

By Senator Joyner

18-00300-10

2010230__

1 A bill to be entitled
2 An act relating to discrimination based on disability;
3 amending ss. 110.105, 110.112, 110.181, 110.233,
4 112.042, 119.071, 119.0713, 259.1053, 288.7015,
5 288.9625, 290.0135, 381.026, 395.1041, 409.907,
6 414.095, 419.001, 420.624, 420.9075, 440.02, 562.51,
7 636.009, and 636.022, F.S.; conforming terms to
8 changes made by the act; amending s. 760.01, F.S.;
9 substituting the term "disability" for the term
10 "handicap"; updating terms and conforming cross-
11 references; amending s. 760.02, F.S.; defining the
12 terms "disability," "major life activities,"
13 "substantially limits," and "transitory or minor
14 impairment"; creating s. 760.025, F.S.; providing that
15 an impairment that limits one major life activity is a
16 disability; amending s. 760.03, F.S.; providing that
17 the Florida Commission on Human Relations may delegate
18 its functions relating to the Florida Civil Rights
19 Act; amending s. 760.04, F.S.; conforming terms to
20 changes made by the act; amending s. 760.05, F.S.;
21 providing that the commission shall administer the
22 Florida Civil Rights Act; amending s. 760.06, F.S.;
23 authorizing the commission to use any method of
24 discovery authorized by the Florida Rules of Civil
25 Procedure; specifying to whom the commission shall
26 provide technical assistance; authorizing the
27 commission to assess costs and charge fees; amending
28 ss. 760.07 and 760.08, F.S.; substituting the word
29 "sex" for the term "gender" and conforming other terms

18-00300-10

2010230__

30 to changes made by the act; amending s. 760.10, F.S.;

31 specifying what is an unlawful employment practice

32 with respect to paying compensation; providing

33 additional grounds that constitute unlawful employment

34 practices; amending s. 760.11, F.S.; revising

35 procedures for filing a complaint; authorizing the

36 commission to bring an action for temporary or

37 preliminary relief; providing for injunctions and

38 other remedies; authorizing the executive director of

39 the commission to reconsider a determination of

40 reasonable cause; providing a statute of limitations

41 for bringing a civil action under certain

42 circumstances; creating s. 760.12, F.S.; authorizing

43 the commission to recover expenditures made on behalf

44 of persons seeking relief; creating s. 760.13, F.S.;

45 establishing fees; creating s. 760.14, F.S.; providing

46 for the availability of mediation, arbitration, and

47 conciliation services; providing a fee for such

48 services; creating s. 760.15, F.S.; specifying how

49 time is to be computed under the act; creating s.

50 760.16, F.S.; providing for a direct-support

51 organization to support the commission; providing

52 purposes; providing for a board of directors;

53 providing for a contract and the content of such

54 contract; providing limitations; authorizing the

55 commission to adopt rules; amending s. 760.20, F.S.;

56 conforming terms; amending s. 760.22, F.S.; defining

57 the terms "disability," major life activities,"

58 "substantially limits," and "transitory or minor

18-00300-10

2010230__

59 impairment"; deleting the term "handicap"; creating s.
60 760.225, F.S.; providing that an impairment that
61 limits one major life activity is a disability;
62 amending ss. 760.23, 760.24, and 760.25, F.S.;
63 conforming terms to changes made by the act; amending
64 s. 760.29, F.S.; revising provisions providing housing
65 exemptions from the Fair Housing Act; increasing the
66 fee for registering the exemption; amending ss. 760.30
67 and 760.31, F.S.; conforming terms to changes made by
68 the act; amending s. 760.32, F.S.; authorizing the
69 commission to use any method of discovery authorized
70 by the Florida Rules of Civil Procedure; amending s.
71 760.34, F.S.; revising procedures for filing a
72 complaint; authorizing the commission to bring an
73 action for temporary or preliminary relief; providing
74 for injunctions; providing for administrative
75 procedures under certain circumstances; providing for
76 the award of attorney's fees and costs; amending s.
77 760.35, F.S.; revising provisions relating to bringing
78 a civil action; amending ss. 760.36 and 760.37, F.S.;
79 conforming cross-references; creating s. 760.38, F.S.;
80 authorizing the commission to recover expenditures
81 made on behalf of persons seeking relief; creating s.
82 760.381, F.S.; establishing fees; creating s. 760.382,
83 F.S.; providing for the availability of mediation,
84 arbitration, and conciliation services; creating s.
85 760.383, F.S.; specifying how time is to be computed
86 under the act; amending ss. 760.50, 760.60, 849.086,
87 849.0931, 874.02, 1004.447, and 1012.855, F.S.;

18-00300-10

2010230__

88 conforming terms to changes made by the act; providing
89 an effective date.

90

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

92

93 Section 1. Subsection (2) of section 110.105, Florida
94 Statutes, is amended to read:

95 110.105 Employment policy of the state.—

96 (2) All appointments, terminations, assignments and
97 maintenance of status, compensation, privileges, and other terms
98 and conditions of employment in state government shall be made
99 without regard to age, sex, race, religion, national origin,
100 political affiliation, marital status, or disability ~~handicap~~,
101 except when a specific sex, age, or physical requirement
102 constitutes a bona fide occupational qualification necessary to
103 proper and efficient administration.

104 Section 2. Subsection (4) of section 110.112, Florida
105 Statutes, is amended to read:

106 110.112 Affirmative action; equal employment opportunity.—

107 (4) The state and ~~r~~ its agencies and officers shall ensure
108 freedom from discrimination in employment as provided by the
109 Florida Civil Rights Act ~~of 1992~~, ~~by~~ s. 112.044, and ~~by~~ this
110 chapter.

111 Section 3. Paragraph (h) of subsection (1) of section
112 110.181, Florida Statutes, is amended to read:

113 110.181 Florida State Employees' Charitable Campaign.—

114 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

115 (h) Organizations ineligible to participate in the Florida
116 State Employees' Charitable Campaign include, but are not

18-00300-10

2010230__

117 limited to, ~~the following~~:

118 1. Organizations whose fundraising and administrative
119 expenses exceed 25 percent, unless extraordinary circumstances
120 are ~~can be~~ demonstrated.

121 2. Organizations whose activities contain an element that
122 is more than incidentally political in nature or whose
123 activities are primarily political, religious, professional, or
124 fraternal in nature.

125 3. Organizations that ~~which~~ discriminate against any
126 individual or group on account of race, color, religion, sex,
127 national origin, age, disability ~~handicap~~, or political
128 affiliation.

129 4. Organizations not properly registered as a charitable
130 organization as required by the Solicitation of Contributions
131 Act, ss. 496.401-496.424.

132 5. Organizations that ~~which~~ have not received tax-exempt
133 status under s. 501(c)(3), Internal Revenue Code.

134 Section 4. Subsection (1) of section 110.233, Florida
135 Statutes, is amended to read:

136 110.233 Political activities and unlawful acts prohibited.—

137 (1) No person shall be appointed to, demoted, or dismissed
138 from any position in the career service, or in any way favored
139 or discriminated against with respect to employment in the
140 career service, because of race, color, national origin, sex,
141 disability ~~handicap~~, religious creed, or political opinion or
142 affiliation.

143 Section 5. Subsection (1) of section 112.042, Florida
144 Statutes, is amended to read:

145 112.042 Discrimination in county and municipal employment;

18-00300-10

2010230__

146 relief.-

147 (1) It is against the public policy of this state for the
148 governing body of any county or municipal agency, board,
149 commission, department, or office, solely because of ~~the~~ race,
150 color, national origin, sex, disability ~~handicap~~, or religious
151 creed ~~of any individual~~, to refuse to hire or employ, to bar, ~~or~~
152 to discharge from employment, ~~such individuals~~ or to otherwise
153 discriminate against any individual ~~such individuals~~ with
154 respect to compensation, hire, tenure, terms, conditions, or
155 privileges of employment, if the individual is the most
156 competent and able to perform the services required.

157 Section 6. Paragraph (g) of subsection (2) of section
158 119.071, Florida Statutes, is amended to read:

159 119.071 General exemptions from inspection or copying of
160 public records.-

161 (2) AGENCY INVESTIGATIONS.-

162 (g)1.~~a.~~ All complaints and other records in the custody of
163 any agency which relate to a complaint of discrimination
164 relating to race, color, religion, sex, national origin, age,
165 disability ~~handicap~~, or marital status in connection with hiring
166 practices, position classifications, salary, benefits,
167 discipline, discharge, employee performance, evaluation, or
168 other related activities are exempt from s. 119.07(1) and s.
169 24(a), Art. I of the State Constitution until a finding ~~is made~~
170 relating to probable cause is made, the investigation of the
171 complaint becomes inactive, or the complaint or other record is
172 made part of the official record of any hearing or court
173 proceeding.

174 ~~a.b.~~ This provision does ~~shall~~ not affect any function or

18-00300-10

2010230__

175 activity of the Florida Commission on Human Relations.

176 ~~b.e.~~ Any state or federal agency that is authorized by law
177 to have access to such complaints or records ~~by any provision of~~
178 ~~law~~ shall be granted such access in the furtherance of its ~~such~~
179 ~~agency's~~ statutory duties.

180 2. If ~~When~~ the alleged victim chooses not to file a
181 complaint and requests that records of the complaint remain
182 confidential, all records relating to an allegation of
183 employment discrimination are confidential and exempt from s.
184 119.07(1) and s. 24(a), Art. I of the State Constitution.

185 3. This paragraph is subject to the Open Government Sunset
186 Review Act in accordance with s. 119.15 and shall stand repealed
187 on October 2, 2013, unless reviewed and saved from repeal
188 through reenactment by the Legislature.

189 Section 7. Subsection (1) of section 119.0713, Florida
190 Statutes, is amended to read:

191 119.0713 Local government agency exemptions from inspection
192 or copying of public records.—

193 (1) All complaints and other records in the custody of any
194 unit of local government which relate to a complaint of
195 discrimination relating to race, color, religion, sex, national
196 origin, age, disability ~~handicap~~, marital status, sale or rental
197 of housing, the provision of brokerage services, or the
198 financing of housing are exempt from s. 119.07(1) and s. 24(a),
199 Art. I of the State Constitution until a finding ~~is made~~
200 relating to probable cause is made, the investigation of the
201 complaint becomes inactive, or the complaint or other record is
202 made part of the official record of any hearing or court
203 proceeding. This provision does ~~shall~~ not affect any function or

18-00300-10

2010230__

204 activity of the Florida Commission on Human Relations. Any state
205 or federal agency that is authorized by law to have access to
206 such complaints or records ~~by any provision of law~~ shall be
207 granted such access in the furtherance of its ~~such agency's~~
208 statutory duties. This subsection does ~~shall~~ not be construed to
209 modify or repeal any special or local act.

210 Section 8. Paragraph (h) of subsection (9) of section
211 259.1053, Florida Statutes, is amended to read:

212 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.;
213 creation; membership; organization; meetings.-

214 (9) POWERS AND DUTIES.-

215 (h) The corporation and its subsidiaries shall ~~must~~ provide
216 equal employment opportunities for all persons regardless of
217 race, color, religion, sex ~~gender~~, national origin, age,
218 disability ~~handicap~~, or marital status.

219 Section 9. Subsection (5) of section 288.7015, Florida
220 Statutes, is amended to read:

221 288.7015 Appointment of rules ombudsman; duties.-The
222 Governor shall appoint a rules ombudsman, as defined in s.
223 288.703, in the Executive Office of the Governor, for
224 considering the impact of agency rules on the state's citizens
225 and businesses. In carrying out duties as provided by law, the
226 ombudsman shall consult with Enterprise Florida, Inc., at which
227 point the office may recommend to improve the regulatory
228 environment of this state. The duties of the rules ombudsman are
229 to:

230 (5) Each state agency shall cooperate fully with the rules
231 ombudsman in identifying such rules and. ~~Further, each agency~~
232 shall take the necessary steps to waive, modify, or otherwise

18-00300-10

2010230__

233 minimize the ~~such~~ adverse effects of ~~any~~ such rules. However,
234 ~~nothing in this section does not authorize a~~ authorizes any
235 state agency to waive, modify, provide exceptions to, or
236 otherwise alter any rule that is:

237 (a) Expressly required to implement or enforce any
238 statutory provision or ~~the~~ express legislative intent ~~thereof~~;

239 (b) Designed to protect persons against discrimination on
240 the basis of race, color, national origin, religion, sex, age,
241 disability ~~handicap~~, or marital status; or

242 (c) Likely to prevent a significant risk or danger to the
243 public health, the public safety, or the environment of the
244 state.

245 Section 10. Subsection (3) of section 288.9625, Florida
246 Statutes, is amended to read:

247 288.9625 Institute for the Commercialization of Public
248 Research.—There is established the Institute for the
249 Commercialization of Public Research.

250 (3) The articles of incorporation of the institute must be
251 approved in a written agreement with Enterprise Florida, Inc.
252 The agreement and the articles of incorporation shall:

253 (a) Provide that the institute shall provide equal
254 employment opportunities for all persons regardless of race,
255 color, religion, sex ~~gender~~, national origin, age, disability
256 ~~handicap~~, or marital status;

257 (b) Provide that the institute is subject to the public
258 records and meeting requirements of s. 24, Art. I of the State
259 Constitution;

260 (c) Provide that all officers, directors, and employees of
261 the institute shall be governed by the code of ethics for public

18-00300-10

2010230

262 officers and employees as set forth in part III of chapter 112;

263 (d) Provide that members of the board of directors of the
264 institute are responsible for the prudent use of all public and
265 private funds and that they will ensure that the use of funds is
266 in accordance with all applicable laws, bylaws, and contractual
267 requirements; and

268 (e) Provide that the fiscal year of the institute is from
269 July 1 to June 30.

270 Section 11. Subsection (2) of section 290.0135, Florida
271 Statutes, is amended to read:

272 290.0135 Local government ordinances; encouragements and
273 incentives; review for adverse effects; certain changes
274 prohibited.—

275 (2) ~~Nothing in~~ This section does not authorize a ~~authorizes~~
276 ~~any~~ local government to waive, amend, provide exceptions to, or
277 otherwise modify ~~or alter~~ any ordinance:

278 (a) That ~~which~~ is expressly required to implement or
279 enforce any statutory provision or ~~the~~ legislative intent
280 thereof;

281 (b) That ~~which~~ is designed to protect persons against
282 discrimination on the basis of race, color, national origin,
283 religion, sex, age, disability ~~handicap~~, or marital status; or

284 (c) The waiver, amendment, or modification of which is
285 likely to present a significant risk to the public health,
286 public safety, or the environment of the state.

287 Section 12. Paragraph (d) of subsection (4) and subsection
288 (6) of section 381.026, Florida Statutes, are amended to read:

289 381.026 Florida Patient's Bill of Rights and
290 Responsibilities.—

18-00300-10

2010230__

291 (4) RIGHTS OF PATIENTS.—Each health care facility or
 292 provider shall observe the following standards:

293 (d) *Access to health care.*—

294 1. A patient has the right to impartial access to medical
 295 treatment or accommodations, regardless of race, national
 296 origin, religion, disability ~~handicap~~, or source of payment.

297 2. A patient has the right to treatment for any emergency
 298 medical condition that will deteriorate due to ~~from~~ failure to
 299 provide ~~such~~ treatment.

300 3. A patient has the right to access any mode of treatment
 301 that ~~is~~, in his or her own judgment and the judgment of his or
 302 her health care practitioner, is in the best interests of the
 303 patient, including complementary or alternative health care
 304 treatments, in accordance with ~~the provisions of~~ s. 456.41.

305 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care
 306 provider who treats a patient in an office or ~~any~~ health care
 307 facility licensed under chapter 395 which ~~that~~ provides
 308 emergency services and care or outpatient services and care to a
 309 patient, or admits and treats a patient, shall adopt and make
 310 available to the patient, in writing, a statement of the rights
 311 and responsibilities of patients, including the following:

312 SUMMARY OF THE FLORIDA PATIENT'S BILL
 313 OF RIGHTS AND RESPONSIBILITIES
 314

315 Florida law requires that your health care provider or
 316 health care facility recognize your rights while you are
 317 receiving medical care and that you respect the health care
 318 provider's or health care facility's right to expect certain
 319 behavior on the part of patients. You may request a copy of the

18-00300-10

2010230__

320 full text of this law from your health care provider or health
321 care facility. A summary of your rights and responsibilities
322 follows:

323 A patient has the right to be treated with courtesy and
324 respect, with appreciation of his or her individual dignity, and
325 with protection of his or her need for privacy.

326 A patient has the right to a prompt and reasonable response
327 to questions and requests.

328 A patient has the right to know who is providing medical
329 services and who is responsible for his or her care.

330 A patient has the right to know what patient support
331 services are available, including whether an interpreter is
332 available if he or she does not speak English.

333 A patient has the right to know what rules and regulations
334 apply to his or her conduct.

335 A patient has the right to be given by the health care
336 provider information concerning diagnosis, planned course of
337 treatment, alternatives, risks, and prognosis.

338 A patient has the right to refuse any treatment, except as
339 otherwise provided by law.

340 A patient has the right to be given, upon request, full
341 information and necessary counseling on the availability of
342 known financial resources for his or her care.

343 A patient who is eligible for Medicare has the right to
344 know, upon request and in advance of treatment, whether the
345 health care provider or health care facility accepts the
346 Medicare assignment rate.

347 A patient has the right to receive, upon request, prior to
348 treatment, a reasonable estimate of charges for medical care.

18-00300-10

2010230__

349 A patient has the right to receive a copy of a reasonably
350 clear and understandable, itemized bill and, upon request, to
351 have the charges explained.

352 A patient has the right to impartial access to medical
353 treatment or accommodations, regardless of race, national
354 origin, religion, disability ~~handicap~~, or source of payment.

355 A patient has the right to treatment for any emergency
356 medical condition that will deteriorate due to ~~from~~ failure to
357 provide treatment.

358 A patient has the right to know if medical treatment is for
359 purposes of experimental research and to give his or her consent
360 or refusal to participate in such experimental research.

361 A patient has the right to express grievances regarding any
362 violation of his or her rights, as stated in Florida law,
363 through the grievance procedure of the health care provider or
364 health care facility that ~~which~~ served him or her and to the
365 appropriate state licensing agency.

366 A patient is responsible for providing to the health care
367 provider, to the best of his or her knowledge, accurate and
368 complete information about present complaints, past illnesses,
369 hospitalizations, medications, and other matters relating to his
370 or her health.

371 A patient is responsible for reporting unexpected changes
372 in his or her condition to the health care provider.

373 A patient is responsible for reporting to the health care
374 provider whether he or she comprehends a contemplated course of
375 action and what is expected of him or her.

376 A patient is responsible for following the treatment plan
377 recommended by the health care provider.

18-00300-10

2010230__

378 A patient is responsible for keeping appointments and, when
379 he or she is unable to do so for any reason, for notifying the
380 health care provider or health care facility.

381 A patient is responsible for his or her actions if he or
382 she refuses treatment or does not follow the health care
383 provider's instructions.

384 A patient is responsible for assuring that the financial
385 obligations of his or her health care are fulfilled as promptly
386 as possible.

387 A patient is responsible for following health care facility
388 rules and regulations affecting patient care and conduct.

389 Section 13. Paragraph (f) of subsection (3) of section
390 395.1041, Florida Statutes, is amended to read:

391 395.1041 Access to emergency services and care.—

392 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF
393 FACILITY OR HEALTH CARE PERSONNEL.—

394 (f) ~~In no event shall~~ The provision of emergency services
395 and care, the acceptance of a medically necessary transfer, or
396 the return of a patient pursuant to paragraph (e) may not be
397 based upon, or affected by, the person's race, ethnicity,
398 religion, national origin, citizenship, age, sex, preexisting
399 medical condition, physical or mental disability handicap,
400 insurance status, economic status, or ability to pay for medical
401 services, except to the extent that a circumstance such as age,
402 sex, preexisting medical condition, or physical or mental
403 disability handicap is medically significant to the provision of
404 appropriate medical care to the patient.

405 Section 14. Section 409.907, Florida Statutes, is amended
406 to read:

18-00300-10

2010230__

407 409.907 Medicaid provider agreements.—The agency may make
408 payments for medical assistance and related services rendered to
409 Medicaid recipients only to an individual or entity who has a
410 provider agreement in effect with the agency, who is performing
411 services or supplying goods in accordance with federal, state,
412 and local law, and who agrees that no person shall, on the
413 grounds of disability ~~handicap~~, race, color, or national origin,
414 or for any other reason, be subjected to discrimination under
415 any program or activity for which the provider receives payment
416 from the agency.

417 (1) Each provider agreement must ~~shall~~ require the provider
418 to comply fully with all state and federal laws pertaining to
419 the Medicaid program, as well as all federal, state, and local
420 laws pertaining to licensure, if required, and the practice of
421 any of the healing arts, and ~~shall require the provider to~~
422 provide services or goods of not less than the scope and quality
423 it provides to the general public.

424 (2) Each provider agreement must ~~shall~~ be a voluntary
425 contract between the agency and the provider, in which the
426 provider agrees to comply with all laws and rules pertaining to
427 the Medicaid program when furnishing a service or goods to a
428 Medicaid recipient and the agency agrees to pay a sum,
429 determined by fee schedule, payment methodology, or other
430 manner, for the service or goods provided to the Medicaid
431 recipient. Each provider agreement must ~~shall~~ be effective for a
432 stipulated period of time, ~~shall~~ be terminable by either party
433 after reasonable notice, and ~~shall~~ be renewable by mutual
434 agreement.

435 (3) The provider agreement developed by the agency, in

18-00300-10

2010230__

436 addition to the requirements specified in subsections (1) and
437 (2), must ~~shall~~ require the provider to:

438 (a) Have in its possession at the time of signing the
439 provider agreement, and maintain in good standing throughout the
440 period of the agreement's effectiveness, a valid professional or
441 facility license pertinent to the services or goods being
442 provided, as required by the state or locality in which the
443 provider is located, and the Federal Government, if applicable.

444 (b) Maintain in a systematic and orderly manner all medical
445 and Medicaid-related records that the agency requires and
446 determines are relevant to the services or goods being provided.

447 (c) Retain all medical and Medicaid-related records for a
448 ~~period of~~ 5 years to satisfy all necessary inquiries by the
449 agency.

450 (d) Safeguard the use and disclosure of information
451 pertaining to current or former Medicaid recipients and comply
452 with all state and federal laws pertaining to confidentiality of
453 patient information.

454 (e) Permit the agency, the Attorney General, the Federal
455 Government, and the authorized agents of each of these entities
456 access to all Medicaid-related information, which may be in the
457 form of records, logs, documents, or computer files, and other
458 information pertaining to services or goods billed to the
459 Medicaid program, including access to all patient records and
460 other provider information if the provider cannot easily
461 separate records for Medicaid patients from other records.

462 (f) Bill other insurers and third parties, including the
463 Medicare program, before billing the Medicaid program, if the
464 recipient is eligible for payment for health care or related

18-00300-10

2010230__

465 services from another insurer or person, and comply with all
466 other state and federal requirements in this regard.

467 (g) Promptly report any moneys received in error or in
468 excess of the amount to which the provider is entitled from the
469 Medicaid program, and promptly refund such moneys to the agency.

470 (h) Be liable for and indemnify, defend, and hold the
471 agency harmless from all claims, suits, judgments, or damages,
472 including court costs and attorney's fees, arising out of the
473 negligence or omissions of the provider in the course of
474 providing services to a recipient or a person believed to be a
475 recipient.

476 (i) At the option of the agency, provide proof of liability
477 insurance and maintain such insurance in effect for any period
478 during which services or goods are furnished to Medicaid
479 recipients.

480 (j) Accept Medicaid payment as payment in full, and
481 prohibit the provider from billing or collecting from the
482 recipient or the recipient's responsible party any additional
483 amount except, and only to the extent the agency permits or
484 requires, copayments, coinsurance, or deductibles to be paid by
485 the recipient for the services or goods provided. The Medicaid
486 payment-in-full policy does not apply to services or goods
487 provided to a recipient if the services or goods are not covered
488 by the Medicaid program.

489 (4) A provider agreement must ~~shall~~ provide that, if the
490 provider sells or transfers a business interest or practice that
491 substantially constitutes the entity named as the provider in
492 the provider agreement, or sells or transfers a facility that is
493 of substantial importance to the entity named as the provider in

18-00300-10

2010230__

494 the provider agreement, the provider must ~~is required to~~
495 maintain and make available to the agency Medicaid-related
496 records that relate to the sale or transfer of the business
497 interest, practice, or facility in the same manner as though the
498 sale or transaction had not taken place, unless the provider
499 enters into an agreement with the purchaser of the business
500 interest, practice, or facility to fulfill this requirement.

501 (5) The agency:

502 (a) Shall ~~is required to~~ make timely payment at the
503 established rate for services or goods furnished to a recipient
504 by the provider upon receipt of a properly completed claim form.
505 The claim form must ~~shall~~ require certification that the
506 services or goods have been completely furnished to the
507 recipient and that, with the exception of those services or
508 goods specified by the agency, the amount billed does not exceed
509 the provider's usual and customary charge for the same services
510 or goods.

511 (b) Is prohibited from demanding repayment from the
512 provider in any instance in which the Medicaid overpayment is
513 attributable to error of the department in determining the
514 ~~determination of~~ eligibility of a recipient.

515 (c) May adopt, and include in the provider agreement, such
516 other requirements and stipulations on either party as the
517 agency finds necessary to properly and efficiently administer
518 the Medicaid program.

519 (6) A Medicaid provider agreement may be revoked, at the
520 option of the agency, as the result of a change of ownership of
521 any facility, association, partnership, or other entity named as
522 the provider in the provider agreement.

18-00300-10

2010230__

523 (a) If there is ~~In the event of~~ a change of ownership, the
524 transferor remains liable for all outstanding overpayments,
525 administrative fines, and ~~any~~ other moneys owed to the agency
526 before the effective date of the change of ownership. In
527 addition to the continuing liability of the transferor, the
528 transferee is liable to the agency for all outstanding
529 overpayments identified by the agency on or before the effective
530 date of the change of ownership. For purposes of this
531 subsection, the term "outstanding overpayment" includes any
532 amount identified in a preliminary audit report issued to the
533 transferor by the agency on or before the effective date of the
534 change of ownership. If ~~In the event of~~ a change of ownership is
535 for a skilled nursing facility or intermediate care facility,
536 the Medicaid provider agreement shall be assigned to the
537 transferee if the transferee meets all other Medicaid provider
538 qualifications. If ~~In the event of~~ a change of ownership
539 involves ~~involving~~ a skilled nursing facility licensed under
540 part II of chapter 400, liability for all outstanding
541 overpayments, administrative fines, and any moneys owed to the
542 agency before the effective date of the change of ownership
543 shall be determined in accordance with s. 400.179.

544 (b) At least 60 days before the anticipated date of the
545 change of ownership, the transferor shall notify the agency of
546 the intended change of ownership and the transferee shall submit
547 to the agency a Medicaid provider enrollment application. If a
548 change of ownership occurs without compliance with the notice
549 requirements of this subsection, the transferor and transferee
550 are ~~shall be~~ jointly and severally liable for all overpayments,
551 administrative fines, and other moneys due to the agency,

18-00300-10

2010230__

552 regardless of whether the agency identified the overpayments,
553 administrative fines, or other moneys before or after the
554 effective date of the change of ownership. The agency may not
555 approve a transferee's Medicaid provider enrollment application
556 if the transferee or transferor has not paid or agreed in
557 writing to a payment plan for all outstanding overpayments,
558 administrative fines, and other moneys due to the agency. This
559 subsection does not preclude the agency from seeking any other
560 legal or equitable remedies available to the agency for the
561 recovery of moneys owed to the Medicaid program. If ~~In~~ the event
562 ~~of a~~ change of ownership involves ~~involving~~ a skilled nursing
563 facility licensed under part II of chapter 400, liability for
564 all outstanding overpayments, administrative fines, and any
565 moneys owed to the agency before the effective date of the
566 change of ownership shall be determined in accordance with s.
567 400.179 if the Medicaid provider enrollment application for
568 change of ownership is submitted before the change of ownership.

569 (7) The agency may require, as a condition of participating
570 in the Medicaid program and before entering into the provider
571 agreement, that the provider submit information, in an initial
572 and any required renewal applications, concerning the
573 professional, business, and personal background of the provider
574 and permit an onsite inspection of the provider's service
575 location by agency staff or other personnel designated by the
576 agency to perform this function. The agency shall perform a
577 random onsite inspection, within 60 days after receipt of a
578 fully complete new provider's application, of the provider's
579 service location before ~~prior to~~ making its first payment to the
580 provider for Medicaid services to determine the applicant's

18-00300-10

2010230

581 ability to provide the services that the applicant is proposing
582 to provide for Medicaid reimbursement. The agency is not
583 required to perform an onsite inspection of a provider or
584 program that is licensed by the agency, that provides services
585 under waiver programs for home and community-based services, or
586 that is licensed as a medical foster home by the Department of
587 Children and Family Services. As a continuing condition of
588 participation in the Medicaid program, a provider shall
589 immediately notify the agency of any current or pending
590 bankruptcy filing. Before entering into the provider agreement,
591 or as a condition of continuing participation in the Medicaid
592 program, the agency may also require that Medicaid providers
593 reimbursed on a fee-for-services basis or fee schedule basis
594 that ~~which~~ is not cost-based, post a surety bond not to exceed
595 \$50,000 or the total amount billed by the provider to the
596 program during the current or most recent calendar year,
597 whichever is greater. For new providers, the amount of the
598 surety bond shall be determined by the agency based on the
599 provider's estimate of its first year's billing. If the
600 provider's billing during the first year exceeds the bond
601 amount, the agency may require the provider to acquire an
602 additional bond equal to the actual billing level of the
603 provider. A provider's bond may ~~shall~~ not exceed \$50,000 if a
604 physician or group of physicians licensed under chapter 458,
605 chapter 459, or chapter 460 has a 50 percent or greater
606 ownership interest in the provider or if the provider is an
607 assisted living facility licensed under chapter 429. The bonds
608 permitted by this section are in addition to the bonds
609 referenced in s. 400.179(2)(d). If the provider is a

18-00300-10

2010230__

610 corporation, partnership, association, or other entity, the
611 agency may require the provider to submit information concerning
612 the background of that entity and of any principal of the
613 entity, including any partner or shareholder having an ownership
614 interest in the entity equal to 5 percent or greater, and any
615 treating provider who participates in or intends to participate
616 in Medicaid through the entity. The information must include:

617 (a) Proof of holding a valid license or operating
618 certificate, as applicable, if required by the state or local
619 jurisdiction in which the provider is located or if required by
620 the Federal Government.

621 (b) Information concerning any prior violation, fine,
622 suspension, termination, or other administrative action taken
623 under the Medicaid laws, rules, or regulations of this state or
624 of any other state or the Federal Government; any prior
625 violation of the laws, rules, or regulations relating to the
626 Medicare program; any prior violation of the rules or
627 regulations of any other public or private insurer; and any
628 prior violation of the laws, rules, or regulations of any
629 regulatory body of this or any other state.

630 (c) Full and accurate disclosure of any financial or
631 ownership interest that the provider, or any principal, partner,
632 or major shareholder thereof, may hold in any other Medicaid
633 provider or health-care-related ~~health-care-related~~ entity or
634 any other entity that is licensed by the state to provide health
635 or residential care and treatment to persons.

636 (d) If a group provider, identification of all members of
637 the group and attestation that all members of the group are
638 enrolled in or have applied to enroll in the Medicaid program.

18-00300-10

2010230__

639 (8)~~(a)~~ Each provider, or each principal of the provider if
640 the provider is a corporation, partnership, association, or
641 other entity, seeking to participate in the Medicaid program
642 must submit a complete set of ~~his or her~~ fingerprints to the
643 agency for the purpose of conducting a criminal history record
644 check. Principals of the provider include any officer, director,
645 billing agent, managing employee, or affiliated person, or any
646 partner or shareholder who has an ownership interest equal to 5
647 percent or more in the provider. However, a director of a not-
648 for-profit corporation or organization is not a principal for
649 purposes of a background investigation as required by this
650 section if the director~~+~~ serves solely in a voluntary capacity
651 for the corporation or organization, does not regularly take
652 part in the day-to-day operational decisions of the corporation
653 or organization, does not receive ~~receives no~~ remuneration from
654 the not-for-profit corporation or organization for his or her
655 service on the board of directors, does not have any ~~has no~~
656 financial interest in the not-for-profit corporation or
657 organization, and does not have any ~~has no~~ family members with a
658 financial interest in the not-for-profit corporation or
659 organization; and if the director submits an affidavit, under
660 penalty of perjury, to this effect to the agency and the not-
661 for-profit corporation or organization submits an affidavit,
662 under penalty of perjury, to this effect to the agency as part
663 of the corporation's or organization's Medicaid provider
664 agreement application. Notwithstanding the above, the agency may
665 require a background check for any person reasonably suspected
666 by the agency to have been convicted of a crime.

667 (a) This subsection does ~~shall~~ not apply to:

18-00300-10

2010230__

668 1. A hospital licensed under chapter 395;
669 2. A nursing home licensed under chapter 400;
670 3. A hospice licensed under chapter 400;
671 4. An assisted living facility licensed under chapter 429;
672 5. A unit of local government, except that ~~requirements of~~
673 this subsection applies ~~apply~~ to nongovernmental providers and
674 entities when contracting with the local government to provide
675 Medicaid services. The actual cost of the state and national
676 criminal history record checks must be borne by the
677 nongovernmental provider or entity; or

678 6. Any business that derives more than 50 percent of its
679 revenue from the sale of goods to the final consumer, and the
680 business or its controlling parent must ~~either is required to~~
681 file a form 10-K or other similar statement with the Securities
682 and Exchange Commission or have ~~has~~ a net worth of \$50 million
683 or more.

684 (b) The agency shall submit the fingerprints to the
685 Department of Law Enforcement. The department shall conduct a
686 state criminal-background investigation and forward the
687 fingerprints to the Federal Bureau of Investigation for a
688 national criminal-history record check. The cost of the state
689 and national criminal record check shall be borne by the
690 provider.

691 (c) The agency may permit a provider to participate in the
692 Medicaid program pending the results of the criminal record
693 check. However, such permission is fully revocable if the record
694 check reveals any crime-related history as provided in
695 subsection (10).

696 (d) Proof of compliance with the requirements of level 2

18-00300-10

2010230__

697 screening under s. 435.04 conducted within 12 months before
698 ~~prior to~~ the date that the Medicaid provider application is
699 submitted to the agency fulfills ~~shall fulfill~~ the requirements
700 of this subsection. Proof of compliance with the requirements of
701 level 1 screening under s. 435.03 conducted within 12 months
702 before ~~prior to~~ the date that the Medicaid provider application
703 is submitted to the agency meets ~~shall meet~~ the requirement that
704 the Department of Law Enforcement conduct a state criminal
705 history record check.

706 (9) Upon receipt of a completed, signed, and dated
707 application, and completion of any necessary background
708 investigation and criminal history record check, the agency must
709 either:

710 (a) Enroll the applicant as a Medicaid provider upon
711 approval of the provider application. The enrollment effective
712 date is ~~shall be~~ the date the agency receives the provider
713 application. If the ~~With respect to a~~ provider ~~that~~ requires a
714 Medicare certification survey, the enrollment effective date is
715 the date the certification is awarded. If the ~~With respect to a~~
716 provider ~~that~~ completes a change of ownership, the effective
717 date is the date the agency received the application, the date
718 the change of ownership was complete, or the date the applicant
719 became eligible to provide services under Medicaid, whichever
720 date is later. For a ~~With respect to a~~ provider of emergency
721 medical services transportation or emergency services and care,
722 the effective date is the date the services were rendered.
723 Payment for ~~any~~ claims for services provided to Medicaid
724 recipients between the date of receipt of the application and
725 the date of approval is contingent on applying ~~any and all~~

18-00300-10

2010230__

726 applicable audits and edits contained in the agency's claims
727 adjudication and payment processing systems. The agency may
728 enroll a provider located outside the state ~~of Florida~~ if the
729 provider's location is within ~~no more than~~ 50 miles of ~~from~~ the
730 ~~Florida~~ state line, or the agency determines a need for that
731 provider type to ensure adequate access to care; or

732 (b) Deny the application if the agency finds that it is in
733 the best interest of the Medicaid program to do so. The agency
734 may consider the factors listed in subsection (10), as well as
735 any other factor that could affect the effective and efficient
736 administration of the program, including, but not limited to,
737 the applicant's demonstrated ability to provide services,
738 conduct business, and operate a financially viable concern; the
739 current availability of medical care, services, or supplies to
740 recipients, taking into account geographic location and
741 reasonable travel time; the number of providers of the same type
742 already enrolled in the same geographic area; and the
743 credentials, experience, success, and patient outcomes of the
744 provider for the services that it is making application to
745 provide in the Medicaid program. The agency shall deny the
746 application if the agency finds that a provider; any officer,
747 director, agent, managing employee, or affiliated person; or any
748 partner or shareholder having an ownership interest equal to 5
749 percent or greater in the provider if the provider is a
750 corporation, partnership, or other business entity, has failed
751 to pay all outstanding fines or overpayments assessed by final
752 order of the agency or final order of the Centers for Medicare
753 and Medicaid Services, not subject to further appeal, unless the
754 provider agrees to a repayment plan that includes withholding

18-00300-10

2010230__

755 Medicaid reimbursement until the amount due is paid in full.

756 (10) The agency may consider whether the provider, or any
757 officer, director, agent, managing employee, or affiliated
758 person, or any partner or shareholder having an ownership
759 interest equal to 5 percent or greater in the provider if the
760 provider is a corporation, partnership, or other business
761 entity, has:

762 (a) Made a false representation or omission of any material
763 fact in making the application, including the submission of an
764 application that conceals the controlling or ownership interest
765 of any officer, director, agent, managing employee, affiliated
766 person, or partner or shareholder who may not be eligible to
767 participate;

768 (b) Been or is currently excluded, suspended, terminated
769 from, or has involuntarily withdrawn from participation in,
770 Florida's Medicaid program or any other state's Medicaid
771 program, or from participation in any other governmental or
772 private health care or health insurance program;

773 (c) Been convicted of a criminal offense relating to the
774 delivery of any goods or services under Medicaid or Medicare or
775 any other public or private health care or health insurance
776 program including the performance of management or
777 administrative services relating to the delivery of goods or
778 services under ~~any~~ such program;

779 (d) Been convicted under federal or state law of a criminal
780 offense related to the neglect or abuse of a patient in
781 connection with the delivery of any health care goods or
782 services;

783 (e) Been convicted under federal or state law of a criminal

18-00300-10

2010230__

784 offense relating to the unlawful manufacture, distribution,
785 prescription, or dispensing of a controlled substance;

786 (f) Been convicted of any criminal offense relating to
787 fraud, theft, embezzlement, breach of fiduciary responsibility,
788 or other financial misconduct;

789 (g) Been convicted under federal or state law of a crime
790 punishable by imprisonment of a year or more which involves
791 moral turpitude;

792 (h) Been convicted in connection with the interference or
793 obstruction of any investigation into any criminal offense
794 listed in this subsection;

795 (i) Been found to have violated federal or state laws,
796 rules, or regulations governing this ~~Florida's Medicaid program~~
797 or any other state's Medicaid program, the Medicare program, or
798 any other publicly funded federal or state health care or health
799 insurance program, and been sanctioned accordingly;

800 (j) Been previously found by a licensing, certifying, or
801 professional standards board or agency to have violated the
802 standards or conditions relating to licensure or certification
803 or the quality of services provided; or

804 (k) Failed to pay any fine or overpayment properly assessed
805 under the Medicaid program in which no appeal is pending or
806 after resolution of the proceeding by stipulation or agreement,
807 unless the agency has issued a specific letter of forgiveness or
808 has approved a repayment schedule to which the provider agrees
809 to adhere.

810 (11) Before signing a provider agreement and at the
811 discretion of the agency, other provisions of this section
812 notwithstanding, an entity may become eligible to receive

18-00300-10

2010230__

813 payment from the Medicaid program at the time it first furnishes
814 services or goods, if:

815 (a) The services or goods provided are otherwise
816 compensable;

817 (b) The entity meets all other requirements of a Medicaid
818 provider at the time the services or goods were provided; and

819 (c) The entity agrees to abide by the provisions of the
820 provider agreement effective from the date the services or goods
821 were provided.

822 (12) Licensed, certified, or otherwise qualified providers
823 are not entitled to enrollment in a Medicaid provider network.

824 Section 15. Paragraph (b) of subsection (9) of section
825 414.095, Florida Statutes, is amended to read:

826 414.095 Determining eligibility for temporary cash
827 assistance.—

828 (9) OPPORTUNITIES AND OBLIGATIONS.—An applicant for
829 temporary cash assistance has the following opportunities and
830 obligations:

831 (b) To have eligibility determined without discrimination
832 based on race, color, sex, age, marital status, disability
833 ~~handicap~~, religion, national origin, or political beliefs.

834 Section 16. Paragraph (d) of subsection (1) of section
835 419.001, Florida Statutes, is amended to read:

836 419.001 Site selection of community residential homes.—

837 (1) For the purposes of this section, the following
838 definitions shall apply:

839 (d) "Resident" means any of the following: a frail elder as
840 defined in s. 429.65; a person who has a disability ~~physically~~
841 ~~disabled or handicapped person~~ as defined in s. 760.22(7)(a); a

18-00300-10

2010230__

842 ~~developmentally disabled person who has a developmental~~
843 disability as defined in s. 393.063; a nondangerous ~~mentally ill~~
844 person who has a mental illness as defined in s. 394.455 ~~as~~
845 ~~defined in s. 394.455(18)~~; or a child who is found to be
846 dependent as defined in s. 39.01 or s. 984.03, or a child in
847 need of services as defined in s. 984.03 or s. 985.03.

848 Section 17. Subsection (8) of section 420.624, Florida
849 Statutes, is amended to read:

850 420.624 Local homeless assistance continuum of care.—

851 (8) Continuum of care plans must promote participation by
852 all interested individuals and organizations and may not exclude
853 individuals and organizations on the basis of race, color,
854 national origin, sex, disability ~~handicap~~, familial status, or
855 religion. Faith-based organizations must be encouraged to
856 participate. To the extent possible, these components should be
857 coordinated and integrated with other mainstream health, social
858 services, and employment programs for which homeless populations
859 may be eligible, including Medicaid, State Children's Health
860 Insurance Program, Temporary Assistance for Needy Families, Food
861 Stamps, and services funded through the Mental Health and
862 Substance Abuse Block Grant, the Workforce Investment Act, and
863 the welfare-to-work grant program.

864 Section 18. Paragraph (c) of subsection (4) of section
865 420.9075, Florida Statutes, is amended to read:

866 420.9075 Local housing assistance plans; partnerships.—

867 (4) Each local housing assistance plan is governed by the
868 following criteria and administrative procedures:

869 (c) In accordance with the Fair Housing Act under part II
870 of chapter 760 ~~provisions of ss. 760.20-760.37~~, it is unlawful

18-00300-10

2010230__

871 to discriminate on the basis of race, creed, religion, color,
872 age, sex, marital status, familial status, national origin, or
873 disability handicap in the award application process for
874 eligible housing.

875 Section 19. Subsection (1) of section 440.02, Florida
876 Statutes, is amended to read:

877 440.02 Definitions.—When used in this chapter, unless the
878 context clearly requires otherwise, the following terms shall
879 have the following meanings:

880 (1) "Accident" means only an unexpected or unusual event or
881 result that happens suddenly. Disability or death due to the
882 accidental acceleration or aggravation of a venereal disease or
883 of a disease due to the habitual use of alcohol or controlled
884 substances or narcotic drugs, or a disease that manifests itself
885 in the fear of or dislike for an individual because of the
886 individual's race, color, religion, sex, national origin, age,
887 or disability handicap is not an injury by accident arising out
888 of the employment. Subject to s. 440.15(5), if a preexisting
889 disease or anomaly is accelerated or aggravated by an accident
890 arising out of and in the course of employment, only
891 acceleration of death or acceleration or aggravation of the
892 preexisting condition reasonably attributable to the accident is
893 compensable, with respect to any compensation otherwise payable
894 under this chapter. An injury or disease caused by exposure to a
895 toxic substance, including, but not limited to, fungus or mold,
896 is not an injury by accident arising out of the employment
897 unless there is clear and convincing evidence establishing that
898 exposure to the specific substance involved, at the levels to
899 which the employee was exposed, can cause the injury or disease

18-00300-10

2010230__

900 sustained by the employee.

901 Section 20. Subsection (1) of section 562.51, Florida
902 Statutes, is amended to read:

903 562.51 Retail alcoholic beverage establishments; rights as
904 private enterprise.—A licensed retail alcoholic beverage
905 establishment open to the public is a private enterprise and:

906 (1) May refuse service to any person who is objectionable
907 or undesirable to the licensee, but such refusal of service may
908 ~~shall~~ not be on the basis of race, creed, color, religion, sex,
909 national origin, marital status, or physical disability
910 ~~handicap~~.

911 Section 21. Paragraph (d) of subsection (1) of section
912 636.009, Florida Statutes, is amended to read:

913 636.009 Issuance of certificate of authority; denial.—

914 (1) Following receipt of an application filed pursuant to
915 s. 636.008, the office shall review such application and notify
916 the applicant of any deficiencies contained therein. The office
917 shall issue a certificate of authority to an applicant who has
918 filed a completed application in conformity with s. 636.008,
919 upon payment of the fees specified by s. 636.057 and upon the
920 office being satisfied that the following conditions are met:

921 (d) The procedures for offering limited health services and
922 offering and terminating contracts to subscribers do ~~will~~ not
923 unfairly discriminate on the basis of age, sex, race, disability
924 ~~handicap~~, health, or economic status. However, this paragraph
925 does not prohibit reasonable underwriting classifications for
926 the purposes of establishing contract rates, nor does it
927 prohibit prospective experience rating.

928 Section 22. Section 636.022, Florida Statutes, is amended

18-00300-10

2010230__

929 to read:

930 636.022 Restrictions upon expulsion or refusal to issue or
931 renew contract.—A prepaid limited health service organization
932 may not expel or refuse to renew the coverage of or refuse to
933 enroll any individual member of a subscriber group on the basis
934 of the race, color, creed, disability ~~handicap~~, marital status,
935 sex, or national origin of the subscriber or individual. A
936 prepaid limited health service organization may not expel or
937 refuse to renew the coverage of any individual member of a
938 subscriber group on the basis of the age or health status of the
939 subscriber or individual. For group solicitations, a prepaid
940 limited health service organization may preunderwrite to
941 determine group acceptability. However, once a contract is
942 issued, a prepaid limited health service organization must
943 provide coverage to all existing enrollees and their dependents,
944 and newly employed enrollees and their dependents who have
945 enrolled within 30 days after ~~of~~ eligibility or membership. Late
946 enrollees who apply during other than an open enrollment period
947 may be subject to evidence of insurability requirements of the
948 prepaid limited health service organization. ~~Nothing in~~ This
949 section does not prohibit ~~prohibits~~ a prepaid limited health
950 service organization from requiring that, as a condition of
951 continued eligibility for membership, dependents of a subscriber
952 upon reaching a specified age convert to a converted contract.
953 Coverage must continue to be provided to disabled ~~handicapped~~
954 children who are incapable of self-sustaining employment by
955 reason of mental or physical disability ~~handicap~~, and
956 substantially dependent upon the enrollee for support and
957 maintenance.

18-00300-10

2010230__

958 Section 23. Section 760.01, Florida Statutes, is amended to
959 read:

960 760.01 Purposes; construction; title.—

961 (1) This part may ~~Sections 760.01-760.11 and 509.092 shall~~
962 be cited as the "Florida Civil Rights Act ~~of 1992.~~"

963 (2) The general purposes of the Florida Civil Rights Act ~~of~~
964 ~~1992~~ are to secure for all individuals within the state freedom
965 from discrimination because of race, color, religion, sex,
966 national origin, age, disability ~~handicap~~, or marital status and
967 thereby to protect their interest in personal dignity, to make
968 available to the state their full productive capacities, to
969 secure the state against domestic strife and unrest, to preserve
970 the public safety, health, and general welfare, and to promote
971 the interests, rights, and privileges of individuals within the
972 state.

973 (3) The Florida Civil Rights Act ~~of 1992~~ shall be construed
974 according to the fair import of its terms and shall be liberally
975 construed to further the general purposes stated in this section
976 and the special purposes of the particular provision involved.

977 Section 24. Section 760.02, Florida Statutes, is amended
978 and reordered to read:

979 760.02 Definitions.—For the purposes of this part ~~ss.~~
980 ~~760.01-760.11~~ and s. 509.092, the term:

981 (8) ~~(1)~~ "Florida Civil Rights Act ~~of 1992~~" means the
982 provisions of this part and s. ~~ss. 760.01-760.11 and~~ 509.092.

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

985 (3) "Commissioner" or "member" means a member of the
986 commission.

18-00300-10

2010230__

987 (4) "Disability" with respect to an individual, means:

988 (a) A physical or mental impairment that substantially
 989 limits one or more of the major life activities of the
 990 individual;

991 (b) A record of such impairment;

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

993 (d) Having a developmental disability as defined in s.
 994 393.063.

995 (5)~~(4)~~ "Discriminatory practice" means any practice made
 996 unlawful by the Florida Civil Rights Act ~~of 1992~~.

997 (11)~~(5)~~ "National origin" includes ancestry.

998 (12)~~(6)~~ "Person" includes an individual, association,
 999 corporation, joint apprenticeship committee, joint-stock
 1000 company, labor union, legal representative, mutual company,
 1001 partnership, receiver, trust, trustee in bankruptcy, or
 1002 unincorporated organization; any other legal or commercial
 1003 entity; the state; or any governmental entity or agency.

1004 (6)~~(7)~~ "Employer" means any person employing 15 or more
 1005 employees for each working day in each of 20 or more calendar
 1006 weeks in the current or preceding calendar year, and any agent
 1007 of such a person.

1008 (7)~~(8)~~ "Employment agency" means any person regularly
 1009 undertaking, with or without compensation, to procure employees
 1010 for an employer or to procure for employees opportunities to
 1011 work for an employer, and includes an agent of such a person.

1012 (9) "Labor organization" means any organization that ~~which~~
 1013 exists for the purpose, in whole or in part, of collective
 1014 bargaining or of dealing with employers concerning grievances,
 1015 terms or conditions of employment, or other mutual aid or

18-00300-10

2010230__

1016 protection in connection with employment.

1017 (10) "Major life activities" includes, but is not limited
1018 to:

1019 (a) Caring for one's self, performing manual tasks, and
1020 functioning in a workplace environment.

1021 (b) Major bodily functions, including, but not limited to,
1022 visual, auditory, aural, and cognitive functions; functions of
1023 the immune, digestive, neurological, respiratory, circulatory,
1024 endocrine, and reproductive systems; normal cell growth; and
1025 functions of the bowel, bladder, and brain.

1026 (1) ~~(10)~~ "Aggrieved person" means any person who files a
1027 complaint with the ~~Human Relations~~ commission.

1028 (13) ~~(11)~~ "Public accommodations" means places of public
1029 accommodation, lodgings, facilities principally engaged in
1030 selling food for consumption on the premises, gasoline stations,
1031 places of exhibition or entertainment, and other covered
1032 establishments. The term includes ~~Each of the following~~
1033 establishments which serves the public is a place of public
1034 accommodation within the meaning of this section:

1035 (a) An ~~Any~~ inn, hotel, motel, or other establishment that
1036 ~~which~~ provides lodging to transient guests, other than an
1037 establishment located within a building having ~~which contains~~
1038 ~~not more than~~ four or fewer rooms for rent or hire ~~and~~ which is
1039 actually occupied by the proprietor of such establishment as his
1040 or her residence.

1041 (b) A ~~Any~~ restaurant, cafeteria, lunchroom, lunch counter,
1042 soda fountain, or other facility principally engaged in selling
1043 food for consumption on the premises, including, but not limited
1044 to, any such facility located on the premises of any retail

18-00300-10

2010230__

1045 establishment, or any gasoline station.

1046 (c) A ~~Any~~ motion picture theater, theater, concert hall,
1047 sports arena, stadium, or other place of exhibition or
1048 entertainment.

1049 (d) An ~~Any~~ establishment that ~~which~~ is physically located
1050 within the premises of an ~~any~~ establishment otherwise covered by
1051 this subsection, or within the premises of which is physically
1052 located any such covered establishment, and which holds itself
1053 out as serving patrons of such covered establishment.

1054
1055 The term does not include lodge halls or other similar
1056 facilities of private organizations which are made available for
1057 public use occasionally or periodically.

1058 (14) "Substantially limits" means to materially restrict an
1059 individual's ability.

1060 (15) "Transitory or minor impairment" means an impairment
1061 having an actual, apparent, or expected duration of 6 months or
1062 less.

1063 Section 25. Section 760.025, Florida Statutes, is created
1064 to read:

1065 760.025 Impairment.—For purposes of this part, an
1066 individual who has been subjected to an action prohibited under
1067 this chapter because of an actual or perceived physical or
1068 mental impairment, regardless of whether the impairment limits
1069 or is perceived to limit a major life activity, has an
1070 impairment. An impairment that limits one major life activity
1071 may be considered a disability; however, a transitory or minor
1072 impairment may not be considered a disability. An impairment
1073 that is episodic or in remission is considered to be a

18-00300-10

2010230__

1074 disability if it substantially limits at least one major life
1075 activity when the impairment is active or not in remission. The
1076 determination of whether an impairment substantially limits at
1077 least one major life activity must be made without regard to the
1078 ameliorative effects of mitigating measures, such as medication;
1079 medical supplies; equipment or appliances; low-vision devices,
1080 not including ordinary eyeglasses or contact lenses;
1081 prosthetics, including artificial limbs and devices, hearing
1082 aids and cochlear implants or other implantable hearing devices,
1083 and mobility devices; oxygen therapy equipment and supplies; use
1084 of assistive technology; reasonable accommodations or auxiliary
1085 aids or services, including qualified interpreters or other
1086 effective measures of making aurally delivered materials
1087 available to individuals with hearing impairments; qualified
1088 readers; taped texts or other effective methods of making
1089 visually delivered materials available to individuals with
1090 visual impairments; acquisition or modification of equipment and
1091 devices and other similar services and actions; or learned
1092 behavioral or adaptive neurological modifications.

1093 Section 26. Section 760.03, Florida Statutes, is amended to
1094 read:

1095 760.03 Commission on Human Relations; ~~staff.~~

1096 ~~(1) There is hereby created~~ The Florida Commission on Human
1097 Relations is created.

1098 (1) The commission shall be composed, ~~comprised~~ of 12
1099 members appointed by the Governor, subject to confirmation by
1100 the Senate. The commission shall select one of its members to
1101 serve as chairperson for terms of 2 years.

1102 (2) The members of the commission must be broadly

18-00300-10

2010230__

1103 representative of various racial, religious, ethnic, social,
1104 economic, political, and professional groups within the state;
1105 and at least one member of the commission must be 60 years of
1106 age or older.

1107 (3) Commissioners shall be appointed for terms of 4 years.
1108 A member chosen to fill a vacancy otherwise than by expiration
1109 of term shall be appointed for the unexpired term of the member
1110 whom such appointee is to succeed. A member of the commission is
1111 ~~shall be~~ eligible for reappointment. A vacancy in the commission
1112 does ~~shall~~ not impair the right of the remaining members to
1113 exercise the powers of the commission.

1114 (4) The Governor may suspend a member of the commission
1115 only for cause, subject to removal or reinstatement by the
1116 Senate.

1117 (5) Seven members ~~shall~~ constitute a quorum for the conduct
1118 of business; however, the commission may establish panels of not
1119 fewer ~~less~~ than three ~~of its~~ members to exercise its powers
1120 under the ~~Florida Civil Rights act of 1992~~, subject to such
1121 procedures and limitations as the commission may provide by
1122 rule.

1123 (6) Each commissioner shall be compensated at the rate of
1124 \$50 per day for each day of actual attendance to commission
1125 duties and is ~~shall be~~ entitled to receive per diem and travel
1126 expenses as provided by s. 112.061.

1127 (7) The commission shall appoint, and may remove, an
1128 executive director who, with the consent of the commission, may
1129 employ a deputy, attorneys, investigators, clerks, and such
1130 other personnel as ~~may be~~ necessary to adequately ~~to~~ perform the
1131 functions of the commission, within budgetary limitations.

18-00300-10

2010230__

1132 (8) The commission may delegate any of its functions,
1133 duties, and powers to its employees, including investigating,
1134 conciliating, hearing, determining, ordering, certifying,
1135 reporting, or otherwise acting as to any work, business, or
1136 matter under the act.

1137 Section 27. Section 760.04, Florida Statutes, is amended to
1138 read:

1139 760.04 Commission on Human Relations, assigned to
1140 Department of Management Services.—~~The commission created by s.~~
1141 ~~760.03~~ is assigned to the Department of Management Services. The
1142 commission, in the performance of its duties pursuant to the
1143 Florida Civil Rights Act ~~of 1992~~, is ~~shall~~ not ~~be~~ subject to
1144 control, supervision, or direction by the department ~~of~~
1145 ~~Management Services.~~

1146 Section 28. Section 760.05, Florida Statutes, is amended to
1147 read:

1148 760.05 Functions of the commission.—The commission shall
1149 administer the Florida Civil Rights Act. In carrying out this
1150 function, the commission shall promote and encourage fair
1151 treatment and equal opportunity for all persons, regardless of
1152 race, color, religion, sex, national origin, age, disability
1153 ~~handicap~~, or marital status, and mutual understanding and
1154 respect among all members of all economic, social, racial,
1155 religious, and ethnic groups; and shall endeavor to eliminate
1156 discrimination against, and antagonism between, religious,
1157 racial, and ethnic groups and their members.

1158 Section 29. Section 760.06, Florida Statutes, is amended to
1159 read:

1160 760.06 Powers of the commission.—Within the limitations

18-00300-10

2010230__

1161 provided by law, the commission shall ~~have the following~~ powers:

1162 (1) ~~To~~ Maintain offices in the State of Florida.

1163 (2) ~~To~~ Meet and exercise its powers at any place within the
1164 state.

1165 (3) ~~To~~ Promote the creation of, and ~~to~~ provide continuing
1166 technical assistance to, local commissions on human relations
1167 and ~~to~~ cooperate with individuals and state, local, and other
1168 agencies, ~~both~~ public and private, including agencies of the
1169 Federal Government and of other states.

1170 (4) ~~To~~ Accept gifts, bequests, grants, or other payments,
1171 public or private, to help finance its activities.

1172 (5) ~~To~~ Receive, initiate, investigate, seek to conciliate,
1173 hold hearings on, and act upon complaints alleging any
1174 discriminatory practice, as defined by the Florida Civil Rights
1175 Act ~~of 1992~~.

1176 (6) ~~To~~ Issue subpoenas for, administer oaths or
1177 affirmations to and compel the attendance and testimony of
1178 witnesses; or to issue subpoenas for and compel the production
1179 of books, papers, records, documents, and other evidence
1180 pertaining to any investigation or hearing convened pursuant to
1181 the powers of the commission; or use any other method of
1182 discovery authorized by the Florida Rules of Civil Procedure. In
1183 conducting an investigation, the commission and its
1184 investigators shall have access at all reasonable times to
1185 premises, records, documents, and other evidence or possible
1186 sources of evidence, and may examine, record, and copy such
1187 materials and take and record the testimony or statements of
1188 such persons as are reasonably necessary for the furtherance of
1189 the investigation. The authority to issue subpoenas and

18-00300-10

2010230__

1190 administer oaths may be delegated by the commission, for
1191 investigations or hearings, to a commissioner or the executive
1192 director. If any person refuses ~~In the case of a refusal~~ to obey
1193 a subpoena or other method of discovery ~~issued to any person~~,
1194 the commission may make application to any circuit court of this
1195 state, which may ~~shall have jurisdiction to~~ order such person
1196 ~~the witness~~ to appear before the commission to give testimony
1197 and to produce evidence concerning the matter in question.
1198 Failure to obey the court's order may be punished by the court
1199 as contempt. If the court enters an order holding a person in
1200 contempt or compelling the person to comply with the
1201 commission's order or subpoena, the court shall order the person
1202 to pay the commission reasonable expenses, including reasonable
1203 attorneys' fees, accrued by the commission in obtaining the
1204 court order ~~from the court~~.

1205 (7) ~~To~~ Recommend methods for elimination of discrimination
1206 and intergroup tensions and ~~to~~ use its best efforts to secure
1207 compliance with its recommendations.

1208 (8) ~~To~~ Furnish technical assistance to employees,
1209 employers, community leaders, educational institutions,
1210 individuals, and other private and public entities in order
1211 ~~requested by persons~~ to facilitate progress in human relations.

1212 (9) ~~To~~ Make or arrange for studies appropriate to
1213 effectuate the purposes and policies of the Florida Civil Rights
1214 Act ~~of 1992~~ and ~~to~~ make the results ~~thereof~~ available to the
1215 public.

1216 (10) ~~To~~ Become a deferral agency for the Federal Government
1217 and ~~to~~ comply with the necessary federal regulations to effect
1218 the Florida Civil Rights Act ~~of 1992~~.

18-00300-10

2010230__

1219 (11) ~~To~~ Render, at least annually, a comprehensive written
 1220 report to the Governor and the Legislature. The report may
 1221 contain recommendations ~~of the commission~~ for legislation or
 1222 other action to effectuate the purposes and policies of the
 1223 Florida Civil Rights Act ~~of 1992~~.

1224 (12) ~~To~~ Adopt, ~~promulgate,~~ amend, and rescind rules to
 1225 effectuate the purposes and policies of the Florida Civil Rights
 1226 Act ~~of 1992~~ and govern the proceedings of the commission, in
 1227 accordance with chapter 120.

1228 (13) ~~To~~ Receive complaints and coordinate all activities as
 1229 required by the Whistle-blower's Act pursuant to ss. 112.3187-
 1230 112.31895.

1231 (14) Assess costs incurred and charge reasonable fees for
 1232 products or services provided by the commission.

1233 Section 30. Section 760.07, Florida Statutes, is amended to
 1234 read:

1235 760.07 Remedies for unlawful discrimination.—Any violation
 1236 of a state law prohibiting any Florida statute making unlawful
 1237 discrimination because of race, color, religion, sex gender,
 1238 national origin, age, disability handicap, or marital status in
 1239 the areas of education, employment, housing, or public
 1240 accommodations gives rise to a cause of action for all relief
 1241 and damages described in s. 760.11~~(5)~~, unless greater damages
 1242 are expressly provided for. If the statute prohibiting unlawful
 1243 discrimination provides an administrative remedy, the action for
 1244 equitable relief and damages provided for in this section may be
 1245 initiated only after the plaintiff has exhausted his or her
 1246 administrative remedy. ~~The term "public accommodations" does not~~
 1247 ~~include lodge halls or other similar facilities of private~~

18-00300-10

2010230__

1248 ~~organizations which are made available for public use~~
1249 ~~occasionally or periodically.~~ The right to trial by jury is
1250 preserved in any case in which the plaintiff is seeking actual
1251 or punitive damages.

1252 Section 31. Section 760.08, Florida Statutes, is amended to
1253 read:

1254 760.08 Discrimination in places of public accommodation.—
1255 All persons are ~~shall be~~ entitled to the full and equal
1256 enjoyment of the goods, services, facilities, privileges,
1257 advantages, and accommodations of any place of public
1258 accommodation, ~~as defined in this chapter,~~ without
1259 discrimination or segregation on the ground of race, color,
1260 religion, sex, national origin, age, disability ~~sex, handicap,~~
1261 or marital status ~~familial status, or religion.~~

1262 Section 32. Section 760.10, Florida Statutes, is amended to
1263 read:

1264 760.10 Unlawful employment practices.—

1265 (1) It is an unlawful employment practice for an employer
1266 to:

1267 (a) ~~To~~ Discharge or ~~to~~ fail ~~or~~ refuse to hire any
1268 individual, or otherwise to discriminate against any individual
1269 with respect to compensation, terms, conditions, or privileges
1270 of employment, because of such individual's race, color,
1271 religion, sex, national origin, age, disability ~~handicap~~, or
1272 marital status. For purposes of this section, an unlawful
1273 employment practice with respect to compensation occurs if a
1274 discriminatory compensation decision or other practice is
1275 adopted, if an individual becomes subject to a discriminatory
1276 compensation decision or other practice, or if an individual is

18-00300-10

2010230__

1277 affected by the application of a discriminatory compensation
1278 decision or other practice, including each time that wages,
1279 benefits, or other compensation are paid, as a result of, in
1280 whole or in part, such a decision or other practice. In addition
1281 to any relief authorized under s. 760.11, liability may accrue,
1282 and an aggrieved person may obtain relief as provided in s.
1283 760.11, including recovery of back pay for up to 2 years
1284 preceding the filing of the charge, if the unlawful employment
1285 practice that occurred during the filing period is similar or
1286 related to the unlawful employment practice that occurred
1287 outside the time for filing a charge.

1288 (b) ~~To~~ Limit, segregate, or classify employees or
1289 applicants for employment in any way that ~~which~~ would deprive or
1290 tend to deprive any individual of employment opportunities, or
1291 adversely affect any individual's status as an employee, because
1292 of such individual's race, color, religion, sex, national
1293 origin, age, disability handicap, or marital status.

1294 (2) It is an unlawful employment practice for an employment
1295 agency to fail ~~or refuse~~ to refer for employment, or otherwise
1296 to discriminate against, any individual because of race, color,
1297 religion, sex, national origin, age, disability handicap, or
1298 marital status or to classify or refer for employment any
1299 individual on the basis of race, color, religion, sex, national
1300 origin, age, disability handicap, or marital status.

1301 (3) It is an unlawful employment practice for a labor
1302 organization to:

1303 (a) ~~To~~ Exclude or to expel from its membership, or
1304 otherwise to discriminate against, any individual because of
1305 race, color, religion, sex, national origin, age, disability

18-00300-10

2010230__

1306 ~~handicap~~, or marital status.

1307 (b) ~~To~~ Limit, segregate, or classify its membership or
 1308 applicants for membership, or to classify or fail ~~or refuse~~ to
 1309 refer for employment any individual, in any way that ~~which~~ would
 1310 deprive or tend to deprive any individual of employment
 1311 opportunities, or adversely affect any individual's status as an
 1312 employee or as an applicant for employment, because of such
 1313 individual's race, color, religion, sex, national origin, age,
 1314 disability ~~handicap~~, or marital status.

1315 (c) ~~To~~ Cause or attempt to cause an employer to
 1316 discriminate against an individual in violation of this section.

1317 (4) It is an unlawful employment practice for an ~~any~~
 1318 employer, labor organization, or joint labor-management
 1319 committee controlling apprenticeship or other training or
 1320 retraining, including on-the-job training programs, to
 1321 discriminate against any individual because of race, color,
 1322 religion, sex, national origin, age, disability ~~handicap~~, or
 1323 marital status in admission to, or employment in, any program
 1324 established to provide apprenticeship or other training.

1325 (5) If ~~Whenever~~, in order to engage in a profession,
 1326 occupation, or trade, ~~it is required that~~ a person must receive
 1327 a license, certification, or other credential; or become a member
 1328 or an associate of any club, association, or other
 1329 organization; or pass an ~~any~~ examination, it is an unlawful
 1330 employment practice for any person to discriminate against any
 1331 other person seeking such license, certification, or other
 1332 credential; or seeking to become a member or associate of such
 1333 club, association, or other organization; or seeking to take or
 1334 pass such examination or because of such ~~other~~ person's race,

18-00300-10

2010230__

1335 color, religion, sex, national origin, age, disability ~~handicap~~,
1336 or marital status.

1337 (6) It is an unlawful employment practice for an employer,
1338 labor organization, employment agency, or joint labor-management
1339 committee to print, or cause to be printed or published, any
1340 notice or advertisement relating to employment, membership,
1341 classification, referral for employment, or apprenticeship or
1342 other training, indicating any preference, limitation,
1343 specification, or discrimination, based on race, color,
1344 religion, sex, national origin, age, absence of disability
1345 ~~handicap~~, or marital status.

1346 (7) It is an unlawful employment practice for an employer,
1347 an employment agency, a joint labor-management committee, or a
1348 labor organization to discriminate against any person because
1349 that person has opposed any practice that ~~which~~ is an unlawful
1350 employment practice under this section, or because that person
1351 has made a charge, testified, assisted, or participated in any
1352 manner in an investigation, proceeding, or hearing under this
1353 section.

1354 (8) Notwithstanding any other provision of this section, it
1355 is not an unlawful employment practice under this part ~~ss.~~
1356 ~~760.01-760.10~~ for an employer, employment agency, labor
1357 organization, or joint labor-management committee to:

1358 (a) Take or fail to take any action on the basis of
1359 religion, sex, national origin, age, disability ~~handicap~~, or
1360 marital status in those ~~certain~~ instances in which religion,
1361 sex, national origin, age, absence of a particular disability
1362 ~~handicap~~, or marital status is a bona fide occupational
1363 qualification reasonably necessary for the performance of the

18-00300-10

2010230__

1364 particular employment to which such action or inaction is
1365 related.

1366 (b) Observe the terms of a bona fide seniority system, a
1367 bona fide employee benefit plan, such as a retirement, pension,
1368 or insurance plan, or a system that ~~which~~ measures earnings by
1369 quantity or quality of production and, ~~which~~ is not designed,
1370 intended, or used to evade the purposes of this part ~~ss. 760.01-~~
1371 ~~760.10~~. However, ~~no~~ such employee benefit plan or system that
1372 ~~which~~ measures earnings does not ~~shall~~ excuse the failure to
1373 hire, and ~~no~~ such seniority system, employee benefit plan, or
1374 system that ~~which~~ measures earnings does not ~~shall~~ excuse the
1375 involuntary retirement of, any individual on the basis of any
1376 factor not related to the ability of such individual to perform
1377 the particular employment for which the ~~such~~ individual has
1378 applied or in which the ~~such~~ individual is engaged. This
1379 subsection does ~~shall~~ not prohibit ~~be construed to make unlawful~~
1380 the rejection or termination of employment if ~~when~~ the
1381 individual applicant or employee has failed to meet bona fide
1382 requirements for the job or position sought or held or ~~to~~
1383 require any changes in any bona fide retirement or pension
1384 programs or existing collective bargaining agreements during the
1385 life of the contract, and ~~or for 2 years after October 1, 1981,~~
1386 ~~whichever occurs first, nor shall~~ this part does not ~~act~~
1387 preclude such physical and medical examinations of applicants
1388 and employees as an employer may require of applicants and
1389 employees to determine fitness for the job or position sought or
1390 held.

1391 (c) Take or fail to take any action on the basis of age,
1392 pursuant to law or regulation governing any employment or

18-00300-10

2010230__

1393 training program designed to benefit persons of a particular age
1394 group.

1395 (d) Take or fail to take any action on the basis of marital
1396 status if that status is prohibited under its antinepotism
1397 policy.

1398 (9) Except as otherwise provided in this act, an unlawful
1399 employment practice is established if the complaining party
1400 demonstrates that race, color, religion, sex, national origin,
1401 age, disability, or marital status is a motivating factor for
1402 any unlawful employment practice, including any adverse
1403 personnel action even though other factors may have also
1404 contributed to or motivated the practice.

1405 (10) The protections of this section extend to women who
1406 are pregnant or who have any medical condition related to
1407 pregnancy or childbirth. Women affected by pregnancy,
1408 childbirth, or any medical condition related to pregnancy or
1409 childbirth must be treated the same for employment-related
1410 purposes as all other persons having similar abilities.

1411 (11)~~(9)~~ This section does ~~shall~~ not apply to any religious
1412 corporation, association, educational institution, or society
1413 that ~~which~~ conditions opportunities in the area of employment or
1414 public accommodation to members of that religious corporation,
1415 association, educational institution, or society or to persons
1416 who subscribe to its tenets or beliefs. This section does ~~shall~~
1417 not prohibit a religious corporation, association, educational
1418 institution, or society from giving preference in employment to
1419 individuals of a particular religion to perform work connected
1420 with the carrying on by such corporations, associations,
1421 educational institutions, or societies of its various

18-00300-10

2010230__

1422 activities.

1423 (12)~~(10)~~ Each employer, employment agency, and labor
1424 organization shall post and keep posted in conspicuous places
1425 upon its premises a notice provided by the commission setting
1426 forth such information as the commission deems appropriate to
1427 effectuate the purposes of the Florida Civil Rights Act ~~ss.~~
1428 ~~760.01-760.10~~.

1429 Section 33. Section 760.11, Florida Statutes, is amended to
1430 read:

1431 760.11 Administrative and civil remedies; construction.—

1432 (1) Any person aggrieved by a violation of this part ~~ss.~~
1433 ~~760.01-760.10~~ may file a complaint with the commission within
1434 365 days after ~~of~~ the alleged violation, naming the employer,
1435 employment agency, labor organization, or joint labor-management
1436 committee, or, in the case of an alleged violation of s.
1437 760.10~~(5)~~, the person responsible for the violation and
1438 describing the violation. Any person aggrieved by a violation of
1439 s. 509.092 may file a complaint with the commission within 365
1440 days after ~~of~~ the alleged violation naming the person
1441 responsible for the violation and describing the violation. In
1442 lieu of filing the complaint with the commission, a complaint
1443 may be filed with the federal Equal Employment Opportunity
1444 Commission or with any unit of government of the state which is
1445 a fair-employment-practice agency under 29 C.F.R. ss. 1601.70-
1446 1601.80. The commission, a commissioner, or the Attorney General
1447 may in like manner file such a complaint.

1448 (a) On the same day the complaint is filed with the
1449 commission, the commission shall clearly stamp ~~on the face of~~
1450 ~~the complaint~~ the date the complaint was filed with the

18-00300-10

2010230

1451 commission on the face of the complaint. ~~In lieu of filing the~~
1452 ~~complaint with the commission, a complaint under this section~~
1453 ~~may be filed with the federal Equal Employment Opportunity~~
1454 ~~Commission or with any unit of government of the state which is~~
1455 ~~a fair-employment-practice agency under 29 C.F.R. ss. 1601.70-~~
1456 ~~1601.80.~~ If the date the complaint is filed is clearly stamped
1457 on the face of the complaint, that date is the date of filing.
1458 The date the complaint is filed with the commission for purposes
1459 of this section is the earliest date for ~~of~~ filing with the
1460 Equal Employment Opportunity Commission, the fair-employment-
1461 practice agency, or the commission.

1462 (b) The complaint must ~~shall~~ contain a short and plain
1463 statement of the facts describing the violation and the relief
1464 sought. The commission may require additional information ~~to be~~
1465 in the complaint.

1466 (c) ~~The commission,~~ Within 5 days after ~~of~~ the complaint is
1467 ~~being~~ filed, the commission shall provide ~~by registered mail~~
1468 ~~send~~ a copy of the complaint to the person who allegedly
1469 committed the violation.

1470 (d) The person who allegedly committed the violation must
1471 respond in writing to the commission and send a copy of the
1472 response to the aggrieved person ~~may file an answer to the~~
1473 ~~complaint~~ within 25 days after ~~of~~ the date the commission mailed
1474 the complaint to the respondent ~~was filed with the commission.~~
1475 ~~Any answer filed shall be mailed to the aggrieved person by the~~
1476 ~~person filing the answer.~~ Both The complaint and the response
1477 must answer ~~shall~~ be verified.

1478 (2) ~~If In the event that~~ any other state agency ~~of the~~
1479 ~~state or of any other unit of government of the state~~ has

18-00300-10

2010230__

1480 jurisdiction of the subject matter of a ~~any~~ complaint filed with
1481 the commission and has legal authority to investigate the
1482 complaint, the commission may refer such complaint to such
1483 agency for ~~an~~ investigation. Referral of ~~such~~ a complaint by the
1484 commission does ~~shall~~ not constitute agency action within the
1485 meaning of s. 120.52. ~~In the event of any referral under this~~
1486 ~~subsection,~~ The commission shall accord substantial weight to
1487 any findings and conclusions of ~~any~~ such agency. The referral of
1488 a complaint by the commission to a local agency does not divest
1489 the commission's jurisdiction over the complaint.

1490 (3) Except as provided in subsection (2), the commission
1491 shall investigate the allegations in the complaint. Within 180
1492 days after ~~of the filing of~~ the complaint is filed, the
1493 commission shall determine if there is reasonable cause to
1494 believe that a discriminatory practice has occurred in violation
1495 of the Florida Civil Rights Act ~~of 1992~~. When the commission
1496 determines whether or not there is reasonable cause, the
1497 commission ~~by registered mail~~ shall promptly notify the
1498 aggrieved person and the respondent of the reasonable cause
1499 determination, the date of such determination, and the options
1500 available under this section.

1501 (4) If a charge is filed with the commission and the
1502 commission concludes on the basis of a preliminary investigation
1503 that prompt judicial action is necessary to carry out the
1504 purposes of the Florida Civil Rights Act, the commission may
1505 bring an action for appropriate temporary or preliminary relief
1506 pending final disposition of such charge. Any temporary
1507 restraining order or other order granting preliminary or
1508 temporary relief must be issued in accordance with Florida Rules

18-00300-10

2010230

1509 of Civil Procedure. If the court finds that the respondent has
1510 intentionally engaged in or is intentionally engaging in an
1511 unlawful employment practice as charged in the complaint, the
1512 court may enjoin the respondent from engaging in such practice
1513 and order such affirmative relief as may be appropriate, which
1514 may include, but is not limited to, reinstatement or hiring of
1515 employees, with or without back pay, payable by the employer,
1516 employment agency, or labor organization, as appropriate,
1517 responsible for the unlawful employment practice, or any other
1518 equitable relief the court deems appropriate. Back pay liability
1519 does not accrue from a date more than 2 years before a charge is
1520 filed with the commission. Interim earnings or amounts earnable
1521 with reasonable diligence by the person or persons discriminated
1522 against reduce the back pay otherwise allowable. The court may
1523 not require the admission or reinstatement of an individual as a
1524 member of a union, the hiring, reinstatement, or promotion of an
1525 individual as an employee, or the payment to an individual of
1526 any back pay if the individual was refused admission, suspended,
1527 or expelled, was refused employment or advancement, or was
1528 suspended or discharged for any reason other than discrimination
1529 on account of race, color, religion, sex, national origin, age,
1530 disability, or marital status.

1531 (5) (4) If In the event that the commission determines that
1532 there is reasonable cause to believe that a discriminatory
1533 practice has occurred in violation of the Florida Civil Rights
1534 Act ~~of 1992~~, the aggrieved person may either:

1535 (a) Bring a civil action against the person named in the
1536 complaint in any court of competent jurisdiction; or

1537 (b) Request an administrative hearing under ss. 120.569 and

18-00300-10

2010230__

1538 120.57.

1539

1540 The ~~election by the aggrieved person of~~ filing of a civil action
1541 or requesting an administrative hearing under this subsection is
1542 the exclusive procedure available to the aggrieved person
1543 pursuant to this part act. The executive director may, at his or
1544 her own initiative, reconsider his or her final determination of
1545 reasonable cause. If the director decides to reconsider, a
1546 notice of intent to reconsider must be promptly issued to all
1547 parties within a reasonable time.

1548 (6)~~(5)~~ In any civil action brought under this section, the
1549 court may issue an order prohibiting the discriminatory practice
1550 and providing affirmative relief from the effects of the
1551 practice, including back pay. The court may also award
1552 compensatory damages, including, but not limited to, damages for
1553 mental anguish, loss of dignity, and any other intangible
1554 injuries, and punitive damages. The provisions of ss. 768.72 and
1555 768.73 do not apply to this section. The judgment for the total
1556 amount of punitive damages awarded under this section may to an
1557 ~~aggrieved person shall~~ not exceed \$100,000. In any action or
1558 proceeding under this subsection, the court,~~in its discretion,~~
1559 may allow the prevailing party a reasonable attorney's fee as
1560 part of the costs. It is the intent of the Legislature that this
1561 provision for attorney's fees be interpreted in a manner
1562 consistent with federal case law involving a Title VII action.
1563 The right to trial by jury is preserved in any such private
1564 right of action in which the aggrieved person is seeking
1565 compensatory or punitive damages, and any party may demand a
1566 trial by jury. The commission's determination of reasonable

18-00300-10

2010230__

1567 cause is not admissible into evidence in any civil proceeding,
1568 including any hearing or trial, except to establish ~~for the~~
1569 ~~court~~ the right to maintain the private right of action. A civil
1570 action brought under this section must ~~shall~~ be commenced within
1571 ~~no later than~~ 1 year after the date of determination of
1572 reasonable cause by the commission. The commencement of such
1573 action divests ~~shall divest~~ the commission of jurisdiction of
1574 the complaint, except that the commission may intervene in the
1575 civil action as a matter of right. ~~Notwithstanding the above,~~
1576 The state and its agencies and subdivisions are ~~shall~~ not be
1577 liable for punitive damages. The total amount of recovery
1578 against the state and its agencies and subdivisions may ~~shall~~
1579 not exceed the limitation ~~as~~ set forth in s. 768.28(5).

1580 (7) ~~(6)~~ An ~~Any~~ administrative hearing brought pursuant to
1581 paragraph (5) (b) ~~(4) (b)~~ ~~shall~~ be conducted under ss.
1582 120.569 and 120.57. The commission may hear the case if provided
1583 ~~that~~ the final order is issued by members of the commission who
1584 did not conduct the hearing or the commission may request that
1585 it be heard by an administrative law judge pursuant to s.
1586 120.569(2) (a).

1587 (a) If the commission elects to hear the case, it may be
1588 heard by a commissioner. If the commissioner, after the hearing,
1589 finds that a violation of the Florida Civil Rights Act ~~of 1992~~
1590 has occurred, the commissioner shall issue an appropriate
1591 proposed order in accordance with chapter 120 prohibiting the
1592 practice and providing affirmative relief from the effects of
1593 the practice, including back pay.

1594 (b) If the administrative law judge, after the hearing,
1595 finds that a violation of the Florida Civil Rights Act ~~of 1992~~

18-00300-10

2010230__

1596 has occurred, the administrative law judge shall issue an
1597 appropriate recommended order in accordance with chapter 120
1598 prohibiting the practice and providing affirmative relief from
1599 the effects of the practice, including back pay.

1600 (c) Within 90 days after ~~of~~ the date the recommended or
1601 proposed order is rendered, the commission shall issue a final
1602 order by adopting, rejecting, or modifying the recommended order
1603 as provided under ss. 120.569 and 120.57. The 90-day period may
1604 be extended with the consent of all the parties. An
1605 administrative hearing ~~pursuant to paragraph (4)(b)~~ must be
1606 requested within ~~no later than~~ 35 days after the date of
1607 determination of reasonable cause by the commission.

1608 (d) In any action or proceeding under this subsection, the
1609 commission, ~~in its discretion,~~ may allow the prevailing party a
1610 reasonable attorney's fee as part of the costs. It is the intent
1611 of the Legislature that this provision for attorney's fees be
1612 interpreted in a manner consistent with federal case law
1613 involving a Title VII action.

1614 (8)(7) If the commission determines that there is no ~~not~~
1615 reasonable cause to believe that a violation of the Florida
1616 Civil Rights Act ~~of 1992~~ has occurred, the commission shall
1617 dismiss the complaint. The aggrieved person may request an
1618 administrative hearing under ss. 120.569 and 120.57. ~~but any~~
1619 Such request must be made within 35 days after ~~of~~ the date of
1620 determination ~~of reasonable cause~~ and any such hearing must
1621 ~~shall~~ be heard by an administrative law judge and not by the
1622 commission or a commissioner. If the aggrieved person does not
1623 request an administrative hearing within the 35 days, the claim
1624 is ~~will be~~ barred.

18-00300-10

2010230

1625 (a) If the administrative law judge finds that a violation
1626 of the Florida Civil Rights Act ~~of 1992~~ has occurred, he or she
1627 shall issue an appropriate recommended order to the commission
1628 prohibiting the practice and recommending affirmative relief
1629 from the effects of the practice, including back pay. Within 90
1630 days after ~~of~~ the date the recommended order is rendered, the
1631 commission shall issue a final order by adopting, rejecting, or
1632 modifying the recommended order as provided under ss. 120.569
1633 and 120.57. The 90-day period may be extended with the consent
1634 of all the parties.

1635 (b) In any action or proceeding under this subsection, the
1636 commission, ~~in its discretion,~~ may allow the prevailing party a
1637 reasonable attorney's fee as part of the costs. It is the intent
1638 of the Legislature that this provision for attorney's fees be
1639 interpreted in a manner consistent with federal case law
1640 involving a Title VII action. If ~~In the event~~ the final order
1641 issued by the commission determines that a violation of the
1642 Florida Civil Rights Act ~~of 1992~~ has occurred, the aggrieved
1643 person may ~~bring~~, within 1 year after ~~of~~ the date of the final
1644 order, bring a civil action under subsection (6) ~~(5)~~ as if there
1645 has been a reasonable cause determination or accept the
1646 affirmative relief offered by the commission, but not both.

1647 (c) The executive director may, on his or her own
1648 initiative, reconsider his or her final determination of no
1649 reasonable cause. If the executive director decides to
1650 reconsider a determination of no cause, a notice of intent to
1651 reconsider must be promptly issued within a reasonable time to
1652 all parties.

1653 (9) ~~(8)~~ If ~~In the event that~~ the commission fails to

18-00300-10

2010230__

1654 conciliate or determine whether there is reasonable cause on any
1655 complaint under this section within 180 days after ~~of the filing~~
1656 ~~of the complaint~~ is filed, an aggrieved person may proceed under
1657 subsection (5) ~~(4)~~, as if the commission determined that there
1658 was reasonable cause. However, a civil action filed under this
1659 section must commence within 4 years after the date the cause of
1660 action accrued.

1661 (10) ~~(9)~~ No Liability for back pay does not ~~shall~~ accrue
1662 from a date more than 2 years before ~~prior to~~ the filing of a
1663 complaint with the commission.

1664 (11) ~~(10)~~ A judgment for the amount of damages and costs
1665 assessed pursuant to a final order by the commission may be
1666 entered in any court having jurisdiction ~~thereof~~ and may be
1667 enforced as any other judgment.

1668 (12) ~~(11)~~ If a complaint is within the jurisdiction of the
1669 commission, the commission shall simultaneously with its other
1670 statutory obligations attempt to eliminate or correct the
1671 alleged discrimination by informal methods of conference,
1672 conciliation, and persuasion. Nothing said or done in the course
1673 of such informal endeavors may be made public or used as
1674 evidence in a subsequent civil proceeding, trial, or hearing.
1675 The commission may initiate dispute resolution procedures,
1676 including voluntary arbitration, by special magistrates or
1677 mediators. The commission may adopt rules as to the
1678 qualifications of persons who may serve as special magistrates
1679 and mediators.

1680 (13) ~~(12)~~ All complaints filed with the commission and all
1681 records and documents in the custody of the commission, ~~which~~
1682 relate to and identify a particular person, including, but not

18-00300-10

2010230__

1683 limited to, a complainant, employer, employment agency, labor
1684 organization, or joint labor-management committee are ~~shall be~~
1685 confidential and may ~~shall~~ not be disclosed by the commission,
1686 except to the parties or in the course of a hearing or
1687 proceeding under this section. This limitation does ~~The~~
1688 ~~restriction of this subsection shall~~ not apply to any record or
1689 document that ~~which~~ is part of the record of any hearing or
1690 court proceeding.

1691 (14) ~~(13)~~ Final orders of the commission are subject to
1692 judicial review pursuant to s. 120.68. The commission's
1693 determination of reasonable cause is not final agency action
1694 that is subject to judicial review. Unless specifically ordered
1695 by the court, the commencement of an appeal does not suspend or
1696 stay the order of the commission, ~~except as provided in the~~
1697 Rules of Appellate Procedure. In any action or proceeding under
1698 this subsection, the court, ~~in its discretion,~~ may allow the
1699 prevailing party a reasonable attorney's fee as part of the
1700 cost. It is the intent of the Legislature that this provision
1701 for attorney's fees be interpreted in a manner consistent with
1702 federal case law involving a Title VII action. If ~~In the event~~
1703 the order of the court determines that a violation of the
1704 Florida Civil Rights Act ~~of 1992~~ has occurred, the court shall
1705 remand the matter to the commission for appropriate relief. The
1706 aggrieved party may ~~has the option to~~ accept the relief offered
1707 by the commission or may ~~bring,~~ within 1 year after ~~of~~ the date
1708 of the court order, bring a civil action under subsection (6)
1709 ~~(5)~~ as if there has been a reasonable cause determination.

1710 (15) ~~(14)~~ The commission may adopt, ~~promulgate,~~ amend, and
1711 rescind rules to effectuate the purposes and policies of this

18-00300-10

2010230__

1712 section and to govern the proceedings of the commission under
1713 this section.

1714 (16)~~(15)~~ In any civil action or administrative proceeding
1715 brought pursuant to this section, a finding that a person
1716 employed by the state or any governmental entity or agency has
1717 violated s. 760.10 shall, as a matter of law, constitute just or
1718 substantial cause for such person's discharge.

1719 Section 34. Section 760.12, Florida Statutes, is created to
1720 read:

1721 760.12 Recovery of expenditures by commission.-

1722 (1) The commission may recover expenditures for any state-
1723 funded products or services provided to any person seeking
1724 administrative or judicial relief and who possesses the present
1725 ability to pay. The rate of compensation for such products or
1726 services must include the actual cost, including cost of
1727 recovery, of court reporter services and transcriptions, court
1728 interpreter services and translation, and any other product or
1729 service for which state funds were incurred by the commission
1730 due to persons seeking administrative or judicial relief.

1731 (2) Funds received by the commission pursuant to this
1732 section shall be deposited into the commission's trust fund to
1733 assist the commission in defraying some of the costs associated
1734 with parties seeking administrative or judicial relief.

1735 Section 35. Section 760.13, Florida Statutes, is created to
1736 read:

1737 760.13 Fees.-

1738 (1) The commission may charge fees for products or services
1739 provided in the performance of its duties pursuant to this part
1740 in amounts not to exceed:

18-00300-10

2010230__

1741 (a) For examining, comparing, correcting, verifying, and
 1742 certifying transcripts of records in appellate proceedings,
 1743 prepared by an attorney for appellant proceedings or someone
 1744 other than the commission clerk, per page \$5.

1745 (b) For preparing, numbering, and indexing an original
 1746 record of appellate proceedings, per instrument \$3.50.

1747 (c) For certifying copies of any instrument \$2.

1748 (d) For verifying any instrument presented for
 1749 certification prepared by someone other than the commission
 1750 clerk, per page \$3.50.

1751 (e) For writing any other paper, same as for copying,
 1752 including signing and sealing \$7.

1753 (f) For indexing each entry not recorded \$1.

1754
 1755 The clerk of the commission may provide the requested
 1756 information or record in an electronic format in lieu of a hard
 1757 copy if ready accessibility by the requesting entity is
 1758 available.

1759 (2) Any funds received by the commission pursuant to this
 1760 section shall be deposited into the commission's trust fund.

1761 Section 36. Section 760.14, Florida Statutes, is created to
 1762 read:

1763 760.14 Mediation services.—

1764 (1) Mediation, arbitration, and conciliation services must
 1765 be available and accessible by all parties to any discrimination
 1766 complaint filed with the commission regardless of financial
 1767 status.

1768 (2) A fee of \$120 per person per scheduled mediation,
 1769 arbitration, or conciliation session conducted pursuant to this

18-00300-10

2010230__

1770 part shall be divided equally among the parties. Such fees shall
1771 be collected by the clerk of the commission and deposited into
1772 the commission's trust fund. The fees shall be waived for any
1773 party who is found to be indigent pursuant to s. 57.081.

1774 (3) A person serving as a mediator in any action pursuant
1775 to this part is immune from liability arising from the
1776 performance of that person's duties while acting within the
1777 scope of the mediation function if mediation is required by law
1778 or agency rule or order, conducted by express agreement of the
1779 mediation parties, or facilitated by a mediator certified by the
1780 Supreme Court. The mediator is not immune from liability if he
1781 or she acts in bad faith, with malicious purpose, or in a manner
1782 exhibiting wanton and willful disregard of human rights, safety,
1783 or property.

1784 Section 37. Section 760.15, Florida Statutes, is created to
1785 read:

1786 760.15 Computation of time.—In computing any period of time
1787 under this part, the day of the act, event, or default from
1788 which the designated period of time begins to run is not
1789 included. The last day of the period is included unless it is a
1790 Saturday, Sunday, or legal state holiday, in which case the
1791 designated period ends on the next day that is not a Saturday,
1792 Sunday, or legal state holiday. If the period of time prescribed
1793 or allowed is less than 7 days, intermediate Saturdays, Sundays,
1794 and legal state holidays are excluded from the computation.

1795 Section 38. Section 760.16, Florida Statutes, is created to
1796 read:

1797 760.16 Direct-support organization.—

1798 (1) DIRECT-SUPPORT ORGANIZATION ESTABLISHED.—The commission

18-00300-10

2010230__

1799 may establish a direct-support organization to provide
1800 assistance, funding, and support to the commission in carrying
1801 out its mission.

1802 (2) DEFINITIONS.—As used in this section, the term:

1803 (a) "Direct-support organization" means an organization
1804 that is:

1805 1. A Florida corporation, not for profit, incorporated
1806 under chapter 617, exempt from filing fees under s. 617.0122,
1807 and approved by the Department of State.

1808 2. Organized and operated exclusively to obtain funds;
1809 request and receive grants, gifts, and bequests of moneys;
1810 acquire, receive, hold, invest, and administer, in its own name,
1811 securities, funds, or property; and make expenditures to or for
1812 the direct or indirect benefit of the commission in its efforts
1813 to:

1814 a. Promote and encourage fair treatment and equal
1815 opportunity for all persons regardless of race, color, religion,
1816 sex, national origin, age, disability, or marital status;

1817 b. Encourage mutual understanding and respect among all
1818 members of all economic, social, racial, religious, and ethnic
1819 groups; and

1820 c. Endeavor to eliminate discrimination against, and
1821 antagonism between, religious, racial, and ethnic groups and
1822 their members.

1823 3. Authorized to receive federal subsidies, endowments,
1824 grants, and aid, but not authorized to receive donations in any
1825 manner from any private or public entity or individuals
1826 connected with entities over which the commission has regulatory
1827 authority pursuant to this chapter.

18-00300-10

2010230__

1828 4. Determined by the commission to be operating in a manner
1829 consistent with the goals and purposes of the commission and in
1830 the best interest of the state.

1831 (b) "Personnel services" includes full-time or part-time
1832 personnel.

1833 (3) BOARD OF DIRECTORS.—The direct-support organization
1834 shall be governed by a board of directors.

1835 (a) The board of directors shall consist of at least three
1836 but no more than five members appointed by the executive
1837 director of the commission.

1838 (b) The term of office of the board members is 3 years,
1839 except that the terms of the initial appointees are for 1 year,
1840 2 years, or 3 years in order to achieve staggered terms. A
1841 member may be reappointed when his or her term expires. The
1842 executive director of the commission, or designee, shall serve
1843 as an ex officio member of the board of directors.

1844 (c) Board members must be current residents of this state
1845 and knowledgeable about human and civil rights. The executive
1846 director of the commission may remove any board member for cause
1847 and with the approval of a majority of the board members. The
1848 executive director of the commission shall appoint a replacement
1849 for any vacancy that occurs.

1850 (4) CONTRACT.—The direct-support organization shall operate
1851 under a written contract with the commission. The written
1852 contract must provide for:

1853 (a) Submission of an annual budget for approval by the
1854 executive director of the commission.

1855 (b) Certification by the commission that the direct-support
1856 organization is complying with the terms of the contract and is

18-00300-10

2010230__

1857 doing so consistent with the goals and purposes of the
1858 commission and in the best interests of the state. Certification
1859 must be made annually and reported in the official minutes of a
1860 meeting of the direct-support organization.

1861 (c) The reversion of all moneys and property held by the
1862 direct-support organization. Moneys and property shall revert:

1863 1. To the commission if the direct-support organization is
1864 no longer approved to operate for the commission;

1865 2. To the commission if the direct-support organization
1866 ceases to exist; or

1867 3. To the state if the commission ceases to exist.

1868 (d) The disclosure of the material provisions of the
1869 contract and the distinction between the commission and the
1870 direct-support organization to donors of gifts, contributions,
1871 or bequests, including such disclosure on all promotional and
1872 fundraising publications.

1873 (5) USE OF PROPERTY AND SERVICES.—

1874 (a) The commission may permit the use of property,
1875 facilities, and personnel services of the commission by the
1876 direct-support organization, subject to this section.

1877 (b) The commission may prescribe, by contract, any
1878 condition with which the direct-support organization must comply
1879 in order to use property, facilities, or personnel services of
1880 the commission.

1881 (c) The commission may not permit the use of its property,
1882 facilities, or personnel services by a direct-support
1883 organization that does not provide equal employment
1884 opportunities to all persons regardless of race, color,
1885 religion, sex, national origin, age, disability, or marital

18-00300-10

2010230__

1886 status.

1887 (6) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
 1888 between the direct-support organization organized under this
 1889 section and another direct-support organization or other entity
 1890 must be approved by the executive director of the commission.

1891 (7) ANNUAL BUDGETS AND REPORTS.—

1892 (a) The fiscal year of the direct-support organization
 1893 begins on July 1 of each year and ends on June 30 of the
 1894 following year.

1895 (b) The direct-support organization shall submit to the
 1896 commission its federal Internal Revenue Service Application for
 1897 Recognition of Exemption form and its federal Internal Revenue
 1898 Service Return of Organization Exempt from Income Tax form.

1899 (c) The direct-support organization shall provide for an
 1900 annual financial audit in accordance with s. 215.981.

1901 (8) LIMITS ON DIRECT-SUPPORT ORGANIZATION.—The direct
 1902 support organization may not exercise any power under s.
 1903 617.0302(12) or s. 617.0302(16). A state employee may not
 1904 receive compensation from the direct-support organization for
 1905 services on the board of directors or for services rendered to
 1906 the direct-support organization.

1907 (9) RULEMAKING AUTHORITY.—The commission may adopt rules to
 1908 administer this section.

1909 Section 39. Section 760.20, Florida Statutes, is amended to
 1910 read:

1911 760.20 Fair Housing Act; short title.—This part Sections
 1912 760.20-760.37 may be cited as the "Fair Housing Act."

1913 Section 40. Section 760.22, Florida Statutes, is amended to
 1914 read:

18-00300-10

2010230__

1915 760.22 Definitions.—As used in this part ~~ss. 760.20-760.37,~~
 1916 the term:

1917 (1) "Commission" means the Florida Commission on Human
 1918 Relations.

1919 (2) "Covered multifamily dwelling" means:

1920 (a) A building that ~~which~~ consists of four or more units
 1921 and has an elevator; or

1922 (b) The ground floor units of a building that ~~which~~
 1923 consists of four or more units and does not have an elevator.

1924 (3) "Disability," with respect to an individual, means:

1925 (a) A physical or mental impairment that substantially
 1926 limits one or more major life activities of the individual;

1927 (b) A record of the impairment;

1928 (c) Being regarded as having an impairment; or

1929 (d) Having a developmental disability as defined in s.
 1930 393.063.

1931 (4)~~(3)~~ "Discriminatory housing practice" means an act that
 1932 is unlawful under this part ~~the terms of ss. 760.20-760.37.~~

1933 (5)~~(4)~~ "Dwelling" means any building or structure, or
 1934 portion thereof, which is occupied ~~as~~, or designed or intended
 1935 for occupancy, ~~as~~ a residence by one or more families, and any
 1936 vacant land that ~~which~~ is offered for sale or lease for the
 1937 construction or location on the land of ~~any~~ such building or
 1938 structure, or portion thereof.

1939 (6)~~(5)~~ "Familial status" is established when an individual
 1940 who has not attained the age of 18 years is domiciled with:

1941 (a) A parent or other person having legal custody of such
 1942 individual; or

1943 (b) A designee of a parent or other person having legal

18-00300-10

2010230__

1944 custody, with the written permission of such parent or other
1945 person.

1946 (7)~~(6)~~ "Family" includes a single individual.

1947 ~~(7) "Handicap" means:~~

1948 ~~(a) A person has a physical or mental impairment which~~
1949 ~~substantially limits one or more major life activities, or he or~~
1950 ~~she has a record of having, or is regarded as having, such~~
1951 ~~physical or mental impairment; or~~

1952 ~~(b) A person has a developmental disability as defined in~~
1953 ~~s. 393.063.~~

1954 (8) "Major life activities" includes, but is not limited
1955 to:

1956 (a) Caring for one's self, performing manual tasks, and
1957 functioning in a workplace environment.

1958 (b) Major bodily functions, including, but not limited to,
1959 visual, auditory, aural, and cognitive functions; functions of
1960 the immune, digestive, neurological, respiratory, circulatory,
1961 endocrine, and reproductive systems; normal cell growth; and
1962 functions of the bowel, bladder, and brain.

1963 (9)~~(8)~~ "Person" includes one or more individuals,
1964 corporations, partnerships, associations, labor organizations,
1965 legal representatives, mutual companies, joint-stock companies,
1966 trusts, unincorporated organizations, trustees, trustees in
1967 bankruptcy, receivers, and fiduciaries.

1968 (10)~~(9)~~ "Substantially equivalent" means an administrative
1969 subdivision of the State of Florida meeting the requirements of
1970 24 C.F.R. part 115, s. 115.6.

1971 (11) "Substantially limits" means to materially restrict an
1972 individual's ability.

18-00300-10

2010230__

1973 ~~(12)~~~~(10)~~ "To rent" means ~~includes~~ to lease, to sublease, to
1974 let, and otherwise to grant for a consideration the right to
1975 occupy premises not owned by the occupant.

1976 (13) "Transitory or minor impairment" means any impairment
1977 having an actual, apparent, or expected duration of 6 months or
1978 less.

1979 Section 41. Section 760.225, Florida Statutes, is created
1980 to read:

1981 760.225 Impairment.—For purposes of this part, an
1982 individual who has been subjected to an action prohibited under
1983 this chapter because of an actual or perceived physical or
1984 mental impairment, regardless of whether the impairment limits
1985 or is perceived to limit a major life activity, has an
1986 impairment. An impairment that limits one major life activity
1987 may be considered a disability; however, a transitory or minor
1988 impairment may not be considered a disability. An impairment
1989 that is episodic or in remission is considered a disability if
1990 it substantially limits at least one major life activity when
1991 the impairment is active or not in remission. The determination
1992 of whether an impairment substantially limits a major life
1993 activity must be made without regard to the ameliorative effects
1994 of mitigating measures, such as medication; medical supplies;
1995 equipment or appliances; low-vision devices, not including
1996 ordinary eyeglasses or contact lenses; prosthetics, including
1997 artificial limbs and devices, hearing aids and cochlear implants
1998 or other implantable hearing devices, and mobility devices;
1999 oxygen therapy equipment and supplies; use of assistive
2000 technology; reasonable accommodations or auxiliary aids or
2001 services, including qualified interpreters or other effective

18-00300-10

2010230__

2002 measures of making aurally delivered materials available to
 2003 individuals with hearing impairments; qualified readers; taped
 2004 texts or other effective methods of making visually delivered
 2005 materials available to individuals with visual impairments;
 2006 acquisition or modification of equipment and devices and other
 2007 similar services and actions; or learned behavioral or adaptive
 2008 neurological modifications.

2009 Section 42. Section 760.23, Florida Statutes, is amended to
 2010 read:

2011 760.23 Discrimination in the sale or rental of housing and
 2012 other prohibited practices.—

2013 (1) It is unlawful to refuse to sell or rent after the
 2014 making of a bona fide offer, to refuse to negotiate for the sale
 2015 or rental of, or otherwise to make unavailable or deny a
 2016 dwelling to any person because of race, color, national origin,
 2017 sex, disability handicap, familial status, or religion.

2018 (2) It is unlawful to discriminate against any person in
 2019 the terms, conditions, or privileges of sale or rental of a
 2020 dwelling, or in the provision of related services or facilities
 2021 ~~in connection therewith~~, because of race, color, national
 2022 origin, sex, disability handicap, familial status, or religion.

2023 (3) It is unlawful to make, print, or publish, or cause to
 2024 be made, printed, or published, any notice, statement, or
 2025 advertisement with respect to the sale or rental of a dwelling
 2026 which ~~that~~ indicates any preference, limitation, or
 2027 discrimination based on race, color, national origin, sex,
 2028 disability handicap, familial status, or religion or an
 2029 intention to make any such preference, limitation, or
 2030 discrimination.

18-00300-10

2010230__

2031 (4) It is unlawful to represent to any person because of
2032 race, color, national origin, sex, disability ~~handicap~~, familial
2033 status, or religion that any dwelling is not available for
2034 inspection, sale, or rental if ~~when~~ such dwelling is in fact so
2035 available.

2036 (5) It is unlawful, for profit, to induce or attempt to
2037 induce any person to sell or rent any dwelling by a
2038 representation regarding the entry or prospective entry into the
2039 neighborhood of a person or persons of a particular race, color,
2040 national origin, sex, disability ~~handicap~~, familial status, or
2041 religion.

2042 (6) The protections provided ~~afforded~~ under this part ss.
2043 ~~760.20-760.37~~ against discrimination on the basis of familial
2044 status apply to any person who is pregnant or is in the process
2045 of securing legal custody of any individual who has not attained
2046 the age of 18 years.

2047 (7) It is unlawful to discriminate in the sale or rental
2048 of, or to otherwise make unavailable or deny, a dwelling to any
2049 buyer or renter because of a disability ~~handicap~~ of:

2050 (a) That buyer or renter;

2051 (b) A person residing in or intending to reside in that
2052 dwelling after it is sold, rented, or made available; or

2053 (c) Any person associated with the buyer or renter.

2054 (8) It is unlawful to discriminate against any person in
2055 the terms, conditions, or privileges of sale or rental of a
2056 dwelling, or in the provision of services or facilities in
2057 connection with such dwelling, because of a disability ~~handicap~~
2058 of:

2059 (a) That buyer or renter;

18-00300-10

2010230__

2060 (b) A person residing in or intending to reside in that
2061 dwelling after it is sold, rented, or made available; or

2062 (c) Any person associated with the buyer or renter.

2063 (9) For purposes of subsections (7) and (8), discrimination
2064 includes:

2065 (a) A refusal to permit, at the expense of the ~~handicapped~~
2066 person who has a disability, reasonable modifications of
2067 existing premises occupied or to be occupied by such person if
2068 such modifications may be necessary to provide ~~afford~~ such
2069 person full enjoyment of the premises; or

2070 (b) A refusal to make reasonable accommodations in rules,
2071 policies, practices, or services, if ~~when~~ such accommodations
2072 may be necessary to provide ~~afford~~ such person equal opportunity
2073 to use and enjoy a dwelling.

2074 (10) Covered multifamily dwellings that ~~as defined herein~~
2075 ~~which~~ are intended for first occupancy after March 13, 1991,
2076 must ~~shall~~ be designed and constructed to have at least one
2077 building entrance on an accessible route unless it is
2078 impractical to do so because of the terrain or unusual
2079 characteristics of the site as determined by commission rule.
2080 Such buildings shall also be designed and constructed ~~in~~ such a
2081 ~~manner~~ that:

2082 (a) The public use and common use portions of such
2083 dwellings are readily accessible to and usable by ~~handicapped~~
2084 persons who have disabilities.

2085 (b) All doors designed to allow passage into and within all
2086 premises within such dwellings are sufficiently wide to allow
2087 passage by a person in a wheelchair.

2088 (c) All premises within such dwellings contain the

18-00300-10

2010230__

2089 following features of adaptive design:

- 2090 1. An accessible route into and through the dwelling.
- 2091 2. Light switches, electrical outlets, thermostats, and
- 2092 other environmental controls in accessible locations.
- 2093 3. Reinforcements in bathroom walls to allow later
- 2094 installation of grab bars.
- 2095 4. Usable kitchens and bathrooms such that a person in a
- 2096 wheelchair can maneuver about the space.

2097 (d) Compliance with the appropriate requirements of the

2098 American National Standards Institute for buildings and

2099 facilities providing accessibility and usability for persons

2100 with physical disabilities ~~physically handicapped people,~~

2101 commonly cited as ANSI A117.1-1986, suffices to satisfy the

2102 requirements of paragraph (c).

2103

2104 State agencies that are responsible for regulating ~~with~~ building

2105 ~~construction regulation responsibility~~ or local governments, as

2106 appropriate, shall review the plans and specifications for the

2107 construction of covered multifamily dwellings to determine

2108 consistency with the requirements of this subsection.

2109 Section 43. Section 760.24, Florida Statutes, is amended to

2110 read:

2111 760.24 Discrimination in the provision of brokerage

2112 services.—It is unlawful to deny any person access to, or

2113 membership or participation in, any multiple-listing service,

2114 real estate brokers' organization, or other service,

2115 organization, or facility relating to the business of selling or

2116 renting dwellings, or to discriminate against him or her in the

2117 terms or conditions of such access, membership, or

18-00300-10

2010230__

2118 participation, on account of race, color, national origin, sex,
2119 disability handicap, familial status, or religion.

2120 Section 44. Section 760.25, Florida Statutes, is amended to
2121 read:

2122 760.25 Discrimination in the financing of housing or in
2123 residential real estate transactions.—

2124 (1) It is unlawful for any bank, building and loan
2125 association, insurance company, or other corporation,
2126 association, firm, or enterprise whose ~~the~~ business ~~of which~~
2127 consists, in whole or in part, of ~~the~~ making ~~of~~ commercial real
2128 estate loans to deny a loan or other financial assistance to a
2129 person applying for the loan for the purpose of purchasing,
2130 constructing, improving, repairing, or maintaining a dwelling,
2131 or to discriminate against him or her in the fixing of the
2132 amount, interest rate, duration, or other term or condition of
2133 such loan or other financial assistance, because of the race,
2134 color, national origin, sex, disability handicap, familial
2135 status, or religion of such person or of any person associated
2136 with him or her in connection with such loan or other financial
2137 assistance or the purposes of such loan or other financial
2138 assistance, or because of the race, color, national origin, sex,
2139 disability handicap, familial status, or religion of the present
2140 or prospective owners, lessees, tenants, or occupants of the
2141 dwelling or dwellings in relation to which such loan or other
2142 financial assistance is to be made or given.

2143 (2) ~~(a)~~ It is unlawful for any person or entity whose
2144 business includes engaging in residential real estate
2145 transactions to discriminate against any person in making
2146 available such a transaction, or in the terms or conditions of

18-00300-10

2010230__

2147 such a transaction, because of race, color, national origin,
2148 sex, disability ~~handicap~~, familial status, or religion.

2149 ~~(b)~~ As used in this subsection, the term "residential real
2150 estate transaction" means any of the following:

2151 (a)1. The making or purchasing of loans or providing other
2152 financial assistance:

2153 1.a. For purchasing, constructing, improving, repairing, or
2154 maintaining a dwelling; or

2155 2.b. Secured by residential real estate.

2156 (b)2. The selling, brokering, or appraising of residential
2157 real property.

2158 Section 45. Section 760.29, Florida Statutes, is amended to
2159 read:

2160 760.29 Exemptions.—

2161 (1) (a) Sections ~~Nothing in ss.~~ 760.23 and 760.25 do not
2162 apply ~~applies~~ to:

2163 1. Any single-family house sold or rented by its private
2164 individual owner ~~if, provided~~ such ~~private individual~~ owner does
2165 not own more than three single-family houses at any one time. If
2166 ~~the In the case of the sale of a single-family house by a~~
2167 private individual owner ~~who~~ does not reside in such house at
2168 the time of the sale or ~~who~~ was not the most recent resident of
2169 the house prior to the sale, the exemption ~~granted by this~~
2170 ~~paragraph~~ applies only ~~with respect~~ to one sale within any 24-
2171 month period. In addition, the bona fide private individual
2172 owner may ~~shall~~ not own any interest in, and ~~nor shall~~ there may
2173 not be owned or reserved on his or her behalf, under any express
2174 or voluntary agreement, title to, or any right to all or a
2175 portion of the proceeds from the sale or rental of, more than

18-00300-10

2010230__

2176 three single-family houses at any one time. The sale or rental
2177 of any single-family house is ~~shall be~~ excepted from the
2178 application of this part ~~ss. 760.20-760.37~~ only if the house is
2179 sold or rented:

2180 a. Without the use ~~in any manner~~ of the sales or rental
2181 facilities or the sales or rental services of any real estate
2182 licensee or the ~~such~~ facilities or services of any person in the
2183 business of selling or renting dwellings, or of any employee or
2184 agent of ~~any~~ such licensee or person; and

2185 b. Without the publication, posting, or mailing, after
2186 notice, of any advertisement or written notice in violation of
2187 s. 760.23(3).

2188
2189 ~~Nothing in~~ This provision does not prohibit ~~prohibits~~ the use of
2190 attorneys, escrow agents, abstractors, title companies, and
2191 other ~~such~~ professional assistance ~~as is~~ necessary to perfect or
2192 transfer the title.

2193 2. Rooms or units in dwellings containing living quarters
2194 occupied or intended to be occupied by no more than four
2195 families living independently of each other, if the owner
2196 actually maintains and occupies one of such living quarters as
2197 his or her residence.

2198 (b) For the purposes of paragraph (a), a person is deemed
2199 to be in the business of selling or renting dwellings if the
2200 person:

2201 1. Has, within the preceding 12 months, participated as
2202 principal in three or more transactions involving the sale or
2203 rental of any dwelling or interest therein;

2204 2. Has, within the preceding 12 months, participated as

18-00300-10

2010230__

2205 agent, other than in the sale of his or her own personal
2206 residence, in providing sales or rental facilities or sales or
2207 rental services in two or more transactions involving the sale
2208 or rental of any dwelling or interest therein; or

2209 3. Is the owner of any dwelling designed or intended for
2210 occupancy ~~by~~, or is occupied by, five or more families.

2211 (2) This part does not prohibit: ~~Nothing in ss. 760.20-~~
2212 ~~760.37 prohibits~~

2213 (a) A religious organization, association, or society, or
2214 any nonprofit institution or organization operated, supervised,
2215 or controlled by or in conjunction with a religious
2216 organization, association, or society, from limiting the sale,
2217 rental, or occupancy of any dwelling that ~~which~~ it owns or
2218 operates for other than a commercial purpose to persons of the
2219 same religion or from giving preference to such persons, unless
2220 membership in such religion is restricted on account of race,
2221 color, or national origin; or. ~~Nothing in ss. 760.20-760.37~~
2222 ~~prohibits~~

2223 (b) A private club not ~~in fact~~ open to the public, which as
2224 an incident to its primary purpose ~~or purposes~~ provides lodgings
2225 that ~~which~~ it owns or operates for other than a commercial
2226 purpose, from limiting the rental or occupancy of such lodgings
2227 to its members or from giving preference to its members.

2228 (3) This part does not require ~~Nothing in ss. 760.20-760.37~~
2229 ~~requires~~ any person renting or selling a dwelling constructed
2230 for first occupancy before March 13, 1991, to modify, ~~alter,~~ ~~or~~
2231 ~~adjust~~ the dwelling in order to provide physical accessibility
2232 except as otherwise required by law.

2233 (4) (a) Any provision of this part ~~ss. 760.20-760.37~~

18-00300-10

2010230__

2234 regarding familial status does not apply ~~with respect~~ to housing
2235 for older persons.

2236 (b) As used in this subsection, the term "housing for older
2237 persons" means housing:

2238 1. Provided under any state or federal program that the
2239 commission determines is specifically designed and operated to
2240 assist elderly persons, as defined in the state or federal
2241 program;

2242 2. Intended for, and solely occupied by, persons 62 years
2243 of age or older; or

2244 3. Intended and operated for occupancy by persons 55 years
2245 of age or older which ~~that~~ meets the following requirements:

2246 a. At least 80 percent of the occupied units are occupied
2247 by at least one person 55 years of age or older.

2248 b. The housing facility or community publishes and adheres
2249 to policies and procedures that demonstrate the intent required
2250 under this subparagraph. If the housing facility or community
2251 meets the requirements of sub-subparagraphs a. and c. and the
2252 recorded governing documents provide for an adult, senior, or
2253 retirement housing facility or community and the governing
2254 documents lack an amendatory procedure, prohibit amendments, or
2255 restrict amendments until a specified future date, ~~then~~ that
2256 housing facility or community shall be deemed housing for older
2257 persons intended and operated for occupancy by persons 55 years
2258 of age or older. If those documents further provide a
2259 prohibition against residents 16 years of age or younger, that
2260 provision must ~~shall~~ be construed, for purposes of the Fair
2261 Housing Act, to ~~only~~ apply only to residents 18 years of age or
2262 younger, in order to conform with federal law requirements.

18-00300-10

2010230__

2263 Governing documents that ~~which~~ can be amended at a future date
2264 must be amended and properly recorded within 1 year after that
2265 date to reflect the requirements for consideration as housing
2266 for older persons, if that housing facility or community intends
2267 to continue as housing for older persons.

2268 c. The housing facility or community complies with rules
2269 made by the Secretary of the United States Department of Housing
2270 and Urban Development pursuant to 24 C.F.R. part 100 for
2271 verification of occupancy, which rules provide for verification
2272 by reliable surveys and affidavits and include examples of the
2273 types of policies and procedures relevant to a determination of
2274 compliance with the requirements of sub-subparagraph b. Such
2275 surveys and affidavits are admissible in administrative and
2276 judicial proceedings for the purposes of such verification.

2277 (c) Housing shall ~~not fail to~~ be considered housing for
2278 older persons if:

2279 1. A person who resides in such housing on or after October
2280 1, 1989, does not meet the age requirements of this subsection
2281 but, ~~provided that~~ any new occupant meets such age requirements;
2282 or

2283 2. One or more units are unoccupied but the, ~~provided that~~
2284 ~~any~~ unoccupied units are reserved for occupancy by persons who
2285 meet the age requirements of this subsection.

2286 (d) A person is ~~shall~~ not ~~be~~ personally liable for monetary
2287 damages for a violation of this subsection if such person
2288 reasonably relied in good faith on the application of the
2289 exemption under this subsection relating to housing for older
2290 persons. For purposes of this paragraph, a person may show good
2291 faith reliance on the application of the exemption only by

18-00300-10

2010230__

2292 showing that:

2293 1. The person has no actual knowledge that the facility or
2294 the community is ineligible, or will become ineligible, for such
2295 exemption; and

2296 2. The facility or community has stated formally, in
2297 writing, that the facility or community complies with the
2298 requirements for such exemption.

2299 (e) A facility or community claiming an exemption under
2300 this subsection shall register with the commission by submitting
2301 a copy of its recorded documents establishing the facility or
2302 community as housing for older persons and ~~submit~~ a letter ~~to~~
2303 ~~the commission~~ stating that the facility or community complies
2304 with the requirements of paragraph (b) ~~subparagraph (b)1.,~~
2305 ~~subparagraph (b)2., or subparagraph (b)3.~~ The letter shall be
2306 submitted on the letterhead of the facility or community and
2307 ~~shall be~~ signed by the president of the facility or community.
2308 This registration and documentation must ~~shall~~ be renewed
2309 biennially following ~~from~~ the date of original filing. The
2310 information in the registry shall be made available to the
2311 public, and the commission shall include this information on an
2312 Internet website. The commission may charge ~~establish~~ a
2313 ~~reasonable~~ registration fee of \$75, which not to exceed \$20,
2314 ~~that~~ shall be deposited into the commission's trust fund to
2315 defray the administrative costs associated with maintaining the
2316 registry. The commission may impose an administrative fine, not
2317 to exceed \$500, on a facility or community that fails to
2318 register or renew its registration with the commission or that
2319 knowingly submits false information in the documentation
2320 required by this paragraph. Such fines shall be deposited in the

18-00300-10

2010230__

2321 commission's trust fund. The registration and documentation
 2322 required by this paragraph do ~~shall~~ not substitute for proof of
 2323 compliance with the requirements of this subsection. However,
 2324 failure to comply does ~~with the requirements of this paragraph~~
 2325 ~~shall~~ not disqualify a facility or community that otherwise
 2326 qualifies for the exemption provided in this subsection.

2327
 2328 A county or municipal ordinance regarding housing for older
 2329 persons may not contravene the provisions of this subsection.

2330 (5) This part does not ~~Nothing in ss. 760.20-760.37:~~

2331 (a) Prohibit ~~Prohibits~~ a person engaged in the business of
 2332 furnishing appraisals of real property from considering ~~taking~~
 2333 ~~into consideration~~ factors other than race, color, national
 2334 origin, sex, disability ~~handicap~~, familial status, or religion.

2335 (b) Limit ~~Limits~~ the applicability of any reasonable local
 2336 restriction regarding the maximum number of occupants permitted
 2337 to occupy a dwelling.

2338 (c) Require ~~Requires that~~ a dwelling be made available to
 2339 an individual whose tenancy would constitute a direct threat to
 2340 the health or safety of other individuals or whose tenancy would
 2341 result in substantial physical damage to the property of others.

2342 (d) Prohibit ~~Prohibits~~ conduct against a person because
 2343 such person has been convicted ~~by any court of competent~~
 2344 ~~jurisdiction~~ of the illegal manufacture or distribution of a
 2345 controlled substance as defined under chapter 893.

2346 Section 46. Section 760.30, Florida Statutes, is amended to
 2347 read:

2348 760.30 Administration of ss. 760.20-760.37.—

2349 ~~(1)~~ The commission shall administer the Fair Housing Act

18-00300-10

2010230__

2350 ~~and authority and responsibility for administering ss. 760.20-~~
 2351 ~~760.37 is in the commission.~~

2352 ~~(2) The commission~~ may delegate any of its functions,
 2353 duties, and powers to its employees, including functions,
 2354 duties, and powers with respect to investigating, conciliating,
 2355 hearing, determining, ordering, certifying, reporting, or
 2356 otherwise acting as to any work, business, or matter under this
 2357 part ~~ss. 760.20-760.37.~~

2358 Section 47. Section 760.31, Florida Statutes, is amended to
 2359 read:

2360 760.31 Powers and duties of commission.—The commission
 2361 shall:

2362 (1) Conduct ~~Make~~ studies with respect to the nature and
 2363 extent of discriminatory housing practices in representative
 2364 urban, suburban, and rural communities throughout the state.

2365 (2) Publish and disseminate reports, recommendations, and
 2366 information derived from such studies.

2367 (3) Cooperate with and render technical assistance to
 2368 public or private agencies, organizations, and institutions
 2369 within the state which are formulating or carrying on programs
 2370 to prevent or eliminate discriminatory housing practices.

2371 (4) Administer the programs and activities relating to
 2372 housing in a manner affirmatively to further the policies of the
 2373 Fair Housing Act ~~ss. 760.20-760.37.~~

2374 (5) Adopt rules necessary to administer this part ~~implement~~
 2375 ~~ss. 760.20-760.37~~ and govern the proceedings of the commission
 2376 in accordance with chapter 120. Commission rules may ~~shall~~
 2377 clarify terms used with regard to disability ~~handicapped~~
 2378 accessibility, exceptions from accessibility requirements based

18-00300-10

2010230__

2379 on terrain or site characteristics, and requirements related to
2380 housing for older persons. Commission rules must ~~shall~~ specify
2381 the fee and the forms and procedures to be used for the
2382 registration required by s. 760.29(4) (e).

2383 Section 48. Section 760.32, Florida Statutes, is amended to
2384 read:

2385 760.32 Investigations; subpoenas; oaths.—

2386 (1) In conducting an investigation, the commission shall
2387 have access at all reasonable times to premises, records,
2388 documents, individuals, and other evidence or possible sources
2389 of evidence and may examine, record, and copy such materials and
2390 take and record the testimony or statements of such persons as
2391 are reasonably necessary for the furtherance of the
2392 investigation, if provided ~~if provided~~ the commission first complies with
2393 the provisions of the State Constitution relating to
2394 unreasonable searches and seizures. The commission may issue
2395 subpoenas to compel its access to, or the production of, such
2396 materials or the appearance of such persons, and may issue
2397 interrogatories to a respondent, to the same extent and subject
2398 to the same limitations as would apply if the subpoenas or
2399 interrogatories were issued or served in aid of a civil action
2400 in court. The commission may also use any other method of
2401 discovery authorized by the Florida Rules of Civil Procedure.
2402 The commission may administer oaths.

2403 (2) Upon written application to the commission, a
2404 respondent is ~~shall be~~ entitled to the issuance of a reasonable
2405 number of subpoenas by, and in the name of, the commission to
2406 the same extent, and subject to the same limitations, as
2407 subpoenas issued by the commission ~~itself~~. A subpoena issued at

18-00300-10

2010230__

2408 the request of a respondent must ~~shall~~ show on its face the name
2409 and address of the ~~such~~ respondent and ~~shall~~ state that it was
2410 issued at her or his request.

2411 (3) Within 5 days after service of a subpoena upon any
2412 person, such person may petition the commission to revoke or
2413 modify the subpoena. The commission shall grant the petition if
2414 it finds that the subpoena requires appearance or attendance at
2415 an unreasonable time or place, ~~that it~~ requires production of
2416 evidence that ~~which~~ does not relate to any matter under
2417 investigation, or ~~that it~~ does not describe with sufficient
2418 particularity the evidence to be produced; if it finds, ~~or~~ that
2419 compliance would be unduly onerous; or for other good reason.

2420 (4) In case of refusal to obey a subpoena, the commission
2421 or the person at whose request the subpoena was issued may
2422 petition for its enforcement in the circuit court for the county
2423 in which the person to whom the subpoena was addressed resides,
2424 was served, or transacts business.

2425 (5) Witnesses summoned by commission subpoena are ~~of the~~
2426 ~~commission shall be~~ entitled to the same witness and mileage
2427 fees as are witnesses in proceedings in court. Fees payable to a
2428 witness summoned by a subpoena issued at the request of a
2429 respondent shall be paid by the respondent.

2430 Section 49. Section 760.34, Florida Statutes, is amended to
2431 read:

2432 760.34 Enforcement.—

2433 (1) Any person who claims to have been injured by a
2434 discriminatory housing practice or who believes that he or she
2435 will be injured by a discriminatory housing practice that is
2436 about to occur may file a complaint with the commission.

18-00300-10

2010230__

2437 Complaints must ~~shall~~ be in writing and ~~shall~~ contain such
2438 information and be in such form as the commission requires. Upon
2439 receipt of ~~such~~ a complaint, the commission shall furnish a copy
2440 to the person ~~or persons~~ who allegedly committed the
2441 discriminatory housing practice or is ~~are~~ about to commit the
2442 alleged discriminatory housing practice. Within 100 days after
2443 receiving a complaint, or within 100 days after the expiration
2444 of any period of reference under subsection (3), the commission
2445 shall investigate the complaint and give notice in writing to
2446 the person aggrieved whether it intends to resolve it. If the
2447 commission decides to resolve the complaint, it shall ~~proceed to~~
2448 attempt ~~try~~ to eliminate or correct the alleged discriminatory
2449 housing practice by informal methods of conference,
2450 conciliation, and persuasion. If ~~Insofar as~~ possible,
2451 conciliation meetings shall be held in the cities or other
2452 localities where the discriminatory housing practices allegedly
2453 occurred. Anything ~~Nothing~~ said or done in the course of such
2454 informal endeavors may not be made public or used as evidence in
2455 a subsequent proceeding under this part ~~ss. 760.20-760.37~~
2456 without the written consent of the persons concerned. An ~~Any~~
2457 employee of the commission who makes public any information in
2458 violation of this provision commits ~~is guilty of~~ a misdemeanor
2459 of the first degree, punishable as provided in s. 775.082 or s.
2460 775.083.

2461 (2) A complaint under subsection (1) must be filed within 1
2462 year after the alleged discriminatory housing practice occurred.
2463 The complaint must be in writing and ~~shall~~ state the facts upon
2464 which the allegations of a discriminatory housing practice are
2465 based. A complaint may be reasonably and fairly amended at any

18-00300-10

2010230__

2466 time. A respondent may file a response ~~an answer~~ to the
2467 complaint against him or her and, with the leave of the
2468 commission, which shall be granted if ~~whenever it would be~~
2469 reasonable and fair to do so, may amend his or her response
2470 ~~answer~~ at any time. The ~~Both~~ complaint and response must ~~answer~~
2471 ~~shall~~ be verified.

2472 (3) If ~~Wherever~~ a local fair housing law provides rights
2473 and remedies for alleged discriminatory housing practices which
2474 are substantially equivalent to the rights and remedies provided
2475 under this part in ss. 760.20-760.37, the commission shall
2476 notify the appropriate local agency of any complaint filed under
2477 this part ss. 760.20-760.37 which appears to constitute a
2478 violation of the local fair housing law., ~~and~~ The commission may
2479 ~~shall~~ take no further action with respect to such complaint if
2480 the local law enforcement official has, within 30 days after
2481 ~~from~~ the date the alleged offense was brought to his or her
2482 attention, commenced proceedings in the matter. ~~In no event~~
2483 ~~shall~~ The commission may not take further action unless it
2484 certifies that in its judgment, under the circumstances of the
2485 particular case, the protection of the rights of the parties or
2486 the interests of justice require such action.

2487 (4) If a charge is filed with the commission and the
2488 commission concludes on the basis of a preliminary investigation
2489 that prompt judicial action is necessary to carry out the
2490 purposes of this part, the commission may bring an action for
2491 appropriate temporary or preliminary relief pending final
2492 disposition of such charge. Any temporary restraining order or
2493 other order granting preliminary or temporary relief shall be
2494 issued in accordance with the Florida Rules of Civil Procedure.

18-00300-10

2010230

2495 If the court finds that the respondent has or is engaged in an
2496 unlawful practice under this part as charged in the complaint,
2497 the court may enjoin the respondent from engaging in such
2498 unlawful practice and order such affirmative relief as it deems
2499 appropriate.

2500 (5)~~(4)~~ If, within 180 days after a complaint is filed with
2501 the commission or within 180 days after expiration of any period
2502 of reference under subsection (3), the commission cannot ~~has~~
2503 ~~been unable to~~ obtain voluntary compliance with this part ~~ss.~~
2504 ~~760.20-760.37~~, the person aggrieved may commence a civil action
2505 in any appropriate court against the respondent named in the
2506 complaint or petition for an administrative determination
2507 pursuant to s. 760.35 to enforce the rights granted or protected
2508 under this part ~~by ss. 760.20-760.37.~~

2509 (a) If, as a result of its investigation under subsection
2510 (1), the commission finds there is reasonable cause to believe
2511 that a discriminatory housing practice has occurred, at the
2512 request of the person aggrieved, the Attorney General shall
2513 bring an action in the name of the state on behalf of the
2514 aggrieved person to enforce the provisions of this part ~~ss.~~
2515 ~~760.20-760.37.~~

2516 (b) If the commission determines that there is no
2517 reasonable cause to believe that a discriminatory housing
2518 practice has occurred, the commission shall dismiss the
2519 complaint. The aggrieved person may request an administrative
2520 hearing under ss. 120.569 and 120.57, but such request must be
2521 made within 30 days after the service of the notice of the
2522 determination of no reasonable cause, or is barred. Such hearing
2523 must be heard by an administrative law judge and not by the

18-00300-10

2010230__

2524 commission or a commissioner.

2525 1. If the administrative law judge finds that a
2526 discriminatory housing practice has occurred, he or she shall
2527 issue an appropriate recommended order to the commission. Within
2528 90 days after the date the recommended order is rendered, the
2529 commission shall issue a final order by adopting, rejecting, or
2530 modifying the recommended order as provided under ss. 120.569
2531 and 120.57. The 90-day period may be extended with the consent
2532 of all parties.

2533 2. If the final order issued by the commission determines
2534 that a discriminatory housing practice has occurred, the
2535 aggrieved person may:

2536 a. Request the Attorney General to bring an action in the
2537 name of the state on behalf of the aggrieved person to enforce
2538 the provisions of this part; or

2539 b. Proceed with the case pursuant to subsection (7) or
2540 subsection (8) as if there has been a determination of
2541 reasonable cause.

2542 3. In any action or proceeding under this subsection, the
2543 commission may allow the prevailing party reasonable attorney's
2544 fees as part of the costs. It is the intent of the Legislature
2545 that provision for attorney's fees be interpreted in a manner
2546 consistent with federal case law involving an action under Title
2547 VIII.

2548 (6)-(5) In any proceeding brought pursuant to this section
2549 or s. 760.35, the burden of proof is on the complainant.

2550 (7)-(6) If ~~Whenever~~ an action filed in court pursuant to
2551 this section or s. 760.35 comes to trial, the commission shall
2552 immediately terminate all efforts to obtain voluntary

18-00300-10

2010230__

2553 compliance.

2554 ~~(8)-(7)-(a)~~ The commission may institute a civil action in
2555 any appropriate court if it cannot ~~is unable to~~ obtain voluntary
2556 compliance with the provisions of this part ss. 760.20-760.37.
2557 The commission need not have petitioned for an administrative
2558 hearing or exhausted its administrative remedies before ~~prior to~~
2559 bringing a civil action. The court shall award reasonable
2560 attorney's fees and costs to the commission in any action in
2561 which the commission prevails.

2562 ~~(9)-(b)~~ The court may impose the following fines for each
2563 violation of this part ss. 760.20-760.37:

2564 ~~(a)1.~~ Up to \$10,000, if the respondent has not previously
2565 been found guilty of a violation of this part ss. 760.20-760.37.

2566 ~~(b)2.~~ Up to \$25,000, if the respondent has been found
2567 guilty of one prior violation of this part ss. 760.20-760.37
2568 within the preceding 5 years.

2569 ~~(c)3.~~ Up to \$50,000, if the respondent has been found
2570 guilty of two or more violations of this part ss. 760.20-760.37
2571 within the preceding 7 years.

2572
2573 In imposing a fine under this subsection ~~paragraph~~, the court
2574 shall consider the nature and circumstances of the violation,
2575 the degree of culpability, the history of prior violations ~~of~~
2576 ~~ss. 760.20-760.37~~, the financial circumstances of the
2577 respondent, and the goal of deterring future violations ~~of ss.~~
2578 ~~760.20-760.37.~~

2579 ~~(c) The court shall award reasonable attorney's fees and~~
2580 ~~costs to the commission in any action in which the commission~~
2581 ~~prevails.~~

18-00300-10

2010230__

2582 (10)~~(8)~~ Any local agency certified as substantially
 2583 equivalent may institute a civil action in any appropriate
 2584 court, including circuit court, if it cannot ~~is unable to~~ obtain
 2585 voluntary compliance with the local fair housing law. The agency
 2586 need not have petitioned for an administrative hearing or
 2587 exhausted its administrative remedies before ~~prior to~~ bringing a
 2588 civil action. The court may impose fines as provided in the
 2589 local fair housing law.

2590 Section 50. Section 760.35, Florida Statutes, is amended to
 2591 read:

2592 760.35 Civil actions and relief; administrative
 2593 procedures.—

2594 (1) A civil action must ~~shall~~ be commenced within ~~no later~~
 2595 ~~than~~ 2 years after an alleged discriminatory housing practice
 2596 has occurred. The computation of the 2-year period does not
 2597 include any time during which an administrative proceeding was
 2598 pending with respect to a complaint or charge based upon such
 2599 discriminatory housing practice under this part. This does not
 2600 apply to actions arising from a breach of a conciliation
 2601 agreement. However, the court shall continue a civil case
 2602 brought pursuant to this section or s. 760.34 from time to time
 2603 before bringing it to trial if the court believes that the
 2604 conciliation efforts of the commission or local agency are
 2605 likely to result in satisfactory settlement of the
 2606 discriminatory housing practice complained of in the complaint
 2607 made to the commission or to the local agency and which practice
 2608 forms the basis for the action in court. Any sale, encumbrance,
 2609 or rental consummated before ~~prior to~~ the issuance of a any
 2610 court order issued under this part ~~the authority of ss. 760.20~~

18-00300-10

2010230__

2611 ~~760.37~~ and involving a bona fide purchaser, encumbrancer, or
 2612 tenant without actual notice of ~~the existence of~~ the filing of a
 2613 complaint or civil action under this part ~~is the provisions of~~
 2614 ~~ss. 760.20-760.37 shall not be affected.~~

2615 (2) If the court finds that a discriminatory housing
 2616 practice has occurred, it shall issue an order prohibiting the
 2617 practice and providing affirmative relief from the effects of
 2618 the practice, including injunctive and other equitable relief,
 2619 actual and punitive damages, and reasonable attorney's fees and
 2620 costs.

2621 (3) ~~(a)~~ If the commission cannot ~~is unable to~~ obtain
 2622 voluntary compliance with this part ~~ss. 760.20-760.37~~ or has
 2623 reasonable cause to believe that a discriminatory practice has
 2624 occurred, ÷

2625 ~~1.~~ the commission may institute an administrative
 2626 proceeding under chapter 120, ÷ or

2627 ~~2.~~ the person aggrieved may request administrative relief
 2628 under chapter 120 within 30 days after receiving notice that the
 2629 commission has concluded its investigation under s. 760.34.

2630 (a) ~~(b)~~ Administrative hearings shall be conducted pursuant
 2631 to ss. 120.569 and 120.57(1). The respondent must be served
 2632 written notice by certified mail. If the administrative law
 2633 judge finds that a discriminatory housing practice has occurred
 2634 or is about to occur, he or she shall issue a recommended order
 2635 to the commission prohibiting the practice and recommending
 2636 affirmative relief from the effects of the practice, including
 2637 quantifiable damages and reasonable attorney's fees and costs.
 2638 The commission may adopt, reject, or modify a recommended order
 2639 only as provided under s. 120.57(1). Judgment for the amount of

18-00300-10

2010230__

2640 damages and costs assessed pursuant to a final order by the
2641 commission may be entered in any court having jurisdiction
2642 ~~thereof~~ and may be enforced as any other judgment.

2643 (b)~~(e)~~ The district courts of appeal may, upon the filing
2644 of appropriate notices of appeal, review final orders of the
2645 commission pursuant to s. 120.68. Costs or fees may not be
2646 assessed against the commission in any appeal from a final order
2647 issued by the commission under this subsection. Unless
2648 specifically ordered by the court, the commencement of an appeal
2649 does not suspend or stay an order of the commission.

2650 (c)~~(d)~~ This subsection does not prevent any other legal or
2651 administrative action provided by law.

2652 Section 51. Section 760.36, Florida Statutes, is amended to
2653 read:

2654 760.36 Conciliation agreements.—Any conciliation agreement
2655 arising out of conciliation efforts by the ~~Florida~~ commission ~~on~~
2656 ~~Human Relations~~ pursuant to the Fair Housing Act must be agreed
2657 to by the respondent and the complainant and is subject to the
2658 approval of the commission. Notwithstanding ~~the provisions of s.~~
2659 760.11(12) and (13) ~~760.11(11) and (12)~~, each conciliation
2660 agreement arising out of a complaint filed under the ~~Fair~~
2661 ~~Housing~~ act shall be made public unless the complainant and the
2662 respondent otherwise agree and the commission determines that
2663 disclosure is not required to further the purposes of the
2664 ~~Florida Fair Housing~~ act.

2665 Section 52. Section 760.37, Florida Statutes, is amended to
2666 read:

2667 760.37 Interference, coercion, or intimidation;~~enforcement~~
2668 ~~by administrative or civil action.~~—It is unlawful to coerce,

18-00300-10

2010230__

2669 intimidate, threaten, or interfere with any person in the
 2670 exercise of, or on account of her or his having exercised, or on
 2671 account of her or his having aided or encouraged any other
 2672 person in the exercise of any right granted under this part ~~ss.~~
 2673 ~~760.20-760.37~~. This section may be enforced by appropriate
 2674 administrative or civil action.

2675 Section 53. Section 760.38, Florida Statutes, is created to
 2676 read:

2677 760.38 Recovery of expenditures by the commission.-

2678 (1) The commission may recover expenditures for any state-
 2679 funded products or services furnished to any person seeking
 2680 administrative or judicial relief and who possesses the present
 2681 ability to pay. The rate of compensation must include the actual
 2682 cost, including cost of recovery, of court reporter services and
 2683 transcriptions, court interpreter services and translation, and
 2684 any other product or service for which state funds were incurred
 2685 by the commission due to persons seeking administrative or
 2686 judicial relief.

2687 (2) Funds received by the commission pursuant to this
 2688 section shall be deposited into the commission's trust fund to
 2689 assist the commission in defraying some of the costs associated
 2690 with parties seeking administrative or judicial relief.

2691 Section 54. Section 760.381, Florida Statutes, is created
 2692 to read:

2693 760.381 Fees.-

2694 (1) The commission may charge fees for products or services
 2695 provided in the performance of its duties under this part in
 2696 amounts not to exceed:

2697 (a) For examining, comparing, correcting, verifying, and

18-00300-10

2010230__

2698 certifying transcripts of record in appellate proceedings,
 2699 prepared by the attorney for appellant or someone other than the
 2700 commission clerk, per page \$5.

2701 (b) For preparing, numbering, and indexing an original
 2702 record of appellate proceedings, per instrument \$3.50

2703 (c) For certifying copies of any instrument \$2.

2704 (d) For verifying any instrument presented for
 2705 certification prepared by someone other than the commission
 2706 clerk, per page \$3.50.

2707 (e) For writing any other paper, same as for copying,
 2708 including signing and sealing \$7.

2709 (f) For indexing each entry not recorded \$1.

2710

2711 The clerk of the commission may provide the requested
 2712 information or record in an electronic format in lieu of a hard
 2713 copy if ready accessibility by the requesting entity is
 2714 available.

2715 (2) Any funds received by the commission pursuant to this
 2716 section shall be deposited into the commission's trust fund.

2717 Section 55. Section 760.382, Florida Statutes, is created
 2718 to read:

2719 760.382 Mediation services.-

2720 (1) Mediation, arbitration, and conciliation services must
 2721 be available and accessible by all parties to any discrimination
 2722 complaint filed with the commission regardless of financial
 2723 status.

2724 (2) A person serving as a mediator in any action pursuant
 2725 to this part is immune from liability arising from the
 2726 performance of that person's duties while acting within the

18-00300-10

2010230__

2727 scope of the mediation function if mediation is required by law
2728 or agency rule or order, conducted by express agreement of the
2729 mediation parties, or facilitated by a mediator certified by the
2730 Supreme Court. The mediator is not immune from liability if he
2731 or she acts in bad faith, with malicious purpose, or in a manner
2732 exhibiting wanton and willful disregard of human rights, safety,
2733 or property.

2734 Section 56. Section 760.383, Florida Statutes, is created
2735 to read:

2736 760.383 Computation of time.—In computing any period of
2737 time under this part, the day of the act, event, or default from
2738 which the designated period of time begins to run is not
2739 included. The last day of the period is included unless it is a
2740 Saturday, Sunday, or legal state holiday, in which case the
2741 designated period ends on the next day that is not a Saturday,
2742 Sunday, or legal state holiday. If the period of time prescribed
2743 or allowed is less than 7 days, intermediate Saturdays, Sundays,
2744 and legal state holidays are excluded from the computation.

2745 Section 57. Subsection (2) of section 760.50, Florida
2746 Statutes, is amended to read:

2747 760.50 Discrimination on the basis of AIDS, AIDS-related
2748 complex, and HIV prohibited.—

2749 (2) Any person with or perceived as having acquired immune
2750 deficiency syndrome, acquired immune deficiency syndrome related
2751 complex, or human immunodeficiency virus shall have every
2752 protection made available to persons who have a disability
2753 ~~handicapped persons.~~

2754 Section 58. Subsection (1) of section 760.60, Florida
2755 Statutes, is amended to read:

18-00300-10

2010230__

2756 760.60 Discriminatory practices of certain clubs
2757 prohibited; remedies.—

2758 (1) It is unlawful for a person to discriminate against any
2759 individual because of race, color, religion, sex ~~gender~~,
2760 national origin, disability ~~handicap~~, age above the age of 21,
2761 or marital status in evaluating an application for membership in
2762 a club that has more than 400 members, that provides regular
2763 meal service, and that regularly receives payment for dues,
2764 fees, use of space, facilities, services, meals, or beverages
2765 directly or indirectly from nonmembers for business purposes. It
2766 is unlawful for a person, on behalf of such a club, to publish,
2767 circulate, issue, display, post, or mail any advertisement,
2768 notice, or solicitation that contains a statement to the effect
2769 that the accommodations, advantages, facilities, membership, or
2770 privileges of the club are denied to any individual because of
2771 race, color, religion, sex ~~gender~~, national origin, disability
2772 ~~handicap~~, age above the age of 21, or marital status. This
2773 subsection does not apply to fraternal or benevolent
2774 organizations, ethnic clubs, or religious organizations where
2775 business activity is not prevalent.

2776 Section 59. Paragraph (g) of subsection (7) of section
2777 849.086, Florida Statutes, is amended to read:

2778 849.086 Cardrooms authorized.—

2779 (7) CONDITIONS FOR OPERATING A CARDROOM.—

2780 (g) A cardroom operator may refuse entry to or refuse to
2781 allow any person who is objectionable, undesirable, or
2782 disruptive to play, but such refusal may not be on the basis of
2783 race, creed, color, religion, sex ~~gender~~, national origin,
2784 marital status, physical disability ~~handicap~~, or age, except as

18-00300-10

2010230__

2785 provided in this section.

2786 Section 60. Paragraph (b) of subsection (10) of section
2787 849.0931, Florida Statutes, is amended to read:

2788 849.0931 Bingo authorized; conditions for conduct;
2789 permitted uses of proceeds; limitations.—

2790 (10)

2791 (b) Any organization conducting bingo open to the public
2792 may refuse entry to any person who is objectionable or
2793 undesirable to the sponsoring organization, but such refusal of
2794 entry may ~~shall~~ not be on the basis of race, creed, color,
2795 religion, sex, national origin, marital status, or physical
2796 disability ~~handicap~~.

2797 Section 61. Subsection (1) of section 874.02, Florida
2798 Statutes, is amended to read:

2799 874.02 Legislative findings and intent.—

2800 (1) The Legislature finds that it is the right of every
2801 person, regardless of race, color, creed, religion, national
2802 origin, sex, age, sexual orientation, or disability ~~handicap~~, to
2803 be secure and protected from fear, intimidation, and physical
2804 harm caused by the activities of criminal gangs and their
2805 members. It is not the intent of this chapter to interfere with
2806 the exercise of the constitutionally protected rights of freedom
2807 of expression and association. The Legislature recognizes the
2808 constitutional right of every citizen to harbor and express
2809 beliefs on any lawful subject whatsoever, to lawfully associate
2810 with others who share similar beliefs, to petition lawfully
2811 constituted authority for a redress of perceived grievances, and
2812 to participate in the electoral process.

2813 Section 62. Paragraph (a) of subsection (4) of section

18-00300-10

2010230__

2814 1004.447, Florida Statutes, is amended to read:

2815 1004.447 Florida Institute for Human and Machine Cognition,
2816 Inc.—

2817 (4) The articles of incorporation of the corporation or any
2818 authorized and approved subsidiary must be approved in a written
2819 agreement by the Board of Governors. The agreement and the
2820 articles of incorporation shall:

2821 (a) Provide that the corporation and any authorized and
2822 approved subsidiary shall provide equal employment opportunities
2823 for all persons regardless of race, color, religion, sex ~~gender~~,
2824 national origin, age, disability ~~handicap~~, or marital status.

2825 Section 63. Subsection (2) of section 1012.855, Florida
2826 Statutes, is amended to read:

2827 1012.855 Employment of community college personnel;
2828 discrimination in granting salary prohibited.—

2829 (2) Each community college board of trustees shall
2830 undertake a program to eradicate any discrimination on the basis
2831 of sex ~~gender~~, race, or physical disability ~~handicap~~ in the
2832 granting of salaries to employees.

2833 Section 64. This act shall take effect July 1, 2010.