

1 A bill to be entitled
2 An act relating to prohibited discrimination; amending s.
3 760.01, F.S.; revising provisions to include sexual
4 orientation, gender identity or expression, and familial
5 status as impermissible grounds for discrimination;
6 conforming terminology; amending s. 760.02, F.S.; defining
7 additional terms; amending ss. 760.05, 760.07, 760.08, and
8 760.10, F.S.; revising provisions to include sexual
9 orientation, gender identity or expression, familial
10 status, and marital status as impermissible grounds for
11 discrimination; conforming terminology; amending s.
12 509.092, F.S.; revising provisions to include sexual
13 orientation, gender identity or expression, and familial
14 status as impermissible grounds for discrimination in
15 public lodging establishments and public food service
16 establishments; amending s. 760.22, F.S.; defining the
17 term "disability" and deleting the definition of the term
18 "handicap"; amending ss. 760.23, 760.24, 760.25, 760.26,
19 and 760.29, F.S.; revising provisions to include sexual
20 orientation, gender identity or expression, familial
21 status, and marital status as impermissible grounds for
22 discrimination; conforming terminology; amending ss.
23 760.31 and 760.50, F.S.; conforming terminology; amending
24 s. 760.60, F.S.; revising provisions to include sexual
25 orientation, gender identity or expression, and familial
26 status as impermissible grounds for discrimination;
27 conforming terminology; amending s. 419.001, F.S.;
28 conforming a cross-reference; providing an effective date.

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

Section 1. Subsection (2) of section 760.01, Florida Statutes, is amended to read:

760.01 Purposes; construction; title.--

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

Section 2. Section 760.02, Florida Statutes, is amended to read:

760.02 Definitions.--For the purposes of ss. 760.01-760.11 and 509.092, the term:

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

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

56 (3) "Commissioner" or "member" means a member of the
57 commission.

58 (4) "Discriminatory practice" means any practice made
59 unlawful by the Florida Civil Rights Act of 1992.

60 (5) "Employer" means any person employing 15 or more
61 employees for each working day in each of 20 or more calendar
62 weeks in the current or preceding calendar year, and any agent
63 of such a person.

64 (6) "Employment agency" means any person regularly
65 undertaking, with or without compensation, to procure employees
66 for an employer or to procure for employees opportunities to
67 work for an employer, and includes an agent of such a person.

68 (7) "Familial status" is established when an individual
69 who has not attained the age of 18 years is domiciled with:

70 (a) A parent or other person having legal custody of such
71 individual; or

72 (b) A designee of a parent or other person having legal
73 custody, with the written permission of such parent or other
74 person.

75 (8) "Florida Civil Rights Act of 1992" means ss. 760.01-
76 760.11 and 509.092.

77 (9) "Gender identity or expression" means a gender-related
78 identity, appearance, or expression of an individual, regardless
79 of the individual's assigned sex at birth.

80 (10) "Labor organization" means any organization that
81 exists for the purpose, in whole or in part, of collective
82 bargaining or of dealing with employers concerning grievances,

83 terms or conditions of employment, or other mutual aid or
 84 protection in connection with employment.

85 (11)~~(5)~~ "National origin" includes ancestry.

86 (12)~~(6)~~ "Person" includes an individual, association,
 87 corporation, joint apprenticeship committee, joint-stock
 88 company, labor union, legal representative, mutual company,
 89 partnership, receiver, trust, trustee in bankruptcy, or
 90 unincorporated organization; any other legal or commercial
 91 entity; the state; or any governmental entity or agency.

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

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

100 ~~(9) "Labor organization" means any organization which~~
 101 ~~exists for the purpose, in whole or in part, of collective~~
 102 ~~bargaining or of dealing with employers concerning grievances,~~
 103 ~~terms or conditions of employment, or other mutual aid or~~
 104 ~~protection in connection with employment.~~

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

107 (13)~~(11)~~ "Public accommodations" means places of public
 108 accommodation, lodgings, facilities principally engaged in
 109 selling food for consumption on the premises, gasoline stations,
 110 places of exhibition or entertainment, and other covered

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111 establishments. Each of the following establishments which
112 serves the public is a place of public accommodation within the
113 meaning of this section:

114 (a) Any inn, hotel, motel, or other establishment which
115 provides lodging to transient guests, other than an
116 establishment located within a building which contains not more
117 than four rooms for rent or hire and which is actually occupied
118 by the proprietor of such establishment as his or her residence.

119 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
120 soda fountain, or other facility principally engaged in selling
121 food for consumption on the premises, including, but not limited
122 to, any such facility located on the premises of any retail
123 establishment, or any gasoline station.

124 (c) Any motion picture theater, theater, concert hall,
125 sports arena, stadium, or other place of exhibition or
126 entertainment.

127 (d) Any establishment which is physically located within
128 the premises of any establishment otherwise covered by this
129 subsection, or within the premises of which is physically
130 located any such covered establishment, and which holds itself
131 out as serving patrons of such covered establishment.

132 (14) "Sexual orientation" means an individual's actual or
133 perceived heterosexuality, homosexuality, or bisexuality.

134 Section 3. Section 760.05, Florida Statutes, is amended to
135 read:

136 760.05 Functions of the commission.--The commission shall
137 promote and encourage fair treatment and equal opportunity for
138 all persons regardless of race, color, religion, sex, national

139 | origin, age, disability, sexual orientation, gender identity or
 140 | expression, familial status ~~handicap~~, or marital status and
 141 | mutual understanding and respect among all members of all
 142 | economic, social, racial, religious, and ethnic groups; and
 143 | shall endeavor to eliminate discrimination against, and
 144 | antagonism between, religious, racial, and ethnic groups and
 145 | their members.

146 | Section 4. Section 760.07, Florida Statutes, is amended to
 147 | read:

148 | 760.07 Remedies for unlawful discrimination.--Any
 149 | violation of any Florida statute making unlawful discrimination
 150 | because of race, color, religion, gender, national origin, age,
 151 | disability, sexual orientation, gender identity or expression,
 152 | familial status ~~handicap~~, or marital status in the areas of
 153 | education, employment, housing, or public accommodations gives
 154 | rise to a cause of action for all relief and damages described
 155 | in s. 760.11(5), unless greater damages are expressly provided
 156 | for. If the statute prohibiting unlawful discrimination provides
 157 | an administrative remedy, the action for equitable relief and
 158 | damages provided for in this section may be initiated only after
 159 | the plaintiff has exhausted his or her administrative remedy.
 160 | The term "public accommodations" does not include lodge halls or
 161 | other similar facilities of private organizations which are made
 162 | available for public use occasionally or periodically. The right
 163 | to trial by jury is preserved in any case in which the plaintiff
 164 | is seeking actual or punitive damages.

165 | Section 5. Section 760.08, Florida Statutes, is amended to
 166 | read:

167 760.08 Discrimination in places of public
 168 accommodation.--All persons shall be entitled to the full and
 169 equal enjoyment of the goods, services, facilities, privileges,
 170 advantages, and accommodations of any place of public
 171 accommodation, as defined in this chapter, without
 172 discrimination or segregation on the ground of race, color,
 173 national origin, sex, disability, sexual orientation, gender
 174 identity or expression ~~handicap~~, familial status, marital
 175 status, or religion.

176 Section 6. Subsections (1) and (2), paragraphs (a) and (b)
 177 of subsection (3), subsections (4), (5), and (6), and paragraph
 178 (a) of subsection (8) of section 760.10, Florida Statutes, are
 179 amended to read:

180 760.10 Unlawful employment practices.--

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

182 (a) To discharge or to fail or refuse to hire any
 183 individual, or otherwise to discriminate against any individual
 184 with respect to compensation, terms, conditions, or privileges
 185 of employment, because of such individual's race, color,
 186 religion, sex, national origin, age, disability, sexual
 187 orientation, gender identity or expression, familial status
 188 ~~handicap~~, or marital status.

189 (b) To limit, segregate, or classify employees or
 190 applicants for employment in any way which would deprive or tend
 191 to deprive any individual of employment opportunities, or
 192 adversely affect any individual's status as an employee, because
 193 of such individual's race, color, religion, sex, national

194 origin, age, disability, sexual orientation, gender identity or
 195 expression, familial status ~~handicap~~, or marital status.

196 (2) It is an unlawful employment practice for an
 197 employment agency to fail or refuse to refer for employment, or
 198 otherwise to discriminate against, any individual because of
 199 race, color, religion, sex, national origin, age, disability,
 200 sexual orientation, gender identity or expression, familial
 201 status ~~handicap~~, or marital status or to classify or refer for
 202 employment any individual on the basis of race, color, religion,
 203 sex, national origin, age, disability, sexual orientation,
 204 gender identity or expression, familial status ~~handicap~~, or
 205 marital status.

206 (3) It is an unlawful employment practice for a labor
 207 organization:

208 (a) To exclude or to expel from its membership, or
 209 otherwise to discriminate against, any individual because of
 210 race, color, religion, sex, national origin, age, disability,
 211 sexual orientation, gender identity or expression, familial
 212 status ~~handicap~~, or marital status.

213 (b) To limit, segregate, or classify its membership or
 214 applicants for membership, or to classify or fail or refuse to
 215 refer for employment any individual, in any way which would
 216 deprive or tend to deprive any individual of employment
 217 opportunities, or adversely affect any individual's status as an
 218 employee or as an applicant for employment, because of such
 219 individual's race, color, religion, sex, national origin, age,
 220 disability, sexual orientation, gender identity or expression,
 221 familial status ~~handicap~~, or marital status.

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222 (4) It is an unlawful employment practice for any
223 employer, labor organization, or joint labor-management
224 committee controlling apprenticeship or other training or
225 retraining, including on-the-job training programs, to
226 discriminate against any individual because of race, color,
227 religion, sex, national origin, age, disability, sexual
228 orientation, gender identity or expression, familial status
229 ~~handicap~~, or marital status in admission to, or employment in,
230 any program established to provide apprenticeship or other
231 training.

232 (5) Whenever, in order to engage in a profession,
233 occupation, or trade, it is required that a person receive a
234 license, certification, or other credential, become a member or
235 an associate of any club, association, or other organization, or
236 pass any examination, it is an unlawful employment practice for
237 any person to discriminate against any other person seeking such
238 license, certification, or other credential, seeking to become a
239 member or associate of such club, association, or other
240 organization, or seeking to take or pass such examination,
241 because of such other person's race, color, religion, sex,
242 national origin, age, disability, sexual orientation, gender
243 identity or expression, familial status ~~handicap~~, or marital
244 status.

245 (6) It is an unlawful employment practice for an employer,
246 labor organization, employment agency, or joint labor-management
247 committee to print, or cause to be printed or published, any
248 notice or advertisement relating to employment, membership,
249 classification, referral for employment, or apprenticeship or

250 other training, indicating any preference, limitation,
 251 specification, or discrimination, based on race, color,
 252 religion, sex, national origin, age, absence of disability,
 253 sexual orientation, gender identity or expression, familial
 254 status ~~handicap~~, or marital status.

255 (8) Notwithstanding any other provision of this section,
 256 it is not an unlawful employment practice under ss. 760.01-
 257 760.10 for an employer, employment agency, labor organization,
 258 or joint labor-management committee to:

259 (a) Take or fail to take any action on the basis of
 260 religion, sex, national origin, age, disability, sexual
 261 orientation, gender identity or expression, familial status
 262 ~~handicap~~, or marital status in those certain instances in which
 263 religion, sex, national origin, age, absence of a particular
 264 disability, sexual orientation, gender identity or expression,
 265 familial status ~~handicap~~, or marital status is a bona fide
 266 occupational qualification reasonably necessary for the
 267 performance of the particular employment to which such action or
 268 inaction is related.

269 Section 7. Section 509.092, Florida Statutes, is amended
 270 to read:

271 509.092 Public lodging establishments and public food
 272 service establishments; rights as private enterprises.--Public
 273 lodging establishments and public food service establishments
 274 are private enterprises, and the operator has the right to
 275 refuse accommodations or service to any person who is
 276 objectionable or undesirable to the operator, but such refusal
 277 may not be based upon race, creed, color, sex, physical

278 disability, sexual orientation, gender identity or expression,
 279 familial status, or national origin. A person aggrieved by a
 280 violation of this section or a violation of a rule adopted under
 281 this section has a right of action pursuant to s. 760.11.

282 Section 8. Section 760.22, Florida Statutes, is amended to
 283 read:

284 760.22 Definitions.--As used in ss. 760.20-760.37, the
 285 term:

286 (1) "Commission" means the Florida Commission on Human
 287 Relations.

288 (2) "Covered multifamily dwelling" means:

289 (a) A building which consists of four or more units and
 290 has an elevator; or

291 (b) The ground floor units of a building which consists of
 292 four or more units and does not have an elevator.

293 (3) "Disability" means:

294 (a) A physical or mental impairment that a person has, has
 295 a record of having, or is regarded as having, that substantially
 296 limits one or more major life activities; or

297 (b) A developmental disability as defined in s. 393.063.

298 ~~(4)-(3)~~ "Discriminatory housing practice" means an act that
 299 is unlawful under the terms of ss. 760.20-760.37.

300 ~~(5)-(4)~~ "Dwelling" means any building or structure, or
 301 portion thereof, which is occupied as, or designed or intended
 302 for occupancy as, a residence by one or more families, and any
 303 vacant land which is offered for sale or lease for the
 304 construction or location on the land of any such building or
 305 structure, or portion thereof.

306 (6)~~(5)~~ "Familial status" is established when an individual
 307 who has not attained the age of 18 years is domiciled with:

308 (a) A parent or other person having legal custody of such
 309 individual; or

310 (b) A designee of a parent or other person having legal
 311 custody, with the written permission of such parent or other
 312 person.

313 (7)~~(6)~~ "Family" includes a single individual.

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

315 ~~(a) A person has a physical or mental impairment which~~
 316 ~~substantially limits one or more major life activities, or he or~~
 317 ~~she has a record of having, or is regarded as having, such~~
 318 ~~physical or mental impairment; or~~

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

321 (8) "Person" includes one or more individuals,
 322 corporations, partnerships, associations, labor organizations,
 323 legal representatives, mutual companies, joint-stock companies,
 324 trusts, unincorporated organizations, trustees, trustees in
 325 bankruptcy, receivers, and fiduciaries.

326 (9) "Substantially equivalent" means an administrative
 327 subdivision of the State of Florida meeting the requirements of
 328 24 C.F.R. part 115, s. 115.6.

329 (10) "To rent" includes to lease, to sublease, to let, and
 330 otherwise to grant for a consideration the right to occupy
 331 premises not owned by the occupant.

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

334 of subsection (10) of section 760.23, Florida Statutes, are
 335 amended to read:

336 760.23 Discrimination in the sale or rental of housing and
 337 other prohibited practices.--

338 (1) It is unlawful to refuse to sell or rent after the
 339 making of a bona fide offer, to refuse to negotiate for the sale
 340 or rental of, or otherwise to make unavailable or deny a
 341 dwelling to any person because of race, color, national origin,
 342 sex, disability, sexual orientation, gender identity or
 343 expression ~~handicap~~, familial status, marital status, or
 344 religion.

345 (2) It is unlawful to discriminate against any person in
 346 the terms, conditions, or privileges of sale or rental of a
 347 dwelling, or in the provision of services or facilities in
 348 connection therewith, because of race, color, national origin,
 349 sex, disability, sexual orientation, gender identity or
 350 expression ~~handicap~~, familial status, marital status, or
 351 religion.

352 (3) It is unlawful to make, print, or publish, or cause to
 353 be made, printed, or published, any notice, statement, or
 354 advertisement with respect to the sale or rental of a dwelling
 355 that indicates any preference, limitation, or discrimination
 356 based on race, color, national origin, sex, disability, sexual
 357 orientation, gender identity or expression ~~handicap~~, familial
 358 status, marital status, or religion or an intention to make any
 359 such preference, limitation, or discrimination.

360 (4) It is unlawful to represent to any person because of
 361 race, color, national origin, sex, disability, sexual

362 orientation, gender identity or expression ~~handicap~~, familial
 363 status, marital status, or religion that any dwelling is not
 364 available for inspection, sale, or rental when such dwelling is
 365 in fact so available.

366 (5) It is unlawful, for profit, to induce or attempt to
 367 induce any person to sell or rent any dwelling by a
 368 representation regarding the entry or prospective entry into the
 369 neighborhood of a person or persons of a particular race, color,
 370 national origin, sex, disability, sexual orientation, gender
 371 identity or expression ~~handicap~~, familial status, marital
 372 status, or religion.

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

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

380 (8) It is unlawful to discriminate against any person in
 381 the terms, conditions, or privileges of sale or rental of a
 382 dwelling, or in the provision of services or facilities in
 383 connection with such dwelling, because of a disability ~~handicap~~
 384 of:

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

389 (9) For purposes of subsections (7) and (8),
 390 discrimination includes:

391 (a) A refusal to permit, at the expense of the disabled
 392 ~~handicapped~~ person, reasonable modifications of existing
 393 premises occupied or to be occupied by such person if such
 394 modifications may be necessary to afford such person full
 395 enjoyment of the premises; or

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

403 (a) The public use and common use portions of such
 404 dwellings are readily accessible to and usable by disabled
 405 ~~handicapped~~ persons.

406 (d) Compliance with the appropriate requirements of the
 407 American National Standards Institute for buildings and
 408 facilities providing accessibility and usability for physically
 409 disabled ~~handicapped~~ people, commonly cited as ANSI A117.1-1986,
 410 suffices to satisfy the requirements of paragraph (c).

411
 412 State agencies with building construction regulation
 413 responsibility or local governments, as appropriate, shall
 414 review the plans and specifications for the construction of
 415 covered multifamily dwellings to determine consistency with the
 416 requirements of this subsection.

417 Section 10. Section 760.24, Florida Statutes, is amended
 418 to read:

419 760.24 Discrimination in the provision of brokerage
 420 services.--It is unlawful to deny any person access to, or
 421 membership or participation in, any multiple-listing service,
 422 real estate brokers' organization, or other service,
 423 organization, or facility relating to the business of selling or
 424 renting dwellings, or to discriminate against him or her in the
 425 terms or conditions of such access, membership, or
 426 participation, on account of race, color, national origin, sex,
 427 disability, sexual orientation, gender identity or expression
 428 ~~handicap~~, familial status, marital status, or religion.

429 Section 11. Subsection (1) and paragraph (a) of subsection
 430 (2) of section 760.25, Florida Statutes, are amended to read:

431 760.25 Discrimination in the financing of housing or in
 432 residential real estate transactions.--

433 (1) It is unlawful for any bank, building and loan
 434 association, insurance company, or other corporation,
 435 association, firm, or enterprise the business of which consists
 436 in whole or in part of the making of commercial real estate
 437 loans to deny a loan or other financial assistance to a person
 438 applying for the loan for the purpose of purchasing,
 439 constructing, improving, repairing, or maintaining a dwelling,
 440 or to discriminate against him or her in the fixing of the
 441 amount, interest rate, duration, or other term or condition of
 442 such loan or other financial assistance, because of the race,
 443 color, national origin, sex, disability, sexual orientation,
 444 gender identity or expression ~~handicap~~, familial status, marital

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445 status, or religion of such person or of any person associated
446 with him or her in connection with such loan or other financial
447 assistance or the purposes of such loan or other financial
448 assistance, or because of the race, color, national origin, sex,
449 disability, sexual orientation, gender identity or expression
450 ~~handicap~~, familial status, marital status, or religion of the
451 present or prospective owners, lessees, tenants, or occupants of
452 the dwelling or dwellings in relation to which such loan or
453 other financial assistance is to be made or given.

454 (2) (a) It is unlawful for any person or entity whose
455 business includes engaging in residential real estate
456 transactions to discriminate against any person in making
457 available such a transaction, or in the terms or conditions of
458 such a transaction, because of race, color, national origin,
459 sex, disability, sexual orientation, gender identity or
460 expression ~~handicap~~, familial status, marital status, or
461 religion.

462 Section 12. Section 760.26, Florida Statutes, is amended
463 to read:

464 760.26 Prohibited discrimination in land use decisions and
465 in permitting of development.--It is unlawful to discriminate in
466 land use decisions or in the permitting of development based on
467 race, color, national origin, sex, sexual orientation, gender
468 identity or expression, disability, marital status, familial
469 status, religion, or, except as otherwise provided by law, the
470 source of financing of a development or proposed development.

471 Section 13. Paragraph (a) of subsection (5) of section
472 760.29, Florida Statutes, is amended to read:

473 760.29 Exemptions.--

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

475 (a) Prohibits a person engaged in the business of
 476 furnishing appraisals of real property from taking into
 477 consideration factors other than race, color, national origin,
 478 sex, disability, sexual orientation, gender identity or
 479 expression handicap, familial status, marital status, or
 480 religion.

481 Section 14. Subsection (5) of section 760.31, Florida
 482 Statutes, is amended to read:

483 760.31 Powers and duties of commission.--The commission
 484 shall:

485 (5) Adopt rules necessary to implement ss. 760.20-760.37
 486 and govern the proceedings of the commission in accordance with
 487 chapter 120. Commission rules shall clarify terms used with
 488 regard to disabled ~~handicapped~~ accessibility, exceptions from
 489 accessibility requirements based on terrain or site
 490 characteristics, and requirements related to housing for older
 491 persons. Commission rules shall specify the fee and the forms
 492 and procedures to be used for the registration required by s.
 493 760.29(4)(e).

494 Section 15. Subsection (2) of section 760.50, Florida
 495 Statutes, is amended to read:

496 760.50 Discrimination on the basis of AIDS, AIDS-related
 497 complex, and HIV prohibited.--

498 (2) Any person with or perceived as having acquired immune
 499 deficiency syndrome, acquired immune deficiency syndrome related

500 complex, or human immunodeficiency virus shall have every
 501 protection made available to disabled ~~handicapped~~ persons.

502 Section 16. Subsection (1) of section 760.60, Florida
 503 Statutes, is amended to read:

504 760.60 Discriminatory practices of certain clubs
 505 prohibited; remedies.--

506 (1) It is unlawful for a person to discriminate against
 507 any individual because of race, color, religion, gender,
 508 national origin, disability, sexual orientation, gender identity
 509 or expression, familial status ~~handicap~~, age above the age of
 510 21, or marital status in evaluating an application for
 511 membership in a club that has more than 400 members, that
 512 provides regular meal service, and that regularly receives
 513 payment for dues, fees, use of space, facilities, services,
 514 meals, or beverages directly or indirectly from nonmembers for
 515 business purposes. It is unlawful for a person, on behalf of
 516 such a club, to publish, circulate, issue, display, post, or
 517 mail any advertisement, notice, or solicitation that contains a
 518 statement to the effect that the accommodations, advantages,
 519 facilities, membership, or privileges of the club are denied to
 520 any individual because of race, color, religion, gender,
 521 national origin, disability, sexual orientation, gender identity
 522 or expression, familial status ~~handicap~~, age above the age of
 523 21, or marital status. This subsection does not apply to
 524 fraternal or benevolent organizations, ethnic clubs, or
 525 religious organizations where business activity is not
 526 prevalent.

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527 Section 17. Paragraph (d) of subsection (1) of section
 528 419.001, Florida Statutes, is amended to read:

529 419.001 Site selection of community residential homes.--

530 (1) For the purposes of this section, the following
 531 definitions shall apply:

532 (d) "Resident" means any of the following: a frail elder
 533 as defined in s. 429.65; a physically disabled ~~or handicapped~~
 534 person as defined in s. 760.22 (3) ~~(7)~~ (a); a developmentally
 535 disabled person as defined in s. 393.063; a nondangerous
 536 mentally ill person as defined in s. 394.455(18); or a child who
 537 is found to be dependent or a child in need of services as
 538 defined in s. 39.01(14), s. 984.03(9) or (12), or s. 985.03.

539 Section 18. This act shall take effect July 1, 2008.