

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; amending s.
14 509.092, F.S.; revising provisions to include sexual
15 orientation and gender identity or expression as
16 impermissible grounds for discrimination in public
17 lodging establishments and public food service
18 establishments; amending s. 760.22, F.S.; defining
19 additional terms; deleting the definition of the term
20 "handicap"; creating s. 760.225, F.S.; specifying when
21 an individual has an impairment for certain purposes;
22 amending ss. 760.23, 760.24, 760.25, 760.26, and
23 760.29, F.S.; revising provisions to include sexual
24 orientation and gender identity or expression as
25 impermissible grounds for discrimination; conforming
26 terminology; amending ss. 760.31 and 760.50, F.S.;
27 conforming terminology; amending s. 760.60, F.S.;
28 revising provisions to include sexual orientation and

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29 | gender identity or expression as impermissible grounds
 30 | for discrimination; conforming terminology; amending
 31 | s. 419.001, F.S.; conforming a cross-reference;
 32 | providing an effective date.

34 | Be It Enacted by the Legislature of the State of Florida:

36 | Section 1. This act may be cited as the "Competitive
 37 | Workforce Act."

38 | Section 2. Subsection (2) of section 760.01, Florida
 39 | Statutes, is amended to read:

40 | 760.01 Purposes; construction; title.—

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

52 | Section 3. Section 760.02, Florida Statutes, is amended to
 53 | read:

54 | 760.02 Definitions.—For the purposes of ss. 760.01–760.11
 55 | and 509.092, the term:

56 (1) "Aggrieved person" means any person who files a
 57 complaint with the Florida Commission on Human Relations
 58 ~~"Florida Civil Rights Act of 1992" means ss. 760.01-760.11 and~~
 59 ~~509.092.~~

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

62 (3) "Commissioner" or "member" means a member of the
 63 commission.

64 (4) "Disability" means:

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

68 (b) A record of such impairment;

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

70 (d) Having a developmental disability as defined in s.
 71 393.063.

72 ~~(5)-(4)~~ "Discriminatory practice" means any practice made
 73 unlawful by the Florida Civil Rights Act of 1992.

74 (6) "Employer" means any person employing 15 or more
 75 employees for each working day in each of 20 or more calendar
 76 weeks in the current or the previous calendar year, and any
 77 agent of such a person.

78 (7) "Employment agency" means any person regularly
 79 undertaking, with or without compensation, to procure employees
 80 for an employer or to procure for employees opportunities to
 81 work for an employer, and includes an agent of such a person.

82 (8) "Florida Civil Rights Act of 1992" means ss. 760.01-
 83 760.11 and 509.092.

84 (9) "Gender identity or expression" means gender-related
 85 identity, appearance, expression, or behavior of an individual,
 86 regardless of the individual's assigned sex at birth.

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

92 (11) "Major life activities" includes, but is not limited
 93 to:

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

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

101 ~~(12)(5)~~ "National origin" includes ancestry.

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

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

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112 ~~(8) "Employment agency" means any person regularly~~
113 ~~undertaking, with or without compensation, to procure employees~~
114 ~~for an employer or to procure for employees opportunities to~~
115 ~~work for an employer, and includes an agent of such a person.~~

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

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

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

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

136 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
137 soda fountain, or other facility principally engaged in selling
138 food for consumption on the premises, including, but not limited

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139 to, any such facility located on the premises of any retail
140 establishment, or any gasoline station.

141 (c) Any motion picture theater, theater, concert hall,
142 sports arena, stadium, or other place of exhibition or
143 entertainment.

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

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

151 Section 4. Section 760.025, Florida Statutes, is created
152 to read:

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

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167 medical supplies; equipment or appliances; low-vision devices,
168 not including ordinary eyeglasses or contact lenses;
169 prosthetics, including artificial limbs and devices, hearing
170 aids and cochlear implants or other implantable hearing devices,
171 and mobility devices; oxygen therapy equipment and supplies; use
172 of assistive technology; reasonable accommodations or auxiliary
173 aids or services, including qualified interpreters or other
174 effective measures of making aurally delivered materials
175 available to individuals with hearing impairments; qualified
176 readers; taped texts or other effective methods of making
177 visually delivered materials available to individuals with
178 visual impairments; acquisition or modification of equipment and
179 devices and other similar services and actions; or learned
180 behavioral or adaptive neurological modifications.

181 Section 5. Section 760.05, Florida Statutes, is amended to
182 read:

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

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195 Section 6. Section 760.07, Florida Statutes, is amended to
 196 read:

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

214 Section 7. Section 760.08, Florida Statutes, is amended to
 215 read:

216 760.08 Discrimination in places of public accommodation.—
 217 All persons shall be entitled to the full and equal enjoyment of
 218 the goods, services, facilities, privileges, advantages, and
 219 accommodations of any place of public accommodation, as defined
 220 in this chapter, without discrimination or segregation on the
 221 ground of race, color, national origin, sex, disability, sexual

222 | orientation, gender identity or expression ~~handicap~~, familial
 223 | status, or religion.

224 | Section 8. Subsections (1) and (2), paragraphs (a) and (b)
 225 | of subsection (3), subsections (4), (5), and (6), and paragraph
 226 | (a) of subsection (8) of section 760.10, Florida Statutes, are
 227 | amended to read:

228 | 760.10 Unlawful employment practices.—

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

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

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

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

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250 individual on the basis of race, color, religion, sex, national
251 origin, age, disability, sexual orientation, gender identity or
252 expression ~~handicap~~, or marital status.

253 (3) It is an unlawful employment practice for a labor
254 organization:

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

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

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

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

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

300 (8) Notwithstanding any other provision of this section,
301 it is not an unlawful employment practice under ss. 760.01-
302 760.10 for an employer, employment agency, labor organization,
303 or joint labor-management committee to:

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

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

313 | Section 9. Section 509.092, Florida Statutes, is amended
 314 | to read:

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

326 | Section 10. Section 760.22, Florida Statutes, is amended
 327 | to read:

328 | 760.22 Definitions.—As used in ss. 760.20–760.37, the
 329 | term:

330 | (1) "Commission" means the Florida Commission on Human
 331 | Relations.

332 | (2) "Covered multifamily dwelling" means:

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

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

337 (3) "Disability" has the same meaning as provided in s.
 338 760.02.

339 (4)~~(3)~~ "Discriminatory housing practice" means an act that
 340 is unlawful under the terms of ss. 760.20-760.37.

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

347 (6)~~(5)~~ "Familial status" is established when an individual
 348 who has not attained the age of 18 years is domiciled with:

349 (a) A parent or other person having legal custody of such
 350 individual; or

351 (b) A designee of a parent or other person having legal
 352 custody, with the written permission of such parent or other
 353 person.

354 (7)~~(6)~~ "Family" includes a single individual.

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

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

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

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360 ~~(a) A person has a physical or mental impairment which~~
361 ~~substantially limits one or more major life activities, or he or~~
362 ~~she has a record of having, or is regarded as having, such~~
363 ~~physical or mental impairment; or~~

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

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

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

373 (12)~~(9)~~ "Substantially equivalent" means an administrative
374 subdivision of the State of Florida meeting the requirements of
375 24 C.F.R. part 115, s. 115.6.

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

378 (14)~~(10)~~ "To rent" includes to lease, to sublease, to let,
379 and otherwise to grant for a consideration the right to occupy
380 premises not owned by the occupant.

381 (15) "Transitory or minor impairment" means any impairment
382 having an actual, apparent, or expected duration of 6 months or
383 less.

384 Section 11. Section 760.225, Florida Statutes, is created
385 to read:

386 760.225 Impairment.—For purposes of this part, an
387 individual who has been subjected to an action prohibited under

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

414 Section 12. Subsections (1), (2), (3), (4), (5), (7), and
415 (8), paragraph (a) of subsection (9), and paragraphs (a) and (d)

416 of subsection (10) of section 760.23, Florida Statutes, are
 417 amended to read:

418 760.23 Discrimination in the sale or rental of housing and
 419 other prohibited practices.—

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

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

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

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

444 inspection, sale, or rental when such dwelling is in fact so
 445 available.

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

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

- 455 (a) That buyer or renter;
- 456 (b) A person residing in or intending to reside in that
 457 dwelling after it is sold, rented, or made available; or
- 458 (c) Any person associated with the buyer or renter.

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

- 464 (a) That buyer or renter;
- 465 (b) A person residing in or intending to reside in that
 466 dwelling after it is sold, rented, or made available; or
- 467 (c) Any person associated with the buyer or renter.

468 (9) For purposes of subsections (7) and (8),
 469 discrimination includes:

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

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472 existing premises occupied or to be occupied by such person if
473 such modifications may be necessary to afford such person full
474 enjoyment of the premises; or

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

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

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

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

496 Section 13. Section 760.24, Florida Statutes, is amended
497 to read:

498 760.24 Discrimination in the provision of brokerage
499 services.—It is unlawful to deny any person access to, or

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500 membership or participation in, any multiple-listing service,
501 real estate brokers' organization, or other service,
502 organization, or facility relating to the business of selling or
503 renting dwellings, or to discriminate against him or her in the
504 terms or conditions of such access, membership, or
505 participation, on account of race, color, national origin, sex,
506 disability, sexual orientation, gender identity or expression
507 ~~handicap~~, familial status, or religion.

508 Section 14. Subsection (1) and paragraph (a) of subsection
509 (2) of section 760.25, Florida Statutes, are amended to read:

510 760.25 Discrimination in the financing of housing or in
511 residential real estate transactions.—

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

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528 | sexual orientation, gender identity or expression ~~handicap,~~
529 | familial status, or religion of the present or prospective
530 | owners, lessees, tenants, or occupants of the dwelling or
531 | dwellings in relation to which such loan or other financial
532 | assistance is to be made or given.

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

540 | Section 15. Section 760.26, Florida Statutes, is amended
541 | to read:

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

549 | Section 16. Paragraph (a) of subsection (5) of section
550 | 760.29, Florida Statutes, is amended to read:

551 | 760.29 Exemptions.—

552 | (5) Nothing in ss. 760.20–760.37:

553 | (a) Prohibits a person engaged in the business of
554 | furnishing appraisals of real property from taking into
555 | consideration factors other than race, color, national origin,

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556 sex, disability, sexual orientation, gender identity or
557 expression handicap, familial status, or religion.

558 Section 17. Subsection (5) of section 760.31, Florida
559 Statutes, is amended to read:

560 760.31 Powers and duties of commission.—The commission
561 shall:

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

571 Section 18. Subsection (2) of section 760.50, Florida
572 Statutes, is amended to read:

573 760.50 Discrimination on the basis of AIDS, AIDS-related
574 complex, and HIV prohibited.—

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

580 Section 19. Subsection (1) of section 760.60, Florida
581 Statutes, is amended to read:

582 760.60 Discriminatory practices of certain clubs
583 prohibited; remedies.—

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

604 Section 20. Paragraph (e) of subsection (1) of section
605 419.001, Florida Statutes, is amended to read:

606 419.001 Site selection of community residential homes.—

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

608 (e) "Resident" means any of the following: a frail elder
609 as defined in s. 429.65; a person who has a physical disability
610 ~~handicap~~ as defined in s. 760.22(3) ~~760.22(7)(a)~~; a person who
611 has a developmental disability as defined in s. 393.063; a

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612 | nondangerous person who has a mental illness as defined in s.
613 | 394.455; or a child who is found to be dependent as defined in
614 | s. 39.01 or s. 984.03, or a child in need of services as defined
615 | in s. 984.03 or s. 985.03.

616 | Section 21. This act shall take effect July 1, 2013.