**By** Senator Abruzzo

	25-00506-14 2014348
1	A bill to be entitled
2	An act relating to prohibited discrimination; creating
3	the "Florida Competitive Workforce Act"; amending s.
4	509.092, F.S.; adding sexual orientation and gender
5	identity or expression and the perception of race,
6	creed, color, sex, physical disability, sexual
7	orientation, gender identity or expression, or
8	national origin as impermissible grounds for
9	discrimination in public lodging establishments and
10	public food service establishments; providing an
11	exception for constitutionally protected free exercise
12	of religion; amending s. 760.01, F.S.; revising
13	provisions to include sexual orientation and gender
14	identity or expression and the perception of race,
15	color, religion, sex, national origin, age, sexual
16	orientation, gender identity or expression, handicap,
17	or marital status as impermissible grounds for
18	discrimination; amending s. 760.02, F.S.; defining
19	additional terms; amending ss. 760.05 and 760.07,
20	F.S.; adding sexual orientation and gender identity or
21	expression and the perception of race, color,
22	religion, sex, national origin, age, sexual
23	orientation, gender identity or expression, handicap,
24	or marital status as impermissible grounds for
25	discrimination; conforming terminology; amending s.
26	760.08, F.S.; adding sexual orientation and gender
27	identity or expression and the perception of race,
28	color, national origin, sex, sexual orientation,
29	gender identity or expression, handicap, familial

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30	status, or religion as impermissible grounds for
31	discrimination; amending s. 760.10, F.S.; adding
32	sexual orientation and gender identity or expression
33	and the perception of race, color, religion, sex,
34	national origin, age, sexual orientation, gender
35	identity or expression, handicap, or marital status as
36	impermissible grounds for discrimination; providing an
37	exception for constitutionally protected free exercise
38	of religion; amending s. 760.22, F.S.; defining
39	additional terms; amending ss. 760.23, 760.24, 760.25,
40	and 760.26, F.S.; adding sexual orientation and gender
41	identity or expression and the perception of race,
42	color, national origin, sex, sexual orientation,
43	gender identity or expression, handicap, familial
44	status, or religion as impermissible grounds for
45	discrimination; amending s. 760.29, F.S.; adding
46	sexual orientation and gender identity or expression
47	as impermissible grounds for discrimination; amending
48	s. 760.60, F.S.; adding sexual orientation and gender
49	identity or expression and the perception of race,
50	color, religion, sex, national origin, handicap, age,
51	sexual orientation, gender identity or expression, or
52	marital status as impermissible grounds for
53	discrimination; amending s. 419.001, F.S.; conforming
54	a cross-reference; providing an effective date.
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56	Be It Enacted by the Legislature of the State of Florida:
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58	Section 1. This act may be cited as the "Florida

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59	Competitive Workforce Act."
60	Section 2. Section 509.092, Florida Statutes, is amended to
61	read:
62	509.092 Public lodging establishments and public food
63	service establishments; rights as private enterprises
64	(1) Public lodging establishments and public food service
65	establishments are private enterprises, and the operator has the
66	right to refuse accommodations or service to any person who is
67	objectionable or undesirable to the operator, but such refusal
68	may not be based upon the person's actual or perceived race,
69	creed, color, sex, physical disability, sexual orientation,
70	gender identity or expression, or national origin.
71	(2) A person aggrieved by a violation of this section or a
72	violation of a rule adopted under this section has a right of
73	action pursuant to s. 760.11.
74	(3) This section does not limit the free exercise of
75	religion guaranteed by the United States Constitution and the
76	State Constitution.
77	Section 3. Subsection (2) of section 760.01, Florida
78	Statutes, is amended to read:
79	760.01 Purposes; construction; title
80	(2) The general purposes of the Florida Civil Rights Act of
81	1992 are to secure for all individuals within the state freedom
82	from discrimination because of, or based on the perception of,
83	race, color, religion, sex, national origin, age, <u>sexual</u>
84	orientation, gender identity or expression, handicap, or marital
85	status and thereby to protect their interest in personal
86	dignity, to make available to the state their full productive
87	capacities, to secure the state against domestic strife and

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88	unrest, to preserve the public safety, health, and general
89	welfare, and to promote the interests, rights, and privileges of
90	individuals within the state.
91	Section 4. Section 760.02, Florida Statutes, is amended to
92	read:
93	760.02 DefinitionsFor the purposes of ss. 760.01-760.11
94	and 509.092, the term:
95	(1) "Aggrieved person" means a person who files a complaint
96	with the commission.
97	(1) "Florida Civil Rights Act of 1992" means ss. 760.01-
98	760.11 and 509.092.
99	(2) "Commission" means the Florida Commission on Human
100	Relations created by s. 760.03.
101	(3) "Commissioner" or "member" means a member of the
102	commission.
103	(4) "Discriminatory practice" means <u>a</u> any practice made
104	unlawful by the Florida Civil Rights Act of 1992.
105	(5) "Employer" means a person employing 15 or more
106	employees for each working day in each of 20 or more calendar
107	weeks in the current or preceding calendar year, and an agent of
108	such a person.
109	(6) "Employment agency" means a person regularly
110	undertaking, with or without compensation, to procure employees
111	for an employer or to procure for employees opportunities to
112	work for an employer, and includes an agent of such a person.
113	(7) "Florida Civil Rights Act of 1992" means ss. 760.01-
114	760.11 and 509.092.
115	(8) "Gender identity or expression" means gender-related
116	identity, appearance, expression, or behavior of an individual,

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117	regardless of the individual's assigned sex at birth.
118	(9) "Labor organization" means an organization that exists
119	for the purpose, in whole or in part, of collective bargaining
120	or of dealing with employers concerning grievances, terms or
121	conditions of employment, or other mutual aid or protection in
122	connection with employment.
123	(10) <del>(5)</del> "National origin" includes ancestry.
124	(11)(6) "Person" includes an individual, association,
125	corporation, joint apprenticeship committee, joint-stock
126	company, labor union, legal representative, mutual company,
127	partnership, receiver, trust, trustee in bankruptcy, or
128	unincorporated organization; any other legal or commercial
129	entity; the state; or any governmental entity or agency.
130	(7) "Employer" means any person employing 15 or more
131	employees for each working day in each of 20 or more calendar
132	weeks in the current or preceding calendar year, and any agent
133	of such a person.
134	(8) "Employment agency" means any person regularly
135	undertaking, with or without compensation, to procure employees
136	for an employer or to procure for employees opportunities to
137	work for an employer, and includes an agent of such a person.
138	(9) "Labor organization" means any organization which
139	exists for the purpose, in whole or in part, of collective
140	bargaining or of dealing with employers concerning grievances,
141	terms or conditions of employment, or other mutual aid or
142	protection in connection with employment.
143	(10) "Aggrieved person" means any person who files a
144	complaint with the Human Relations Commission.
145	(12) (11) "Public accommodations" means places of public
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146	accommodation, lodgings, facilities principally engaged in
147	selling food for consumption on the premises, gasoline stations,
148	places of exhibition or entertainment, and other covered
149	establishments. Each of the following establishments $\underline{ ext{that}}$ which
150	serves the public is a place of public accommodation within the
151	meaning of this section:
152	(a) <u>An</u> <del>Any</del> inn, hotel, motel, or other establishment <u>that</u>
153	which provides lodging to transient guests, other than an
154	establishment located within a building which contains not more
155	than four rooms for rent or hire and which is actually occupied
156	by the proprietor of such establishment as his or her residence.
157	(b) <u>A</u> Any restaurant, cafeteria, lunchroom, lunch counter,
158	soda fountain, or other facility principally engaged in selling
159	food for consumption on the premises, including, but not limited
160	to, any such facility located on the premises of $\underline{a}$ any retail
161	establishment, or <u>a</u> <del>any</del> gasoline station.
162	(c) <u>A</u> Any motion picture theater, theater, concert hall,
163	sports arena, stadium, or other place of exhibition or
164	entertainment.
165	(d) <u>An</u> Any establishment <u>that</u> which is physically located
166	within the premises of <u>an</u> any establishment otherwise covered by
167	this subsection, or within the premises of which is physically
168	located any such covered establishment, and <u>that</u> which holds
169	itself out as serving patrons of such covered establishment.
170	(13) "Sexual orientation" means an individual's actual or
171	perceived heterosexuality, homosexuality, or bisexuality.
172	Section 5. Section 760.05, Florida Statutes, is amended to
173	read:
174	760.05 Functions of the commissionThe commission shall

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25-00506-14 2014348 175 promote and encourage fair treatment and equal opportunity for 176 all persons regardless of race, color, religion, sex, national 177 origin, age, sexual orientation, gender identity or expression, 178 handicap, or marital status and mutual understanding and respect 179 among all members of society all economic, social, racial, 180 religious, and ethnic groups; and the commission shall endeavor 181 to eliminate discrimination against, and antagonism between, persons on the basis of, or based on the perception of, race, 182 color, religion, sex, national origin, age, sexual orientation, 183 gender identity or expression, handicap, or marital status 184 185 religious, racial, and ethnic groups and their members. 186 Section 6. Section 760.07, Florida Statutes, is amended to

187 read: 188 760.07 Remedies for unlawful discrimination.—<u>The</u> Any 189 violation of any Florida statute <u>that prohibits</u> making unlawful 190 discrimination because of, or based on the perception of, race,

191 color, religion, sex gender, national origin, age, sexual 192 orientation, gender identity or expression, handicap, or marital 193 status in the areas of education, employment, housing, or public 194 accommodations gives rise to a cause of action for all relief 195 and damages described in s. 760.11(5), unless greater damages 196 are expressly provided for. If the statute prohibiting unlawful 197 discrimination provides an administrative remedy, the action for 198 equitable relief and damages provided for in this section may be 199 initiated only after the plaintiff has exhausted his or her 200 administrative remedy. The term "public accommodations" does not 201 include lodge halls or other similar facilities of private 202 organizations which are made available for public use occasionally or periodically. The right to trial by jury is 203

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204	preserved in any case in which the plaintiff is seeking actual
205	or punitive damages.
206	Section 7. Section 760.08, Florida Statutes, is amended to
207	read:
208	760.08 Discrimination in places of public accommodation
209	All persons <u>are</u> <del>shall be</del> entitled to the full and equal
210	enjoyment of the goods, services, facilities, privileges,
211	advantages, and accommodations of any place of public
212	accommodation, as defined in this chapter, without
213	discrimination or segregation on the ground of, or based on the
214	perception of, race, color, national origin, sex, sexual
215	orientation, gender identity or expression, handicap, familial
216	status, or religion.
217	Section 8. Subsections (1) and (2), paragraphs (a) and (b)
218	of subsection (3), subsections (4) through (6), paragraph (a) of
219	subsection (8), and subsection (9) of section 760.10, Florida
220	Statutes, are amended to read:
221	760.10 Unlawful employment practices
222	(1) It is an unlawful employment practice for an employer:
223	(a) To discharge or to fail or refuse to hire any
224	individual, or otherwise to discriminate against any individual
225	with respect to compensation, terms, conditions, or privileges
226	of employment, because of, or based on the perception of, such
227	individual's race, color, religion, sex, national origin, age,
228	sexual orientation, gender identity or expression, handicap, or
229	marital status.
230	(b) To limit, segregate, or classify employees or
231	applicants for employment in any way which would deprive or tend
232	to deprive any individual of employment opportunities, or

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233	adversely affect any individual's status as an employee, because
234	of such individual's race, color, religion, sex, national
235	origin, age, <u>sexual orientation, gender identity or expression,</u>
236	handicap, or marital status.
237	(2) It is an unlawful employment practice for an employment
238	agency to fail or refuse to refer for employment, or otherwise
239	to discriminate against, any individual because of <u>, or based on</u>
240	the perception of, race, color, religion, sex, national origin,
241	age, sexual orientation, gender identity or expression,
242	handicap, or marital status or to classify or refer for
243	employment any individual on the basis of, or based on the
244	perception of, race, color, religion, sex, national origin, age,
245	sexual orientation, gender identity or expression, handicap, or
246	marital status.
247	(3) It is an unlawful employment practice for a labor
248	organization:
249	(a) To exclude or to expel from its membership, or
250	otherwise to discriminate against, any individual because of, or
251	based on the perception of, race, color, religion, sex, national
252	origin, age, <u>sexual orientation, gender identity or expression,</u>
253	handicap, or marital status.
254	(b) To limit, segregate, or classify its membership or
255	applicants for membership, or to classify or fail or refuse to
256	refer for employment any individual, in any way which would
257	deprive or tend to deprive any individual of employment
258	opportunities, or adversely affect any individual's status as an
259	employee or as an applicant for employment, because of, or based
260	on the perception of, such individual's race, color, religion,
261	sex, national origin, age, sexual orientation, gender identity
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25-00506-14 or expression, handicap, or marital status.

263 (4) It is an unlawful employment practice for any employer, 264 labor organization, or joint labor-management committee 265 controlling apprenticeship or other training or retraining, 266 including on-the-job training programs, to discriminate against any individual because of, or based on the perception of, race, 267 268 color, religion, sex, national origin, age, sexual orientation, 269 gender identity or expression, handicap, or marital status in 270 admission to, or employment in, any program established to 271 provide apprenticeship or other training.

272 (5) Whenever, in order to engage in a profession, 273 occupation, or trade, it is required that a person receive a 274 license, certification, or other credential, become a member or 275 an associate of any club, association, or other organization, or 276 pass any examination, it is an unlawful employment practice for 277 any person to discriminate against any other person seeking such 278 license, certification, or other credential, seeking to become a 279 member or associate of such club, association, or other 280 organization, or seeking to take or pass such examination, 281 because of, or based on the perception of, such other person's 282 race, color, religion, sex, national origin, age, sexual 283 orientation, gender identity or expression, handicap, or marital 284 status.

(6) It is an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee to print, or cause to be printed or published, any notice or advertisement relating to employment, membership, classification, referral for employment, or apprenticeship or other training, indicating any preference, limitation,

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25-00506-14 2014348 291 specification, or discrimination, based on a person's actual or 292 perceived race, color, religion, sex, national origin, age, 293 sexual orientation, gender identity or expression, absence of 294 handicap, or marital status. 295 (8) Notwithstanding any other provision of this section, it 296 is not an unlawful employment practice under ss. 760.01-760.10 297 for an employer, employment agency, labor organization, or joint 298 labor-management committee to: 299 (a) Take or fail to take any action on the basis of a 300 person's actual or perceived religion, sex, national origin, 301 age, sexual orientation, gender identity or expression, 302 handicap, or marital status in those certain instances in which 303 religion, sex, national origin, age, sexual orientation, gender 304 identity or expression, absence of a particular handicap, or marital status is a bona fide occupational qualification 305 306 reasonably necessary for the performance of the particular 307 employment to which such action or inaction is related. 308 (9) (a) This section shall not apply to any religious 309 corporation, association, educational institution, or society 310 which conditions opportunities in the area of employment or 311 public accommodation to members of that religious corporation, 312 association, educational institution, or society or to persons 313 who subscribe to its tenets or beliefs.

314 (b) This section <u>does</u> shall not prohibit a religious 315 corporation, association, educational institution, or society 316 from giving preference in employment to individuals of a 317 particular religion to perform work connected with the carrying 318 on by such corporations, associations, educational institutions, 319 or societies of its various activities.

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320	(c) This section and s. 760.08 do not limit the free
321	exercise of religion guaranteed by the United States
322	Constitution and the State Constitution.
323	Section 9. Section 760.22, Florida Statutes, is amended to
324	read:
325	760.22 DefinitionsAs used in ss. 760.20-760.37, the term:
326	(1) "Commission" means the Florida Commission on Human
327	Relations.
328	(2) "Covered multifamily dwelling" means:
329	(a) A building <u>that</u> <del>which</del> consists of four or more units
330	and has an elevator; or
331	(b) The ground floor units of a building <u>that</u> <del>which</del>
332	consists of four or more units and does not have an elevator.
333	(3) "Discriminatory housing practice" means an act that is
334	unlawful under the terms of ss. 760.20-760.37.
335	(4) "Dwelling" means any building or structure, or portion
336	thereof, which is occupied as, or designed or intended for
337	occupancy as, a residence by one or more families, and any
338	vacant land <u>that</u> <del>which</del> is offered for sale or lease for the
339	construction or location on the land of any such building or
340	structure, or portion thereof.
341	(5) "Familial status" is established when an individual who
342	has not attained the age of 18 years is domiciled with:
343	(a) A parent or other person having legal custody of such
344	individual; or
345	(b) A designee of a parent or other person having legal
346	custody, with the written permission of such parent or other
347	person.
348	(6) "Family" includes a single individual.
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349	(7) "Gender identity or expression" has the same meaning as
350	provided in s. 760.02.
351	(8) (7) "Handicap" means:
352	(a) A person has a physical or mental impairment <u>that</u> <del>which</del>
353	substantially limits one or more major life activities, or he or
354	she has a record of having $_{m{ au}}$ or <u>being</u> <del>is</del> regarded as having $_{m{ au}}$ such
355	physical or mental impairment; or
356	(b) A person has a developmental disability as defined in
357	s. 393.063.
358	(9) (8) "Person" includes one or more individuals,
359	corporations, partnerships, associations, labor organizations,
360	legal representatives, mutual companies, joint-stock companies,
361	trusts, unincorporated organizations, trustees, trustees in
362	bankruptcy, receivers, and fiduciaries.
363	(10) "Sexual orientation" has the same meaning as provided
364	in s. 760.02.
365	<u>(11)</u> "Substantially equivalent" means an administrative
366	subdivision of the State of Florida meeting the requirements of
367	24 C.F.R. part 115, <u>subpart B</u> <del>s. 115.6</del> .
368	(12) <del>(10)</del> "To rent" includes to lease, to sublease, to let,
369	and otherwise to grant for a consideration the right to occupy
370	premises not owned by the occupant.
371	Section 10. Subsections (1) through (5) of section 760.23,
372	Florida Statutes, are amended to read:
373	760.23 Discrimination in the sale or rental of housing and
374	other prohibited practices
375	(1) It is unlawful to refuse to sell or rent after the
376	making of a bona fide offer, to refuse to negotiate for the sale
377	or rental of, or otherwise to make unavailable or deny a

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     dwelling to any person because of, or based upon the perception
     of, race, color, national origin, sex, sexual orientation,
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     gender identity or expression, handicap, familial status, or
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     religion.
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           (2) It is unlawful to discriminate against any person in
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     the terms, conditions, or privileges of sale or rental of a
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     dwelling, or in the provision of related services or facilities
     in connection therewith, because of, or based upon the
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     perception of, race, color, national origin, sex, sexual
     orientation, gender identity or expression, handicap, familial
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     status, or religion.
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          (3) It is unlawful to make, print, or publish, or cause to
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     be made, printed, or published, any notice, statement, or
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     advertisement with respect to the sale or rental of a dwelling
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     which that indicates any preference, limitation, or
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     discrimination based on a person's actual or perceived race,
     color, national origin, sex, sexual orientation, gender identity
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     or expression, handicap, familial status, or religion or an
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     intention to make any such preference, limitation, or
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     discrimination.
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          (4) It is unlawful to represent to any person because of or
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     based on the perception of the person's race, color, national
     origin, sex, sexual orientation, gender identity or expression,
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     handicap, familial status, or religion that a any dwelling is
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     not available for inspection, sale, or rental if when such
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     dwelling is in fact so available.
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          (5) It is unlawful, for profit, to induce or attempt to
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     induce a any person to sell or rent any dwelling by a
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representation regarding the entry or prospective entry into the

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407	neighborhood of a person or persons of, or perceived to be of, a
408	particular race, color, national origin, sex, <u>sexual</u>
409	orientation, gender identity or expression, handicap, familial
410	status, or religion.
411	Section 11. Section 760.24, Florida Statutes, is amended to
412	read:
413	760.24 Discrimination in the provision of brokerage
414	services.—It is unlawful to deny any person access to, or
415	membership or participation in, any multiple-listing service,
416	real estate brokers' organization, or other service,
417	organization, or facility relating to the business of selling or
418	renting dwellings, or to discriminate against him or her in the
419	terms or conditions of such access, membership, or
420	participation, on account of, or based on the perception of,
421	race, color, national origin, sex, sexual orientation, gender
422	identity or expression, handicap, familial status, or religion.
423	Section 12. Subsection (1) and paragraph (a) of subsection
424	(2) of section 760.25, Florida Statutes, are amended to read:
425	760.25 Discrimination in the financing of housing or in
426	residential real estate transactions
427	(1) It is unlawful for <u>a</u> any bank, building and loan
428	association, insurance company, or other corporation,
429	association, firm, or enterprise the business of which consists
430	in whole or in part of the making of commercial real estate
431	loans to deny a loan or other financial assistance to a person
432	applying for the loan for the purpose of purchasing,
433	constructing, improving, repairing, or maintaining a dwelling,
434	or to discriminate against him or her in the fixing of the
435	amount, interest rate, duration, or other term or condition of
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25-00506-14 2014348 such loan or other financial assistance, because of, or based on 436 437 the perception of, the race, color, national origin, sex, sexual 438 orientation, gender identity or expression, handicap, familial 439 status, or religion of such person or of any person associated 440 with him or her in connection with such loan or other financial assistance or the purposes of such loan or other financial 441 442 assistance, or because of, or based on the perception of, the 443 race, color, national origin, sex, sexual orientation, gender identity or expression, handicap, familial status, or religion 444 445 of the present or prospective owners, lessees, tenants, or 446 occupants of the dwelling or dwellings in relation to which such 447 loan or other financial assistance is to be made or given. 448 (2) (a) It is unlawful for a any person or entity whose business includes engaging in residential real estate 449 450 transactions to discriminate against any person in making 451 available such a transaction, or in the terms or conditions of 452 such a transaction, because of, or based on the perception of, 453 race, color, national origin, sex, sexual orientation, gender 454 identity or expression, handicap, familial status, or religion. 455 Section 13. Section 760.26, Florida Statutes, is amended to 456 read: 457 760.26 Prohibited discrimination in land use decisions and

457 760.26 Prohibited discrimination in fand use decisions and 458 in permitting of development.—It is unlawful to discriminate in 459 land use decisions or in the permitting of development based on 460 <u>a person's actual or perceived</u> race, color, national origin, 461 sex, <u>sexual orientation, gender identity or expression,</u> 462 disability, familial status, religion, or, except as otherwise 463 provided by law, the source of financing of a development or 464 proposed development.

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465	Section 14. Paragraph (a) of subsection (5) of section
466	760.29, Florida Statutes, is amended to read:
467	760.29 Exemptions
468	(5) Nothing in ss. 760.20-760.37:
469	(a) Prohibits a person engaged in the business of
470	furnishing appraisals of real property from taking into
471	consideration factors other than race, color, national origin,
472	sex, sexual orientation, gender identity or expression,
473	handicap, familial status, or religion.
474	Section 15. Subsection (1) of section 760.60, Florida
475	Statutes, is amended to read:
476	760.60 Discriminatory practices of certain clubs
477	prohibited; remedies
478	(1) It is unlawful for a person to discriminate against any
479	individual because of, or based on the perception of, race,
480	color, religion, <u>sex</u> <del>gender</del> , national origin, <u>handicap, age</u>
481	above the age of 21, sexual orientation, gender identity or
482	expression handicap, age above the age of 21, or marital status
483	in evaluating an application for membership in a club that has
484	more than 400 members, that provides regular meal service, and
485	that regularly receives payment for dues, fees, use of space,
486	facilities, services, meals, or beverages directly or indirectly
487	from nonmembers for business purposes. It is unlawful for a
488	person, on behalf of such a club, to publish, circulate, issue,
489	display, post, or mail any advertisement, notice, or
490	solicitation that contains a statement to the effect that the
491	accommodations, advantages, facilities, membership, or
492	privileges of the club are denied to any individual because of $\underline{\textit{\prime}}$
493	or based on the perception of, race, color, religion, <u>sex</u>

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494	<del>gender</del> , national origin, <u>handicap, age above the age of 21,</u>
495	sexual orientation, gender identity or expression handicap, age
496	above the age of 21, or marital status. This subsection does not
497	apply to fraternal or benevolent organizations, ethnic clubs, or
498	religious organizations where business activity is not
499	prevalent.
500	Section 16. Paragraph (e) of subsection (1) of section
501	419.001, Florida Statutes, is amended to read:
502	419.001 Site selection of community residential homes
503	(1) For the purposes of this section, the term:
504	(e) "Resident" means any of the following: a frail elder as
505	defined in s. 429.65; a person who has a handicap as defined in
506	s. <u>760.22</u> <del>760.22(7)(a)</del> ; a person who has a developmental
507	disability as defined in s. 393.063; a nondangerous person who
508	has a mental illness as defined in s. 394.455; or a child who is
509	found to be dependent as defined in s. 39.01 or s. 984.03, or a
510	child in need of services as defined in s. 984.03 or s. 985.03.
511	Section 17. This act shall take effect July 1, 2014.

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