalf of such a club, to publish, circulate,
 591 issue, display, post, or mail any advertisement, notice, or
 592 solicitation that contains a statement to the effect that the
 593 accommodations, advantages, facilities, membership, or
 594 privileges of the club are denied to any individual because of
 595 race, color, religion, gender, national origin, disability,
 596 sexual orientation, gender identity or expression ~~handicap~~, age
 597 above the age of 21, or marital status. This subsection does not
 598 apply to fraternal or benevolent organizations, ethnic clubs, or
 599 religious organizations where business activity is not
 600 prevalent.

601 Section 19. Paragraph (d) of subsection (1) of section
 602 419.001, Florida Statutes, is amended to read:

603 419.001 Site selection of community residential homes.—

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604 (1) For the purposes of this section, the following
605 definitions shall apply:

606 (d) "Resident" means any of the following: a frail elder
607 as defined in s. 429.65; a ~~physically disabled or handicapped~~
608 person with a physical disability as defined in s.
609 760.22 ~~(3)-(7)(a)~~; a developmentally disabled person as defined in
610 s. 393.063; a nondangerous mentally ill person as defined in s.
611 394.455(18); or a child who is found to be dependent as defined
612 in s. 39.01 or s. 984.03, or a child in need of services as
613 defined in s. 984.03 or s. 985.03.

614 Section 20. This act shall take effect July 1, 2010.