1983

Session Law 83-221

Florida Senate & House of Representatives

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### Committee/Floor Tapes

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* Mostly affordable housing and low-income housing support

** Bills only; no SA except copy of SA of HR 5 (1981)
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**NOTES**

[Blank lines for notes]
A bill to be entitled
An act relating to fair housing; providing
that it is unlawful to discriminate on the
basis of age, sex, race, color, religion or
national origin with respect to housing;
authorizing civil actions under certain
circumstances; providing for damages;
providing a limitation on actions; providing
for the administration of the act; providing
an effective date.

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

Section 1. The Florida Fair Housing Act.---
(1) It shall be unlawful for any person, whether
acting for monetary gain or not, to refuse to sell, lease,
sublease, rent, assign or otherwise transfer, or to refuse to
negotiate for the sale, lease, sublease, rental, assignment or
other transfer of the title, leasehold or other interest in
any housing, or to represent that housing is not available for
inspection, sale, lease, sublease, rental, assignment or other
transfer when in fact it is so available, or otherwise to deny
or withhold any housing from any person because of
discrimination on the basis of age, sex, race, color, religion
or national origin; or to include in the terms, conditions or
privileges of any sale, lease, sublease, rental, assignment or
other transfer of any housing, any clause, condition or
restriction discriminating against any person in the use or
occupancy of such housing because of discrimination on the
basis of age, sex, race, color, religion or national origin;
or to discriminate in the furnishings of any facilities,
repairs, improvements, or services, or in the terms, conditions, privileges, or tenure of occupancy of any person because of discrimination on the basis of age, sex, race, color, religion or national origin; provided, however, that discrimination based on age shall not be unlawful with regard to housing operated in connection with any medical, health or educational institution, or with regard to any domiciliary, retirement, or senior citizen home or housing, or with regard to any preschool children's home or facility.

(2) It shall be unlawful for any lending institution to discriminate in lending money, guaranteeing loans, accepting a deed of trust or mortgage, or otherwise making available funds for the purchase, acquisition, construction, alteration, rehabilitation, repair or maintenance of any housing, or to discriminate in the fixing of the rates, terms, conditions, or provisions of any such financial assistance or in the extension of service in connection therewith, because of discrimination on the basis of age, sex, race, color, religion or national origin. However, nothing herein shall prohibit any lending institution from basing its actions on the income and financial abilities of any individual.

(3) It shall be unlawful for any person to induce, directly or indirectly, any present or prospective owner, occupant or tenant of any real property which is used for housing, to list for sale, sell, remove from a listing for sale, lease, assign, transfer, or otherwise dispose of any interest in real property which is used for purposes of housing, or to purchase, lease or otherwise acquire any interest in real property used for the purpose of housing, by any discriminatory statement, oral or written, based upon the age, sex, race, color, religion or national origin of any prospective owner, tenants or purchasers of any interest in real property in the vicinity thereof, which is used or may be used for purposes of housing.

(4) It shall be unlawful for any person to induce, directly or indirectly, any present or prospective owner, occupant or tenant of any real property which is used for housing, to list for sale, sell, remove from a listing for sale, lease, assign, transfer, or otherwise dispose of any interest in real property which is used for purposes of housing, or to purchase, lease or otherwise acquire any interest in real property used for the purpose of housing, by any discriminatory statement, oral or written, based upon the age, sex, race, color, religion or national origin of any prospective owner, tenants or purchasers of any interest in real property in the vicinity thereof, which is used or may be used for purposes of housing.

(5) It shall be unlawful for any person to make, counsel, or cause to be made any false, reckless or intentionally misleading statements, whether oral or written, which statements are made or committed in order to obtain a listing of any real property for sale, rental, assignment, transfer or other disposition.

(6) It shall be unlawful for any person to place a sign or display any other device which offers for sale, lease, assignment, transfer or other disposition of any real property used for the purpose of housing, which sign, display, or device is designed to stimulate the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of said property, when in fact such property is not being offered for the advertised sale, lease, assignment, or transfer.

(7) It shall be unlawful for any person to maintain upon the premises of real property which is used for housing and which has, in fact, been leased, sold, assigned,
transferred or otherwise disposed of, for a period in excess of 7 calendar days after the execution of any contract or written agreement for the sale, lease, assignment or transfer thereof, any sign or other display, indicating that the said property is still being offered for lease, sale, assignment or transfer.

(8) It shall be unlawful for any person, for profit, to induce, directly or indirectly, the sale or listing for sale of any interest in real property which is used for housing by any statement, either oral or written, that the presence, anticipated presence, ownership, or tenancy of property by persons of a certain age, sex, race, color, religion or national origin may result in:

(a) The reduction of property values;

(b) A future change in the composition of the residents of a neighborhood;

(c) An increase in criminal or other antisocial behavior in the neighborhood wherein the property is located;

or

(d) A decline in quality of schools, churches, business establishments or any other service provided the neighborhood.

(9)(a) Any owner of a dwelling who is induced to sell his dwelling to a real estate dealer or through a real estate broker or any agent or employee thereof by acts committed by such person in violation of subsection (8) may institute a civil action in the circuit court against such person.

(b) If, in an action instituted pursuant to paragraph (a), judgment is rendered in favor of plaintiff, he shall be awarded damages as determined by the courts, reasonable attorney's fees and court costs.

(c) No action shall be maintained under this section unless commenced not later than 1 year from the date of the sale from which liability is alleged to arise.

Section 2. The provisions of this act shall be administered by the Florida Commission on Human Relations created pursuant to s. 23.163, Florida Statutes, and the commission shall exercise all of the powers, duties and authority granted pursuant to Chapter 23, Florida Statutes, in administering this act.

Section 3. This act shall take effect October 1, 1981.

HOUSE SUMMARY
Prohibits discrimination in housing based upon age, sex, race, color, religion or national origin. Authorizes civil actions by persons who are induced to sell their homes because of discrimination, against the parties inducing such a sale, and provides for the award of damages. Provides for the administration of the act by the Florida Commission on Human Relations. See bill for details.
A bill to be entitled
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restriction discriminating against any person in the use or
occupancy of such housing because of discrimination on the
basis of age, sex, race, color, religion or national origin;
or to discriminate in the furnishings of any facilities,

CODING Words in struck through type are deletions from existing law, words underlined are additions
repairs, improvements, or services, or in the terms, conditions, privileges, or tenure of occupancy of any person because of discrimination on the basis of age, sex, race, color, religion or national origin; provided, however, that discrimination based on age shall not be unlawful with regard to housing operated in connection with any medical, health or educational institution, or with regard to any domiciliary, retirement, or senior citizen home or housing, or with regard to any preschool children's home or facility.

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UNIFORM LAW COMMISSIONERS' MODEL ANTI-Discrimination ACT

Drafted by the
NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS

And By It Approved

at its

ANNUAL CONFERENCE
MEETING IN ITS SEVENTY-FIFTH YEAR
AT MONTREAL, CANADA
JULY 30-AUGUST 5, 1966

With
PRELIMINARY NOTE AND COMMENTS
The Committee which acted for the National Conference of Commissioners on Uniform State Laws in preparing the Model Anti-Discrimination Act was as follows:

JOE C. BARRETT, 6th Floor, Citizens Bank Building, Jonesboro, Ark.
JOHN B. BOATWRIGHT, Jr., 1216 State Planters Bank Building, Richmond, Va.
MARTIN J. DIENELSPERGER, 111 Pine Street, San Francisco, Cal.
FLOYD R. GATES, 443 United States Courthouse, Kansas City, Mo.
JOHN W. WADE, Vanderbilt University School of Law, Nashville, Tenn.
STERY R. WATERMAN, PO. Box 178, St. Johnsbury, Vt.
JAMES P. WHITE, University of North Dakota School of Law, Grand Forks, N. D.
ROBERT A. LEFLAR, University of Arkansas Law School, Fayetteville, Ark., Chairman, Section E, Ex-Officio.


Copies of all Uniform and Model Acts and other printed matter issued by the Conference may be obtained from:

NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS
1155 East Sixtieth Street
Chicago, Illinois 60637

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A bill to be entitled
An act relating to fair housing, creating the
Fair Housing Act, ss. 23 168-23.179, Florida
Statutes, providing definitions; prohibiting
discriminatory housing practices, providing for
exemptions; prohibiting discrimination in the
provision of brokerage services; requiring that
the authority and responsibility for
administering the act be in the Florida
Commission on Human Relations; authorizing
issuance of subpoenas, providing for judicial
and administrative remedies, providing a
criminal penalty; providing for actual damages,
court costs and attorney fees; providing an
effective date.

WHEREAS, housing is a necessity that contributes
significantly to the formation of the individual and affects
his functioning in society, and

WHEREAS, discrimination in housing deprives individuals
of their basic right to associate, causes friction among
groups in society, and adversely affects the public health,
safety, and welfare, and

WHEREAS, the urbanization of the state has placed
additional strains upon the availability of housing, and

WHEREAS, this act is intended to protect an
individual's self-dignity, to make available to the state an
individual's full productive capacities, to secure the state
against domestic strife and unrest, to preserve the public
safety, health, and welfare, and to promote the interests,

RIGHTS, and privileges of individuals within the state, NOW,

THEREFORE,

Be It Enacted by the Legislature of the State of Florida

Section 1 Section 23 168, Florida Statutes, is
created to read:

23 168 Short title -- This act may be cited as the Fair
Housing Act.

Section 2. Section 23 169, Florida Statutes, is
created to read

23.169 Declaration of policy -- It is the policy of the
State of Florida to provide, within constitutional
limitations, for fair housing throughout the state.

Section 3 Section 23 170, Florida Statutes, is
created to read

23.170 Definitions -- As used in this act
(1) "Commission" means the Florida Commission on Human
Relations

(2) "Dwelling" means any building, structure, or
portion thereof which is occupied as, or designed or intended
for occupancy as, a residence by one or more families, and any
vacant land which is offered for sale or lease for the
construction or location thereon of any such building,
structure, or portion thereof

(3) "Family" includes a single individual.

(4) "Person" includes one or more individuals,
corporations, partnerships, associations, labor organizations,
legal representatives, mutual companies, joint-stock
companies, trusts, unincorporated organizations, trustees,
trustees in bankruptcy, receivers, and fiduciaries
(5) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(6) "Discriminatory housing practice" means an act that is unlawful under the terms of this act.

Section 1. Section 23.171, Florida Statutes, is created to read:

23.171 Exemptions.--

(1) Nothing in ss. 23.172 and 23.173 shall apply to:

(a) any single-family house sold or rented by an owner provided that such private individual owner does not own more than three single family houses at any one time. In the case of the sale of any single-family house by a private individual owner not residing in such house at the time of the sale or who was not the most recent resident of the house prior to the sale, the exemption granted by this subsection shall apply only with respect to one sale within any 24 month period. In addition, the bona fide private individual owner shall not own any interest in, nor shall there be owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or any part of the proceeds from the sale or rental of, more than three single-family houses at any one time. The sale or rental of any single-family house shall be excepted from the application of this act only if the house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and without the publication, posting or mailing, after notice, of any advertisement or

written notice in violation of section 23.172(3), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(b) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(2) For the purposes of subsection (1) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(a) he has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) he has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Section 5. Section 23.172, Florida Statutes, is created to read:

23.172 Discrimination in the sale or rental of housing.--It shall be unlawful

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or
rental of, or otherwise make unavailable or deny, a dwelling

(2) To discriminate against any person in the terms,

conditions, or privileges of sale or rental of a dwelling, or

in the provision of services or facilities in connection

therewith, because of race, color, religion, sex, or national

origin.

(3) To make, print, or publish, or cause to be made,

printed, or published any notice, statement, or advertisement,

with respect to the sale or rental of a dwelling that

indicates any preference, limitation, or discrimination based

on race, color, religion, sex, or national origin, or an

intention to make any such preference, limitation, or

discrimination.

(4) To represent to any person because of race, color,

religion, sex, or national origin that any dwelling is not

available for inspection, sale, or rental when such dwelling

is in fact so available.

(5) For profit, to induce or attempt to induce any

person to sell or rent any dwelling by representations

regarding the entry or prospective entry into the neighborhood

of a person or persons of a particular race, color, religion,

sex, or national origin.

Section 6. Section 23.173, Florida Statutes, is

created to read

23.173 Discrimination in the financing of housing — It

shall be unlawful for any bank, building and loan association,

insurance company, or other corporation, association, firm or

enterprise whose business consists in whole or in part in the

making of commercial real estate loans, to deny a loan or

other financial assistance to a person applying therefor for

the purpose of purchasing, constructing, improving, repairing,

or maintaining a dwelling, or to discriminate against him in

the fixing of the amount, interest rate, duration, or other

terms or conditions of such loan or other financial

assistance, because of the race, color, religion, sex, or

national origin of such person or of any person associated

with him in connection with such loan or other financial

assistance or the purposes of such loan or other financial

assistance, or of the present or prospective owners, lessees,

tenants, or occupants of the dwelling or dwellings in relation

to which such loan or other financial assistance is to be made

or given.

Section 7. Section 23.174, Florida Statutes, is

created to read

23.174 Discrimination in the provision of brokerage

services — It shall be unlawful to deny any person access to

or membership or participation in any multiple-listing

service, real estate brokers' organization or other service,

organization, or facility relating to the business of selling

or renting dwellings, or to discriminate against him in the

terms or conditions of such access, membership, or

participation, on account of race, color, religion, sex, or

national origin.

Section 8. Section 23.175, Florida Statutes, is

created to read

23.175 Religious organization or private club

exemption. — Nothing in this act shall prohibit a religious

organization, association, or society, or any nonprofit

institution or organization operated, supervised or controlled

by or in conjunction with a religious organization.
association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this act prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

Section 9. Section 23 176, Florida Statutes, is created to read:

Section 23.176 Administration and authority.--

(1) The authority and responsibility for administering this act shall be in the commission.

(2) The commission may delegate any of its functions, duties, and powers to its employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this act. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred.

(3) The commission shall

(a) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the state,

(b) publish and disseminate reports, recommendations, and information derived from such studies.

(c) cooperate with and render technical assistance to public or private agencies, organizations, and institutions within the state which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices.

(d) administer the programs and activities relating to housing in a manner affirmatively to further the policies of this act.

(4) In conducting an investigation the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation provided that the commission first complies with the provisions of the Constitution of the State of Florida relating to unreasonable searches and seizures. The commission may issue subpoenas to compel its access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court. The commission may administer oaths.

(5) Upon written application to the commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the commission to the same extent and subject to the same limitations as subpoenas issued by the commission itself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.
(6) Witnesses summoned by subpoena of the commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

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

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

Section 10. Section 23.177, Florida Statutes, is created to read

23.177 Enforcement —

(1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be injured by a discriminatory housing practice that is about to occur may file a complaint with the commission. Complaints shall be in writing and shall contain such information and be in such form as the commission requires. Upon receipt of such a complaint the commission shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice within 30 days after receiving a complaint, or within 30 days after the expiration of any period of reference under subsection (3) of this section, the commission shall investigate the complaint and give notice in writing to the person aggrieved whether it intends to resolve it. If the commission decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this act without the written consent of the persons concerned. Any employee of the commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor of the first degree, punishable as provided in s 775.082 or s 775.083.

(2) A complaint under subsection (1) of this section shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the commission which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) Wherever a local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this act, the commission shall notify the appropriate local agency of any complaint filed under this act.
which appears to constitute a violation of the local fair
housing law, and the commission shall take no further action
with respect to such complaint if the local law enforcement
official has, within 30 days from the date the alleged offense
has been brought to his attention, commenced proceedings in
the matter. In no event shall the commission take further
action unless it certifies that in its judgment, under the
circumstances of the particular case, the protection of the
rights of the parties or the interests of justice require such
action.

If within 30 days after a complaint is filed with
the commission or within 30 days after expiration of any
period of reference under subsection (3) of this section, the
commission has been unable to obtain voluntary compliance with
this act, the person aggrieved may, within 30 days thereafter,
commence a civil action in any appropriate court, against the
respondent named in the complaint, to enforce the rights
granted or protected by this act. If the court finds that a
discriminatory housing practice has occurred or is about to
occur, the court may enjoin the respondent from engaging in
such practice or order such affirmative action as may be
appropriate.

In any proceeding brought pursuant to this
section, the burden of proof shall be on the complainant.

Whenever an action filed by an individual in
court, pursuant to this section or section 23.178 of this act,
shall come to trial the commission shall immediately terminate
all efforts to obtain voluntary compliance.

Section 11 Section 23.178, Florida Statutes, is
created to read

23.178 Enforcement by private persons —

(1) A civil action shall be commenced within 180 days
after the alleged discriminatory housing practice occurred.
However, the court shall continue such civil case brought
pursuant to this section or s. 23.177 from time to time before
bringing it to trial if the court believes that the
conciliation efforts of the commission or local agency are
likely to result in satisfactory settlement of the
discriminatory housing practice complained of in the complaint
made to the commission or to the local agency and which
practice forms the basis for the action in court. Any sale,
encumbrance, or rental consummated prior to the issuance of
any court order issued under the authority of this act, and
involving a bona fide purchaser, encumbrancer, or tenant
without actual notice of the existence of the filing of a
complaint or civil action under the provisions of this act
shall not be affected.

(2) The court may grant as relief, as it deems
appropriate, any permanent or temporary injunction, temporary
restrain order, or other order, and may award to the
plaintiff actual damages and not more than $1,000 punitive
damages, together with court costs and reasonable attorney
fees in the case of a prevailing plaintiff.

Section 12 Section 23.179, Florida Statutes, is
created to read

23.179 Interference, coercion, or intimidation,
enforcement by civil action — It shall be unlawful to coerce,
intimidate, threaten, or interfere with any person in the
exercise of, or on account of his having exercised, or on
account of his having aided or encouraged any other person in
the exercise of, any right granted under this act. This
section may be enforced by appropriate civil action.
Section 13. Severability — If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 14. This act shall take effect July 1, 1983.
History of Legislation
1982 Regular Session
Special Sessions C, D, E, F, G
Florida Legislature

prepared by:

Legislative Information Division
Joint Legislative Management Committee
Capitol Building, Room 826 — 488-4371
H 0.417 GENERAL BILL BY REGULATORY REFORM (SIMILAR S 9311) ALLOW PROVISIONS RE ADVISORY BOARDS, COMMISIONS & ABOARDS OF TRUSTEES ADJUNCT TO EXECUTIVE AGENCIES, PROVIDES CONTINUOUS ON NEXT PAGE

04/26/82 09:19 HISTORY OF HOUSE BILLS PAGE 832

FLORIDA LEGISLATURE - REGULAR SESSION - 1982

S 0.417 PANEL C PHABATION COMMISSION, REMOVES REQUIREMENT THAT CORRECTIONS OF PANEL C PHABATION COMMISSION PROVIDES PER BEEN FOR NUMBERS OF EXAMINATION BOARD, ETC. AMENDS 20/03/82, HR 4405, EFFECTIVE DATE: 04/27/82.

04/27/82 HOUSE ORDERED ENROLLED, REFERRED TO JURISDICTION, PHABATION & PARIET.

04/18/82 HOUSE INTRODUCED, RETURNED TO CORRECTIONS, PHABATION & PARIET.

04/19/82 HOUSE ON COMMITTEE AGENDA - CORRECTIONS, 24 HR. 9:15 AM, 02/03/82.

04/18/82 HOUSE ORDERED REINROLLED, RETURNED TO CORRECTIONS, PHABATION & PARIET.

01/19/82 HOUSE ORDERED ENROLLED, REFERRED TO JURISDICTION, PHABATION & PARIET.

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01/19/82 HOUSE ORDERED ENROLLED, REFERRED TO JURISDICTION, PHABATION & PARIET.

01/19/82 HOUSE ON COMMITTEE AGENDA - CORRECTIONS, 24 HR. 9:15 AM, 02/03/82.
Florida Legislature

History of Legislation
1981 Regular Session
Special Sessions A and B

prepared by:

Legislative Information Division
Joint Legislative Management Committee
Capitol Building, Room 826 — 488-4371
CONCURRENT RESOLUTION BY GORDON AND OTHERS
EQUAL RIGHTS AMENDMENT; RATIFIES PROPOSED AMENDMENT TO UNITED STATES CONSTITUTION RELATING TO EQUAL RIGHTS FOR MEN & WOMEN.
12/09/80 HOUSE PREFILED, REFERRED TO RULES & CALENDAR
04/07/81 HOUSE INTRODUCED, REFERRED TO RULES & CALENDAR - HJ 00012
06/05/81 HOUSE DIED IN COMMITTEE ON RULES & CALENDAR

H 0002 GENERAL BILL BY MAZORI AND OTHERS (COMPARE S 0029)
JURORS & JURY LISTS; ELIMINATES REQUIREMENT THAT JURORS BE REGISTERED ELECTORS & REQUIRES COMMON DATA BASE LIST TO BE USED FOR JUROR SELECTIONS; REQUIRES H.S.S.W. DEPT. TO FURNISH SAID LIST TO COURT CLERK, ETC. AMENDS 40.01, 905.371; CREATES 40.0111.022. EFFECTIVE DATE: 07/01/81.
12/06/80 HOUSE PREFILED, REFERRED TO JUDICIARY
02/19/81 HOUSE REFERRED TO SUBCOMMITTEE ON COURT SYSTEMS AND MISCELLANEOUS
04/07/81 HOUSE INTRODUCED, REFERRED TO JUDICIARY - HJ 00012; REFERRED TO SUBCOMMITTEE ON COURT SYSTEMS AND MISCELLANEOUS
04/20/81 HOUSE ON COMMITTEE AGENDA — JUDICIARY 214 HB1 1:30 PM
04/23/81 HOUSE COMMITTEE REPORT: UNFAVORABLE, LAID ON TABLE UNDER RULE BY JUDICIARY - HJ 00020

H 0003 GENERAL BILL BY MEER AND OTHERS
EDUCATION/TRUE IN TESTING; PROVIDES DEFINITIONS; PROVIDES FOR BACKGROUND REPORTS & STATISTICAL DATA; PROVIDES FOR DISCLOSURE OF TEST CONTENTS; PROVIDES FOR FEES & NOTICES; PROVIDES UNAUTHORIZED DISCLOSURE OF INDIVIDUAL TEST SCORES; PROVIDES FOR RULES; PROVIDES A PENALTY. CREATES 240.234. EFFECTIVE DATE: 01/01/82.
12/09/80 HOUSE TARGETED FOR STATE FISCAL IMPACT; PREFILED, REFERRED TO HIGHER EDUCATION
02/04/81 HOUSE REFERRED TO SUBCOMMITTEE ON PLANNING AND PROGRAMS
03/05/81 HOUSE ALSO REFERRED TO APPROPRIATIONS
04/07/81 HOUSE TARGETED FOR STATE FISCAL IMPACT; INTRODUCED, REFERRED TO HIGHER EDUCATION; APPROPRIATIONS - HJ 00012;
06/05/81 HOUSE DIED IN COMMITTEE ON HIGHER EDUCATION

H 0004
04/02/81 HOUSE WITHDRAWN - HJ 00012

H 0005 GENERAL BILL BY MEER AND OTHERS
FAIR HOUSING; PROVIDES THAT IT IS UNLAWFUL TO DISCRIMINATE ON BASIS OF AGE, SEX, RACE, COLOR, RELIGION OR NATIONAL ORIGIN WITH RESPECT TO HOUSING; AUTHORIZES CIVIL ACTIONS UNDER CERTAIN CIRCUMSTANCES; PROVIDES FOR DAMAGES; PROVIDES A LIMITATION ON ACTIONS; PROVIDES FOR ADMINISTRATION OF ACT. EFFECTIVE DATE: 10/01/81.
12/09/80 HOUSE TARGETED FOR STATE FISCAL IMPACT; PREFILED, REFERRED TO JUDICIARY, APPROPRIATIONS
03/04/81 HOUSE REFERRED TO SUBCOMMITTEE ON CONSUMER, PRIVATE AND FAMILY LAW
04/07/81 HOUSE TARGETED FOR STATE FISCAL IMPACT; INTRODUCED, REFERRED TO JUDICIARY; APPROPRIATIONS - HJ 00012; REFERRED TO SUBCOMMITTEE ON CONSUMER, PRIVATE AND FAMILY LAW
06/05/81 HOUSE DIED IN COMMITTEE ON JUDICIARY

H 0006 GENERAL BILL BY EASLEY AND OTHERS (IDENTICAL S 0528)
EDUCATION; REQUIRES EDUCATION DEPT., IN COOPERATION WITH CERTAIN RESEARCHERS & SCHOOL DISTRICT PERSONNEL, TO CONDUCT CERTAIN STUDIES & DEVELOP SUBMIT TO LEGISLATURE REPORTS OF PROGRAM COST REVIEW; PROCEDURES FOR EVALUATING PROGRAM CATEGORY COSTS, TO BE USED IN FLORIDA EDUCATION FINANCE PROGRAM. APPROPRIATION: $250,000. EFFECTIVE DATE: 07/01/81.
12/09/80 HOUSE TARGETED FOR LOCAL FISCAL IMPACT; TARGETED FOR STATE FISCAL IMPACT; PREFILED, REFERRED TO K - 12 EDUCATION,
02/06/81 HOUSE REFERRED TO SUBCOMMITTEE ON GENERAL EDUCATION LEGISLATION
CONTINUED ON NEXT PAGE
Florida Legislature

History of Legislation
1983 Regular Session
1983 Special Sessions A, B, C
1982 Special Session H

prepared by:

Joint Legislative Management Committee
Legislative Information Division
Capitol Building, Room 826—488-4371
07/25/83  13:39  HISTORY OF HOUSE BILLS  PAGE 89

05/17/83  SENATE WITHDREW FROM HEALTH AND REHABILITATIVE SERVICES

05/19/83  HOUSE URGED EMULLED

05/31/83  HOUSE REFERRED TO SUBCOMMITTEE ON HEALTH, ECONOMIC AND SOCIAL SERVICES

06/05/83  HOUSE INDEFINITELY POSTPONED & WD (SEG 120V) WAS IN COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

06/05/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

06/13/83  HOUSE REFERRED TO SUBCOMMITTEE ON COURT SYSTEMS AND MISCELLANEOUS

04/22/83  HOUSE ON COMMITTEE AGENDA - SUBCOM. - NATURAL RES., 314OB, 2:30 PM, 04/19/83

02/28/83  HOUSE PLACED ON SPECIAL ORDER CALENDAR

02/28/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

02/28/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

02/28/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

04/05/83  HOUSE INDEFINITELY POSTPONED & WD (SEG 120V) WAS IN COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

04/05/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

04/13/83  HOUSE REFERRED TO SUBCOMMITTEE ON COURT SYSTEMS AND MISCELLANEOUS

04/05/83  HOUSE INDEFINITELY POSTPONED & WD (SEG 120V) WAS IN COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

04/05/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

04/05/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

02/28/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

02/28/83  HOUSE REFERRED TO JUDICIAL AFFAIRS, COMMITTEE ON

03/07/83  HOUSE REFERRED TO COMMUNITY AFFAIRS, APPROPRIATIONS

04/05/83  HOUSE INDEFINITELY POSTPONED & WD (SEG 120V) WAS IN COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

04/05/83  HOUSE INDEFINITELY POSTPONED & WD (SEG 120V) WAS IN COMMITTEE ON HEALTH & REHABILITATIVE SERVICES

04/05/83  HOUSE INDEFINITELY POSTPONED & WD (SEG 120V) WAS IN COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
04/05/83 SENATE INTRODUCED, REFERRED TO FINANCE, TAXATION AND CLAIMS.
04/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
04/25/83 SENATE ON COMMITTEE AGENDA--FINANCE, TAX & CLAIMS, NOT CONSIDERED
05/03/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
05/16/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
06/30/83 SENATE INDEFINITELY POSTPONED & W/O (SCA 12091) WAS IN COMMITTEE ON FINANCE, TAXATION AND CLAIMS

5 0054 GENERAL BILL BY LANGLEY
WATER MANAGEMENT DISTRICTS--PROHIBITS WATER MANAGEMENT DISTRICTS FROM USING AD VALOREM TAX REVENUES TO ACQUIRE CERTAIN LANDS; PROVIDES FOR ACQUISITION OF SUCH LANDS SOLELY BY MONIES IN WATER MANAGEMENT LANDS TRUST FUND; AMENDS 373.59. EFFECTIVE DATE: UPON BECOMING LAW.
02/15/83 SENATE PREFILED
03/14/83 SENATE REFERRED TO NATURAL RESOURCES AND CONSERVATION; APPROPRIATIONS
04/05/83 SENATE INTRODUCED, REFERRED TO NATURAL RESOURCES AND CONSERVATION; APPROPRIATIONS--SJ 0001
04/13/83 SENATE ON COMMITTEE AGENDA--NATURAL RES. & CONS., NO ACTION
04/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE NATURAL RESOURCES AND CONSERVATION
05/06/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE NATURAL RESOURCES AND CONSERVATION
05/19/83 SENATE INDEFINITELY POSTPONED & W/O (SCA 12091) WAS IN COMMITTEE ON NATURAL RESOURCES AND CONSERVATION
06/03/83 SENATE INDEFINITELY POSTPONED & W/O (SCA 12091) WAS IN COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

5 0055 LOCAL BILL BY JOHNSTON (SIMILAR H 2088)
RELIEF/ZULS--F. S. HABRA & JULIA H; PROVIDES FOR APPROPRIATION BY PALM BEACH COUNTY SCHOOL BOARD TO COMPENSATE THEM FOR WRONGFUL DEATH OF THEIR DAUGHTER, MICHELLE ULLDA, RESULTING FROM NEGLIGENCE OF SAID SCHOOL BOARD. CLAIM: $2,500.00. EFFECTIVE DATE: 06/25/83.
12/27/82 SENATE PREFILED
01/14/83 SENATE REFERRED TO SPECIAL MASTER FOR CLAIM BILLS, FINANCE, TAXATION AND CLAIMS
04/05/83 SENATE INTRODUCED, REFERRED TO SPECIAL MASTER FOR CLAIM BILLS, FINANCE, TAXATION AND CLAIMS--SJ 00008
04/15/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE THE SPECIAL MASTER FOR CLAIM BILLS
04/27/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE THE SPECIAL MASTER FOR CLAIM BILLS
05/06/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND. BY THE SPECIAL MASTER FOR CLAIM BILLS; NOW IN FINANCE; TAXATION AND CLAIMS--SJ 00281
05/12/83 SENATE ON COMMITTEE AGENDA--FINANCE, TAX & CLAIMS; 05/18/83, 2100 PM, RM 1C
05/16/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND. PLACED ON CALENDAR BY FINANCE, TAXATION AND CLAIMS--SJ 00308
05/21/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; PASSED AS AMENDED; YEAS 37 NAYS 0 --SJ 00573
06/03/83 HOUSE IN MESSAGE
06/03/83 HOUSE RECEIVED, PLACED ON CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED YES 84 NAYS 17 --H 01030
06/03/83 SENATE ORDERED X'Mulled--SJ 00042
06/09/83 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
06/25/83 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE.

CHAPTER No. 83-488

5 0056 GENERAL BILL/C.S. BY ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, MEER CONTINUED ON NEXT PAGE

AND OTHERS (SIMILAR C/S H 0153)
DUI SAFETY INITIATIVES; AUTHORIZES EACH COUNTY TO LEVY DISCRETIONARY SURTAX ON DOCUMENTS TO PROVIDE CERTAIN FAMILIES FINANCIAL ASSISTANCE TO BUY OR REHABILITATE HOMES OR APARTMENTS; PROVIDES FOR ADMINISTRATION, COLLECTION, & DISTRIBUTION OF SURTAX PROCEEDS, ETC. CREATES 125.0167, 281.031. EFFECTIVE DATE: 10/01/83.
12/2/82 SENATE PREFILED
12/14/83 SENATE INTRODUCED, REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, FINANCE, TAXATION AND CLAIMS
02/07/83 SENATE ON COMMITTEE AGENDA--ECA, 02/15/83, TEMPORARILY POSTPONED
02/15/83 SENATE ON COMMITTEE AGENDA--ECA, 02/01/83, CANCELLED
04/05/83 SENATE INTRODUCED, REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; FINANCE, TAXATION AND CLAIMS
05/31/83 SENATE INDEFINITELY POSTPONED & W/O (SCA 12091) WAS IN COMMITTEE UN FINANCE, TAXATION AND CLAIMS
06/03/83 SENATE INDEFINITELY POSTPONED & W/O (SCA 12091) WAS IN COMMITTEE UN FINANCE, TAXATION AND CLAIMS

5 0057 GENERAL BILL/C.S. BY JUDICIARY-CIVIL, MEER AND OTHERS (SIMILAR C/S H 02795)
FAIR HOUSING ACT; CREATES SAID ACTS PROHIBITS DISCRIMINATORY HOUSING PRACTICES; PROVIDES FOR EXEMPTIONS; PROHIBITS DISCRIMINATION IN PROVISION OF BROKERAGE SERVICES; REQUIRES THAT AUTHORITY & RESPONSIBILITY FOR ADMINISTERING THE ACT BE IN HUMAN RELATIONS COMMISSION; ETC. CREATES 23.160-179. EFFECTIVE DATE: 07/01/83.
12/29/82 SENATE PREFILED
01/14/83 SENATE REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, JUDICIARY-CIVIL, APPROPRIATIONS
02/18/83 SENATE ON COMMITTEE AGENDA--ECA, 02/01/83, 9100 AM, RM H
02/01/83 SENATE COMM. REPORT: C/S BY ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; NOW IN JUDICIARY-CIVIL, APPROPRIATIONS
03/01/83 SENATE ON COMMITTEE AGENDA--JUDICIARY-CIVIL, 03/02/83, CANCELLED
04/05/83 SENATE INTRODUCED, REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; JUDICIARY-CIVIL, APPROPRIATIONS--SJ 00011; COMM. REPORT: C/S BY ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; NOW IN JUDICIARY-CIVIL, 04/17/83, 2100 PM, RM 1C
04/11/83 SENATE ON COMMITTEE AGENDA--JUDICIARY-CIVIL, 04/17/83, 2100 PM, RM 1C
04/13/83 SENATE COMM. REPORT: C/S FOR C/S BY JUDICIARY-CIVIL--SJ 00126; C/S READ FIRST TIME 05/05/83, SJ 00217
04/15/83 SENATE NOW IN APPROPRIATIONS--SJ 00123
04/05/83 SENATE ORDERED X'Mulled--SJ 00462
04/05/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
05/17/83 SENATE WITHDRAWN FROM APPROPRIATIONS--SJ 00283; PLACED ON SPECIAL ORDER CALENDAR
05/30/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S PASSED AS CONTINUED ON NEXT PAGE
05/31/83  AMENDED; YEAS 26 NAYS 0 - SJ 00567
04/01/83  HOUSE IN MESSAGES, RECEIVED, REFERRED TO APPROPRIATIONS - HJ 00897
06/03/83  HOUSE WITHDRAWN FROM APPROPRIATIONS; PLACED ON CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED YEAS 94 NAYS 17 - HJ 01109
06/09/83  SENATE ORDERED ENROLLED - SJ 00862
04/09/83  SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
06/24/83  APPROVED BY GOVERNOR Chapter No. 83-21

S 0058 GENERAL BILL BY JENNE (SIMILAR CS/8004, CS 0013, CS/5 8031) TRANSPORTATION DEPARTMENT CONTRACTS; PROVIDES FOR DELINQUENT, REVOCATION, OR SUSPENSION OF CONTRACTORS QUALIFICATION CERTIFICATES FOR SPECIFIED REASONS; PROVIDES PENALTIES, NOTIFICATION REQUIREMENTS, & INVESTIGATIVE AUTHORITY; PROVIDES FOR DISPOSITION OF CERTAIN MONIES; ETC. CREATES 3/1/84 EFFECTIVE DATE; EFFECTIVE UPON BECOMING LAW. 04/19/83 SENATE EXTENDED TIME GRANTED COMMITTEE TRANSPORTATION APPROPRIATIONS - SJ 00111
04/18/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE TRANSPORTATION APPROPRIATIONS; INDEFINITELY POSTPONED - SJ 00183

S 0059 GENERAL BILL LS BY EDUCATION, GURSTEN (SIMILAR M 0379, COMPARE ENG/H 1342) SCHOOL TRANSPORTATION; AMENDS DEFINITION OF "STUDENT" FOR PURPOSES OF HAZARDOUS WALKING CONDITION CORRECTION WITHIN CERTAIN TIME PERIODs; REMOVES CERTAIN EXCEPTIONS TO CLASSIFICATION OF CERTAIN CONDITIONS AS HAZARDOUS, APPLIES HAZARDOUS WALKING CONDITIONS FOR CERTAIN CROSSING SITES. AMENDS 3/34.021. EFFECTIVE DATE: 07/01/83.
01/05/83 SENATE PREFILED
01/06/83 SENATE REFERRED TO EDUCATION, APPROPRIATIONS
04/09/83 SENATE INTRODUCED; REFERRED TO EDUCATION, APPROPRIATIONS - SJ 00146
04/19/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE EDUCATION APPROPRIATIONS - SJ 00111
04/27/83 SENATE ON COMMITTEE AGENDA - EDUCATION, TEMPORARILY POSTPONED - SJ 00111
05/03/83 SENATE ON COMMITTEE AGENDA - COMMERCE, 2:00 PM, PM, AT EXTENSION OF TIME GRANTED COMMITTEE EDUCATION APPROPRIATIONS
05/05/83 SENATE COMM. REPS: C/S BY EDUCATION - SJ 00241; C/S READ FIRST TIME 05/10/83 - SJ 00242
05/09/83 SENATE NOW IN APPROPRIATIONS - SJ 00242
05/16/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
06/03/83 SENATE INDEFINITELY POSTPONED & W/0 ISCA 12091; WAS IN COMMITTEE ON APPROPRIATIONS

S 0060 GENERAL BILL BY MEEK (IDENTICAL M 0524, COMPARE ENG/H 0741, H 1339) GENDER PAY GAP; PROHIBITS PAY PLAN TO PROVIDE APPROPRIATELY EQUIVALENTS; REQUIRES PAY PLANS TO PROVIDE APPROPRIATELY EQUIVALENTS; REQUIRES REPORTS. AMENDS 110.209. EFFECTIVE DATE: 10/01/83.
01/05/83 SENATE PREFILED
01/14/83 SENATE REFERRED TO PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING, APPROPRIATIONS
02/15/83 SENATE ON COMMITTEE AGENDA - PERSONNEL, R & C 6, 03/01/83, CANCELLED
04/06/83 SENATE INTRODUCED; REFERRED TO PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING; APPROPRIATIONS - SJ 00012
04/06/83 SENATE ON COMMITTEE AGENDA - PERSONNEL, R & C 6, TEMPORARILY POSTPONED
04/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING, APPROPRIATIONS - SJ 00012
05/02/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING
05/13/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING
05/30/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING
06/03/83 SENATE INDEFINITELY POSTPONED & W/0 ISCA 12091; WAS IN COMMITTEE ON PERSONNEL, RETIREMENT AND COLLECTIVE BARGAINING

S 0061 GENERAL BILL BY STUART (SIMILAR H 1139) PURCHASING; PROHIBITS PURCHASE OF CERTAIN FORMS, BOND PAPER, & LEGAL PADS BY STATE AGENCIES; PROHIBITS PURCHASE OF CERTAIN FILL CABINETS; REQUIRES AGENCIES TO REVIEW EXISTING FORMS; REQUIRES ARCHIVES, HISTORY & RECORDS MGMT. DIV. OF STATE DEPT. TO ESTABLISH STANDARDS; ETC. CREATES 282.008, EFFECTIVE DATE: 10/01/83.
01/05/83 SENATE PREFILED
01/14/83 SENATE REFERRED TO GOVERNMENTAL OPERATIONS, RULES AND REGULATIONS
02/15/83 SENATE ON COMMITTEE AGENDA - GOVERNMENTAL OPERATIONS, 01/30/83, CANCELLED
04/02/83 SENATE INDEFINITELY POSTPONED; REFERRED TO GOVERNMENTAL OPERATIONS, RULES AND REGULATIONS; CALENDAR - SJ 00065
04/06/83 SENATE INTERRUPTED; REFERRED TO GOVERNMENTAL OPERATIONS, RULES AND REGULATIONS
05/06/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
05/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
05/17/03 SENATE INDEFINITELY POSTPONED & CALENDAR - SJ 00233; PLACED ON CALENDAR
06/03/83 SENATE INDEFINITELY POSTPONED & W/0 ISCA 12091; WAS ON CALENDAR

S 0062 GENERAL BILL BY GOMMELE & MCNENEE - STUART ALCOHOLIC BEVERAGES; PROVIDES FOR SALE & CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY UNDER CERTAIN CIRCUMSTANCES; PROVIDES AN EXEMPTION FOR CERTAIN PERSONS WHO MAY OWN AN INTEREST IN LICENSED ESTABLISHMENTS AUTHORIZED TO SELL BEER OR WINE BY PACKAGE AMENDS 562.06, 561.25. EFFECTIVE DATE: UPON BECOMING LAW.
03/05/83 SENATE PREFILED
01/14/83 SENATE REFERRED TO COMMERCE
04/05/83 SENATE INTRODUCED; REFERRED TO COMMERCE - SJ 00011
04/12/83 SENATE ON COMMITTEE AGENDA - COMMERCE, 2:00 PM; A COMMITTEE REPORTS: C/S PLACED ON CALENDAR BY COMMERCE - SJ 00099
04/19/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S PASSED AS AMENDED; YEAS 34 NAYS 4 - SJ 00127
04/21/83 SENATE IN MESSAGES
05/25/83 SENATE RECEIVED, REFERRED TO REGULATED INDUSTRIES & LICENSING, FINANCE & TAXATION, APPROPRIATIONS - SJ 00065
05/02/83 SENATE ON COMMITTEE AGENDA - REGULATED IND. - 413 L, 9:30 AM, 05/04/83
05/04/83 SENATE COMMITTEE REPORT; FAVORABLE WITH AMEND; BY REGULATED INDUSTRIES & LICENSING - MJ 00323; NOW IN FINANCE & TAXATION
05/09/83 SENATE ON COMMITTEE AGENDA - FOR SUBREFERAL - 41 HD, 9:00 AM, 05/11/83
05/11/83 SENATE WITHDRAWN FROM FINANCE & TAXATION - MJ 00381; NOW IN REGULATED INDUSTRIES & LICENSING - MJ 00569; PLACED ON CALENDAR
05/18/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; READ SECOND TIME; AMENDMENT PENDING - MJ 01107; INDEFINITELY POSTPONED & W/0 ISCA 12091; WAS ON CALENDAR

S 0063 GENERAL BILL BY STUART COMMUNICATIONS, INVESTIGATIONS PROVIDES CIRCUMSTANCES UNDER WHICH IT IS LAWFUL FOR A PARTY TO A WIRE COMMUNICATION TO INTERCEPT THE COMMUNICATION. AMENDS 594.01. EFFECTIVE DATE: UPON BECOMING LAW.
01/05/83 SENATE PREFILED
01/14/83 SENATE REFERRED TO JUDICIARY-CRIMINAL
04/05/83 SENATE INTRODUCED; REFERRED TO JUDICIARY-CRIMINAL - SJ 00011
05/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE JUDICIARY-CRIMINAL CONTINUED ON NEXT PAGE
I. SUMMARY:

A. Present Situation:

The federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale or rental of housing because of race, color, religion, sex, or national origin. Several exemptions are included pertaining to the sale or rental of certain types of housing in specific situations.

In those cases where a state or local fair housing law is substantially equivalent to the federal law, the federal government refers the complaint to the appropriate state or local agency for prompt action. The federal government is authorized to support state and local agencies through a grant program which provides non-competitive funding for all aspects of complaint processing and personnel training for first and second year agencies, with funding levels based on previous federal government complaint workloads. In the third year and beyond federal funding is available at a reduced level for complaint processing, with funding based on a set amount for each complaint that was filed in the prior year and that alleged discrimination which is prohibited by federal law.

The federal government has formally recognized 29 states and 4 Florida local governments (Clearwater, Jacksonville, Orlando, and St. Petersburg) as having fair housing laws substantially equivalent to the federal law.

B. Effect of Proposed Changes:

The bill makes it a discriminatory housing practice for any person, because of race, color, sex, religion, or national origin to engage in specified activities. These include such practices as:

- representing that housing is not available when it is;
- refusing to permit housing to be inspected;
- refusing to receive or failing to transmit a bona fide offer to engage in a housing transaction;
- offering, accepting, or using a listing of real property with the understanding that a person may be discriminated against;
- refusing to insure housing, except on the basis of sound insurance principles;
- withholding housing; and
- discriminating in making funds available for the purchase, construction, repair, etc., of housing, including the fixing of rates, terms, and conditions of financial assistance.

The following situations are exempt from these prohibitions against discriminatory housing practices:

- rental of housing in a building with accommodations for not more than four families living independently of each other, if the lessor or a member of his immediate family resides in one of the units;

- rental of not more than three rooms within the home of the owner or a member of his immediate family;

- a religious organization giving preference to its members in a housing transaction, as long as housing is not denied or withheld because of race, color, sex, or national origin;

- the provision of housing as a condition of employment;

- segregation of student housing on the basis of sex;

- housing that is used for one sex only in sports, recreational activities, and artistic endeavors that necessitate the protection of the individual performer's privacy; and

The bill also makes it a discriminatory practice to induce a housing transaction (i.e., blockbusting) by doing any of the following:

- representing the actual or possible existence of other housing which is or might become occupied by a person of a particular race, color, religion, sex, or national origin;

- representing that if such change occurs it will or might lower property values, increase crime, or decrease the quality of schools in the areas;

- maintaining a sign indicating availability near the housing area in question more than 7 calendar days after the contract for disposal of the property is executed.

Complaints by aggrieved persons must be filed with the Florida Commission on Human Relations within 180 days of the alleged discrimination, and an investigation by the commission must be started within 30 days. The form of the complaint is provided. The Attorney General and commission members are also authorized to file complaints. The commission shall refer a complaint to a local agency for further action if such agency has substantially equivalent investigatory and relief powers. If an aggrieved person seeks temporary relief to prevent irreparable damage from an alleged discriminatory practice, the commission or the aggrieved person may petition the circuit court for injunctive relief pending final commission action.

If the commission investigates the complaint and determines that probable cause exists, the commission staff must attempt to eliminate the alleged discriminatory practice by conciliation. Procedures and guidelines regarding conciliation agreements are provided. If, after 180 days, the commission or local agency has not obtained voluntary compliance or has failed to take final action, the aggrieved person may bring civil action in any court of competent jurisdiction. If the commission or the court finds that a discriminatory practice has occurred, it must issue an order prohibiting the practice.
and providing such other affirmative relief as is appropriate. (A partial list of the forms of affirmative relief that may be ordered is provided.)

For the purpose of carrying out this act, the Florida Commission on Human Relations is granted all the same general powers, duties, and authority it currently possesses in order to carry out the Human Rights Act of 1977, which deals primarily with employment practices.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

All costs incurred by state government are assumed to be passed on ultimately to the state's taxpayers.

B. Government:

According to the General Counsel of the Florida Commission on Human Relations, the federal government (assuming it recognizes Florida's law as substantially equivalent to its own) will provide the commission with approximately $84,000 to $91,000 in each of the first 2 years of administration to finance complaint processing and personnel training. (This amount is based on last year's federal complaint workload of 80 cases in Florida.) Federal funding will also be available in the third year and beyond at a rate of $500 for each complaint that was filed in the prior year and that alleged discrimination which is prohibited by federal law, up to a maximum of $100,000 per year. According to the commission's general counsel, based on an estimated cost of $400 to $500 per complaint, state revenue will probably not be needed to supplement the federal funds to administer this law. The commission's general counsel has not yet finalized detailed figures concerning the number of personnel, etc., that will be needed to administer this law.

III. COMMENTS:

A similar bill, SB 514, was introduced in 1982 and referred to ECCA.

IV. AMENDMENTS:

None.
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

SUBJECT:
Fair Housing

I. SUMMARY:

A. Present Situation:

The federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale or rental of housing because of race, color, religion, sex, or national origin. Several exemptions are included pertaining to the sale or rental of certain types of housing in specific situations.

In those cases where a state or local fair housing law is substantially equivalent to the federal law, the federal government refers the complaint to the appropriate state or local agency for prompt action. The federal government is authorized to support state and local agencies through a grant program which provides non-competitive funding for all aspects of complaint processing and personnel training for first and second year agencies, with funding levels based on previous federal government complaint workloads. In the third year and beyond federal funding is available at a reduced level for complaint processing, with funding based on a set amount for each complaint that was filed in the prior year and that alleged discrimination which is prohibited by federal law.

The federal government has formally recognized 29 states and 4 Florida local governments (Clearwater, Jacksonville, Orlando, and St. Petersburg) as having fair housing laws substantially equivalent to the federal law.

B. Effect of Proposed Changes:

The bill creates a state fair housing act which makes it a discriminatory housing practice for any person, because of race, color, sex, religion, or national origin, to engage in specified activities. These include such practices as:

- representing that housing is not available when it is;
- refusing to sell or rent after the making of a bona fide offer, or to refuse to negotiate the sale or rental of, or otherwise deny, a dwelling;
- denying access to multiple-listing services; and
- discriminating in making funds available for the purchase, construction, repair, etc., of housing, including the fixing of rates, terms, and conditions of financial assistance.

Certain types of property are exempt from the act.
Any person who is discriminated against may file a complaint with the Florida Commission on Human Relations. The commission must investigate the complaint and give notice to the complainant as to whether it intends to resolve the complaint.

If a determination is made to resolve the complaint, the commission is empowered only to attempt to eliminate or correct the alleged discriminatory practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding without the consent of the persons concerned. Penalties are provided for violation of this provision.

In the event the informal methods fail to bring about voluntary compliance with the provisions in the act, the complainant may file a civil action in the appropriate court. If the court finds that a discriminatory housing practice has occurred, it may enjoin the respondent from engaging in such practice, or order such affirmative action as may be appropriate. The court may grant as relief any permanent or temporary injunction, temporary restraining order, or other order, and may award actual damages and not more than $1,000 in punitive damages. The court may also award court costs and attorneys' fees in the case of a prevailing party, provided the party is not financially able to assume the attorneys' fees.

The commission is required to make studies relating to discriminatory housing practices and publish reports, recommendations, and information derived from such studies.

In conducting an investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence provided that the commission first complies with the provisions of the State Constitution relating to unreasonable searches and seizures. The commission may issue subpoenas to compel its access to or the production of such materials, or the appearance of such persons, and may issue interrogatories. Upon written application to the commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the commission. Witnesses summoned by subpoena of the commission shall be entitled to the same witness and mileage fees as witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by the respondent. The bill provides a method for revocation or modification of the subpoena. In case of refusal to obey a subpoena, it may be enforced in circuit court.

Complaints by aggrieved persons must be filed with the commission within 180 days of the alleged discrimination, and an investigation by the commission must be started within 30 days. The form of the complaint is provided. The commission shall refer a complaint to a local agency for further action if such agency provides substantially equivalent rights and remedies.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

All costs incurred by state government are assumed to be passed on ultimately to the state's taxpayers.

B. Government:

According to the General Counsel of the Florida Commission on Human Relations, the federal government (assuming it recognizes
Florida's law as substantially equivalent to its own) will provide the commission with approximately $84,000 to $91,000 in each of the first 2 years of administration to finance complaint processing and personnel training. (This amount is based on last year's federal complaint workload of 80 cases in Florida.) Federal funding will also be available in the third year and beyond at a rate of $500 for each complaint that was filed in the prior year and that alleged discrimination which is prohibited by federal law, up to a maximum of $100,000 per year. According to the commission's general counsel, based on an estimated cost of $400 to $500 per complaint, state revenue will probably not be needed to supplement the federal funds to administer this law.

III. COMMENTS:

A similar bill, SB 514, was introduced in 1982 and referred to ECCA.

A similar bill, HB 275, was introduced in the House this year.

This bill was ordered enrolled on June 3, 1983.

IV. AMENDMENTS:

None.
A bill to be entitled
An act relating to fair housing; creating the
Fair Housing Act, ss. 23.166-23.177, Florida
Statutes; providing definitions; prohibiting
discriminatory housing practices; excluding
nonresidential commercial property; providing
for exemptions; providing for the filing of
complaints with the Florida Commission on Human
Relations; providing for procedures to resolve
complaints; providing for administrative and
judicial remedies, including injunctive relief,
costs, attorneys' fees, and actual, liquidated,
and punitive damages; amending s. 23.166,
Florida Statutes; providing the commission with
rulemaking powers and other powers necessary
for the administration of the act; providing an
effective date.

WHEREAS, housing is a necessity that contributes
significantly to the formation of the individual and affects
his functioning in society, and
WHEREAS, discrimination in housing deprives individuals
of their basic right to associate, causes friction among
groups in society, and adversely affects the public health,
safety, and welfare, and
WHEREAS, the urbanization of the state has placed
additional strains upon the availability of housing, and
WHEREAS, this act is intended to protect an
individual's self-dignity, to make available to the state an
individual's full productive capacities, to secure the state
against domestic strife and unrest, to preserve the public

CODING: Words in struck through type are deletions from existing law; words underlined are additions.
safety, health, and welfare, and to promote the interests, 
rights, and privileges of individuals within the state, NOW, 
THEREFORE,

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

Section 1. Section 23.168, Florida Statutes, is 
created to read:

23.168 Short title.--This act may be cited as the Fair 
Housing Act.

Section 2. Section 23.169, Florida Statutes, is 
created to read:

23.169 Purposes; construction.--The general purposes 
of this act are to ensure to all persons, regardless of race, 
color, sex, religion, or national origin, the right to housing 
of their choice and within their means. This act shall be 
construed according to the fair import of its terms and shall 
be liberally construed to further the general purposes stated 
in this section and the special purposes of the particular 
provision involved.

Section 3. Section 23.170, Florida Statutes, is 
created to read:

23.170 Definitions.--As used in this act:

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

(2) "Discriminatory housing practice" means a practice 
wholly or partially premised upon considerations prohibited 
under the terms of this act.

(3) "Family" includes a single individual.

(4) "Housing" or "housing accommodation" includes any 
improved or unimproved real property, or part thereof, which

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is used or occupied, or is intended, arranged, or designed to
be used or occupied, as the home or residence of one or more
individuals.

(5) "Housing complex" means any multifamily building
or set of buildings.

(6) "Housing transaction" includes buying, appraising,
leasing, renting, selling, or exchanging housing.

(7) "Improvements" to real property include mobile
homes, trailers, or other construction not legally attached to
the land.

(8) "National origin" includes the national origin of
an ancestor.

(9) "Owner" includes a lessor, lessee, sublessee,
cotenant, assignee, agent, or other person having the right of
ownership or possession, or the right to sell, rent, or lease
any housing accommodation.

(10) "Person" means any individual, his heirs or
assigns, association, builder, corporation, political
subdivision, partnership, insurer, labor union, legal
representative, mutual company, joint stock company, trust,
trustee in bankruptcy, unincorporated organization, financial
or lending institution, registered real estate broker,
registered real estate salesman, owner, dealer, the state, or
any governmental entity or agency, any other legal or
commercial entity, or agent of any of the foregoing.

(11) "Real property" includes buildings, structures,
real estate, lands, tenements, leaseholds, interests in real
estate cooperatives, condominiums, and hereditaments,
corporeal and incorporeal, or any interest therein.

(12) "Religion" means all aspects of religious
observance and practice, as well as belief; however, religion

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(13) "Rent" includes to lease, sublease, let, or otherwise grant, under an express or implied contract, the right to occupy housing without transferral of ownership.

(14) "Registered real estate broker or salesman" means a person as defined by s. 475.01.

(15) "Reside" means to live in a housing accommodation as one's primary home.

(16) The term "because of sex" includes, but is not limited to, because of pregnancy, childbirth, or related medical conditions.

Section 4. Section 23.171, Florida Statutes, is created to read:

23.171 Discriminatory housing practice.—It is a discriminatory housing practice for any person, whether acting for monetary gain or not, because of race, color, sex, religion, or national origin:

(1) To refuse to engage in a housing transaction;

(2) To refuse to negotiate for a housing transaction with a person;

(3) To represent to a person that housing is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a housing listing to his attention, or to refuse to permit him to inspect housing;

(4) To discriminate against any person in the terms, conditions, or privileges of a housing transaction or in the furnishing of facilities or services in connection therewith, or in imposing restrictions concerning future use or disposal of housing;

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(5) To refuse to receive or fail to transmit a bona fide offer from any person to engage in a housing transaction;

(6) To print, circulate, post, mail, or cause to be communicated a statement, advertisement, or sign, or to use a form of application for a housing transaction, or to make a record or inquiry in connection with a prospective housing transaction, which indicates, directly or indirectly, an intent to make a limitation, preference, or discrimination with respect thereto;

(7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a housing transaction or in the furnishing of facilities or services in connection therewith;

(8) To refuse to insure housing, except that an insurer may base its refusal on sound insurance principles;

(9) To retaliate against any person because he has opposed a practice or act reasonably perceived to be discriminatory;

(10) To make, counsel, or cause to be made any statements that have the effect of discriminating against any person;

(11) To deny or otherwise make unavailable any housing to any person, or to withhold any housing from any person.

Section 5. Section 23.172, Florida Statutes, is created to read:

23.172 Discriminatory housing practices concerning financing.

(1) It is a discriminatory housing practice for any person because of race, color, sex, religion, or national origin to:

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(a) Discriminate in the lending of money, the guaranteeing of loans, the acceptance of deeds of trust or mortgage, or otherwise in the making of funds available for the purchase, acquisition, construction, alteration, rehabilitation, repair, or maintenance of any housing, or to discriminate in the fixing of rates, terms, conditions, or provisions of any such financial assistance or in the extension of services in connection therewith to any person;

(b) Refuse to give full recognition to the income of separate persons or the total income and expenses of the several persons where the several persons become or are prepared to become joint or several obligors in housing transactions;

(2) The provisions of subsection (1) shall not prohibit any person from basing his actions on the income, financial ability, or legal capacity of any person.

Section 6. Section 23.173, Florida Statutes, is created to read:

23.173 Exemptions.--The provisions of ss. 23.171 and 23.172 do not apply to:

(1) The rental of housing in a building which contains housing accommodations for not more than four families living independently of each other, if the lessor or a member of his immediate family resides in one of the housing accommodations; or

(2) The rental of not more than three rooms that are physically within the home or residence of the owner or a member of his immediate family;

(3) A religious institution or organization or a charitable or educational organization operated, supervised, or controlled by a religious institution or organization.
Section 7. Section 23.174, Florida Statutes, is created to read:

23.174 Blockbusting.--It is a discriminatory housing practice for any person to induce, directly or indirectly, a housing transaction by:

(1) Representing the actual or possible existence or proximity of other housing which is, will or may become owned, rented, used, or occupied by any person of a particular race, color, religion, sex, or national origin;

(2) Representing that if such change occurs it will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the housing is located;

(3) Maintaining a sign indicating availability on or near the housing area in question more than 7 calendar days after the execution of a contract or written agreement for disposal of the property.

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Section 8. Section 23.175, Florida Statutes, is created to read:

23.175 Procedures.--
(1) Any person who is aggrieved by a discriminatory housing practice or who believes that he or she will be irreparably injured by a discriminatory housing practice that is about to occur may file a complaint with the commission. Upon the receipt of such complaint, the commission shall furnish a copy of same to the person who allegedly committed or is about to commit the discriminatory housing practice, hereafter referred to as the respondent. Within 30 days after receiving a complaint, or within 30 days after the expiration of any period of referral under subsection (3), the commission shall commence an investigation to determine whether there is probable cause to believe that an unlawful housing practice has occurred. The commission may use testers in ascertaining the existence of an unlawful housing practice.

(2) A complaint under subsection (1) shall be filed within 180 days of the alleged discriminatory housing practice. Complaints shall be in writing, sworn to under oath or affirmation, and shall state the facts upon which the allegations of a discriminatory housing practice are based and name the person or persons responsible for the violation. The commission, a member of the commission, or the Attorney General may in like manner also file complaints.

(3) If any local government agency has legal authority to investigate such complaint and to provide relief substantially identical to that available under this act, the commission shall provide by rule, in accordance with criteria established by rule, that all such complaints shall be deferred to such agency. If such agency, within 30 days of

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deferral of such a complaint, gives notice to the commission that the agency accepts jurisdiction of the complaint, the commission shall cease to have jurisdiction of the complaint. The local units of government creating such agencies may provide for the award of affirmative relief substantially identical to that which the commission may award.

(4) If the commission determines after the investigation provided for in subsection (1) that there is probable cause to believe that the respondent has engaged in a discriminatory housing practice, the commission staff shall endeavor to eliminate the alleged discriminatory housing practice by conference, conciliation, and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from committing any discriminatory housing practices in the future and make such further provisions as may be agreed upon between the commission or its staff and the respondent. If a conciliation agreement is entered into, the commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent and to such other public official or person as the commission deems proper. Except for the terms of the conciliation agreement, neither the commission nor any officer or employee thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate a discriminatory housing practice by conference, conciliation, or persuasion whether or not there is a determination of probable cause or a conciliation agreement.

(5) After the Executive Director of the commission makes a determination of probable cause, the same may be
recorded with the clerk of the circuit court where the housing is situated as a notice of lis pendens. Such recorded notice of lis pendens shall be subject to all the terms in s. 48.23, just as if the commission were a court.

(6) Whenever an aggrieved person alleges that a respondent has engaged in an unlawful housing practice and that the aggrieved person will suffer substantial and irreparable injury if he is not granted temporary relief, the commission or the aggrieved person may petition the circuit court where venue lies for appropriate injunctive relief pending final action by the commission with respect to such matter. Upon the filing of any such petition, the court shall cause notice thereof to be served upon the parties, hold proceedings as necessary and, thereupon, shall have jurisdiction to grant such temporary restraining order or preliminary injunction as it deems just and proper. Temporary restraining orders granted ex parte shall not exceed 10 days in duration.

(7) If, within 180 days after a complaint has been filed with the commission, or within 180 days after a complaint has been referred to a local government agency under subsection (3), the commission or agency has been unable to obtain voluntary compliance with this act or has failed to take final action on any complaint filed under this section, an aggrieved person may bring a civil action against the respondent named in the complaint in any court of competent jurisdiction. The commencement of such action shall divest the commission of jurisdiction over such complaint, except that the commission may intervene as a matter of right.

(8) The commission shall be governed in its practices and procedures by the Administrative Procedure Act.
Section 9. Section 23.176, Florida Statutes, is created to read:

23.176 Remedies.--

(1) If the commission, in the case of a complaint under s. 23.175(1), or the court, in the case of a civil action under s. 23.175(7), finds that a discriminatory housing practice has occurred, it shall issue an order prohibiting the practice and providing such other affirmative relief from the effects of the discriminatory practice as may be appropriate. Upon such notice as the commission or the court may require, such order, or any subsequent order upon the same complaint or action, may provide relief for all individuals aggrieved by any such unlawful housing practice.

(2) Affirmative relief ordered may include, but is not limited to:

(a) Sale, exchange, lease, rental, assignment, or sublease of housing to a person.

(b) Cancellation, rescission, or revocation of a contract, deed, lease, or other instrument transferring housing which is the subject of a complaint of a discriminatory practice to a person who had actual or record notice, prior to the transfer or the execution of the legally binding obligation to make the transfer, that a determination had been made that there was reasonable cause to believe that a discriminatory practice had occurred.

(c) Extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent.

(d) Payment to any injured party of profits obtained by the respondent through a violation of s. 23.174, so long as such payment does not unjustly enrich the injured party.

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(e) Payment to any injured party of actual damages for an injury caused by the discriminatory practice.

(f) Payment of liquidated damages of $500 for each violation, unless greater damages are proven.

(g) Payment of court costs and reasonable attorneys' fees in the case of a prevailing plaintiff who is not financially able to assume such attorneys' fees.

(h) Payment to any injured party of not more than $1,000 in punitive damages.

(i) Reporting to the commission or the court as to the manner of compliance.

(j) Posting notices to inform individuals of their rights under this act in conspicuous places in the respondent's place or places of business in the form prescribed by the commission, and inclusion of such notices in advertising material.

(k) Reporting to a licensing agency any violation of this act committed by its licensee.

In assessing punitive damages, the commission shall consider, among other factors, the ability of the discriminatory party to pay such damages, the seriousness of the discriminatory acts and their effect upon the complainant.

Section 10. Section 23.177, Florida Statutes, is created to read:

23.177 Administration; offices.--The provisions of this act shall be administered by the Florida Commission on Human Relations, and the commission shall exercise all of the powers, duties, and authority granted pursuant to part IX of chapter 23 in administering this act. The commission may establish local offices to operate in areas of the state.
lacking local fair housing agencies within the meaning of s. 23.175(3).

Section 11. Section 23.166, Florida Statutes, is amended to read:

23.166 Powers of the commission.--Within the limitations provided by law, the commission shall have the following powers with respect to the Human Rights Act of 1977 and the Fair Housing Act:

(1) To maintain an office in the City of Tallahassee.

(2) To meet and exercise its powers at any place within the state.

(3) To promote the creation of, and to provide continuing technical assistance to, local commissions on human relations and to cooperate with individuals and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(4) To accept gifts, bequests, grants, or other payments, public or private, to help finance its activities.

(5) To receive, initiate, investigate, seek to conciliate, hold hearings on, and act upon complaints alleging any discriminatory practice, as defined by this part.

(6) To hold hearings to determine the facts about instances of discrimination or intergroup tensions.

(7) To administer oaths, subpoena witnesses, and compel production of evidence pertaining to any hearing convened pursuant to subsection (5). The authority granted by this subsection may be delegated by the commission, for investigations or hearings, to a commissioner, a panel of commissioners established under s. 23.163(5), or the executive director. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any

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circuit court of this state, which shall have jurisdiction to
order the witness to appear before the commission and to
produce evidence, if so ordered, or to give testimony
concerning the matter in question. Failure to obey the order
may be punished by the court as contempt.

(8) To recommend methods for elimination of
discrimination and intergroup tensions and to use its best
efforts to secure compliance with its recommendations.

(9) To furnish technical assistance requested by
persons to facilitate progress in human relations.

(10) To make or arrange for studies appropriate to
effectuate the purposes and policies of those acts this part
and to make the results thereof available to the public.

(11) To become a deferral agency for the Federal
Government and to comply with the necessary federal
regulations to effect this part.

(12) To render, at least annually, a comprehensive
written report to the Governor and the Legislature which
report shall pertain only to the Human Rights Act of 1977 and
not to the Fair Housing Act. The report may contain
recommendations of the commission for legislation or other
action to effectuate the purposes and policies of the Human
Rights Act of 1977 this part.

(13) To adopt, promulgate, amend, and rescind rules to
effectuate the purposes and policies of those acts this part
and govern the proceedings of the commission, in accordance
with chapter 120.

Section 12. Severability.—If any provision of this
act or the application thereof to any person or circumstance
is held invalid, such invalidity shall not affect any other
provision or application of the act which can be given effect

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without the invalid provision or application, and to this end
the provisions of this act are declared severable.

Section 13. This act shall take effect July 1, 1983.

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I. SUMMARY:

A. Present Situation:

The federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale or rental of housing because of race, color, religion, sex, or national origin. Several exemptions are included pertaining to the sale or rental of certain types of housing in specific situations.

In those cases where a state or local fair housing law is substantially equivalent to the federal law, the federal government refers the complaint to the appropriate state or local agency for prompt action. The federal government is authorized to support state and local agencies through a grant program which provides non-competitive funding for all aspects of complaint processing and personnel training for first and second year agencies, with funding levels based on previous federal government complaint workloads. In the third year and beyond federal funding is available at a reduced level for complaint processing, with funding based on a set amount for each complaint that was filed in the prior year and that alleged discrimination which is prohibited by federal law.

The federal government has formally recognized 29 states and 4 Florida local governments (Clearwater, Jacksonville, Orlando, and St. Petersburg) as having fair housing laws substantially equivalent to the federal law.

B. Effect of Proposed Changes:

The bill makes it a discriminatory housing practice for any person, because of race, color, sex, religion, marital status, national origin, or handicap, to engage in specified activities. These include such practices as:

- representing that housing is not available when it is;
- refusing to permit housing to be inspected;
- refusing to receive or failing to transmit a bona fide offer to engage in a housing transaction;
- offering, accepting, or using a listing of real property with the understanding that a person may be discriminated against;
- refusing to insure housing, except on the basis of sound insurance principles;
- withholding housing; and
- discriminating in making funds available for the purchase, construction, repair, etc., of housing, including the fixing of rates, terms, and conditions of financial assistance.

The following situations are exempt from these prohibitions against discriminatory housing practices:

- rental of housing in a building with accommodations for not more than four families living independently of each other, if the lessor or a member of his immediate family resides in one of the units;

- rental of not more than three rooms within the home of the owner or a member of his immediate family;

- a religious organization giving preference to its members in a housing transaction, as long as housing is not denied or withheld because of race, color, sex, marital status, national origin, or handicap;

- architectural barriers to the handicapped in housing already in existence; however, any housing complex (multifamily building or set of buildings) started after the effective date of the law and consisting of more than 20 units must have at least 5 percent of its units, and all common areas, accessible to the handicapped, in accordance with state regulations substantially paralleling accessibility regulations promulgated under the federal Vocational Rehabilitation Act of 1973 (see comments);

- segregation of student housing on the basis of sex, marital status, or age;

- housing that is used for one sex only in sports, recreational activities, and artistic endeavors that necessitate the protection of the individual performer’s privacy; and

- denial or limitation of housing to a person suffering a mental handicap if there is reasonable basis to conclude that the person poses a real and present threat of substantial harm to others or to the housing.

The bill also makes it a discriminatory practice to induce a housing transaction (i.e., blockbusting) by doing any of the following:

- representing the actual or possible existence of other housing which is or might become occupied by a person of a particular race, color, religion, sex, national origin, handicap, or marital status;

- representing that if such change occurs it will or might lower property values, increase crime, or decrease the quality of schools in the areas;

- maintaining a sign indicating availability near the housing area in question more than 7 calendar days after the contract for disposal of the property is executed.

Complaints by aggrieved persons must be filed with the Florida Commission on Human Relations within 180 days of the alleged discrimination, and an investigation by the commission must be started within 30 days. The form of the complaint is provided. The Attorney General and commission members are also authorized to file complaints. The commission may refer a complaint to a local agency for further action if such agency has substantially equivalent investigatory and relief powers. If
an aggrieved person seeks temporary relief to prevent irreparable damage from an alleged discriminatory practice, the commission or the aggrieved person may petition the circuit court for injunctive relief pending final commission action.

If the commission investigates the complaint and determines that probable cause exists, the commission staff must attempt to eliminate the alleged discriminatory practice by conciliation. Procedures and guidelines regarding conciliation agreements are provided. If, after 180 days, the commission or local agency has not obtained voluntary compliance or has failed to take final action, the aggrieved person may bring civil action in any court of competent jurisdiction. If the commission or the court finds that a discriminatory practice has occurred, it must issue an order prohibiting the practice and providing such other affirmative relief as is appropriate. (A partial list of the forms of affirmative relief that may be ordered is provided.)

For the purpose of carrying out this act, the Florida Commission on Human Relations is granted all the same general powers, duties, and authority it currently possesses in order to carry out the Human Rights Act of 1977, which deals primarily with employment practices.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

All costs incurred by state government are assumed to be passed on ultimately to the state's taxpayers.

It is not possible to determine whether the handicap accessibility standards established in this bill will result in increased costs in the construction of multifamily housing because similar accessibility standards are already required by local government building codes mandated by the state (see comments).

B. Government:

According to the General Counsel of the Florida Commission on Human Relations, the federal government (assuming it recognizes Florida's law as substantially equivalent to its own) will provide the commission with approximately $84,000 to $91,000 in each of the first 2 years of administration to finance complaint processing and personnel training. (This amount is based on last year's federal complaint workload of 80 cases in Florida.) Federal funding will also be available in the third year and beyond at a rate of $500 for each complaint that was filed in the prior year and that alleged discrimination which is prohibited by federal law, up to a maximum of $100,000 per year. According to the commission's general counsel, based on an estimated cost of $400 to $500 per complaint, state revenue will probably not be needed to supplement the federal funds to administer this law in the first 2 years. ($80,000 would finance 160 to 200 complaints at these rates.) In the third year and beyond, however, state funds may be needed to supplement the federal funding because the state law might generate complaints for which the state cannot be reimbursed by the federal government. This is because the state law prohibits housing discrimination on two grounds not covered in the federal law, marital status and handicap. The commission's general counsel has not yet finalized detailed figures concerning the number of personnel, etc., that will be needed to administer this law.
III. COMMENTS:

Presently, all local governments are required by state law (Parts V and VI, ch. 553, F.S.) to adopt and enforce minimum building codes which contain handicap accessibility standards similar to the ones established in this bill on page 7. There is some confusion as to how this bill's accessibility standards would affect the existing ones.

According to Senate Bill Drafting, the reference to "age" on page 2, line 15 was inadvertently placed in the bill, and should be removed.

A similar bill, SB 514, was introduced in 1982 and referred to ECCA.

IV. AMENDMENTS:

None.
The Committee on Economic, Community, & Consumer Affairs recommended the following amendment which was moved by Senator ............... and adopted: and failed:

Amendment:
On page ...., line ...., strike the word "age,"

If amendment is text from another bill insert:
Bill No.  Draft No.

FOR COMMITTEE USE ONLY
Amendment No., taken up by committee:  Adopted......  Failed......
Offered by:

(Amendment No.  Adopted  Failed  Date)

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I. SUMMARY:

A. Present Situation:

The federal Fair Housing Act prohibits discrimination in the sale, rental or financing of housing because of race, color, religion, sex or national origin. Certain types of property are exempt from the act.

Any person who is discriminated against may file a complaint with the Secretary of Housing and Urban Development. The Secretary must investigate the complaint and give notice to the complainant whether he intends to resolve the complaint.

In those cases where a state or local fair housing law is substantially equivalent to the federal law, the federal government refers the complaint to the appropriate state or local agency for action. The federal government is authorized to support state and local agencies through a grant program which provides funding for all aspects of complaint processing and personnel training for first and second year agencies, with funding levels based on previous federal government complaint workloads. In the third year and beyond federal funding is available at a reduced level for complaint processing, with funding based on a set amount for each complaint that was filed in the prior year.

The federal government has formally recognized 29 states and 6 Florida local governments (Broward County, Clearwater, Jacksonville, Miami, Orlando, and St. Petersburg) as having fair housing laws substantially equivalent to the federal law.

B. Effect of Proposed Changes:

CS/CS/SB 57 creates the Fair Housing Act for the State of Florida. The act is substantially similar to the federal Fair Housing Act.

The act prohibits the discrimination in the sale, rental, or financing of housing because of race, color, religion, sex, or national origin. Certain types of property are exempt from the act.

Any person who is discriminated against may file a complaint with the Florida Commission on Human Relations. The commission must investigate the complaint and give notice to the complainant whether it intends to resolve the complaint.

If a determination is made to resolve the complaint, the commission is empowered only to attempt to eliminate or correct the alleged discriminatory practice by informal methods of
conference, conciliation, and persuasion. Nothing said or done during the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding without the consent of the persons concerned. Penalties are provided for a violation of this provision.

In the event the informal methods fail to bring about voluntary compliance with the provisions in the Act, the complainant may file a civil action in the appropriate court. If the court finds that a discriminatory housing practice has occurred, it may enjoin the respondent from engaging in such practice, or order such affirmative action as may be appropriate. The court may grant as relief any permanent or temporary injunction, temporary restraining order, actual damages and not more than $1,000 of punitive damages. The court may also award court costs and attorneys' fees to a prevailing plaintiff.

The commission is required to make studies relating to discriminatory housing practices and publish reports, recommendations, and information derived from such studies.

In conducting an investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence provided that the commission first complies with the provisions of the State Constitution relating to search and seizures. The commission may issue subpoenas to compel its access to or the production of such materials, or the appearance of such persons, and may issue interrogatories. Upon written application to the commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the commission. Witnesses summoned by subpoena of the commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him. The bill provides a method for revocation or modification of the subpoena. In case of refusal to obey a subpoena, it may be enforced in circuit court.

Complaints by aggrieved persons must be filed with the commission within 180 days of the alleged discrimination, and an investigation by the commission must be started within 30 days. The form of the complaint is provided. The commission shall refer a complaint to a local agency for further action if such agency provides substantially equivalent rights and remedies.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

According to the General Counsel of the Florida Commission on Human Relations, the federal government (assuming it recognizes Florida's law as substantially equivalent to its own) will provide the commission with approximately $84,000 to $91,000 in each of the first 2 years of administration to finance complaint processing and personnel training. (This amount is based on last year's federal complaint workload of 80 cases in Florida.) Federal funding will also be available in the third year and beyond at a rate of $500 for each complaint that was filed in the prior year, up to a maximum of $100,000 per year. According to the commission's general counsel, based on an estimated cost of $400 to $500 per complaint, state revenue will probably not be needed to supplement the federal funds to administer this law. The commission's general counsel has not
yet finalized detailed figures concerning the number of personnel, etc., that will be needed to administer this law.

III. COMMENTS:

Similar bill, HB 275, has been referred to the House Committee on Judiciary.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

The federal Fair Housing Act prohibits discrimination in the sale, rental or financing of housing because of race, color, religion, sex or national origin. Certain types of property are exempt from the act.

Any person who is discriminated against may file a complaint with the Secretary of Housing and Urban Development. The Secretary must investigate the complaint and give notice to the complainant whether he intends to resolve the complaint.

If a determination is made to resolve the complaint, the Secretary is empowered only to attempt to eliminate or correct the alleged discriminatory practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding without the consent of the persons concerned. Penalties are provided for a violation of this provision.

In the event the informal methods fail to bring about voluntary compliance with the provisions in the Act, the complainant may file a civil action in the appropriate federal court. If the court finds that a discriminatory housing practice has occurred, it may enjoin the respondent from engaging in such practice, or order such affirmative action as may be appropriate. The court may grant as relief any permanent or temporary injunction, temporary restraining order, actual damages and not more than $1,000 of punitive damages. The court may also award court costs and attorneys' fees to a prevailing plaintiff provided that the plaintiff is not financially able to assume the attorneys' fees.

In those cases where a state or local fair housing law is substantially equivalent to the federal law, the federal government refers the complaint to the appropriate state or local agency for action. The federal government is authorized to support state and local agencies through a grant program which provides funding for all aspects of complaint processing and personnel training for first and second year agencies, with funding levels based on previous federal government complaint workloads. In the third year and beyond federal funding is available at a reduced level for complaint processing, with funding based on a set amount for each complaint that was filed in the prior year.

The federal government has formally recognized 29 states and 6 Florida local governments (Broward County, Clearwater, Jacksonville, Miami, Orlando, and St. Petersburg) as having fair housing laws substantially equivalent to the federal law.
B. Effect of Proposed Changes:

The powers granted the Florida Commission on Human Relations in the bill are much broader than those provided the Secretary of HUD in the federal Fair Housing Act.

The bill authorizes the commission, if it finds through its investigation that a discriminatory housing practice has occurred, to issue an order prohibiting the practice and provide affirmative relief as it may deem appropriate. Affirmative relief may include:

- sale, exchange, lease, rental, assignment, or sublease of housing to a person;
- cancellation, rescission, or revocation of a contract, deed, lease, or other instrument transferring housing which is subject to a complaint of discriminatory practice;
- extension to all individuals of the full and equal enjoyment of the advantages, facilities, privileges, and services of the respondent;
- payment to any injured party of profits obtained by the respondent because of blockbusting so long as the payment does not unjustly enrich the injured party;
- payment to any injured party of actual damages;
- payment of liquidated damages of $500 for each violation unless greater damages are proven;
- payment of court costs and reasonable attorneys' fees in the case of a prevailing plaintiff who is not financially able to assume such attorneys' fees;
- payment to any injured party of not more than $1,000 in punitive damages;
- reporting to the commission or the court as to the manner of compliance;
- posting notices to inform individuals of their rights under this act in conspicuous places in the respondent's place of business and in advertising material; and
- reporting to a licensing agency any violation of this act committed by its licensee.

In assessing punitive damages, the commission must consider, among other factors, the ability of the discriminatory party to pay such damages, the seriousness of the discriminatory acts and their effect upon the complainant.

Additionally, if the Executive Director of the commission makes a determination of probable cause, the determination may be filed with the clerk of the circuit court as a notice of lis pendens subject to all the terms in s. 48.23, F.S., just as if the commission were a court.

For the purpose of carrying out this act, the commission is granted all the same general powers, duties, and authority it currently possesses in order to carry out the Human Rights Act of 1977, which deals primarily with employment practices. For example, it may initiate complaints alleging any discriminatory practice, subpoena witnesses and compel production of evidence. In addition, the commission may establish local offices to operate in areas of the state lacking local fair housing agencies.
Local units of government creating fair housing agencies are authorized to award affirmative relief substantially identical to that which the commission may award.

The bill makes it a discriminatory housing practice for any person, because of race, color, sex, religion, or national origin to:

- refuse to engage in a housing transaction;
- refuse to negotiate for a housing transaction with a person;
- represent to a person that housing is not available for inspection, sale, rental, or lease when in fact it is so available;
- discriminate against any person in the terms, conditions, or privileges of a housing transaction or in the furnishing of facilities or services;
- refuse to receive or fail to transmit a bona fide offer to engage in a housing transaction;
- print, circulate, post, mail or cause to be communicated a statement, advertisement, or sign which indicates an intent to make a limitation, preference or discrimination;
- offer, accept or use a listing of real property with the understanding that a person may be discriminated against;
- refuse to insure housing, except on the basis of sound insurance principles;
- retaliate against any person because he has opposed a practice perceived to be discriminatory;
- make, counsel or cause to be made any statements that have the effect of discriminating against any person;
- withhold housing; and
- discriminate in making funds available for the purchase, construction, repair, etc., of housing, including the fixing of rates, terms, and conditions of financial assistance.

The bill makes it a discriminatory practice to induce a housing transaction (i.e., blockbusting) by:

- representing the actual or possible existence of other housing which is or might become occupied by a person of a particular race, color, religion, sex, or national origin;
- representing that if such change occurs it will or might lower property values, increase crime, or decrease the quality of schools in the areas;
- maintaining a sign indicating availability near the housing area in question more than 7 calendar days after the contract for disposal of the property is executed.

Complaints by aggrieved persons must be filed with the Florida Commission on Human Relations within 180 days of the alleged discrimination, and an investigation by the commission must be started within 30 days. The form of the complaint is provided. The Attorney General and commission members are also authorized to file complaints. The commission shall refer a complaint to a local agency for further action if such agency has
substantially equivalent investigatory and relief powers. If an aggrieved person seeks temporary relief to prevent irreparable damage from an alleged discriminatory practice, the commission or the aggrieved person may petition the circuit court for injunctive relief pending final commission action. The commission may use testers in ascertaining the existence of an unlawful housing practice.

If the commission investigates the complaint and determines that probable cause exists, the commission staff must attempt to eliminate the alleged discriminatory practice by conciliation, conference, or persuasion. Procedures and guidelines regarding conciliation agreements are provided. If, within 180 days after the complaint has been filed with the commission or local agency, and the commission or local agency has not obtained voluntary compliance or has failed to take final action, the aggrieved person may bring civil action in any court of competent jurisdiction.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:
None.

B. Government:

According to the General Counsel of the Florida Commission on Human Relations, the federal government (assuming it recognizes Florida's law as substantially equivalent to its own) will provide the commission with approximately $84,000 to $91,000 in each of the first 2 years of administration to finance complaint processing and personnel training. (This amount is based on last year's federal complaint workload of 80 cases in Florida.) Federal funding will also be available in the third year and beyond at a rate of $500 for each complaint that was filed in the prior year, up to a maximum of $100,000 per year. According to the commission's general counsel, based on an estimated cost of $400 to $500 per complaint, state revenue will probably not be needed to supplement the federal funds to administer this law. The commission's general counsel has not yet finalized detailed figures concerning the number of personnel, etc., that will be needed to administer this law.

III. COMMENTS:

There is no House companion. Last year, similar bill, SB 524, died in the Senate Committee on Rules and Calendar.

IV. AMENDMENTS:

None.
TO: Step
FROM: Mike Richardson

Here are only files in existence of any substance.

Fair Hrg. Act
in either House or Senate a body never passed a committee. No analyses done. House appropriations may have done a fiscal impact statement pertaining to manpower needed at Human Relations Commission.

Bill normally referred first to ECA in Senate

ECONOMIC, COMMUNITY, & CONSUMER AFFAIRS COMMITTEE
ROOM 432
SENATE OFFICE BUILDING
487-1706
Skip Burnside  
Staff Director  

December 7, 1981  

The Honorable Robert W. McKnight  
Senator - 38th District  
1440 Brickell Avenue  
Miami, Florida 33131  

Dear Senator McKnight:  

Please note the attached memorandum and attachments concerning Mike Richardson's review of the fair housing bill you provided. I trust you will find the information helpful.  

If I can be of any further assistance on this matter, please contact me.  

Sincerely,  

Lewis O. Burnside, Jr.  
Staff Director  

Attachments  

cc: Senator George Stuart, Jr.  
Chairman, ECCA Committee  
ECONOMIC, COMMUNITY, & CONSUMER AFFAIRS COMMITTEE  
ROOM 432  
SENATE OFFICE BUILDING  
487-1706
MEMORANDUM

TO: Skip Burnside
FROM: Mike Richardson

SUBJECT: Fair Housing Draft Legislation

In my effort to review and comment on Senator McKnight's draft bill relating to fair housing, I was able to obtain from the Department of Veteran and Community Affairs a copy of a research paper written recently by a graduate student at Florida State University on the subject of fair housing legislation. It does a good job of summarizing the federal law, explaining the deficiencies in that law which have led states and local governments to adopt and enforce similar legislation locally, examining the content and implementing mechanisms of local fair housing ordinances in Florida, and generally making the case for going beyond the federal legislation to guarantee equal housing opportunities. I have attached the research document and designated some of the more relevant information.

Also attached is a summary of an issue paper and recommended legislation drafted 3 years ago by the housing staff in the Department of Veteran and Community Affairs as part of a larger demonstration project to develop a state community conservation strategy. The recommended legislation, which is modeled after the federal law and other states' legislation, is quite similar to the draft bill sent to us by Senator McKnight.

There are some technical flaws in the bill. A page even appears to be missing between the last and next to last page of the draft we received.

MR/bab

Attachments
LOCAL FAIR HOUSING ORDINANCES IN FLORIDA

Mike McDaniel
10 November 1980
The image contains the contents page of a document. The contents are structured as follows:

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- Title VIII "Fair Housing Act"... Appendix A
- Guide for Legal Analysis of Fair Housing Law of City or State... Appendix B
- 24 CFR 115... Appendix C
- Questionnaires used in Survey... Appendix D
- Analysis of Local Fair Housing Ordinances in Florida... Appendix E
- Time Constraints on Filing and Agency Response for Florida's Local Fair Housing Ordinances... Appendix F
I. SUMMARY:

A. Present Situation:

The federal Fair Housing Act prohibits discrimination in the sale, rental, or financing of housing because of race, color, religion, sex, or national origin. Certain types of property are exempt from the act.

Any person who is discriminated against may file a complaint with the Secretary of Housing and Urban Development. The Secretary must investigate the complaint and give notice to the complainant whether he intends to resolve the complaint.

In those cases where a state or local fair housing law is substantially equivalent to the federal law, the federal government refers the complaint to the appropriate state or local agency for action. The federal government is authorized to support state and local agencies through a grant program which provides funding for all aspects of complaint processing and personnel training for first and second year agencies, with funding levels based on previous federal government complaint workloads. In the third year and beyond federal funding is available at a reduced level for complaint processing, with funding based on a set amount for each complaint that was filed in the prior year.

The federal government has formally recognized 29 states and 6 Florida local governments (Broward County, Clearwater, Jacksonville, Miami, Orlando, and St. Petersburg) as having fair housing laws substantially equivalent to the federal law.

B. Effect of Proposed Changes:

CS/CS/SB 57 creates the Fair Housing Act for the State of Florida. The act is substantially similar to the federal Fair Housing Act.

The act prohibits the discrimination in the sale, rental, or financing of housing because of race, color, religion, sex, or national origin. Certain types of property are exempt from the act.

Any person who is discriminated against may file a complaint with the Florida Commission on Human Relations. The commission must investigate the complaint and give notice to the complainant whether it intends to resolve the complaint.

If a determination is made to resolve the complaint, the commission is empowered only to attempt to eliminate or correct the alleged discriminatory practice by informal methods of
conference, conciliation, and persuasion. Nothing said or done during the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding without the consent of the persons concerned. Penalties are provided for a violation of this provision.

In the event the informal methods fail to bring about voluntary compliance with the provisions in the Act, the complainant may file a civil action in the appropriate court. If the court finds that a discriminatory housing practice has occurred, it may enjoin the respondent from engaging in such practice, or order such affirmative action as may be appropriate. The court may grant as relief any permanent or temporary injunction, temporary restraining order, actual damages and not more than $1,000 of punitive damages. The court may also award court costs and attorneys' fees to a prevailing party.

The commission is required to make studies relating to discriminatory housing practices and publish reports, recommendations, and information derived from such studies.

In conducting an investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence provided that the commission first complies with the provisions of the State Constitution relating to search and seizures. The commission may issue subpoenas to compel its access to or the production of such materials, or the appearance of such persons, and may issue interrogatories. Upon written application to the commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the commission. Witnesses summoned by subpoena of the commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him. The bill provides a method for revocation or modification of the subpoena. In case of refusal to obey a subpoena, it may be enforced in circuit court.

Complaints by aggrieved persons must be filed with the commission within 180 days of the alleged discrimination, and an investigation by the commission must be started within 30 days. The form of the complaint is provided. The commission shall refer a complaint to a local agency for further action if such agency provides substantially equivalent rights and remedies.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

According to the General Counsel of the Florida Commission on Human Relations, the federal government (assuming it recognizes Florida's law as substantially equivalent to its own) will provide the commission with approximately $84,000 to $91,000 in each of the first 2 years of administration to finance complaint processing and personnel training. (This amount is based on last year's federal complaint workload of 80 cases in Florida.) Federal funding will also be available in the third year and beyond at a rate of $500 for each complaint that was filed in the prior year, up to a maximum of $100,000 per year. According to the commission's general counsel, based on an estimated cost of $400 to $500 per complaint, state revenue will probably not be needed to supplement the federal funds to administer this law. The commission's general counsel has not
yet finalized detailed figures concerning the number of personnel, etc., that will be needed to administer this law.

III. COMMENTS:
Similar bill, HB 275, has been referred to the House Committee on Judiciary.

IV. AMENDMENTS:
None.
A bill to be entitled
An act relating to fair housing; creating the
Fair Housing Act, ss. 23.168-23.179, Florida Statutes; providing definitions; prohibiting
discriminatory housing practices; providing for
exemptions; prohibiting discrimination in the
provision of brokerage services; requiring that
the authority and responsibility for
administering the act be in the Florida
Commission on Human Relations; authorizing
issuance of subpoenas; providing for judicial
and administrative remedies; providing a
criminal penalty; providing for actual damages,
court costs and attorney fees; providing an
effective date.

WHEREAS, housing is a necessity that contributes
significantly to the formation of the individual and affects
his functioning in society, and

WHEREAS, discrimination in housing deprives individuals
of their basic right to associate, causes friction among
groups in society, and adversely affects the public health,
safety, and welfare, and

WHEREAS, the urbanization of the state has placed
additional strains upon the availability of housing, and

WHEREAS, this act is intended to protect an
individual's self-dignity, to make available to the state an
individual's full productive capacities, to secure the state
against domestic strife and unrest, to preserve the public
safety, health, and welfare, and to promote the interests,

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

Section 1. Section 23.168, Florida Statutes, is created to read:

23.168 Short title.--This act may be cited as the Fair Housing Act.

Section 2. Section 23.169, Florida Statutes, is created to read:

23.169 Declaration of policy.--It is the policy of the State of Florida to provide, within constitutional limitations, for fair housing throughout the state.

Section 3. Section 23.170, Florida Statutes, is created to read:

23.170 Definitions.--As used in this act:

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

(2) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(3) "Family" includes a single individual.

(4) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, and fiduciaries.

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

(6) "Discriminatory housing practice" means an act
that is unlawful under the terms of this act.

Section 4. Section 23.171, Florida Statutes, is
created to read:

23.171 Exemptions.--

(1) Nothing in ss. 23.172 and 23.173 shall apply to:

(a) Any single-family house sold or rented by an owner
provided that such private individual owner does not own more
than three single family houses at any one time. In the case
of the sale of any single-family house by a private individual
owner not residing in such house at the time of the sale or
who was not the most recent resident of the house prior to the
sale, the exemption granted by this subsection shall apply
only with respect to one sale within any 24 month period. In
addition, the bona fide private individual owner shall not own
any interest in, nor shall there be owned or reserved on his
behalf, under any express or voluntary agreement, title to or
any right to all or a portion of the proceeds from the sale or
rental of, more than three single-family houses at any one
time. The sale or rental of any single-family house shall be
excepted from the application of this act only if the house is
sold or rented without the use in any manner of the sales or
rental facilities or the sales or rental services of any real
estate broker, agent, or salesman, or of such facilities or
services of any person in the business of selling or renting
dwellings, or of any employee or agent of any such broker,
agent, salesman, or person; and without the publication,
posting or mailing, after notice, of any advertisement or

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written notice in violation of section 23.172(3); but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(2) For the purposes of subsection (1) of this section, a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

Section 5. Section 23.172, Florida Statutes, is created to read:

23.172 Discrimination in the sale or rental of housing.--It shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rent of

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rental of, or otherwise make unavailable or deny, a dwelling

to any person because of race, color, religion, sex, or

national origin.

(2) To discriminate against any person in the terms,

conditions, or privileges of sale or rental of a dwelling, or

in the provision of services or facilities in connection

therewith, because of race, color, religion, sex, or national

origin.

(3) To make, print, or publish, or cause to be made,

printed, or published any notice, statement, or advertisement,

with respect to the sale or rental of a dwelling that

indicates any preference, limitation, or discrimination based

on race, color, religion, sex, or national origin, or an

intention to make any such preference, limitation, or

discrimination.

(4) To represent to any person because of race, color,

religion, sex, or national origin that any dwelling is not

available for inspection, sale, or rental when such dwelling

is in fact so available.

(5) For profit, to induce or attempt to induce any

person to sell or rent any dwelling by representations

regarding the entry or prospective entry into the neighborhood

of a person or persons of a particular race, color, religion,

sex, or national origin.

Section 6. Section 23.173, Florida Statutes, is

created to read:

23.173 Discrimination in the financing of housing.—It

shall be unlawful for any bank, building and loan association,

insurance company or other corporation, association, firm or

enterprise whose business consists in whole or in part in the

making of commercial real estate loans, to deny a loan or

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other financial assistance to a person applying therefor for
the purpose of purchasing, constructing, improving, repairing,
or maintaining a dwelling, or to discriminate against him in
the fixing of the amount, interest rate, duration, or other
terms or conditions of such loan or other financial
assistance, because of the race, color, religion, sex, or
national origin of such person or of any person associated
with him in connection with such loan or other financial
assistance or the purposes of such loan or other financial
assistance, or of the present or prospective owners, lessees,
tenants, or occupants of the dwelling or dwellings in relation
to which such loan or other financial assistance is to be made
or given.

Section 7. Section 23.174, Florida Statutes, is
created to read:

23.174 Discrimination in the provision of brokerage
services.--It shall be unlawful to deny any person access to
or membership or participation in any multiple-listing
service, real estate brokers' organization or other service,
organization, or facility relating to the business of selling
or renting dwellings, or to discriminate against him in the
terms or conditions of such access, membership, or
participation, on account of race, color, religion, sex, or
national origin.

Section 8. Section 23.175, Florida Statutes, is
created to read:

23.175 Religious organization or private club
exemption.--Nothing in this act shall prohibit a religious
organization, association, or society, or any nonprofit
institution or organization operated, supervised or controlled
by or in conjunction with a religious organization,
association, or society, from limiting the sale, rental or
occupancy of dwellings which it owns or operates for other
than a commercial purpose to persons of the same religion, or
from giving preference to such persons, unless membership in
such religion is restricted on account of race, color, or
national origin. Nor shall anything in this act prohibit a
private club not in fact open to the public, which as an
incident to its primary purpose or purposes provides lodgings
which it owns or operates for other than a commercial purpose,
from limiting the rental or occupancy of such lodgings to its
members or from giving preference to its members.

Section 9. Section 23.176, Florida Statutes, is
created to read:

23.176 Administration and authority.--
(1) The authority and responsibility for administering
this act shall be in the commission.
(2) The commission may delegate any of its functions,
duties, and powers to its employees, including functions,
duties, and powers with respect to investigating,
conciliating, hearing, determining, ordering, certifying,
reporting, or otherwise acting as to any work, business, or
matter under this act. Insofar as possible, conciliation
meetings shall be held in the cities or other localities where
the discriminatory housing practices allegedly occurred.
(3) The commission shall:
(a) Make studies with respect to the nature and extent
of discriminatory housing practices in representative
communities, urban, suburban, and rural, throughout the state,
(b) Publish and disseminate reports, recommendations,
and information derived from such studies;

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(c) Cooperate with and render technical assistance to public or private agencies, organizations, and institutions within the state which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices; 
(d) Administer the programs and activities relating to housing in a manner affirmatively to further the policies of this act. 

(4) In conducting an investigation the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation provided that the commission first complies with the provisions of the Constitution of the State of Florida relating to unreasonable searches and seizures. The commission may issue subpoenas to compel its access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in court. The commission may administer oaths. 

(5) Upon written application to the commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the commission to the same extent and subject to the same limitations as subpoenas issued by the commission itself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request. 

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(6) Witnesses summoned by subpoena of the commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

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

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

Section 10. Section 23.177, Florida Statutes, is created to read:

23.177 Enforcement.--

(1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be injured by a discriminatory housing practice that is about to occur may file a complaint with the commission. Complaints shall be in writing and shall contain such information and be in such form as the commission requires. Upon receipt of such a complaint the commission shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within 30
days after receiving a complaint, or within 30 days after the expiration of any period of reference under subsection (3) of this section, the commission shall investigate the complaint and give notice in writing to the person aggrieved whether it intends to resolve it. If the commission decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this act without the written consent of the persons concerned. Any employee of the commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A complaint under subsection (1) of this section shall be filed within 180 days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the commission which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) Wherever a local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this act, the commission shall notify the appropriate local agency of any complaint filed under this act.
which appears to constitute a violation of the local fair housing law, and the commission shall take no further action with respect to such complaint if the local law enforcement official has, within 30 days from the date the alleged offense has been brought to his attention, commenced proceedings in the matter. In no event shall the commission take further action unless it certifies that in its judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice require such action.

(4) If within 30 days after a complaint is filed with the commission or within 30 days after expiration of any period of reference under subsection (3) of this section, the commission has been unable to obtain voluntary compliance with this act, the person aggrieved may, within 30 days thereafter, commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this act. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(6) Whenever an action filed by an individual in court, pursuant to this section or section 23.178 of this act, shall come to trial the commission shall immediately terminate all efforts to obtain voluntary compliance.

Section 11. Section 23.178, Florida Statutes, is created to read:

23.178  Enforcement by private persons.—

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(1) A civil action shall be commenced within 180 days after the alleged discriminatory housing practice occurred. However, the court shall continue such civil case brought pursuant to this section or s. 23.177 from time to time before bringing it to trial if the court believes that the conciliation efforts of the commission or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the commission or to the local agency and which practice forms the basis for the action in court. Any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this act, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this act shall not be affected.

(2) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than $1,000 punitive damages, and may award court costs and reasonable attorney fees to a prevailing party.

Section 12. Section 23.179, Florida Statutes, is created to read:

23.179 Interference, coercion, or intimidation; enforcement by civil action.--It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of, or on account of his having exercised, or on account of his having aided or encouraged any other person in the exercise of, any right granted under this act. This section may be enforced by appropriate civil action.

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Section 13. Severability.--If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 14. This act shall take effect July 1, 1983.
The Committee Substitute for Senate Bill 57 provides substantially the same language as provided by the federal Fair Housing Act.
MEMORANDUM

TO: Mitch Franks
FROM: Jerry Curington
RE: Legislative Proposal CS for SB 57
DATE: February 28, 1983

I have reviewed the committee substitute for Senate Bill 57 and would note the following:

1. The overall bill provides for a comprehensive regulatory scheme to prevent discrimination in housing based upon race, color, sex, religion or national origin.

2. The regulatory scheme clearly contemplates that the Commission on Human Relations would be the enforcing agency.

3. Section 23.175(2) allows the Attorney General to file a Complaint with the Commission. This provision apparently allows the Attorney General to file a Complaint even though he may not personally be an aggrieved party. While this provision does not appear to create any affirmative duty on the part of the Attorney General, the possibility exists that in practice it will be perceived to be an affirmative duty. Because an aggrieved person has the individual right to go directly to the Commission, there does not appear to be any necessity that the Attorney General be involved as an intermediary, which is what he would be in essence.

4. It would appear that if, in fact, the Attorney General's Office did get involved, that it would be appropriate for the Consumer Section to handle such matters.

5. Under §23.173(2), I would reword the language to provide an exception for those single family residences where there may be a renter residing in the residence with the owner. I would limit the provision to single family residences and not to the three room limitation. This, I believe, would
eliminate the quirk between paragraphs 1 and 2, in which under the present paragraph 2 you could have a single family home with a tenant utilizing four rooms, and the owner would then be subject to the law whereas an owner living in a quadraplex renting out ten rooms would not be.

Overall, the bill seems to be a comprehensive act that would assist in eliminating discriminatory housing practices. However, because of the regulatory scheme established, as enforced through the Commission on Human Relations, there appears to be no need to have the Attorney General involved.

/jr
CHAPTER 45. FAIR HOUSING

GENERALLY

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GENERALLY

§ 3601. Declaration of policy

It is the policy of the United States to provide, within constitutional
limitations, for fair housing throughout the United States

HISTORY: ANCILLARY LAWS AND DIRECTIVES

Other provisions:
Legislative construction. Section 101(b) of Act Apr 11, 1968, provided
that 18 USCS § 245, relating to Federally protected activities, shall not
apply to or affect activities under title VIII of Act Apr 11, 1968 [42
USCS §§ 3573, 3575, 3601-3619]

CODE OF FEDERAL REGULATIONS

Non-discrimination requirements, 12 CFR 528.1 et seq
Statements of policy, 12 CFR 571.1 et seq
Fair housing, 24 CFR 105.1 et seq
Fair housing. Administrative meetings under title VII of the Civil Rights Act
INTERPRETIVE NOTES AND DECISIONS

The complainant and enforcement procedures of this Act (42 USCS §§ 3610-3613, 2000d-l) do not pertain to the Secretary of HUD's affirmative duties under this section. Shannon v United States Dept of Housing & Urban Development (1970, CA3 Pa) 436 F2d 809

Upon consideration of impact of a low-cost housing project for the elderly on an area's racial concentration and an evaluation of the need for such a project, HUD may construct such housing in compliance with the balanced program requirement. Crowley Street Concerned Citizens v Romney (1971, DC Pa) 335 F Supp 1251, affd (CA3) 459 F2d 109

A metropolitan housing authority has an affirmative duty to desegregate all aspects of its public housing program, including the population of presently existing units and the planning of future site selections. Banks v Berk (1972, DC Ohio) 341 F Supp 1175

§ 3609. Education and conciliation—Conferences and consultation—Reports

Immediately after the enactment of this title [April 11, 1968] the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title [42 USCS §§ 3601-3619]. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title [42 USCS §§ 3601-3619] and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of title 5 of the United States Code [5 USCS § 5703]. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this title [42 USCS §§ 3601-3619]. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

(Apr. 11, 1968, P. L. 90-284, Title VIII, § 809, 82 Stat. 85.)

CODE OF FEDERAL REGULATIONS

Nondiscrimination requirements, 12 CFR 528 I et seq
Statements of policy, 12 CFR 571.1 et seq
Fair housing, 24 CFR 105 I et seq

§ 3610. Enforcement

(a) Person aggrieved—Complaint—Copy—Investigation—Informal proceedings—Violations of secrecy—Penalties. Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of
such a complaint the Secretary shall furnish a copy of the same to the
person or persons who allegedly committed or are about to commit the
alleged discriminatory housing practice. Within thirty days after receiving
a complaint, or within thirty days after the expiration of any period of
reference under subsection (c), the Secretary shall investigate the complaint
and give notice in writing to the person aggrieved whether he intends to
resolve it. If the Secretary decides to resolve the complaint, he shall
proceed to try to eliminate or correct the alleged discriminatory housing
practice by informal methods of conference, conciliation, and persuasion.
Nothing said or done in the course of such informal endeavors may be
made public or used as evidence in a subsequent proceeding under this title
[42 USCS §§ 3601-3619] without the written consent of the persons
concerned. Any employee of the Secretary who shall make public any
information in violation of this provision shall be deemed guilty of a
misdemeanor and upon conviction thereof shall be fined not more than
$1,000 or imprisoned not more than one year.

(b) Complaint—Limitations—Answers—Amendments—Verification. A
complaint under subsection (a) shall be filed within one hundred and
eighty days after the alleged discriminatory housing practice occurred.
Complaints shall be in writing and shall state the facts upon which the
allegations of a discriminatory housing practice are based. Complaints may
be reasonably and fairly amended at any time. A respondent may file an
answer to the complaint against him and with the leave of the Secretary,
which shall be granted whenever it would be reasonable and fair to do so,
may amend his answer at any time. Both complaints and answers shall be
verified.

(c) Notification of State or local agency of violation of State or local fair
housing law—Commencement of State or local law enforcement proceed-
ings—Certification of circumstances requisite for action by Secretary.
Wherever a State or local fair housing law provides rights and remedies for
alleged discriminatory housing practices which are substantially equivalent
to the rights and remedies provided in this title [42 USCS §§ 3601-3619],
the Secretary shall notify the appropriate State or local agency of any
complaint filed under this title [42 USCS §§ 3601-3619] which appears to
constitute a violation of such State or local fair housing law, and the
Secretary shall take no further action with respect to such complaint if the
appropriate State or local law enforcement official has, within thirty days
from the date the alleged offense has been brought to his attention,
commenced proceedings in the matter, or, having done so, carries forward
such proceedings with reasonable promptness. In no event shall the
Secretary take further action unless he certifies that in his judgment, under
the circumstances of the particular case, the protection of the rights of the
parties or the interests of justice require such action.

(d) Commencement of civil actions—State or local remedies available—
Jurisdiction and venue—Findings—Injunctions—Appropriate affirmative
orders. If within thirty days after a complaint is filed with the Secretary or within thirty days after expiration of any period of reference under subsection (c), the Secretary has been unable to obtain voluntary compliance with this title [42 USCS §§ 3601–3619], the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate United States district court, against the respondent named in the complaint, to enforce the rights granted or protected by this title [42 USCS §§ 3601–3619], insofar as such rights relate to the subject of the complaint: Provided, That no such civil action may be brought in any United States district court if the person aggrieved has a judicial remedy under a State or local fair housing law which provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title [42 USCS §§ 3601–3619]. Such actions may be brought without regard to the amount in controversy in any United States district court for the district in which the discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent resides or transacts business. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may, subject to the provisions of section 812 [42 USCS § 3612], enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) Burden of proof. In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Trial of action—Termination of voluntary compliance efforts. Whenever an action filed by an individual, in either Federal or State court, pursuant to this section or section 812 [42 USCS § 3612], shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance.

(Apr 11, 1968, P. L. 90-284, Title VIII, § 810, 82 Stat. 85.)

CODE OF FEDERAL REGULATIONS

Nondiscrimination requirements, 12 CFR 528.1 et seq
Statements of policy, 12 CFR 571.1 et seq
Fair housing, 24 CFR 105.1 et seq

CROSS REFERENCES

This section is referred to in 42 USCS § 3612

RESEARCH GUIDE

Law Review Articles:
United States may obtain affirmative relief where there has been pre-act and some post-act pattern or practice of racial discrimination in the rental of private housing (1971) 5 Ga L Rev 603
Publication of “Mrs. Murphy” racial preference advertisement violates Fair Housing Act of 1968 but injunctive relief denied (1972) 18 Wayne L Rev 1101
42 USCS § 3610

PUBLIC HEALTH AND WELFARE

INTERPRETIVE NOTES AND DECISIONS

1. Construction

The complaint and enforcement procedures of this Act (42 USCS §§ 3610-3613, 2000d-1) do not pertain to the Secretary of HUD's affirmative duties under 42 USCS § 3608. Shannon v United States Dept of Housing & Urban Development (1970, CA3 Pa) 436 F2d 809

2. HUD proceedings

In order to state a cause of action under the Fair Housing Act of 1968 plaintiff must bring an action, either under 42 USCS § 3612 within 180 days after the alleged discrimination, or under this section within 60 days after complaint has been filed with HUD. There is no requirement that HUD give notice to the complainant of its decision to obtain voluntary compliance. Young v AAA Realty Co of Greensboro, Inc (1972, DC NC) 330 F Supp 1382

3. Aggrieved persons

All tenants in the same housing unit injured by racial discrimination in the management of those facilities are "aggrieved persons" under this section. Trafficante v Metropolitan Life Ins Co (1972) 409 US 205, 93 S Ct

4. Court actions

Although a Wisconsin statute provides substantially equivalent rights and remedies to those provided in this section, there is an independent basis for jurisdiction under 28 USCS § 1343(4). Linnan v Brown (1970, CA5) 457 F2d 295

5. Conciliation reports

A settlement agreement between the parties is the culmination of conciliation efforts, and not something "done in the course of such informal endeavors", and is therefore not precluded under subsec. (a) of this section. James v Holter (1970, DC Ga) 320 F Supp 397, affd (CA5) 457 F2d 511

§ 3611. Evidence

(a) Investigations—Access to records, documents, and other evidence—Copying—Searches and seizures—Subpenas for Secretary—Interrogatories—Administration of oaths. In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. Provided, however, That the Secretary first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Secretary may issue subpenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same
extent and subject to the same limitations as would apply if the subpenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

(b) Subpenas for respondent. Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpenas issued by the Secretary himself. Subpenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Compensation and mileage fees of witnesses. Witnesses summoned by subpena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpena issued at the request of a respondent shall be paid by him.

(d) Revocation or modification of petition for subpena—Good reasons for grant of petition. Within five days after service of a subpena upon any person, such person may petition the Secretary to revoke or modify the subpena. The Secretary shall grant the petition if he finds that the subpena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) Enforcement of subpena. In case of contumacy or refusal to obey a subpena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpena was addressed resides, was served, or transacts business.

(f) Violations—Penalties. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpena or lawful order of the Secretary, shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary pursuant to his subpena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than $1,000 or imprisoned not more than one year, or both.
tive remedies, providing a common penalty; providing for actual damages, amended was read the third time by title, passed, ordered engrossed and

...for exemptions; prohibiting discrimination in the provision of brokerage services, requiring that the authority and responsibility for administering the act be in the Florida Commission on Human Relations, authorizing issuance of subpoenas, providing for judicial and administrative remedies, providing a criminal penalty; providing for actual damages, court costs and attorney fees; providing an effective date.

—was read the second time by title

Senator Harris moved the following amendment which was adopted:

Amendment 1—On page 12, strike all of lines 21 and 22 and insert damages, together with and may award court costs and reasonable attorney fees in the case of be a prevailing party, provided, that the said prevailing party in the opinion of the court is not financially able to assume said attorney fees.

On motion by Senator Meek, by two-thirds vote CS for SB 57 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was

Yeas—36
Mr. President Frank Jenne Myers
Baron Gersten Jennings Neal
Beard Girardeau Kirkpatrick Rehm
Carlucci Gordon Langley Scott
Castor Grant Malcon Stuart
Childers, W. D. Grizzle Margolis Thomas
Crawford Hear Maxwell Thuman
Dunn Henderson McPherson Vogt
Fox Hill Meek Weinstein
Nays—None

CS for SB 739—A bill to be entitled An act relating to fair housing, creating the Fair Housing Act, ss 23 168-23 179, Florida Statutes, providing definitions, prohibiting discriminatory housing practices, providing for exemptions; prohibiting discrimination in the provision of brokerage services, requiring that the authority and responsibility for administering the act be in the Florida Commission on Human Relations, authorizing issuance of subpoenas, providing for judicial and administrative remedies, providing a criminal penalty; providing for actual damages, court costs and attorney fees; providing an effective date.

—was read the second time by title

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 16, between lines 11 and 12, insert:

Section 11 Subsection (1) of section 653.0311, Florida Statutes, 1982 Supplement, is amended to read:

653.0311 Power to reorganize, merge, or consolidate.—

(1) Pursuant to a plan adopted by the board of directors and approved by the department as equitable, as resulting in substantial business benefit to the association, and as adequately protecting the interests of the association, its members or stockholders, its savings account holders, and the public, an association shall have power to reorganize or merge or to consolidate with another association or federal association or financial institution having its principal business office in the state to form a new association not to be subject to the supervision and control of the department, provided the plan of such reorganization or consolidation is approved at an annual meeting or at any special meeting of the members or stockholders called to consider such action by a vote of 51 percent or more of the total number of votes eligible to be cast. In all cases the corporate continuity of the resulting association shall possess the same incidents as that of an association which has converted in accordance with this chapter.

Section 12 The catchline of section 656.034, Florida Statutes, 1982 Supplement, is amended and subsection (5) is added to said section to read:

656.034 Acquisition of majority control over an existing association.—

(5)(a) For purposes of this subsection, the term "financial institution" means a savings association, bank, industrial savings bank, trust company, international bank agency or representative office, credit union, or savings bank

(b) Except in a supervisory case, no financial institution the operations of which are principally conducted outside this state, or business organization as defined in s 658 27(1)(b), which directly or indirectly controls a financial institution the operations of which are principally conducted outside this state, shall acquire, directly or indirectly, all or substantially all of the assets of, or control over, or establish any association having its principal business or home office in this state

(c) This subsection shall not apply to mergers by an association subject to section 123 of Public Law 97-320.

Section 13. Subsections (1) and (2) of Section 665.1001, Florida Statutes, are amended to read:

665.1001 Foreign associations—

(1) DEFINED — For the purposes of this section, the term "foreign association" shall include any person, firm, company, association, fiduciary, partnership, or corporation, by whatever name called, actually engaged in the business of a savings association or savings bank, which is not organized under the provisions of this chapter or the laws of the United States, as now or hereafter amended, the principal business office of which is located outside the territorial limits of this state.

(2) DOING BUSINESS — No foreign association shall do any business of a savings association or savings bank within this state or maintain an office in this state for the purpose of doing such business, including, but not limited to, the establishment of a branch office. The origination of real estate mortgages covering real property located in this state is considered doing business as a savings association unless the state of domicile of the principal business office of any such foreign association permits associations from this state to originate real estate mortgages covering real property located in such state.

(Renumber subsequent section.)

Amendment 2—in title, on page 1, line 2, strike "banking" and insert financial institutions
I. SUMMARY:

A. Present Situation:

The Federal Fair Housing Act prohibits discrimination in the sale, rental, or financing of houses due to race, color, religion, sex, or national origin. The Act provides for exemptions for certain types of property. Those persons with a claim of discrimination against them may file a complaint with the Secretary of the Department of Housing and Urban Development. The Secretary must then investigate the complaint and give notice to the complainant whether he intends to resolve the complaint.

In those cases where a state or local fair housing law is substantially equivalent to the federal law, the federal government refers the complaint to the appropriate state or local agency for action. The federal government is authorized to support state and local agencies through a grant program which provides funding for all aspects of complaint processing and personnel training for first and second year agencies, with funding levels based on previous federal government complaint workloads. In the third and each succeeding year federal funding is available at a reduced level for complaint processing, with funding based on a set amount for each complaint that was filed in the prior year.

The federal government has formally recognized 29 states and 6 local governments (Broward County, Clearwater, Jacksonville, Miami, Orlando, and St. Petersburg) as having fair housing laws substantially equivalent to the federal law.

B. Probable Effect of Proposed Changes:

This bill creates the Fair Housing Act of Florida, and is substantially similar to the federal Fair Housing Act. The act prohibits discrimination in the sale, rental, or financing of housing due to race, color, religion, sex, or national origin. Exemptions are provided for certain types of property, including single-family houses provided that such private individual owner doesn't own more than three single-family houses at any one time. The Act describes certain discrimination practices which shall be unlawful.

Any person who is discriminated against may file a complaint with the Florida Commission on Human Relations; the act defines certain powers which the commission shall hold. The commission must investigate complaints and give notice to a complainant as to whether it intends to resolve the complaint.
If a determination is made to resolve the complaint, the commission is empowered only to attempt to eliminate or correct the alleged discriminatory practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding without the consent of the persons concerned. Penalties are provided for a violation of this provision.

In the event the informal methods fail to bring about voluntary compliance with the Act, the complainant may file a civil action in the appropriate court. If the court finds that a discriminatory housing practice has occurred, it may enjoin the respondent from engaging in such practice, or order such affirmative action as may be appropriate. The court may grant as relief any permanent or temporary injunction, temporary restraining order, actual damages, and not more than $1000 punitive damages. The court may also award court costs and attorney's fees to a prevailing party.

The commission is required to make studies relating to discriminatory housing practices and publish reports, recommendations, and information derived from such studies.

In conducting an investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence provided that the commission first complies with the provisions of the State Constitution relating to search and seizures. The commission may issue subpoenas to compel its access to or the production of such materials, or the appearance of such persons, and may issue interrogatories. Upon written application to the commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the commission. Witnesses summoned by subpoena of the commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him. The bill provides a method for revocation or modification of the subpoena. In case of refusal to obey a subpoena, it may be enforced in circuit court.

Complaints by aggrieved persons must be filed with the commission within 180 days of the alleged discrimination, and an investigation by the commission must be started within 30 days. The form of the complaint is provided. The commission shall refer a complaint to a local agency for further action if such agency provides substantially equivalent rights and remedies.

II. FISCAL IMPACT:

If Florida's Act is recognized by the federal government, the commission will be provided with approximately $90,000 for each of the first two years of administration of the Act, to finance complaint processing and personnel training. This amount is based upon last year's federal complaint caseload of 80 cases in Florida.
In the third year of the program and each year thereafter, federal funding will be available at a rate of $500 for each complaint that was filed the previous year, with a maximum of $100,000 per year. According to the Commission's general counsel, who estimates the cost of each complaint at $400 to $500, state revenues will probably not be needed to supplement the federal funds to administer this law. No estimate has yet been reached as to the number of personnel necessary to administer the provisions of this act.

III. COMMENTS:

This staff report incorporates the analysis which was prepared by the Senate Judiciary-Civil Committee for CS/CS/SB 57, which is similar to HB 275.

A similar bill was introduced as HB in 1981. That bill died in the Committee on Judiciary.

IV. AMENDMENTS:

The bill was amended and made into a committee substitute which conforms the bill to the identical Senate companion. The purpose of the amendments was to bring this act within the explicit requirements of the Federal Fair Housing Act.
WHITE EGRET CONDOMINIUM, INC.,
Appellant, Petitioner,
v.
Marvin FRANKLIN et al., Appellees,
Respondents.
No. 54519.
Supreme Court of Florida.

Sale of condominium apartment was made to one purchaser whose application had been approved by condominium association, and he conveyed half his interest in apartment to his brother. Association sought to have transfer set aside on theories that such brother had minor children in violation of restriction not allowing any children under 12 years of age to reside on premises and that permitting two brothers and their families to occupy premises would violate restriction against use of apartment for purpose other than "single family residence." The Circuit Court, Broward County, Gene Fischer, J., entered final judgment setting aside transfer and brothers appealed. The District Court of Appeal, Kovachovich, Elizabeth A., Associate Judge, 358 So.2d 1084, reversed. On direct appeal and on petition for writ of certiorari, the Supreme Court, Overton, J., held that: (1) age restrictions are reasonable means to identify and categorize varying desires of the population but cannot be used to unreasonably or arbitrarily restrain certain classes of individuals from obtaining desirable housing. U.S.C.A.Const. Amend. 14; West's F.S.A. § 718.112(3).

1. Condominium $\Rightarrow$ 13

Condominium restriction or limitation does not inherently violate fundamental right and may be enforced if it serves a legitimate purpose and is reasonably applied. U.S.C.A.Const. Amend. 14; West's F.S.A. § 718.112(3).

2. Covenants $\Rightarrow$ 1


3. Constitutional Law $\Rightarrow$ 253.2(3)

Restriction on individual rights on basis of age need not pass "strict scrutiny" test; age is not a suspect classification. U.S.C.A. Const. Amend. 14.

4. Constitutional Law $\Rightarrow$ 213.1(1), 253.2(3)

Test for determining whether an age restriction denies due process or equal protection is whether the restriction under particular circumstances of the case is reasonable and whether it is discriminatory, arbitrary or oppressive in its application. U.S.C.A.Const. Amend. 14; West's F.S.A. § 718.112(3); National Housing Act, § 1 et seq., 12 U.S.C.A. § 1701 et seq.; Housing Act of 1959, § 202(d)(4), 12 U.S.C.A. § 1701q(d)(4); Housing Act of 1949, § 515(a)(3), 42 U.S.C.A. § 1437d(a)(3); Older
5. **Constitutional Law**


6. **Constitutional Law**


7. **Condominium**

Enforcement of condominium agreement's restriction, which prohibited residency by children under age of 12, against person, to whom one-half interest in condominium was conveyed and who had children under 12 years of age, was an unconstitutional arbitrary and unequal enforcement of the restriction where six other children under the age of 12, including some substantially under such age, were living in two households within the condominium complex. U.S.C.A.Const. Amend 14.

8. **Condominium**

Condominium agreement provisions, which prohibited use of condominium apartment for any purpose other than as a single-family residence and did not define the term "single family residence" and which permitted ownership of an apartment by more than one individual, were inconsistent and ambiguous, and, thus, the doubt had to be resolved against party claiming right to enforce the covenant against use other than as a single-family residence.

9. **Condominium**

Even if two brothers and their families constituted two separate families, their use of condominium apartment was a "single family use" within meaning of condominium agreement prohibiting use of apartment for any purpose other than as a single-family residence where only one brother and his family actually occupied apartment at any given time.

See publication Words and Phrases for other judicial constructions and definitions.
We have jurisdiction.¹

The principal issue is whether a condominium agreement containing a restriction against residency by children under the age of twelve violates a condominium purchaser's constitutional rights to marriage, procreation, and association, and his right to equal protection of the laws. We find such a restriction is not constitutionally prohibited unless unreasonably or arbitrarily applied. We disagree with the district court's holding that the restriction was unreasonable "per se" and unconstitutional. We do agree, however, that the condominium restriction in the instant case was arbitrarily and selectively applied, and therefore we approve the result.

The recency of the condominium concept, its dependency upon certain use and occupancy restrictions and rules, and the substantial development of retirement communities in this state necessitate a full discussion of this issue.

Two brothers, Marvin Franklin and Norman Franklin, sought to acquire a condominium apartment as a joint vacation home for their respective families when they visited Florida. Although they intended to have dual ownership of this condominium, only one brother's family at a time would be using the apartment. Both brothers filed application for ownership, but only Marvin's application had been approved at the time of the closing. The record reflects that at the closing Norman Franklin's application could not be found. The apartment was conveyed to Marvin Franklin who then transferred one-half ownership to Norman. Ten months after the conveyance, White Egret Condominium, Inc., the condominium association, sought to set aside the transfer of the ownership interest from Marvin to Norman on the grounds that: (1) the defendant, Norman Franklin, had minor children in violation of the condominium association's declaration that: (1) the defendant, Norman Franklin, had minor children in violation of the restriction which did not allow any children under twelve years of age to reside on the premises, and (2) permitting two brothers and their respective families to occupy and own the premises violated the restriction which did not permit the use of the apartment for any purpose other than as a "single family residence."

The condominium association did not define the phrase "single family residence." The agreement did provide that membership could be held in more than one owner's name and that an apartment could be transferred to a member of the "immediate family." In addition, the condominium association conceded that where other requirements and restrictions were satisfied, the owner did not need the association's approval to convey a fee simple interest in the apartment to a brother. The record further reveals that six children under the age of twelve were residents of White Egret Condominium.

In entering its final judgment, the trial court directed Norman to reconvey title of his one-half ownership interest to his brother, Marvin, because said conveyance from one brother to another brother was "void and contrary to the declaration of condominium and other documents related thereto which limit ownership in condominium apartments in White Egret Condominium to a single family." This was the sole ground for the trial court's judgment. The final judgment was not based on the fact that Norman had minor children under the age of twelve, contrary to the condominium declaration.

The district court reversed the trial court's judgment, holding: (1) that the restriction against children under the age of twelve was an unconstitutional violation of the rights to marriage, procreation, and association, and of the right to equal protection of the laws; (2) that the restriction was unreasonable because the condominium association selectively and arbitrarily enforced its application; and (3) that the restriction against the use of the apartment for purposes other than as a single family residence was not violated because the two brothers and their families alternated their stays in the apartment.

¹ Art. V, § 3(b)(1), (3), Fla Const
Constitutionality of Age Restrictions or Limitations

In holding that the restriction violated an owner's constitutional rights, the district court primarily relied upon three United States Supreme Court decisions: (1) *Loving v. Virginia*, 388 U.S. 1, 87 S.Ct. 1817, 18 L.Ed.2d 1010 (1967) (holding unconstitutional a statute prohibiting a white person from marrying anyone but a white person); (2) *Griswold v. Connecticut*, 381 U.S. 479, 85 S.Ct. 1678, 14 L.Ed.2d 510 (1965) (holding unconstitutional a statute prohibiting use and distribution of contraceptives); and (3) *Skinner v. Oklahoma*, 316 U.S. 535, 62 S.Ct. 1110, 86 L.Ed.2d 1655 (1942) (holding unconstitutional a statute requiring sterilization of habitual criminals). In our view, the district court's reliance on these cases was misplaced and not a proper interpretation of them.

The limitation on use of property by requiring single dwelling units and single family use has received constitutional support. In *Village of Belle Terre v. Boraas*, 416 U.S. 1, 94 S.Ct. 1536, 39 L.Ed.2d 797 (1974), the United States Supreme Court considered the constitutionality of a zoning ordinance which restricted land use to one family dwellings. Family was defined to mean any number of persons related by blood, adoption, or marriage, or not more than two unrelated persons living as a single housekeeping unit. The majority opinion held that this restriction violated no fundamental right, such as the right of association or privacy. The court found the restriction reasonable and rationally related to a permissible state objective, and therefore held it did not violate equal protection. Referring to this ordinance having an appropriate purpose, the court stated:

A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land-use project addressed to family needs. This goal is a permissible one within *Berman v. Parker*, [348 U.S. 26, 75 S.Ct. 98, 99 L.Ed. 27] supra. The police power is not confined to elimination of filth, stench, and unhealthy places. It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.

*Id* at 9, 94 S.Ct. at 1541.

On the other hand, there have been cases holding that property and family limitations in zoning ordinances violate constitutional rights. In *Moore v. City of East Cleveland*, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977), Mrs. Moore lived in her home with her son and two grandsons who were cousins rather than brothers. A housing ordinance selected categories of relatives who may live together and others who may not, making failure to comply a criminal penalty. Mrs. Moore received a notice of violation from the city stating that one grandson was "an illegal occupant" and directing her to comply with the ordinance. When she failed to remove her grandson from her home, the city filed a criminal charge. A motion to dismiss was denied, and Mrs. Moore was convicted and sentenced to five days in jail and a $25 fine. The United States Supreme Court held that the ordinance could not be justified as serving the city's interests of preventing overcrowding and minimizing traffic and parking congestion. The court further held that the substantive due process right to live together as a family was not confined to the nuclear family, since the constitution's protection of the sanctity of the family was deeply rooted in the nation's history and tradition and since such tradition was not limited to respect for the bonds uniting the members of the nuclear family but extended as well to the sharing of their household with uncles, aunts, cousins, and especially grandparents. A concurring opinion by Justice Stevens, whose vote was necessary for a decision, stated: "The city has failed to totally explain the need for a rule which would allow a homeowner to have two grandchildren live with her if they are brothers, but not if they are cousins." In *Molino v. Mayor and Council of Glassboro*, 116 N.J. Super. 195, 281 A.2d 401 (1971), a zoning ordinance had the effect of keeping children out of the city for the admitted purpose of avoiding taxes and more schools.
The court held the ordinance violative of the equal protection clause. A review of the facts in both Moore and Molino clearly establishes an unreasonable and arbitrary application of the governmental police power.

In the instant case, the restriction is not a zoning ordinance adopted under the police power but rather a mutual agreement entered into by all condominium apartment owners of the complex. With this type of land-use restriction, an individual can choose at the time of purchase whether to sign an agreement with these restrictions or limitations. Reasonable restrictions concerning use, occupancy, and transfer of condominium units are necessary for the operation and protection of the owners in the condominium concept.

In Hidden Harbor Estates, Inc. v. Norman, Judge Downey explained the necessity for restrictions on condominium living.

It appears to us that inherent in the condominium concept is the principle that to promote the health, happiness, and peace of mind of the majority of the unit owners since they are living in such close proximity and using facilities in common, each unit owner must give up a certain degree of freedom of choice which he might otherwise enjoy in separate, privately owned property. Condominium unit owners comprise a little democratic sub society of necessity more restrictive as it pertains to use of condominium property than may be existent outside the condominium organization.

In addition, the legislature of this state has expressly approved the allowance of reasonable restrictions on use and occupancy. See § 718 112(3), Fla.Stat. (1977). Therefore, it is our view that a condominium restriction or limitation does not inherently violate a fundamental right and may be enforced if it serves a legitimate purpose and is reasonably applied.

The issue of age restrictions in condominiums and housing developments is a new legal issue although it has recently been addressed by courts in other jurisdictions and referred to in two decisions of our district courts. In Hidden Harbor Estates, Inc. v. Norman, the condominium association adopted a rule prohibiting the use of alcoholic beverages in certain areas of the common elements. A unit owner sought to enjoin the enforcement of the rule. The district court held that this was a reasonable rule, citing examples of other restrictions on individual rights which are necessary for the condominium concept: “No sale may be effectuated without approval; no minors may be permanent residents; no pets are allowed.” 309 So.2d at 182. The limitation on minors being permanent residents was quoted with apparent approval although it was not an issue in the cause.

In Coquina Club v. Mantz, the condominium board denied an application for the purchase of a unit by a family with two children under twelve years of age. Because of this denial, the unit owner sought to require the condominium to either purchase the unit or provide a purchaser for the apartment at his price. The district court noted that the condominium legislation in this state specifically allowed reasonable restrictions, and that age restrictions had withstood constitutional attack in other jurisdictions, citing Riley v. Stoves, 22 Ariz.App. 223, 526 P.2d 747 (1974). See Annot., 68 A.L.R.3d 1239 (1976).

In Riley the court upheld a covenant in a deed restricting occupancy in a mobile home subdivision to persons twenty-one years or older. The court stated: “The obvious purpose is to create a quiet, peaceful neighborhood by eliminating noise associated with children at play or otherwise” Id. at 228, 526 P.2d at 752. The court noted there were other areas in the mobile home park for families with children. The court therefore found this restriction reasonably related to a legitimate purpose and declined to hold that its enforcement violated the defendant's right to equal protection.

2. See generally 7 Stetson Intramural L Rev 193 (Spring 1978)
In Ritchey v. Villa Nueva Condominium Ass'n, 81 Cal.App.3d 688, 146 Cal.Rptr. 695 (Ct.App.1978), the issue before the court was the validity of a condominium bylaw restricting occupancy of condominium units to persons eighteen years of age or older. The court held that age restrictions in condominium documents were not unreasonable "per se," and that it was a reasonable restriction upon an owner's right to sell or lease his condominium unit.

We agree with these courts that age limitations or restrictions are reasonable means to accomplish the lawful purpose of providing appropriate facilities for the differing housing needs and desires of the varying age groups. We reject the view that Moore v. City of East Cleveland absolutely prohibits this type of limitation. We note that Congress has established age limitations in recognizing the need for senior citizen housing by including an age minimum of sixty-two years for occupancy of certain housing developments. See 12 U.S.C. § 1701, et seq. (1969); 42 U.S.C. § 3001, et seq. (1973); 12 U.S.C § 1701q(d)(4) (Supp.1979) (minimum age); and 42 U.S.C. § 1485(a)(3) (1978).

The urbanization of this country requiring substantial portions of our population to live closer together coupled with the desire for varying types of family units and recreational activities have brought about new concepts in living accommodations. There are residential units designed specifically for young adults, for families with young children, and for senior citizens. The desires and demands of each category are different. Young adult units are predominantly one-bedroom units with extensive recreational facilities designed for the young, including tennis and racquet ball courts, weight rooms, saunas, and even disco rooms. The units designed principally for families are two- to four-bedroom units with recreational facilities geared for children, including playgrounds and small children's swimming pools. Senior citizen units are limited to one- and two-bedroom units designed to provide the quiet atmosphere that most of our senior citizens desire. These units may provide extra wide doors throughout the complex to allow sufficient clearance for wheelchairs and walkers and recreational facilities such as card rooms and shuffleboard courts. Although tennis courts and playgrounds may be desirable for younger tenants and owners, such facilities would be a waste of funds and be largely unused in a development which housed a substantial number of senior citizens. We cannot ignore the fact that some housing complexes are specifically designed for certain age groups. In our view, age restrictions are a reasonable means to identify and categorize the varying desires of our population. The law is now clear that a restriction on individual rights on the basis of age need not pass the "strict scrutiny" test, and therefore age is not a suspect classification. See Massachusetts Board of Retirement v. Murgia, 427 U.S. 307, 96 S.Ct. 2562, 49 L.Ed.2d 520 (1976). We do recognize, however, that these age restrictions cannot be used to unreasonably or arbitrarily restrict certain classes of individuals from obtaining desirable housing. Whenever an age restriction is attacked on due process or equal protection grounds, we find the test is (1) whether the restriction under the particular circumstances of the case is reasonable, and (2) whether it is discriminatory, arbitrary, or oppressive in its application.

The totality of an age or family limitation in its application as it occurred in Morino v. New Jersey and Moore v. City of East Cleveland is clearly not present in the instant case. We further reject the view that Moore mandates that all related relatives must be allowed to live in whatever single family facilities they desire. Such an absolute rule would inversely prohibit those who desire to live in a facility without children from doing so.

[6] In the instant case the subject premises were admittedly to be used as a vacation retreat rather than as a family's primary residential home. Regardless of that fact, however, we find the restriction against children under the age of twelve reasonably related to a lawful objective, but under the circumstances of this case the
Selective and arbitrary manner of enforcement is another issue.

Selective and Arbitrary Enforcement

[7] At the time Marvin Franklin purchased his condominium apartment, at least six other children under the age of twelve were living in this condominium complex. Further, the record reveals that the six children were in two separate households and that some of the children were substantially under the age of twelve. We agree with the district court's finding that this constituted unequal and arbitrary enforcement of the restriction. Although this restriction was reasonably related to a lawful objective, the appellant is estopped from selectively enforcing the age restriction. See Fifty-Six Sixty Collins Avenue Condominium, Inc. v. Dawson, 354 So.2d 432 (Fla. 3d DCA 1978), and Plaza Del Prado Condominium Ass'n., Inc. v. Richman, 345 So.2d 851 (Fla. 3d DCA 1977).

Single Family Use of the Condominium

[8, 9] The condominium agreement prohibited use of the condominium apartment for any purpose other than as a single family residence. The agreement, however, failed to define the term “single family residence” and expressly permitted ownership of an apartment by more than one individual. The district court found that when this undefined “single family residence” provision was read together with the joint ownership provision, the two sections were inconsistent and inherently ambiguous. As a result, the doubt must be resolved against the person claiming the right to enforce the covenant. Moore v. Stevens, 90 Fla. 879, 885, 106 So. 901, 904 (1925). The district court further noted that even assuming the two brothers and their respective families constitute two separate families, they used the apartment in a single family manner by alternating their visits to Florida. Only one brother and his family actually occupied the apartment at any given time, and this was in fact a single family use. We agree with these conclusions of the district court.

In addressing the issue of what constitutes a “single family,” the district court cited Moore v. City of East Cleveland which held that the right to live together as a family may not be limited to only a few categories of related individuals by a housing ordinance with criminal penalties. For the reasons expressed previously in this opinion, we find Moore not applicable to the instant case.

Conclusion

We conclude that age limitations and restrictions may be enforced if reasonably related to a lawful objective and not applied in an arbitrary or discriminatory manner. In the instant case we find that the premises were in fact used as a single family residence and the age restriction was selectively and arbitrarily applied. Consequently, neither the age nor the single family restrictions may in this circumstance be judicially enforced, and we agree with the result reached by the district court.

It is so ordered.

ENGLAND, C. J., and ADKINS, BOYD and SUNDBERG, JJ., concur.

Ruth RAISEN, Petitioner,

v.

Philip RAISEN and Insurance Company of North America, Respondents.

No. 54838.

Supreme Court of Florida.


Rehearing Denied Feb. 21, 1980.

Wife sued husband and his insurer for damages arising out of husband’s operation of automobile. The Circuit Court, Broward County, John G. Ferris, J., sustained motion
DEPARTMENTAL BILL ANALYSIS

Administration (FCHR) __________________________ Meek ________________ Sponsor(s) __________________________

Department __________________________ Sponsor(s) __________________________

Position __________________________ Sponsor(s) __________________________

Staff Support __________________________ Sponsor(s) __________________________

Potential Inter-Agency Position __________________________ Sponsor(s) __________________________

Governor's Position __________________________ Sponsor(s) __________________________

Support XX __________________________ Sponsor(s) __________________________

Oppose ________ __________________________ Sponsor(s) __________________________

No Position ________ __________________________ Sponsor(s) __________________________

BILL SUMMARY AND ISSUES:

Summary: Prohibits discrimination in housing based upon age, sex, race, color, religion or national origin. Authorizes civil actions by persons who are induced to sell their homes because of discrimination, against the parties inducing such a sale, and provides for the award of damages. Provides for the administration of the act by the Florida Commission on Human Relations.

Analysis: This Bill provides a State remedy for discriminatory housing practices substantially similar to the provisions and remedies provided by the federal Fair Housing Act, 42 U.S.C. 3601, et. seq. The federal law provides for deferral to State or local fair housing bodies that have statutory provisions similar to their federal counterparts. Florida citizens would be able to obtain relief under this Bill without resort to federal administrative and judicial procedures.

(b) Fiscal Findings.

Cost to Agency? YES NO ESTIMATE

Requires Personnel? YES NO

Fiscal Note Attached? YES NO

Cost to Industry? YES NO

Cost to Public? YES NO

(c) History: (Past history of the concept of this bill if known.)

Filed in previous Years YES NO UNKNOWN

Passed House or Senate YES NO UNKNOWN

Major Opposition YES NO UNKNOWN

Major Support YES NO UNKNOWN
This Bill is consistent with the purposes of the Human Rights Act of 1977 in seeking to provide for all Floridians freedom from discrimination and discriminatory practices on the basis of race, sex, color religion, national origin, age. (It is noted that HB 943 does not include either handicap or marital status as protected classes. Both classes are included in the present provisions of s. 23.161).
Representative # Meek
(PLEASE PRINT)
offered the following amendment:

Amendment On page 4, line 20 Add

and insert: 9(a) Any person aggrieved by a violation of this section or who believes that he or she will be irrevocably injured by a discriminatory housing practice that is about to occur in violation of this section, may file a complaint with the commission. The complaint shall be in writing and shall name the person or persons responsible for the violation. Upon receipt of such a complaint the Commission shall furnish a copy of same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection C, the commission shall investigate the complaint and give notice in writing to the person aggrieved whether it intends to resolve the complaint. If the commission decides to resolve the complaint, it shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods or conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this part without the written consent of the persons concerned.

Mr. moved the adoption of the amendment, which was adopted. which failed of adoption.
(b) A complaint under subsection (a) shall be filed within 180 days of the alleged discriminatory housing practice. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. A respondent may file an answer to the complaint against him. Both complaints and answers shall be verified.

(c) In the event that any other agency of the state or of any other unit of government of the state has jurisdiction of the subject matter of any complaint filed under this section and has legal authority to investigate or act upon the complaint, the commission shall notify such agency of the alleged violation, and the Commission shall take no further action with respect to such complaint if the appropriate agency has, within 30 days from the date the alleged offense has been brought to its attention, commenced proceedings in the matter and carried them forward with reasonable promptness. Reference of a complaint to an agency under this subsection shall not constitute agency action with the meaning of s. 120.52(2).

(d) If within 30 days after a complaint has been filed with the commission or within 30 days after a complaint has been referred to an agency under subsection (c), the Commission has been unable to obtain voluntary compliance with this section, an aggrieved person may bring a civil action against the respondent named in the complaint in any court of competent jurisdiction. The commencement of such action shall divest the commission of jurisdiction of such complaint.

(e) If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice and order such other affirmative relief from the effects of the discriminatory practices as may be appropriate, including actual and punitive damages together with court costs and reasonable attorney fees.

(10)(a) Any owner of a dwelling who is induced to sell his dwelling to a real estate dealer or through a real estate broker or any agent or employee thereof by acts committed by such person in violation of subsection (8) may institute a civil action in the circuit court against such person.
There is currently no state legislation which prohibits housing discrimination. This bill provides a state remedy for discriminatory housing practices similar to that provided by the federal Fair Housing Act, 42 U.S.C. §3601. The federal civil rights statutes relate to discrimination in the sale and leasing of privately owned housing based on race, color, religion, national origin and sex. HB 5 adds age to that list.

Age limitations and restrictions in housing were considered in White Egret Condominium, Inc. v. Franklin, 379 So.2d 346 (Fla. 1979). The Florida Supreme Court there held that "age limitations and restrictions may be enforced if reasonably related to a lawful objective and not applied in an arbitrary or discriminatory manner." This case involved a condominium agreement, but the court also recognized "the fact that some housing complexes are specifically designed for certain age groups" and "are reasonable means to accomplish the lawful purpose of providing appropriate facilities for the differing housing needs and desires of the varying age groups."

B. Probable Effect of Proposed Change:

The proposed Florida Fair Housing Act prohibits discrimination in housing based upon age, sex, race, color, religion or national origin including the following:

1) Makes it unlawful to deny or withhold any housing because of discrimination or to discriminate in the use or occupancy of such housing, however, an exception is provided for medical, health, educational, senior citizen or preschool children facilities.

2) Makes it unlawful for any lending institution to discriminate in the availability, rates, terms, conditions or provisions of housing financing.

3) Makes it unlawful to induce any person to acquire or to transfer an interest in real property used for housing by a discriminatory statement.

4) Makes it unlawful to induce any present or prospective owner, occupant or tenant to dispose of or acquire housing property by a discriminatory statement.
(5) Makes it unlawful to obtain a listing of real property by false, reckless or intentionally misleading statements.

(6) Makes it unlawful to place a sign or display offering for sale, lease, assignment or transfer when in fact such housing property is not being offered as advertised.

(7) Makes it unlawful to maintain, upon premises which have been sold, leased, assigned or transferred, a sign or display that the housing property is still available for a period greater than seven days after the execution of a contract or written agreement.

(8) Makes it unlawful to induce the sale or listing for sale of housing property by any statement which results in any of four enumerated items.

(9) Authorizes civil actions by persons who are induced to sell their homes because of discrimination, against the real estate dealer, broker or any agent or employee thereof who induced such a sale, and provides for the award of damages.

The Florida Fair Housing Act would be administered by the Florida Commission on Human Relations.

The federal Fair Housing Act provides for deferral to state or local laws that have statutory provisions similar to their federal counterparts. Florida citizens would be able to obtain relief under this bill without resort to federal administrative and judicial procedures.

HB 5 would also cast doubt on the continued validity of the decision in White Egret Condominium, supra.

II. Fiscal Impact

The state would incur additional costs in administering this Act through the Florida Commission on Human Relations. Additional expense would be incurred by the state judiciary in the processing of those fair housing cases which would now be filed in state court under this act, rather than in federal court.
House of Representatives

SUBCOMMITTEE REPORT

To: Chairman, Committee on Judiciary

The Subcommittee on Consumer, Probate and Family Law
met at 9 a.m. o'clock on April 1, 1981,
in Room 24 HOB, and considered HB 5

On motion to report the bill FAVORABLE with amendments,
the vote was:

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Total Yeas 2
Total Nays 3

COPY

Subcommittee Chairman

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

Name: Rep Carrie Meek
Representing: Fagans
Address: Human Relations

(If additional persons, enter on reverse side and check here)

Received by Parent Committee:
Date

Received by
COMMITTEE APPEARANCE RECORD

Date: 4/1/81

Name: Dr. Janet Ferrings Harecelott

Address: 7310 SW 64th Ct.

City: Miami, Fla.

State: Fl.

Representing: Dade County Fair Housing and Employment Appeals Board

Lobbyist (registered with House): Yes

State employee: No

Proponent: Yes

I wish to speak:

Request of Chairman:

Subject: State Fair Housing

H-16(1976)

COMMITTEE APPEARANCE RECORD

Date: 1/3/85

Name: Jackson

Address: 2562 Executive Dr.

City: Tallahassee

State: Fl.

Representing: FL Comm. of Labor Relations

Lobbyist (registered with House): Yes

State employee: No

Proponent: Yes

I wish to speak:

Request of Chairman:

Subject: Support of State Fair Housing

H-16(1976)
COMMITTEE APPEARANCE RECORD

House of Representatives

APRIL 1, 1976

DATE

(Robertson)

FORMER

Representing

Lobbyist (registered with House)    Yes  No

State employee Yes    No

I wish to speak

Proponent

Opponent

Information

Request of Chairman

Subject

Fair Housing

H-16(1976)
05/05/83 SENATE INTRODUCED; REFERRED TO FINANCE, TAXATION AND CLAIMS, RULES AND CALENDAR - SJ 0010
04/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
04/25/83 SENATE ON COMMITTEE AGENDA - FINANCE; TAX & CLAIMS; NOT CONSIDERED
05/03/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
05/16/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
05/30/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE FINANCE, TAXATION AND CLAIMS
06/03/83 SENATE INDEFINITELY POSTPONED & W/D (SLR 12091) WAS IN COMMITTEE ON FINANCE, TAXATION AND CLAIMS

S 0054 GENERAL BILL BY LANGLEY
WATER MANAGEMENT DISTRICTS: PROHIBITS WATER MANAGEMENT DISTRICTS FROM USING ANY VALUABLE TAX REVENUES TO ACQUIRE CERTAIN LANDS: PROVIDES FOR ACQUISITION OF SUCH LANDS SOLELY BY MEANS OF MONIES IN WATER MANAGEMENT LANDS TRUST FUND: AMENDS 373.593, EFFECTIVE DATE: UPON BECOMING LAW.
12/27/82 SENATE INTRODUCED
01/14/83 SENATE REFERRED TO NATURAL RESOURCES AND CONSERVATION, APPROPRIATIONS
04/05/83 SENATE INTRODUCED, REFERRED TO NATURAL RESOURCES AND CONSERVATION, APPROPRIATIONS - SJ 0010
04/13/83 SENATE ON COMMITTEE AGENDA - NATURAL RES. & CONSERVATION; NO ACTION
04/20/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE NATURAL RESOURCES AND CONSERVATION
05/06/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE NATURAL RESOURCES AND CONSERVATION
05/19/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE NATURAL RESOURCES AND CONSERVATION
05/03/83 SENATE INDEFINITELY POSTPONED & W/D (SLR 12091) WAS IN COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

S 0055 LOCAL BILL BY JOHNSTON (SIMILAR H 03881)
RELIEF CLAUSES: S 327.027 & 337.022: PROVIDES FOR APPROPRIATION BY PALM BEACH COUNTY SCHOOL BOARD TO COMPENSATE THEM FOR WRONGFUL DEATH OF THEIR CHILD, MICHELE ULLA; RESULTING FROM NEGLIGENCE OF SAID SCHOOL BOARD, CLAIM: $82,500, EFFECTIVE DATE: 06/25/83.
12/27/82 SENATE INTRODUCED
01/14/83 SENATE REFERRED TO THE SPECIAL MASTER FOR CLAIM BILLS; FINANCE, TAXATION AND CLAIMS
04/05/83 SENATE INTRODUCED, REFERRED TO THE SPECIAL MASTER FOR CLAIM BILLS; FINANCE, TAXATION AND CLAIMS - SJ 0010
04/13/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE THE SPECIAL MASTER FOR CLAIM BILLS
04/27/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE THE SPECIAL MASTER FOR CLAIM BILLS
05/03/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND. BY THE SPECIAL MASTER FOR CLAIM BILLS; NOW IN FINANCE, TAXATION AND CLAIMS - SJ 00241
05/12/83 SENATE ON COMMITTEE AGENDA - FINANCE; TAX & CLAIMS; 05/16/83
05/16/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND.; PLACED ON CALENDAR BY FINANCE; TAXATION AND CLAIMS - SJ 00281
05/31/83 SENATE PLACED ON SPECIAL CALENDAR; PASSED AS AMENDED; YEAS 37 NAYS 0 - SJ 00573
06/01/83 HOUSE IN MESSAGE
06/03/83 HOUSE RECEIVED; PLACED ON CALENDAR; READ SECOND TIME; READ THIRD TIME; PASSED YEAS 84 NAYS 17 - H J 01036
06/03/83 HOUSE ORDERED ENGROSSED - SJ 00862
06/04/83 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
06/25/83 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE

S 0056 GENERAL BILL/CS BY ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, MEK
AND OTHERS (SIMILAR CS/H 01805)
DOCUMENT SURPLUS: AUTHORIZES EACH COUNTY TO LEVY DISCRETIONARY SURPLUS ON DOCUMENTS TO PROVIDE TO CERTAIN FAMILIES FINANCIAL ASSISTANCE TO BUY OR REHABILITATE HOUSES OR APARTMENTS; PROVIDES FOR ADMINISTRATION; COLLECTION & DISTRIBUTION OF SURPLUS PROCEEDS, ETC.; CREATES 125.0167, 201.031; EFFECTIVE DATE: 10/01/83.
12/29/82 SENATE INTRODUCED
01/14/83 SENATE REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, FINANCE, TAXATION AND CLAIMS
02/01/83 SENATE ON COMMITTEE AGENDA - EC/C, 02/01/83, TEMPORARILY POSTPONED
02/15/83 SENATE ON COMMITTEE AGENDA - EC/C, 03/01/83, CANCELLED
04/05/83 SENATE INTRODUCED; REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS, FINANCE, TAXATION AND CLAIMS - SJ 00111; ON COMMITTEE AGENDA - EC/C, 04/06/83, 9100 PM - H
04/06/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND.; PLACED ON CALENDAR BY FINANCE, TAXATION AND CLAIMS - SJ 00154
04/21/83 SENATE C/S READ FIRST TIME - SJ 00152
05/25/83 SENATE PLACED ON SPECIAL ORDER CALENDAR
05/26/83 SENATE PLACED ON SPECIAL ORDER CALENDAR
05/30/83 SENATE PLACED ON SPECIAL ORDER CALENDAR
05/31/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S PASSED AS AMENDED; YEAS 24 NAYS 5 - SJ 00538
06/01/83 HOUSE IN MESSAGES; RECEIVED; PLACED ON CALENDAR - HJ 0697
06/02/83 HOUSE READ SECOND TIME; AMENDMENTS ADDED; READ THIRD TIME; PASSED AS AMENDED; YEAS 44 NAYS 4 - HJ 00994
06/02/83 SENATE IN MESSAGES
06/03/83 SENATE CONCLUDED; C/S PASSED AS AMENDED; YEAS 35 NAYS 0; ORDERED ENGROSSED, THEN ENGROSSED - SJ 00785
06/14/83 SENATE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
06/29/83 APPOVED BY GOVERNOR; CHAPTER NO. 83-250

S 0057 GENERAL BILL/CS BY JUDICIARY-CIVIL, MEK AND OTHERS (SIMILAR CS/H 02755)
SCS/CS) FAIR HOUSING ALI: CREATES SAID ACT; PROHIBITS DISCRIMINATORY HOUSING PRACTICES: PROVIDES FOR EXEMPTIONS; PROHIBITS DISCRIMINATION IN PROVISION OF BROKERAGE SERVICES: REQUIRE THAT AUTHORITY & RESPONSIBILITY FOR ADMINISTERING THE ACT BE IN HUMAN RELATIONS COMM., ETC.; CREATES 55.188-179.; EFFECTIVE DATE: 07/01/83.
10/30/82 SENATE INTRODUCED
01/14/83 SENATE REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; JUDICIARY-CIVIL, APPROPRIATIONS
01/19/83 SENATE ON COMMITTEE AGENDA - EC/C, 02/02/83, 9100 AM - H
02/02/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND.; PLACED ON CALENDAR BY ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; NOW IN JUDICIARY-CIVIL
03/01/83 SENATE INTRODUCED; REFERRED TO JUDICIARY-CIVIL, 03/02/83, CANCELLED
04/05/83 SENATE INTRODUCED; REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; JUDICIARY-CIVIL, APPROPRIATIONS - SJ 00011; COMM. REPORT: FAVORABLE WITH AMEND.; SJ 00193; ON COMMITTEE AGENDA - JUDICIARY-CIVIL, 04/13/83, 2:00 PM - H
04/13/83 SENATE COMM. REPORT: FAVORABLE WITH AMEND.; SJ 00131; ON COMMITTEE AGENDA - JUDICIARY-CIVIL, 04/13/83, 2:00 PM - H
04/15/83 SENATE C/S READ FIRST TIME 05/03/83 - SJ 00217
05/04/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE APPROPRIATIONS
05/17/83 SENATE WITHDRAWN FROM APPROPRIATIONS - SJ 00283; PLACED ON CALENDAR
05/30/83 SENATE PLACED ON SPECIAL ORDER CALENDAR
05/31/83 SENATE PLACED ON SPECIAL ORDER CALENDAR; C/S PASSED AS CONTINUED ON NEXT PAGE
S UUbU
07/25/83 1:39
HISTORY OF SENATE BILLS
06/04/83 SENATE INDEFINITELY POSTPONED & W/O ISC 12091. WAS IN COMMITTEE ON PERSONNEL, RETIREMENT & CUMULATIVE BARGAINING.
S 0001 GENERAL BILL BY STUART (SIMILAR M 1139)
Purchasing: Prohibits Purchase of Certain Forms, Bond Paper, & Legal Paper by State Agencies. Prohibits Purchase of Certain File Cards; Requires Agencies to Review Existing Forms; Requires Agencies to Provide for Decrease in Paperwork, etc. Creates 830.085, EFFECTIVE DATE: 10/01/83.
01/03/83 SENATE PREFILED
01/14/83 SENATE REFERRED TO GOVERNMENTAL OPERATIONS, RULES AND CALENDAR
02/13/83 SENATE ON COMMITTEE AGENDA— GOVERNMENTAL OPERATIONS,
04/05/83 SENATE IN COMMITTEE ON TRANSPORTATION
04/06/83 SENATE COMMITTEE REPORTS: FAVORABLE WITH AMEND. BY GOVERNMENTAL OPERATIONS— SJ 00655
04/07/83 SENATE IN RULES AND CALENDAR— SJ 00665
04/21/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
04/23/83 SENATE EXTENSION OF TIME GRANTED COMMITTEE RULES AND CALENDAR
05/17/83 SENATE WITHDRAWN FROM RULES AND CALENDAR— SJ 02833 PLACED ON CALENDAR
05/21/83 SENATE INDEFINITELY POSTPONED & W/O ISC 12091 WAS ON CALENDAR
S 0062 GENERAL BILL BY COMMERCE, STUART
ALCOHOLIC BEVERAGES: Provides for sale & consumption of alcoholic beverages on public property under certain circumstances; provides an exemption for certain persons, who may own an interest in licensed establishments, authorized to sell beer or wine by package. Amends 562.06, 516.25, EFFECTIVE DATES UPON BECOMING LAW.
03/05/83 SENATE REFERRED TO COMMERCE
01/14/83 SENATE REFERRED TO COMMERCE
04/07/83 SENATE IN COMMITTEE ON TRANSPORTATION— SJ 00911
04/12/83 SENATE COMMITTEE REPORTS: FAVORABLE WITH AMEND. BY TRANSPORTATION
04/21/83 SENATE COMMITTEE REPORTS: FAVORABLE WITH AMEND. BY TRANSPORTATION— SJ 00911
05/05/83 SENATE ON COMMITTEE AGENDA— TRANSPORTATION, RULES AND CALENDAR
04/03/83 SENATE In COMMITTEE ON TRANSPORTATION— SJ 02833 PLACED ON CALENDAR
09/02/83 AMENDED BY SENATE
01/03/83 SENATE INDEFINITELY POSTPONED & W/O ISC 12091 WAS ON CALENDAR