

1 A bill to be entitled
2 An act relating to prohibited discrimination; providing a
3 short title; amending s. 760.01, F.S.; revising provisions
4 to include sexual orientation and gender identity or
5 expression as impermissible grounds for discrimination;
6 conforming terminology; amending s. 760.02, F.S.; defining
7 additional terms; creating s. 760.025, F.S.; specifying
8 when an individual has an impairment for certain purposes;
9 amending ss. 760.05, 760.07, 760.08, and 760.10, F.S.;
10 revising provisions to include sexual orientation and
11 gender identity or expression as impermissible grounds for
12 discrimination; conforming terminology; amending s.
13 509.092, F.S.; revising provisions to include sexual
14 orientation and gender identity or expression as
15 impermissible grounds for discrimination in public lodging
16 establishments and public food service establishments;
17 amending s. 760.22, F.S.; defining additional terms;
18 deleting the definition of the term "handicap"; creating
19 s. 760.225, F.S.; specifying when an individual has an
20 impairment for certain purposes; amending ss. 760.23,
21 760.24, 760.25, 760.26, and 760.29, F.S.; revising
22 provisions to include sexual orientation and gender
23 identity or expression as impermissible grounds for
24 discrimination; conforming terminology; amending ss.
25 760.31 and 760.50, F.S.; conforming terminology; amending
26 s. 760.60, F.S.; revising provisions to include sexual
27 orientation and gender identity or expression as
28 impermissible grounds for discrimination; conforming

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29 terminology; amending s. 419.001, F.S.; conforming a
 30 cross-reference; providing an effective date.

31

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

33

34 Section 1. This act may be cited as the "Competitive
 35 Workforce Act."

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

38 760.01 Purposes; construction; title.—

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

50 Section 3. Section 760.02, Florida Statutes, is amended to
 51 read:

52 760.02 Definitions.—For the purposes of ss. 760.01–760.11
 53 and 509.092, the term:

54 (1) "Aggrieved person" means any person who files a
 55 complaint with the Florida Commission on Human Relations

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56 ~~"Florida Civil Rights Act of 1992" means ss. 760.01-760.11 and~~
 57 ~~509.092.~~

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

60 (3) "Commissioner" or "member" means a member of the
 61 commission.

62 (4) "Disability" means:

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

66 (b) A record of such impairment;

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

68 (d) Having a developmental disability as defined in s.
 69 393.063.

70 (5)-(4) "Discriminatory practice" means any practice made
 71 unlawful by the Florida Civil Rights Act of 1992.

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

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

80 (8) "Florida Civil Rights Act of 1992" means ss. 760.01-
 81 760.11 and 509.092.

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

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

90 (11) "Major life activities" includes, but is not limited
 91 to:

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

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

99 ~~(12)(5)~~ "National origin" includes ancestry.

100 ~~(13)(6)~~ "Person" includes an individual, association,
 101 corporation, joint apprenticeship committee, joint-stock
 102 company, labor union, legal representative, mutual company,
 103 partnership, receiver, trust, trustee in bankruptcy, or
 104 unincorporated organization; any other legal or commercial
 105 entity; the state; or any governmental entity or agency.

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

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

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

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

121 ~~(14)~~~~(11)~~ (14) "Public accommodations" means places of public
 122 accommodation, lodgings, facilities principally engaged in
 123 selling food for consumption on the premises, gasoline stations,
 124 places of exhibition or entertainment, and other covered
 125 establishments. Each of the following establishments which
 126 serves the public is a place of public accommodation within the
 127 meaning of this section:

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

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

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

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

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

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

149 Section 4. Section 760.025, Florida Statutes, is created
 150 to read:

151 760.025 Impairment.—For purposes of this part, an
 152 individual who has been subjected to an action prohibited under
 153 this chapter because of an actual or perceived physical or
 154 mental impairment, regardless of whether the impairment limits
 155 or is perceived to limit a major life activity, has an
 156 impairment. An impairment that limits one major life activity
 157 may be considered a disability; however, a transitory or minor
 158 impairment may not be considered a disability. An impairment
 159 that is episodic or in remission is considered to be a
 160 disability if it substantially limits at least one major life
 161 activity when the impairment is active or not in remission. The
 162 determination of whether an impairment substantially limits at
 163 least one major life activity must be made without regard to the
 164 ameliorative effects of mitigating measures, such as medication;

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

179 Section 5. Section 760.05, Florida Statutes, is amended to
 180 read:

181 760.05 Functions of the commission.—The commission shall
 182 promote and encourage fair treatment and equal opportunity for
 183 all persons regardless of race, color, religion, sex, national
 184 origin, age, disability, sexual orientation, gender identity or
 185 expression ~~handicap~~, or marital status and mutual understanding
 186 and respect among all members of society ~~all economic, social,~~
 187 ~~racial, religious, and ethnic groups~~; and the commission shall
 188 endeavor to eliminate discrimination against, and antagonism
 189 between, persons on the basis of race, color, religion, sex,
 190 national origin, age, disability, sexual orientation, gender
 191 identity or expression, or marital status ~~religious, racial, and~~
 192 ~~ethnic groups and their members.~~

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193 Section 6. Section 760.07, Florida Statutes, is amended to
 194 read:

195 760.07 Remedies for unlawful discrimination.—Any violation
 196 of any Florida statute making unlawful discrimination because of
 197 race, color, religion, gender, national origin, age, disability,
 198 sexual orientation, gender identity or expression ~~handicap,~~ or
 199 marital status in the areas of education, employment, housing,
 200 or public accommodations gives rise to a cause of action for all
 201 relief and damages described in s. 760.11(5), unless greater
 202 damages are expressly provided for. If the statute prohibiting
 203 unlawful discrimination provides an administrative remedy, the
 204 action for equitable relief and damages provided for in this
 205 section may be initiated only after the plaintiff has exhausted
 206 his or her administrative remedy. The term "public
 207 accommodations" does not include lodge halls or other similar
 208 facilities of private organizations that ~~which~~ are made
 209 available for public use occasionally or periodically. The right
 210 to trial by jury is preserved in any case in which the plaintiff
 211 is seeking actual or punitive damages.

212 Section 7. Section 760.08, Florida Statutes, is amended to
 213 read:

214 760.08 Discrimination in places of public accommodation.—
 215 All persons shall be entitled to the full and equal enjoyment of
 216 the goods, services, facilities, privileges, advantages, and
 217 accommodations of any place of public accommodation, as defined
 218 in this chapter, without discrimination or segregation on the
 219 ground of race, color, national origin, sex, disability, sexual

220 orientation, gender identity or expression ~~handicap~~, familial
 221 status, or religion.

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

226 760.10 Unlawful employment practices.—

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

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

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

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

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

251 (3) It is an unlawful employment practice for a labor
252 organization:

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

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

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

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

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

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

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

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

311 Section 9. Section 509.092, Florida Statutes, is amended
 312 to read:

313 509.092 Public lodging establishments and public food
 314 service establishments; rights as private enterprises.—Public
 315 lodging establishments and public food service establishments
 316 are private enterprises, and the operator has the right to
 317 refuse accommodations or service to any person who is
 318 objectionable or undesirable to the operator, but such refusal
 319 may not be based upon race, creed, color, sex, ~~physical~~
 320 disability, sexual orientation, gender identity or expression,
 321 or national origin. A person aggrieved by a violation of this
 322 section or a violation of a rule adopted under this section has
 323 a right of action pursuant to s. 760.11.

324 Section 10. Section 760.22, Florida Statutes, is amended
 325 to read:

326 760.22 Definitions.—As used in ss. 760.20–760.37, the
 327 term:

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

330 (2) "Covered multifamily dwelling" means:

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

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

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

337 (4)~~(3)~~ "Discriminatory housing practice" means an act that
 338 is unlawful under the terms of ss. 760.20-760.37.

339 (5)~~(4)~~ "Dwelling" means any building or structure, or
 340 portion thereof, which is occupied as, or designed or intended
 341 for occupancy as, a residence by one or more families, and any
 342 vacant land that ~~which~~ is offered for sale or lease for the
 343 construction or location on the land of any such building or
 344 structure, or portion thereof.

345 (6)~~(5)~~ "Familial status" is established when an individual
 346 who has not attained the age of 18 years is domiciled with:

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

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

352 (7)~~(6)~~ "Family" includes a single individual.

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

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

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

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

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

364 (10)~~(8)~~ "Person" includes one or more individuals,
 365 corporations, partnerships, associations, labor organizations,
 366 legal representatives, mutual companies, joint-stock companies,
 367 trusts, unincorporated organizations, trustees, trustees in
 368 bankruptcy, receivers, and fiduciaries.

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

371 (12)~~(9)~~ "Substantially equivalent" means an administrative
 372 subdivision of the State of Florida meeting the requirements of
 373 24 C.F.R. part 115, s. 115.6.

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

376 (14)~~(10)~~ "To rent" includes to lease, to sublease, to let,
 377 and otherwise to grant for a consideration the right to occupy
 378 premises not owned by the occupant.

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

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

384 760.225 Impairment.—For purposes of this part, an
 385 individual who has been subjected to an action prohibited under

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

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

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414 of subsection (10) of section 760.23, Florida Statutes, are
415 amended to read:

416 760.23 Discrimination in the sale or rental of housing and
417 other prohibited practices.—

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

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

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

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

442 inspection, sale, or rental when such dwelling is in fact so
 443 available.

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

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

453 (a) That buyer or renter;

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

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

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

462 (a) That buyer or renter;

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

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

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

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

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

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

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

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

489
490 State agencies with building construction regulation
491 responsibility or local governments, as appropriate, shall
492 review the plans and specifications for the construction of
493 covered multifamily dwellings to determine consistency with the
494 requirements of this subsection.

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

497 760.24 Discrimination in the provision of brokerage
 498 services.—It is unlawful to deny any person access to, or
 499 membership or participation in, any multiple-listing service,
 500 real estate brokers' organization, or other service,
 501 organization, or facility relating to the business of selling or
 502 renting dwellings, or to discriminate against him or her in the
 503 terms or conditions of such access, membership, or
 504 participation, on account of race, color, national origin, sex,
 505 disability, sexual orientation, gender identity or expression
 506 ~~handicap~~, familial status, or religion.

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

509 760.25 Discrimination in the financing of housing or in
 510 residential real estate transactions.—

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

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525 or the purposes of such loan or other financial assistance, or
 526 because of the race, color, national origin, sex, disability,
 527 sexual orientation, gender identity or expression ~~handicap,~~
 528 familial status, or religion of the present or prospective
 529 owners, lessees, tenants, or occupants of the dwelling or
 530 dwellings in relation to which such loan or other financial
 531 assistance is to be made or given.

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

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

541 760.26 Prohibited discrimination in land use decisions and
 542 in permitting of development.—It is unlawful to discriminate in
 543 land use decisions or in the permitting of development based on
 544 race, color, national origin, sex, sexual orientation, gender
 545 identity or expression, disability, familial status, religion,
 546 or, except as otherwise provided by law, the source of financing
 547 of a development or proposed development.

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

550 760.29 Exemptions.—

551 (5) Nothing in ss. 760.20–760.37:

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552 (a) Prohibits a person engaged in the business of
553 furnishing appraisals of real property from taking into
554 consideration factors other than race, color, national origin,
555 sex, disability, sexual orientation, gender identity or
556 expression ~~handicap~~, familial status, or religion.

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

559 760.31 Powers and duties of commission.—The commission
560 shall:

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

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

572 760.50 Discrimination on the basis of AIDS, AIDS-related
573 complex, and HIV prohibited.—

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

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

581 760.60 Discriminatory practices of certain clubs
 582 prohibited; remedies.—

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

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

605 419.001 Site selection of community residential homes.—

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

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607 (e) "Resident" means any of the following: a frail elder
608 as defined in s. 429.65; a person who has a physical disability
609 ~~handicap~~ as defined in s. 760.22 (3) ~~(7)(a)~~; a person who has a
610 developmental disability as defined in s. 393.063; a
611 nondangerous person who has a mental illness as defined in s.
612 394.455; or a child who is found to be dependent as defined in
613 s. 39.01 or s. 984.03, or a child in need of services as defined
614 in s. 984.03 or s. 985.03.

615 Section 21. This act shall take effect July 1, 2011.