

By Senator Rich

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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), (8),
458 and (9) and paragraphs (a) and (d) of subsection (10) of section
459 760.23, Florida Statutes, are amended to read:

460 760.23 Discrimination in the sale or rental of housing and
461 other prohibited practices.—

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

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

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

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

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

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

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

497 (a) That buyer or renter;

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

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

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

506 (a) That buyer or renter;

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

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

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

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

517 (b) A refusal to make reasonable accommodations in rules,
518 policies, practices, or services, when such accommodations may
519 be necessary to afford such person equal opportunity to use and
520 enjoy a dwelling.

521 (10) Covered multifamily dwellings as defined herein which
522 are intended for first occupancy after March 13, 1991, shall be

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523 designed and constructed to have at least one building entrance
524 on an accessible route unless it is impractical to do so because
525 of the terrain or unusual characteristics of the site as
526 determined by commission rule. Such buildings shall also be
527 designed and constructed in such a manner that:

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

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

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

543 Section 14. Section 760.24, Florida Statutes, is amended to
544 read:

545 760.24 Discrimination in the provision of brokerage
546 services.—It is unlawful to deny any person access to, or
547 membership or participation in, any multiple-listing service,
548 real estate brokers' organization, or other service,
549 organization, or facility relating to the business of selling or
550 renting dwellings, or to discriminate against him or her in the
551 terms or conditions of such access, membership, or

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552 participation, on account of race, color, national origin, sex,
553 disability, sexual orientation, gender identity or expression
554 ~~handicap~~, familial status, or religion.

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

557 760.25 Discrimination in the financing of housing or in
558 residential real estate transactions.-

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

580 (2) (a) It is unlawful for any person or entity whose

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581 business includes engaging in residential real estate
582 transactions to discriminate against any person in making
583 available such a transaction, or in the terms or conditions of
584 such a transaction, because of race, color, national origin,
585 sex, disability, sexual orientation, gender identity or
586 expression ~~handicap~~, familial status, or religion.

587 Section 16. Section 760.26, Florida Statutes, is amended to
588 read:

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

596 Section 17. Paragraph (a) of subsection (5) of section
597 760.29, Florida Statutes, is amended to read:

598 760.29 Exemptions.—

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

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

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

607 760.31 Powers and duties of commission.—The commission
608 shall:

609 (5) Adopt rules necessary to implement ss. 760.20-760.37

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610 and govern the proceedings of the commission in accordance with
611 chapter 120. Commission rules shall clarify terms used with
612 regard to ~~handicapped~~ accessibility for persons with
613 disabilities, exceptions from accessibility requirements based
614 on terrain or site characteristics, and requirements related to
615 housing for older persons. Commission rules shall specify the
616 fee and the forms and procedures to be used for the registration
617 required by s. 760.29(4)(e).

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

620 760.50 Discrimination on the basis of AIDS, AIDS-related
621 complex, and HIV prohibited.—

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

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

629 760.60 Discriminatory practices of certain clubs
630 prohibited; remedies.—

631 (1) It is unlawful for a person to discriminate against any
632 individual because of race, color, religion, gender, national
633 origin, disability, sexual orientation, gender identity or
634 expression ~~handicap~~, age above the age of 21, or marital status
635 in evaluating an application for membership in a club that has
636 more than 400 members, that provides regular meal service, and
637 that regularly receives payment for dues, fees, use of space,
638 facilities, services, meals, or beverages directly or indirectly

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639 from nonmembers for business purposes. It is unlawful for a
640 person, on behalf of such a club, to publish, circulate, issue,
641 display, post, or mail any advertisement, notice, or
642 solicitation that contains a statement to the effect that the
643 accommodations, advantages, facilities, membership, or
644 privileges of the club are denied to any individual because of
645 race, color, religion, gender, national origin, disability,
646 sexual orientation, gender identity or expression ~~handicap~~, age
647 above the age of 21, or marital status. This subsection does not
648 apply to fraternal or benevolent organizations, ethnic clubs, or
649 religious organizations where business activity is not
650 prevalent.

651 Section 21. Paragraph (e) of subsection (1) of section
652 419.001, Florida Statutes, is amended to read:

653 419.001 Site selection of community residential homes.—

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

655 (e) "Resident" means any of the following: a frail elder as
656 defined in s. 429.65; a person with a disability ~~who has a~~
657 ~~handicap~~ as defined in s. 760.02 ~~s. 760.22(7)(a)~~; a person who
658 has a developmental disability as defined in s. 393.063; a
659 nondangerous person who has a mental illness as defined in s.
660 394.455; or a child who is found to be dependent as defined in
661 s. 39.01 or s. 984.03, or a child in need of services as defined
662 in s. 984.03 or s. 985.03.

663 Section 22. This act shall take effect July 1, 2012.