

Committee on Judiciary

SB 374 — Housing Discrimination

by Senator Rouson

The bill “extinguishes” “discriminatory restrictions” from certain real estate documents, such as deeds, and clarifies that under the Florida Fair Housing Act a victim of housing discrimination is not required to exhaust administrative remedies before filing a civil action.

Current federal and state law prohibit discrimination on the basis of race and several other characteristics in the sale, lease, or use of real property. Nonetheless, discriminatory restrictive covenants and other instruments remain in the records of many counties and can still be found in a title search. Moreover, current law does not appear to provide a way to strike or otherwise disavow these provisions in the public records.

The bill “extinguishes” “discriminatory restrictions” from title transactions, such as deeds, and expressly states that the restrictions are unlawful, unenforceable, and null and void. The bill also provides for summary removal of discriminatory restrictions from the governing documents of a property owners’ association.

Additionally, the bill clarifies that under the Florida Fair Housing Act (FFHA) an alleged victim of housing discrimination may file a civil action regardless of whether:

- He or she has filed a complaint with the Florida Commission on Human Relations;
- The Commission has resolved a complaint (if the victim chose to file one); or
- Any particular amount of time has passed since the victim filed a complaint with the Commission.

Alternatively, a victim may proceed directly to filing a petition with the Division of Administrative Hearings.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-0