

By Senator Rich

34-00441-11

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1                   A bill to be entitled  
2           An act relating to prohibited discrimination;  
3           providing a short title; amending s. 760.01, F.S.;  
4           revising provisions to include sexual orientation and  
5           gender identity or expression as impermissible grounds  
6           for discrimination; conforming terminology; amending  
7           s. 760.02, F.S.; defining additional terms; creating  
8           s. 760.025, F.S.; specifying when an individual has an  
9           impairment for certain purposes; amending ss. 760.05,  
10          760.07, 760.08, and 760.10, F.S.; revising provisions  
11          to include sexual orientation and gender identity or  
12          expression as impermissible grounds for  
13          discrimination; conforming terminology; reenacting s.  
14          760.11(1), F.S., relating to administrative and civil  
15          remedies for unlawful employment practices, to  
16          incorporate the amendments made to s. 760.10, F.S., in  
17          a reference thereto; amending s. 509.092, F.S.;  
18          revising provisions to include sexual orientation and  
19          gender identity or expression as impermissible grounds  
20          for discrimination in public lodging establishments  
21          and public food service establishments; amending s.  
22          760.22, F.S.; defining additional terms; deleting the  
23          definition of the term "handicap"; creating s.  
24          760.225, F.S.; specifying when an individual has an  
25          impairment for certain purposes; amending ss. 760.23,  
26          760.24, 760.25, 760.26, and 760.29, F.S.; revising  
27          provisions to include sexual orientation and gender  
28          identity or expression as impermissible grounds for  
29          discrimination; conforming terminology; amending ss.

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30 760.31 and 760.50, F.S.; conforming terminology;  
31 amending s. 760.60, F.S.; revising provisions to  
32 include sexual orientation and gender identity or  
33 expression as impermissible grounds for  
34 discrimination; conforming terminology; amending s.  
35 419.001, F.S.; conforming a cross-reference; providing  
36 an effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. This act may be cited as the "Competitive  
41 Workforce Act."

42 Section 2. Subsection (2) of section 760.01, Florida  
43 Statutes, is amended to read:

44 760.01 Purposes; construction; title.—

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

56 Section 3. Section 760.02, Florida Statutes, is amended to  
57 read:

58 760.02 Definitions.—For the purposes of ss. 760.01-760.11

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59 and 509.092, the term:

60 (1) "Aggrieved person" means any person who files a  
61 complaint with the Florida Commission on Human Relations  
62 ~~"Florida Civil Rights Act of 1992" means ss. 760.01-760.11 and~~  
63 ~~509.092.~~

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

66 (3) "Commissioner" or "member" means a member of the  
67 commission.

68 (4) "Disability" means:

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

72 (b) A record of such impairment;

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

74 (d) Having a developmental disability as defined in s.  
75 393.063.

76 (5)~~(4)~~ "Discriminatory practice" means any practice made  
77 unlawful by the Florida Civil Rights Act of 1992.

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

82 (7) "Employment agency" means any person regularly  
83 undertaking, with or without compensation, to procure employees  
84 for an employer or to procure for employees opportunities to  
85 work for an employer, and includes an agent of such a person.

86 (8) "Florida Civil Rights Act of 1992" means ss. 760.01-  
87 760.11 and 509.092.

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

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

96       (11) "Major life activities" includes, but is not limited  
97 to:

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

100       (b) Major bodily functions, including, but not limited to,  
101 visual, auditory, aural, and cognitive functions; functions of  
102 the immune, digestive, neurological, respiratory, circulatory,  
103 endocrine, and reproductive systems; normal cell growth; and  
104 functions of the bowel, bladder, and brain.

105       ~~(12)(5)~~ "National origin" includes ancestry.

106       ~~(13)(6)~~ "Person" includes an individual, association,  
107 corporation, joint apprenticeship committee, joint-stock  
108 company, labor union, legal representative, mutual company,  
109 partnership, receiver, trust, trustee in bankruptcy, or  
110 unincorporated organization; any other legal or commercial  
111 entity; the state; or any governmental entity or agency.

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

116       ~~(8) "Employment agency" means any person regularly~~

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117 ~~undertaking, with or without compensation, to procure employees~~  
118 ~~for an employer or to procure for employees opportunities to~~  
119 ~~work for an employer, and includes an agent of such a person.~~

120 ~~(9) "Labor organization" means any organization which~~  
121 ~~exists for the purpose, in whole or in part, of collective~~  
122 ~~bargaining or of dealing with employers concerning grievances,~~  
123 ~~terms or conditions of employment, or other mutual aid or~~  
124 ~~protection in connection with employment.~~

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

127 ~~(14)~~(11) "Public accommodations" means places of public  
128 accommodation, lodgings, facilities principally engaged in  
129 selling food for consumption on the premises, gasoline stations,  
130 places of exhibition or entertainment, and other covered  
131 establishments. Each of the following establishments which  
132 serves the public is a place of public accommodation within the  
133 meaning of this section:

134 (a) Any inn, hotel, motel, or other establishment that  
135 ~~which~~ provides lodging to transient guests, other than an  
136 establishment located within a building that ~~which~~ contains not  
137 more than four rooms for rent or hire and that ~~which~~ is actually  
138 occupied by the proprietor of such establishment as his or her  
139 residence.

140 (b) Any restaurant, cafeteria, lunchroom, lunch counter,  
141 soda fountain, or other facility principally engaged in selling  
142 food for consumption on the premises, including, but not limited  
143 to, any such facility located on the premises of any retail  
144 establishment, or any gasoline station.

145 (c) Any motion picture theater, theater, concert hall,

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146 sports arena, stadium, or other place of exhibition or  
147 entertainment.

148 (d) Any establishment that ~~which~~ is physically located  
149 within the premises of any establishment otherwise covered by  
150 this subsection, or within the premises of which is physically  
151 located any such covered establishment, and which holds itself  
152 out as serving patrons of such covered establishment.

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

155 Section 4. Section 760.025, Florida Statutes, is created to  
156 read:

157 760.025 Impairment.—For purposes of this part, an  
158 individual who has been subjected to an action prohibited under  
159 this chapter because of an actual or perceived physical or  
160 mental impairment, regardless of whether the impairment limits  
161 or is perceived to limit a major life activity, has an  
162 impairment. An impairment that limits one major life activity  
163 may be considered a disability; however, a transitory or minor  
164 impairment may not be considered a disability. An impairment  
165 that is episodic or in remission is considered to be a  
166 disability if it substantially limits at least one major life  
167 activity when the impairment is active or not in remission. The  
168 determination of whether an impairment substantially limits at  
169 least one major life activity must be made without regard to the  
170 ameliorative effects of mitigating measures, such as medication;  
171 medical supplies; equipment or appliances; low-vision devices,  
172 not including ordinary eyeglasses or contact lenses;  
173 prosthetics, including artificial limbs and devices, hearing  
174 aids and cochlear implants or other implantable hearing devices,

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175 and mobility devices; oxygen therapy equipment and supplies; use  
176 of assistive technology; reasonable accommodations or auxiliary  
177 aids or services, including qualified interpreters or other  
178 effective measures of making aurally delivered materials  
179 available to individuals with hearing impairments; qualified  
180 readers; taped texts or other effective methods of making  
181 visually delivered materials available to individuals with  
182 visual impairments; acquisition or modification of equipment and  
183 devices and other similar services and actions; or learned  
184 behavioral or adaptive neurological modifications.

185 Section 5. Section 760.05, Florida Statutes, is amended to  
186 read:

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

199 Section 6. Section 760.07, Florida Statutes, is amended to  
200 read:

201 760.07 Remedies for unlawful discrimination.—Any violation  
202 of any Florida statute making unlawful discrimination because of  
203 race, color, religion, gender, national origin, age, disability,

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204 sexual orientation, gender identity or expression handicap, or  
205 marital status in the areas of education, employment, housing,  
206 or public accommodations gives rise to a cause of action for all  
207 relief and damages described in s. 760.11(5), unless greater  
208 damages are expressly provided for. If the statute prohibiting  
209 unlawful discrimination provides an administrative remedy, the  
210 action for equitable relief and damages provided for in this  
211 section may be initiated only after the plaintiff has exhausted  
212 his or her administrative remedy. The term "public  
213 accommodations" does not include lodge halls or other similar  
214 facilities of private organizations which are made available for  
215 public use occasionally or periodically. The right to trial by  
216 jury is preserved in any case in which the plaintiff is seeking  
217 actual or punitive damages.

218 Section 7. Section 760.08, Florida Statutes, is amended to  
219 read:

220 760.08 Discrimination in places of public accommodation.—  
221 All persons shall be entitled to the full and equal enjoyment of  
222 the goods, services, facilities, privileges, advantages, and  
223 accommodations of any place of public accommodation, as defined  
224 in this chapter, without discrimination or segregation on the  
225 ground of race, color, national origin, sex, disability, sexual  
226 orientation, gender identity or expression handicap, familial  
227 status, or religion.

228 Section 8. Subsections (1) and (2), paragraphs (a) and (b)  
229 of subsection (3), subsections (4), (5), and (6), and paragraph  
230 (a) of subsection (8) of section 760.10, Florida Statutes, are  
231 amended to read:

232 760.10 Unlawful employment practices.—



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

234 (a) To discharge or to fail or refuse to hire any  
235 individual, or otherwise to discriminate against any individual  
236 with respect to compensation, terms, conditions, or privileges  
237 of employment, because of such individual's race, color,  
238 religion, sex, national origin, age, disability, sexual  
239 orientation, gender identity or expression ~~handicap~~, or marital  
240 status.

241 (b) To limit, segregate, or classify employees or  
242 applicants for employment in any way which would deprive or tend  
243 to deprive any individual of employment opportunities, or  
244 adversely affect any individual's status as an employee, because  
245 of such individual's race, color, religion, sex, national  
246 origin, age, disability, sexual orientation, gender identity or  
247 expression ~~handicap~~, or marital status.

248 (2) It is an unlawful employment practice for an employment  
249 agency to fail or refuse to refer for employment, or otherwise  
250 to discriminate against, any individual because of race, color,  
251 religion, sex, national origin, age, disability, sexual  
252 orientation, gender identity or expression ~~handicap~~, or marital  
253 status or to classify or refer for employment any individual on  
254 the basis of race, color, religion, sex, national origin, age,  
255 disability, sexual orientation, gender identity or expression  
256 ~~handicap~~, or marital status.

257 (3) It is an unlawful employment practice for a labor  
258 organization:

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

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262 sexual orientation, gender identity or expression ~~handicap~~, or  
263 marital status.

264 (b) To limit, segregate, or classify its membership or  
265 applicants for membership, or to classify or fail or refuse to  
266 refer for employment any individual, in any way which would  
267 deprive or tend to deprive any individual of employment  
268 opportunities, or adversely affect any individual's status as an  
269 employee or as an applicant for employment, because of such  
270 individual's race, color, religion, sex, national origin, age,  
271 disability, sexual orientation, gender identity or expression  
272 ~~handicap~~, or marital status.

273 (4) It is an unlawful employment practice for any employer,  
274 labor organization, or joint labor-management committee  
275 controlling apprenticeship or other training or retraining,  
276 including on-the-job training programs, to discriminate against  
277 any individual because of race, color, religion, sex, national  
278 origin, age, disability, sexual orientation, gender identity or  
279 expression ~~handicap~~, or marital status in admission to, or  
280 employment in, any program established to provide apprenticeship  
281 or other training.

282 (5) Whenever, in order to engage in a profession,  
283 occupation, or trade, it is required that a person receive a  
284 license, certification, or other credential, become a member or  
285 an associate of any club, association, or other organization, or  
286 pass any examination, it is an unlawful employment practice for  
287 any person to discriminate against any other person seeking such  
288 license, certification, or other credential, seeking to become a  
289 member or associate of such club, association, or other  
290 organization, or seeking to take or pass such examination,

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291 because of such other person's race, color, religion, sex,  
292 national origin, age, disability, sexual orientation, gender  
293 identity or expression ~~handicap~~, or marital status.

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

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

308 (a) Take or fail to take any action on the basis of  
309 religion, sex, national origin, age, disability, sexual  
310 orientation, gender identity or expression ~~handicap~~, or marital  
311 status in those certain instances in which religion, sex,  
312 national origin, age, absence of a particular disability, sexual  
313 orientation, gender identity or expression ~~handicap~~, or marital  
314 status is a bona fide occupational qualification reasonably  
315 necessary for the performance of the particular employment to  
316 which such action or inaction is related.

317 Section 9. For the purpose of incorporating the amendment  
318 made by this act to section 760.10, Florida Statutes, in a  
319 reference thereto, subsection (1) of section 760.11, Florida

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320 Statutes, is reenacted to read:

321 760.11 Administrative and civil remedies; construction.—

322 (1) Any person aggrieved by a violation of ss. 760.01-  
323 760.10 may file a complaint with the commission within 365 days  
324 of the alleged violation, naming the employer, employment  
325 agency, labor organization, or joint labor-management committee,  
326 or, in the case of an alleged violation of s. 760.10(5), the  
327 person responsible for the violation and describing the  
328 violation. Any person aggrieved by a violation of s. 509.092 may  
329 file a complaint with the commission within 365 days of the  
330 alleged violation naming the person responsible for the  
331 violation and describing the violation. The commission, a  
332 commissioner, or the Attorney General may in like manner file  
333 such a complaint. On the same day the complaint is filed with  
334 the commission, the commission shall clearly stamp on the face  
335 of the complaint the date the complaint was filed with the  
336 commission. In lieu of filing the complaint with the commission,  
337 a complaint under this section may be filed with the federal  
338 Equal Employment Opportunity Commission or with any unit of  
339 government of the state which is a fair-employment-practice  
340 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the  
341 complaint is filed is clearly stamped on the face of the  
342 complaint, that date is the date of filing. The date the  
343 complaint is filed with the commission for purposes of this  
344 section is the earliest date of filing with the Equal Employment  
345 Opportunity Commission, the fair-employment-practice agency, or  
346 the commission. The complaint shall contain a short and plain  
347 statement of the facts describing the violation and the relief  
348 sought. The commission may require additional information to be

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349 in the complaint. The commission, within 5 days of the complaint  
350 being filed, shall by registered mail send a copy of the  
351 complaint to the person who allegedly committed the violation.  
352 The person who allegedly committed the violation may file an  
353 answer to the complaint within 25 days of the date the complaint  
354 was filed with the commission. Any answer filed shall be mailed  
355 to the aggrieved person by the person filing the answer. Both  
356 the complaint and the answer shall be verified.

357 Section 10. Section 509.092, Florida Statutes, is amended  
358 to read:

359 509.092 Public lodging establishments and public food  
360 service establishments; rights as private enterprises.—Public  
361 lodging establishments and public food service establishments  
362 are private enterprises, and the operator has the right to  
363 refuse accommodations or service to any person who is  
364 objectionable or undesirable to the operator, but such refusal  
365 may not be based upon race, creed, color, sex, ~~physical~~  
366 disability, sexual orientation, gender identity or expression,  
367 or national origin. A person aggrieved by a violation of this  
368 section or a violation of a rule adopted under this section has  
369 a right of action pursuant to s. 760.11.

370 Section 11. Section 760.22, Florida Statutes, is amended to  
371 read:

372 760.22 Definitions.—As used in ss. 760.20-760.37, the term:

373 (1) "Commission" means the Florida Commission on Human  
374 Relations.

375 (2) "Covered multifamily dwelling" means:

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

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

380 (3) "Disability" has the same meaning as provided in s.  
381 760.02.

382 (4)~~(3)~~ "Discriminatory housing practice" means an act that  
383 is unlawful under the terms of ss. 760.20-760.37.

384 (5)~~(4)~~ "Dwelling" means any building or structure, or  
385 portion thereof, which is occupied as, or designed or intended  
386 for occupancy as, a residence by one or more families, and any  
387 vacant land that ~~which~~ is offered for sale or lease for the  
388 construction or location on the land of any such building or  
389 structure, or portion thereof.

390 (6)~~(5)~~ "Familial status" is established when an individual  
391 who has not attained the age of 18 years is domiciled with:

392 (a) A parent or other person having legal custody of such  
393 individual; or

394 (b) A designee of a parent or other person having legal  
395 custody, with the written permission of such parent or other  
396 person.

397 (7)~~(6)~~ "Family" includes a single individual.

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

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

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

403 ~~(a) A person has a physical or mental impairment which~~  
404 ~~substantially limits one or more major life activities, or he or~~  
405 ~~she has a record of having, or is regarded as having, such~~  
406 ~~physical or mental impairment; or~~

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

409 (10) ~~(8)~~ "Person" includes one or more individuals,  
410 corporations, partnerships, associations, labor organizations,  
411 legal representatives, mutual companies, joint-stock companies,  
412 trusts, unincorporated organizations, trustees, trustees in  
413 bankruptcy, receivers, and fiduciaries.

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

416 (12) ~~(9)~~ "Substantially equivalent" means an administrative  
417 subdivision of the State of Florida meeting the requirements of  
418 24 C.F.R. part 115, s. 115.6.

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

421 (14) ~~(10)~~ "To rent" includes to lease, to sublease, to let,  
422 and otherwise to grant for a consideration the right to occupy  
423 premises not owned by the occupant.

424 (15) "Transitory or minor impairment" means any impairment  
425 having an actual, apparent, or expected duration of 6 months or  
426 less.

427 Section 12. Section 760.225, Florida Statutes, is created  
428 to read:

429 760.225 Impairment.—For purposes of this part, an  
430 individual who has been subjected to an action prohibited under  
431 this chapter because of an actual or perceived physical or  
432 mental impairment, regardless of whether the impairment limits  
433 or is perceived to limit a major life activity, has an  
434 impairment. An impairment that limits one major life activity  
435 may be considered a disability; however, a transitory or minor

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436 impairment may not be considered a disability. An impairment  
437 that is episodic or in remission is considered a disability if  
438 it substantially limits at least one major life activity when  
439 the impairment is active or not in remission. The determination  
440 of whether an impairment substantially limits a major life  
441 activity must be made without regard to the ameliorative effects  
442 of mitigating measures, such as medication; medical supplies;  
443 equipment or appliances; low-vision devices, not including  
444 ordinary eyeglasses or contact lenses; prosthetics, including  
445 artificial limbs and devices, hearing aids and cochlear implants  
446 or other implantable hearing devices, and mobility devices;  
447 oxygen therapy equipment and supplies; use of assistive  
448 technology; reasonable accommodations or auxiliary aids or  
449 services, including qualified interpreters or other effective  
450 measures of making aurally delivered materials available to  
451 individuals with hearing impairments; qualified readers; taped  
452 texts or other effective methods of making visually delivered  
453 materials available to individuals with visual impairments;  
454 acquisition or modification of equipment and devices and other  
455 similar services and actions; or learned behavioral or adaptive  
456 neurological modifications.

457 Section 13. Subsections (1), (2), (3), (4), (5), (7), and  
458 (8), paragraph (a) of subsection (9), and paragraphs (a) and (d)  
459 of subsection (10) of section 760.23, Florida Statutes, are  
460 amended to read:

461 760.23 Discrimination in the sale or rental of housing and  
462 other prohibited practices.—

463 (1) It is unlawful to refuse to sell or rent after the  
464 making of a bona fide offer, to refuse to negotiate for the sale



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465 or rental of, or otherwise to make unavailable or deny a  
466 dwelling to any person because of race, color, national origin,  
467 sex, disability, sexual orientation, gender identity or  
468 expression ~~handicap~~, familial status, or religion.

469 (2) It is unlawful to discriminate against any person in  
470 the terms, conditions, or privileges of sale or rental of a  
471 dwelling, or in the provision of services or facilities in  
472 connection therewith, because of race, color, national origin,  
473 sex, disability, sexual orientation, gender identity or  
474 expression ~~handicap~~, familial status, or religion.

475 (3) It is unlawful to make, print, or publish, or cause to  
476 be made, printed, or published, any notice, statement, or  
477 advertisement with respect to the sale or rental of a dwelling  
478 that indicates any preference, limitation, or discrimination  
479 based on race, color, national origin, sex, disability, sexual  
480 orientation, gender identity or expression ~~handicap~~, familial  
481 status, or religion or an intention to make any such preference,  
482 limitation, or discrimination.

483 (4) It is unlawful to represent to any person because of  
484 race, color, national origin, sex, disability, sexual  
485 orientation, gender identity or expression ~~handicap~~, familial  
486 status, or religion that any dwelling is not available for  
487 inspection, sale, or rental when such dwelling is in fact so  
488 available.

489 (5) It is unlawful, for profit, to induce or attempt to  
490 induce any person to sell or rent any dwelling by a  
491 representation regarding the entry or prospective entry into the  
492 neighborhood of a person or persons of a particular race, color,  
493 national origin, sex, disability, sexual orientation, gender

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494 identity or expression ~~handicap~~, familial status, or religion.

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

498 (a) That buyer or renter;

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

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

502 (8) It is unlawful to discriminate against any person in  
503 the terms, conditions, or privileges of sale or rental of a  
504 dwelling, or in the provision of services or facilities in  
505 connection with such dwelling, because of a disability ~~handicap~~  
506 of:

507 (a) That buyer or renter;

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

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

511 (9) For purposes of subsections (7) and (8), discrimination  
512 includes:

513 (a) A refusal to permit, at the expense of the ~~handicapped~~  
514 person who has a disability, reasonable modifications of  
515 existing premises occupied or to be occupied by such person if  
516 such modifications may be necessary to afford such person full  
517 enjoyment of the premises; or

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

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

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

528 (d) Compliance with the appropriate requirements of the  
529 American National Standards Institute for buildings and  
530 facilities providing accessibility and usability for ~~physically~~  
531 ~~handicapped~~ people who have physical disabilities, commonly  
532 cited as ANSI A117.1-1986, suffices to satisfy the requirements  
533 of paragraph (c).

534  
535 State agencies with building construction regulation  
536 responsibility or local governments, as appropriate, shall  
537 review the plans and specifications for the construction of  
538 covered multifamily dwellings to determine consistency with the  
539 requirements of this subsection.

540 Section 14. Section 760.24, Florida Statutes, is amended to  
541 read:

542 760.24 Discrimination in the provision of brokerage  
543 services.—It is unlawful to deny any person access to, or  
544 membership or participation in, any multiple-listing service,  
545 real estate brokers' organization, or other service,  
546 organization, or facility relating to the business of selling or  
547 renting dwellings, or to discriminate against him or her in the  
548 terms or conditions of such access, membership, or  
549 participation, on account of race, color, national origin, sex,  
550 disability, sexual orientation, gender identity or expression  
551 ~~handicap~~, familial status, or religion.

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552 Section 15. Subsection (1) and paragraph (a) of subsection  
553 (2) of section 760.25, Florida Statutes, are amended to read:

554 760.25 Discrimination in the financing of housing or in  
555 residential real estate transactions.—

556 (1) It is unlawful for any bank, building and loan  
557 association, insurance company, or other corporation,  
558 association, firm, or enterprise the business of which consists  
559 in whole or in part of the making of commercial real estate  
560 loans to deny a loan or other financial assistance to a person  
561 applying for the loan for the purpose of purchasing,  
562 constructing, improving, repairing, or maintaining a dwelling,  
563 or to discriminate against him or her in the fixing of the  
564 amount, interest rate, duration, or other term or condition of  
565 such loan or other financial assistance, because of the race,  
566 color, national origin, sex, disability, sexual orientation,  
567 gender identity or expression ~~handicap~~, familial status, or  
568 religion of such person or of any person associated with him or  
569 her in connection with such loan or other financial assistance  
570 or the purposes of such loan or other financial assistance, or  
571 because of the race, color, national origin, sex, disability,  
572 sexual orientation, gender identity or expression ~~handicap~~,  
573 familial status, or religion of the present or prospective  
574 owners, lessees, tenants, or occupants of the dwelling or  
575 dwellings in relation to which such loan or other financial  
576 assistance is to be made or given.

577 (2) (a) It is unlawful for any person or entity whose  
578 business includes engaging in residential real estate  
579 transactions to discriminate against any person in making  
580 available such a transaction, or in the terms or conditions of

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581 such a transaction, because of race, color, national origin,  
582 sex, disability, sexual orientation, gender identity or  
583 expression ~~handicap~~, familial status, or religion.

584 Section 16. Section 760.26, Florida Statutes, is amended to  
585 read:

586 760.26 Prohibited discrimination in land use decisions and  
587 in permitting of development.—It is unlawful to discriminate in  
588 land use decisions or in the permitting of development based on  
589 race, color, national origin, sex, sexual orientation, gender  
590 identity or expression, disability, familial status, religion,  
591 or, except as otherwise provided by law, the source of financing  
592 of a development or proposed development.

593 Section 17. Paragraph (a) of subsection (5) of section  
594 760.29, Florida Statutes, is amended to read:

595 760.29 Exemptions.—

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

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

602 Section 18. Subsection (5) of section 760.31, Florida  
603 Statutes, is amended to read:

604 760.31 Powers and duties of commission.—The commission  
605 shall:

606 (5) Adopt rules necessary to implement ss. 760.20-760.37  
607 and govern the proceedings of the commission in accordance with  
608 chapter 120. Commission rules shall clarify terms used with  
609 regard to ~~handicapped~~ accessibility for persons with

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610 disabilities, exceptions from accessibility requirements based  
611 on terrain or site characteristics, and requirements related to  
612 housing for older persons. Commission rules shall specify the  
613 fee and the forms and procedures to be used for the registration  
614 required by s. 760.29(4)(e).

615 Section 19. Subsection (2) of section 760.50, Florida  
616 Statutes, is amended to read:

617 760.50 Discrimination on the basis of AIDS, AIDS-related  
618 complex, and HIV prohibited.—

619 (2) Any person with or perceived as having acquired immune  
620 deficiency syndrome, acquired immune deficiency syndrome related  
621 complex, or human immunodeficiency virus shall have every  
622 protection made available to ~~handicapped~~ persons with  
623 disabilities.

624 Section 20. Subsection (1) of section 760.60, Florida  
625 Statutes, is amended to read:

626 760.60 Discriminatory practices of certain clubs  
627 prohibited; remedies.—

628 (1) It is unlawful for a person to discriminate against any  
629 individual because of race, color, religion, gender, national  
630 origin, disability, sexual orientation, gender identity or  
631 expression ~~handicap~~, age above the age of 21, or marital status  
632 in evaluating an application for membership in a club that has  
633 more than 400 members, that provides regular meal service, and  
634 that regularly receives payment for dues, fees, use of space,  
635 facilities, services, meals, or beverages directly or indirectly  
636 from nonmembers for business purposes. It is unlawful for a  
637 person, on behalf of such a club, to publish, circulate, issue,  
638 display, post, or mail any advertisement, notice, or

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639 solicitation that contains a statement to the effect that the  
640 accommodations, advantages, facilities, membership, or  
641 privileges of the club are denied to any individual because of  
642 race, color, religion, gender, national origin, disability,  
643 sexual orientation, gender identity or expression ~~handicap~~, age  
644 above the age of 21, or marital status. This subsection does not  
645 apply to fraternal or benevolent organizations, ethnic clubs, or  
646 religious organizations where business activity is not  
647 prevalent.

648 Section 21. Paragraph (e) of subsection (1) of section  
649 419.001, Florida Statutes, is amended to read:

650 419.001 Site selection of community residential homes.—

651 (1) For the purposes of this section, the term:

652 (e) "Resident" means any of the following: a frail elder as  
653 defined in s. 429.65; a person with a physical disability ~~who~~  
654 ~~has a handicap~~ as defined in s. 760.22(3) ~~s. 760.22(7)(a)~~; a  
655 person who has a developmental disability as defined in s.  
656 393.063; a nondangerous person who has a mental illness as  
657 defined in s. 394.455; or a child who is found to be dependent  
658 as defined in s. 39.01 or s. 984.03, or a child in need of  
659 services as defined in s. 984.03 or s. 985.03.

660 Section 22. This act shall take effect July 1, 2011.