

By Senator Gelber

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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; 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
29 gender identity or expression as impermissible grounds

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30 for discrimination; conforming terminology; amending
31 s. 419.001, F.S.; conforming a cross-reference;
32 providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

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

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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 preceding calendar year, and any agent
77 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 a 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

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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.~~

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~~

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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)~~ "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
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

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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 to
152 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;
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

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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.~~

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

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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 which are made available for
211 public use occasionally or periodically. The right to trial by
212 jury is preserved in any case in which the plaintiff is seeking
213 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

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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 employment
245 agency to fail or refuse to refer for employment, or otherwise
246 to discriminate against, any individual because of race, color,
247 religion, sex, national origin, age, disability, sexual
248 orientation, gender identity or expression ~~handicap~~, or marital
249 status or to classify or refer for employment any individual on
250 the basis of race, color, religion, sex, national origin, age,
251 disability, sexual orientation, gender identity or expression
252 ~~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

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

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,

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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, it
301 is not an unlawful employment practice under ss. 760.01-760.10
302 for an employer, employment agency, labor organization, or joint
303 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 to
314 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

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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 to
327 read:

328 760.22 Definitions.—As used in ss. 760.20-760.37, the term:

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

331 (2) "Covered multifamily dwelling" means:

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

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

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

338 (4)~~(3)~~ "Discriminatory housing practice" means an act that
339 is unlawful under the terms of ss. 760.20-760.37.

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

346 (6)~~(5)~~ "Familial status" is established when an individual
347 who has not attained the age of 18 years is domiciled with:

348 (a) A parent or other person having legal custody of such

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349 individual; or

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

353 (7)~~(6)~~ "Family" includes a single individual.

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

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

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

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

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

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

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

372 (12)~~(9)~~ "Substantially equivalent" means an administrative
373 subdivision of the State of Florida meeting the requirements of
374 24 C.F.R. part 115, s. 115.6.

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

377 (14)~~(10)~~ "To rent" includes to lease, to sublease, to let,

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378 and otherwise to grant for a consideration the right to occupy
379 premises not owned by the occupant.

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

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

385 760.225 Impairment.—For purposes of this part, an
386 individual who has been subjected to an action prohibited under
387 this chapter because of an actual or perceived physical or
388 mental impairment, regardless of whether the impairment limits
389 or is perceived to limit a major life activity, has an
390 impairment. An impairment that limits one major life activity
391 may be considered a disability; however, a transitory or minor
392 impairment may not be considered a disability. An impairment
393 that is episodic or in remission is considered a disability if
394 it substantially limits at least one major life activity when
395 the impairment is active or not in remission. The determination
396 of whether an impairment substantially limits a major life
397 activity must be made without regard to the ameliorative effects
398 of mitigating measures, such as medication; medical supplies;
399 equipment or appliances; low-vision devices, not including
400 ordinary eyeglasses or contact lenses; prosthetics, including
401 artificial limbs and devices, hearing aids and cochlear implants
402 or other implantable hearing devices, and mobility devices;
403 oxygen therapy equipment and supplies; use of assistive
404 technology; reasonable accommodations or auxiliary aids or
405 services, including qualified interpreters or other effective
406 measures of making aurally delivered materials available to

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407 individuals with hearing impairments; qualified readers; taped
408 texts or other effective methods of making visually delivered
409 materials available to individuals with visual impairments;
410 acquisition or modification of equipment and devices and other
411 similar services and actions; or learned behavioral or adaptive
412 neurological modifications.

413 Section 12. Subsections (1), (2), (3), (4), (5), (7), and
414 (8), paragraph (a) of subsection (9), and paragraphs (a) and (d)
415 of subsection (10) of section 760.23, Florida Statutes, are
416 amended to read:

417 760.23 Discrimination in the sale or rental of housing and
418 other prohibited practices.—

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

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

431 (3) It is unlawful to make, print, or publish, or cause to
432 be made, printed, or published, any notice, statement, or
433 advertisement with respect to the sale or rental of a dwelling
434 that indicates any preference, limitation, or discrimination
435 based on race, color, national origin, sex, disability, sexual

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436 orientation, gender identity or expression ~~handicap~~, familial
437 status, or religion or an intention to make any such preference,
438 limitation, or discrimination.

439 (4) It is unlawful to represent to any person because of
440 race, color, national origin, sex, disability, sexual
441 orientation, gender identity or expression ~~handicap~~, familial
442 status, or religion that any dwelling is not available for
443 inspection, sale, or rental when such dwelling is in fact so
444 available.

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

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

454 (a) That buyer or renter;

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

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

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

463 (a) That buyer or renter;

464 (b) A person residing in or intending to reside in that

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465 dwelling after it is sold, rented, or made available; or

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

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

469 (a) A refusal to permit, at the expense of the ~~handicapped~~
470 person who has a disability, reasonable modifications of
471 existing premises occupied or to be occupied by such person if
472 such modifications may be necessary to afford such person full
473 enjoyment of the premises; or

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

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

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

490
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

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494 covered multifamily dwellings to determine consistency with the
495 requirements of this subsection.

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

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

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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,
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 to
541 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.—

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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,
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

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581 Statutes, is amended to read:

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

584 (1) It is unlawful for a person to discriminate against any
585 individual because of race, color, religion, gender, national
586 origin, disability, sexual orientation, gender identity or
587 expression handicap, age above the age of 21, or marital status
588 in evaluating an application for membership in a club that has
589 more than 400 members, that provides regular meal service, and
590 that regularly receives payment for dues, fees, use of space,
591 facilities, services, meals, or beverages directly or indirectly
592 from nonmembers for business purposes. It is unlawful for a
593 person, on behalf of such a club, to publish, circulate, issue,
594 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 (d) 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 following
608 definitions shall apply:

609 (d) "Resident" means any of the following: a frail elder as

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610 defined in s. 429.65; a ~~physically disabled or handicapped~~
611 person with a physical disability as defined in s.
612 760.22 ~~(3)(7)(a)~~; a developmentally disabled person as defined in
613 s. 393.063; a nondangerous mentally ill person as defined in s.
614 394.455(18); or a child who is found to be dependent as defined
615 in s. 39.01 or s. 984.03, or a child in need of services as
616 defined in s. 984.03 or s. 985.03.

617 Section 21. This act shall take effect July 1, 2010.