



270070

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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03/06/2020 02:18 PM

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Senator Montford moved the following:

Senate Amendment (with title amendment)

Before line 28

insert:

Section 1. Section 712.065, Florida Statutes, is created to read:

712.065 Extinguishment of discriminatory restrictions.—

(1) As used in this section, the term "discriminatory restriction" means a provision in a title transaction recorded in this state which restricts the ownership, occupancy, or use of any real property in this state by any natural person on the



270070

12 basis of a characteristic that has been held, or is held after
13 the effective date of this act, by the United States Supreme
14 Court or the Florida Supreme Court to be protected against
15 discrimination under the Fourteenth Amendment to the United
16 States Constitution or under s. 2, Art. I of the State
17 Constitution, including race, color, national origin, religion,
18 gender, or physical disability.

19 (2) A discriminatory restriction is not enforceable in this
20 state, and all discriminatory restrictions contained in any
21 title transaction recorded in this state are unlawful, are
22 unenforceable, and are declared null and void. Any
23 discriminatory restriction contained in a previously recorded
24 title transaction is extinguished and severed from the recorded
25 title transaction and the remainder of the title transaction
26 remains enforceable and effective. The recording of any notice
27 preserving or protecting interests or rights pursuant to s.
28 712.06 does not reimpose or preserve any discriminatory
29 restriction that is extinguished under this section.

30 (3) Upon request of a parcel owner, a discriminatory
31 restriction appearing in a covenant or restriction affecting the
32 parcel may be removed from the covenant or restriction by an
33 amendment approved by a majority vote of the board of directors
34 of the respective property owners' association or an owners'
35 association in which all owners may voluntarily join,
36 notwithstanding any other requirements for approval of an
37 amendment of the covenant or restriction. Unless the amendment
38 also changes other provisions of the covenant or restriction,
39 the recording of an amendment removing a discriminatory
40 restriction does not constitute a title transaction occurring



270070

41 after the root of title for purposes of s. 712.03(4).

42 Section 2. The Division of Law Revision is directed to
43 replace the phrase "the effective date of this act" wherever it
44 occurs in this act with the date the act becomes a law.

45

46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete line 2

49 and insert:

50 An act relating to housing discrimination; creating s.
51 712.065, F.S.; defining the term "discriminatory
52 restriction"; providing that discriminatory
53 restrictions are unlawful, unenforceable, and declared
54 null and void; providing that certain discriminatory
55 restrictions are extinguished and severed from
56 recorded title transactions; specifying that the
57 recording of certain notices does not reimpose or
58 preserve a discriminatory restriction; providing
59 requirements for a parcel owner to remove a
60 discriminatory restriction from a covenant or
61 restriction; providing a directive to the Division of
62 Law Revision; amending s.