

1989

## Session Law 89-321

Florida Senate & House of Representatives

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**H 940 GENERAL BILL/CS/1ST ENG by Community Affairs; Rehm and others (Compare CS/S 208)**  
~~Fair Housing Act/Discrimination~~; prohibits discrimination in sale or rental of housing because of person's familial status; prohibits such discrimination because of handicap of buyer or renter or person residing with or associated with buyer or renter; limits liability under certain circumstances; authorizes administrative enforcement of prohibition against interference with exercise of rights under said act, etc. Amends Ch. 760, 553.48,.77. Effective Date: 10/01/89.

03/17/89 HOUSE Prefiled  
03/23/89 HOUSE Referred to Community Affairs; Appropriations  
04/04/89 HOUSE Introduced, referred to Community Affairs; Appropriations -HJ 89; On Committee agenda—Community Affairs, 04/05/89, 3:30 pm, 214-C—For ratification to subcommittee  
04/05/89 HOUSE Subreferred to Subcommittee on Housing  
04/11/89 HOUSE On subcommittee agenda—Community Affairs, 04/13/89, 3:30 pm, 212-HOB—Temporarily passed  
04/13/89 HOUSE On subcommittee agenda—Community Affairs, 04/17/89, 1:30 pm, 214-C—Temporarily passed; On Committee agenda, pending subcommittee action—Community Affairs, 04/18/89, 3:45 pm, 214-C—Not received  
04/24/89 HOUSE On subcommittee agenda—Community Affairs, 04/26/89, 8:30 am, 317-C  
04/26/89 HOUSE Subcommittee Recommendation: Favorable with 11 amendments  
04/28/89 HOUSE On Committee agenda—Community Affairs, 05/02/89, 1:30 pm, 214-C  
05/02/89 HOUSE Preliminary Committee Action by Community Affairs: Favorable as a CS  
05/09/89 HOUSE Comm. Report: CS by Community Affairs -HJ 443; CS read first time -HJ 439; Now in Appropriations -HJ 443  
05/18/89 HOUSE Withdrawn from Appropriations -HJ 530; Placed on Calendar  
05/24/89 HOUSE Placed on Special Order Calendar  
05/30/89 HOUSE Read second time -HJ 857; Amendments adopted; Read third time; CS passed as amended; YEAS 108 NAYS 0 -HJ 858  
05/31/89 SENATE In Messages  
06/02/89 SENATE Received -SJ 867; Substituted for CS/SB 208; CS passed; YEAS 37 NAYS 0 -SJ 896  
06/02/89 Ordered enrolled  
06/20/89 Signed by Officers and presented to Governor  
07/05/89 Approved by Governor; Chapter No. 89-321

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

**STORAGE NAME:** h0940s-f.ca  
**DATE:** June 2, 1989

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON COMMUNITY AFFAIRS  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 940

**RELATING TO:** Fair Housing Act/Discrimination

**SPONSOR(S):** Representative Rehm

**EFFECTIVE DATE:** October 1, 1989

**DATE BECAME LAW:** July 5, 1989

**CHAPTER #:** 89-321, Laws of Florida

**COMPANION BILL(S):** CS/SB 208 by the Committee on Community Affairs,  
Senator Meek and others

**OTHER COMMITTEES OF REFERENCE:** (1) Appropriations  
(2)

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**I. SUMMARY:**

**A. PRESENT SITUATION:**

The Federal Fair Housing Act, (P.L. 100-430), provides amendments to Title VIII, the Civil Rights Act of 1968, in order to create two new protected categories, familial status and handicap; to create new specific obligations; and to establish a unique administrative and judicial enforcement process. Regulations implementing these amendments went into effect March 12, 1989. The key provisions relating to familial status are:

- 0 discrimination against families with children (familial status) is prohibited and;
- 0 housing for older persons is the only exception from the prohibitions against discrimination based on family status.

Effective September 13, 1988, housing for older persons specifies:

- all new occupants must have at least one member of the household, 62 years of age or older; or
- at least 80 percent of the units have at least one member of the household, 55 years of age or older; and "the housing facility [must] have significant facilities and services specifically designed to meet the

physical or social needs of older persons."  
[24 CFR s.100.304(1989)].

Provisions related to handicapped persons include:

- 0 a prohibition on discrimination against handicapped persons;

Effective March 1991, provisions related to handicapped persons include:

- 0 permission for handicapped tenants at their own expense to make "reasonable modifications", if the tenant agrees to restore the premises to the pre-existing condition, if the modification would interfere with the next tenant's enjoyment of the premises; and
- 0 requires the design and construction of all new "covered multi-family dwellings" (4 or more dwelling units with at least 1 elevator; and ground floor dwelling units in other buildings consisting of 4 or more units) must provide for:
  - accessible common areas;
  - accessible routes into and through the dwelling;
  - accessibly placed environmental controls;
  - reinforced walls in the bathrooms; and
  - usable (easily modifiable) kitchens and bathrooms.

Enforcement provisions authorize the Secretary of the U.S. Department of Housing and Urban Development (HUD) to initiate and investigate fair housing complaints. Complaints are processed by an administrative law judge. Penalties for violations may include:

- 0 actual damages suffered by the aggrieved person;
- 0 injunctive or other equitable relief and;
- 0 civil penalties of \$10,000 for first offense, \$25,000 for second offense within 5-year period, and \$50,000 for two or more offenses during a 7-year period.

Fair housing complaints will be prosecuted by HUD or the Department of Justice when a determination is made that "reasonable cause" exists to believe a discriminatory housing practice has occurred.

Federal regulations, [24 CFR Part 115 (1989)], allow any state or local fair housing agency to become certified if HUD determines that:

- 0 the substantive rights protected by the agency,

- 0 the procedures followed,
- 0 the remedies available, and
- 0 the availability of judicial review

are substantially equivalent to that of federal law. State and local agencies certified prior to the enactment of the Federal Fair Housing Act will be grandfathered into the referral process for up to 48 months. This interim certification does not apply to referral of cases received under the two new protected classes --familial status and handicapped. According to the Florida Commission on Human Relations, state law is currently substantially equivalent to federal law in regard to handicapped status.

The state Fair Housing Act, (ss. 760.20-760.37, F.S.), prohibits the discrimination in the sale or rental of housing on the basis of race, color, national origin, physical handicap (including developmental disabilities), sex, or religion. Exemptions are provided for:

- 0 Owners of no more than three single-family dwellings;
- 0 dwellings for no more than four families;
- 0 religious and nonprofit organizations, and private clubs and;
- 0 landlords are not required to modify dwellings for physical accessibility.

The Florida Commission on Human Relations has the power to investigate under this section. Should the Commission's actions fail to result in voluntary compliance, civil action may be taken. Penalties up to \$1,000 in punitive damages, plus court costs and attorney's fees are provided.

Thirteen Florida local governments have fair housing ordinances and have been certified by HUD to investigate such complaints.

**B. EFFECT OF PROPOSED CHANGES:**

This bill would enable the Florida Commission on Human Relations to process fair housing complaints based on provisions "substantially equivalent" to the new federal law. Anti-discrimination provisions are made for families with minors, and the definition of handicapped persons is expanded to encompass any physical or mental impairment. Specifies exemptions for housing for "older persons". Requires handicapped accessible construction standards for "covered multifamily dwellings", effective March 13, 1991. Administrative remedies and penalties are increased.

**C. SECTION-BY-SECTION ANALYSIS:**

Section 1. Amends s. 760.22, F.S. to provide definitions: (1) "covered multi-family dwelling" means four or more units with an elevator; or the ground floor of a building has four or more units, without an elevator; (2) "familial status" includes any

person under the age of 18 who is domiciled with a parent or legal custodian; and (3) "handicap" means physical or mental impairment.

Section 2. Amends s. 760.23, F.S., to include "other prohibited practices" in the instance of discrimination in the sale or rental of housing. "Familial status" is added to this section, and includes any person who is pregnant, or person seeking legal custody of a minor. Provides that discrimination in the case of the sale, rental, terms, or association with a handicapped person, because of a handicap is unlawful. Renders refusal to permit reasonable modifications, at the expense of a handicapped person or refusal to make reasonable accommodations, unlawful. Provides construction requirements, in compliance with the American National Standard Institute, for handicapped accessibility design features for "covered multifamily dwellings" after March 13, 1991. State agencies with building construction regulatory functions are to review plans and specifications for "covered multifamily dwellings".

Section 3. Amends s. 760.24, F.S., to include "familial status" regarding anti-discrimination in the provision of brokerage services.

Section 4. Amends s. 760.25, F.S., to render discrimination in residential real estate transactions as unlawful. Includes "familial status" under anti-discrimination by banks, building and loan associations, insurance companies, or any other similar corporation involved in commercial real estate loans. Provides that discrimination in the instance of "residential real estate transaction" is unlawful. "Residential real estate transaction" includes the following: purchase or security of loans for maintenance, construction, improvement or repair of a dwelling; sales, brokerage; or appraisal of residential real property. Realtors are not liable in the instance of representing an owner who falsely indicates the property qualifies as "housing for older persons".

Section 5. Amends s. 760.29, F.S., to provide the following further exemptions for housing for older persons: state and federal programs designed to assist elderly persons; solely occupied by persons 62 years of age or older; at least one person 55 years of age or older per unit in at least 80 percent of the units; persons who already reside in such housing, provided that new occupants meet age requirements; or unoccupied units reserved for persons meeting the age requirement for "older persons". Specifies that the following practices are not affected: appraisals taking factors other than race, color, national origin, sex, handicap, familial status, or religion into consideration; limitations on the maximum number of occupants per dwelling unit; prohibition on tenancy due to health or safety factors; and prohibition against a person convicted of illegal manufacture or distribution of a controlled substance.

Section 6. Adds a subsection to section 760.31, F.S., to provide

the Commission with rulemaking authority.

Section 7. Amends s. 760.34, F.S., relating to enforcement, to extend the time from 30 to 100 days that the Commission has to investigate a complaint. Extends the period in which a complaint may be filed, from 180 days to 1 year. Once discriminatory practice has been found, Attorney General may bring an action on the behalf of the aggrieved person. Permits the Commission to bring civil action. Provides the following penalties: up to \$10,000 for first violation; \$25,000 for second violation within 5 years; and up to \$50,000 after two or more convictions within the preceding 7 years. Imposition of fines shall be based on the nature of violation, degree of culpability, prior history, financial circumstances, and goal of deterring future violations. Provides for award of attorney's fees and costs to the Commission, when the Commission prevails. Provides any local agency certified as "substantially equivalent" with the authority to take civil action, if unable to obtain voluntary compliance with the local fair housing law.

Section 8. Amends s. 760.35, F.S., to provide administrative remedies. Provides for court-ordered injunctive, and equitable relief, as well as for payment attorney's fees and costs. Administrative proceedings under the provisions of chapter 120, F.S., may be instituted should the Commission fail to obtain voluntary compliance. Provides for appellate review of final orders of the Commission; however, appeal does not suspend or stay order. Costs or fees may not be assessed by the Commission.

Section 9. Amends s. 760.37, F.S., to provide the Commission with the ability to institute administrative action in the instance of interference, coercion or intimidation.

Section 10. Makes reference to handicapped accessibility requirements of covered multifamily dwellings under s. 553.48, F.S., relating to accessibility features required of new buildings.

Section 11. Adds language to s. 553.77, F.S., to increase the powers of the State Board of Building Codes and Standards to make recommendations and provide assistance to the Commission regarding handicapped accessibility rules.

Section 12. Provides an effective date of October 1, 1989.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

#### 1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

	<u>FY 89-90</u>	<u>FY 90-91</u>
The Florida Commission on Human Relations Investigation Specialist I - (position and expense package)	none	\$21,388

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

General Revenue (30%)-	6,416
Federal funds (70%)-	14,972
	<u>21,388</u>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

Several local governments whose ordinances are substantially equivalent to federal law may incur added expense as a result of the increase in the number of complaints.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Developers of multi-family housing may incur added expense under the handicapped accessibility design requirements of the bill.

2. Direct Private Sector Benefits:

Families with minors and persons with handicaps may currently file-discrimination complaints with HUD. State administration of the provisions of this bill may expedite the complaint process. It should be noted that many of the state's elderly have indicated concern with the advent of the federal law, as evidenced by newspaper reports and calls received by this Committee.

3. Effects on Competition, Private Enterprise, and Employment Markets:

None



STORAGE NAME: h0940s-f.ca

DATE: June 2, 1989

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D. FISCAL COMMENTS:

The Florida Commission on Human Relations and local agencies certified to handle fair housing complaints may lose federal revenue if state and local law is not found to be "substantially equivalent" by January 13, 1992 (HUD Secretary may grant extension up to September 13, 1992).

III. LONG RANGE CONSEQUENCES:

This bill addresses one of the policies for housing indicated in the State Comprehensive Plan: "Eliminate public policies which result in housing discrimination, and develop policies which encourage housing opportunities for all Florida's citizens." [s. 187.201(5)(b)1., F.S.].

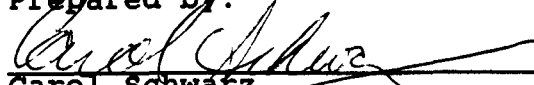
IV. COMMENTS:

None

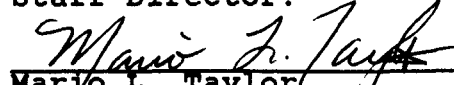
V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

  
\_\_\_\_\_  
Carol Schwarz  
Legislative Analyst

Staff Director:

  
\_\_\_\_\_  
Mario L. Taylor

REVISED: \_\_\_\_\_

BILL NO. CS/SB 208

DATE: April 26, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Bradley</u>	<u>Buck</u>	1. <u>CA</u>	<u>Fav/CS</u>
2. <u>Wiehle</u>	<u>Smawley</u>	2. <u>JCI</u>	<u>Favorable</u>
3. _____	_____	3. <u>AP</u>	<u>Withdrawn</u>
4. _____	_____	4. _____	_____

SUBJECT:

The Fair Housing Act

BILL NO. AND SPONSOR:

CS/SB 208 by  
CA and Senator Meek

I. SUMMARY:

A. Present Situation:

Since the enactment of the federal Fair Housing Act in 1968 (Title VIII of the Civil Rights Act of 1968), discrimination in the sale or rental of housing on the basis of race, color, religion, or national origin has been prohibited. The law's coverage was extended in 1974 to bar sex-based discrimination. To avoid a filibuster and ensure enactment, effective enforcement measures were omitted from the original legislation. Near the close of the Carter administration, an attempt to add teeth to the fair housing law died under filibuster.

In 1983, Florida's Fair Housing Act was created (ss.760.20-760.37, Florida Statutes), to similarly prohibit housing discrimination based on race, color, national origin, sex, or religion. The law was amended in 1984 to apply its protections to handicapped persons. Until 1987, the term "handicap" referred to persons with a physical impairment which "substantially limits one or more major life activities." The 1987 Legislature amended the state's Fair Housing Act by expanding the definition of "handicap" to include mental retardation and developmental disabilities.

The Fair Housing Amendments Act of 1988 (P.L. 100-430), was signed by President Reagan on September 13, 1988, to expand the scope and enhance the enforcement of federal fair housing requirements. Two new protected categories were created by prohibiting discrimination in the rental or sale of housing to families with children and by adding provisions protecting handicapped persons. A two-part enforcement process was also established through which the Department of Housing and Urban Development would first try to resolve the differences between the aggrieved party and the respondent through conciliation. If that effort failed, the case would be adjudicated by either an administrative law judge or a federal court. Either party may elect a jury trial in lieu of the administrative proceeding. After an 9-year stalemate on the fair housing issue, the bill was drafted as a compromise between civil rights groups, real estate interests, the administration, and key members of Congress.

The handicapped accessibility provisions and the familial status provisions of the 1988 act go into effect at different times. Beginning 30 months after the date of enactment (i.e. March 1991), new multifamily structures with 4 or more units will have to meet minimum accessibility standards. All units in buildings with elevator access must be accessible, whereas only ground-floor units in elevator-less buildings must meet the minimum accessibility standards. Compliance with relevant portions of the American National Standard (ANSI A117.1) for handicapped access suffices to satisfy the law's requirements.

Handicapped persons must also be allowed to make reasonable modifications to existing premises at their own expense; however, a landlord may require the tenant to restore the interior of the premises to their prior condition. On March 12, 1989, the prohibition on discrimination against handicapped individuals went into effect, as well as the prohibition against discrimination based on familial status. The primary impact of the latter provision will be on adult-only housing developments and complexes, including mobile home parks. Basically, all-adult communities will be banned, except for specific types of "housing for older persons" eligible for an exemption. A housing complex can qualify for an exemption in any one of three ways: (1) The housing complex or building will be exempt if provided under a federal or state program and found by HUD to be specifically designed for the elderly; (2) The housing is intended for, and solely occupied by, persons 62 years of age or older; or (3) At least 80 percent of the units in the community have at least one occupant who is 55 or older and significant facilities and services specifically designed to meet the physical or social needs of older persons are provided or, if the provision of such facilities and services is not practicable, then the housing must be considered necessary to provide important housing opportunities for older persons. In addition, this third basis for an exemption requires the publication of, and adherence to, policies and procedures which demonstrate the owner's intent to provide housing for persons age 55 and over..

The Department of Housing and Urban Development may refer complaints alleging discriminatory housing practices to state or local agencies whose fair housing laws have been certified as substantially equivalent to the federal law. To be certified, the agency's operations must be substantially equivalent to federal law in terms of the substantive rights protected, the procedures followed, the remedies available, and the availability of judicial review of agency actions. Agencies certified prior to the enactment of the Fair Housing Amendments Act of 1988 retain certified status for 40 months after the enactment date with respect to matters included in their original certification. At the state level, the 12-member Florida Commission on Human Relations enforces federal and state fair housing requirements. Prior to the 1988 federal amendments, Florida law exceeded federal requirements by affording protection to handicapped persons. At the local level, thirteen Florida counties and municipalities have been certified by HUD to investigate fair housing complaints.

**B. Effect of Proposed Changes:**

The bill amends Florida's Fair Housing Act to conform to the 1988 amendments to the federal fair housing law.

Section 760.22, F.S., is amended to add a definition for the term "covered multifamily dwelling" as a building of four or more units with an elevator or the ground floor units in a building of four or more units which does not have an elevator. The term "familial status" is defined as a parent or legal guardian, or a designee of a parent or legal guardian, who lives with a child who is under the age of 18. The term "handicap" is amended to include mental as well as physical impairment. Language relating to retardation is deleted. A definition of the term "substantially equivalent" is added to mean an administrative subdivision of the state that meets requirements of 24 CFR Part 115, Section 115.6.

Section 760.23, F.S., is amended to make it unlawful to discriminate in the sale or rental of housing on the basis of familial status. The protections afforded by the state Fair Housing Act against discrimination on the basis of familial status are applied to pregnant women and to people in the process of gaining legal custody of a child under the age of

18. The section is further amended to make it unlawful to discriminate in the sale or rental of housing, or in the provision of services or facilities related to the dwelling, on the basis of a handicap of (1) the buyer or renter, (2) any person intending to live in the dwelling, or (3) any person otherwise associated with the buyer or renter. Discrimination includes (1) a refusal to allow the handicapped person to make reasonable modifications to the building at his own expense, (2) a refusal to make reasonable accommodations in rules or services necessary to the handicapped person, and, (3) in connection with covered multifamily dwellings available for first occupancy on or after March 12, 1991, a failure to design and construct the dwellings so that public and common use portions are readily accessible to handicapped persons, so that all doors designed to allow passage into and through the premises are wide enough to accommodate a wheelchair, and so that all premises contain specified adaptive design features for access, environmental controls, bathrooms, and kitchens. Compliance with the relevant requirements of the American National Standards Institute handicapped access code suffices to satisfy the adaptive design requirements. Appropriate state and local agencies are to review plans to determine consistency with adaptive design requirements.

Section 760.24, F.S., is amended to prohibit discrimination in the provision of brokerage services on the basis of familial status.

Section 760.25, F.S., is amended to prohibit discrimination in the financing of housing on the basis of familial status, and to prohibit discrimination in residential real estate transactions on the basis of race, color, national origin, sex, handicap, familial status, or religion. The term "residential real estate transaction" includes making or purchasing loans to purchase, construct, improve, repair, or maintain a dwelling or which are secured by residential real estate and the selling, brokering, or appraising of residential real property.

Section 760.29, F.S., is amended to provide exemptions from the familial status provisions for "housing for older persons". The term "housing for older persons" is defined as: (1) housing provided under any state or federal program that the commission determines is specifically designed and operated to assist elderly persons; (2) housing intended for and solely occupied by persons 62 years of age or older; and (3) housing intended and operated for occupancy by at least one person 55 years of age or older per unit in 80 percent of the units. Housing will not fail to meet the requirements for housing for older persons by reason of persons who fail to meet the age requirements residing in the housing after October 1, 1989, provided that new occupants meet the age requirements, or by reason of one or more units being unoccupied, provided that unoccupied units are reserved for older persons. The section is further amended to clarify that the state Fair Housing Act does not prohibit real estate appraisers from taking into consideration nondiscriminatory factors; does not limit the applicability of reasonable local restrictions on occupancy limits; does not require a dwelling to be made available to a person who constitutes a threat to other persons or to property; and does not prohibit conduct against a person convicted of drug-related crimes under ch.893, F.S.

Section 760.31(5), F.S., is created to authorize the Florida Commission on Human Relations to adopt rules to implement the Fair Housing Act.

Section 760.34, F.S., is amended to require the Commission on Human Relations to investigate complaints within 100 days, rather than 30 days, and to require complaints to be filed within 1 year, rather than 180 days, of the alleged discriminatory event. Any aggrieved person may commence a

civil action against the respondent if, within 180, rather than 30, days, the commission is unable to obtain voluntary compliance with the Fair Housing law. As an alternative to a court proceeding, the aggrieved party may petition for an administrative determination pursuant to s.760.35, F.S. If the commission's investigation shows reasonable cause to believe that a discriminatory housing practice has occurred, at the request of the aggrieved party, the Attorney General must bring an action in the name of the state to enforce the Fair Housing Act. The commission may institute a civil action if it is unable to obtain voluntary compliance and need not first exhaust its administrative remedies. The courts may impose the following fines for each violation of ss.760.20-760.37, F.S.: up to \$10,000 for a first violation, up to \$25,000 for a second violation within 5 years, and up to \$50,000 for a third or subsequent violations within 7 years. In imposing fines, the court must consider specified related facts. Attorney's fee and costs must be awarded to the commission in any action in which it prevails. Local fair housing agencies certified as substantially equivalent are authorized to institute a civil action in any appropriate court, including circuit court, if unable to obtain voluntary compliance with the local fair housing law.

Section 760.35, F.S., is amended to provide that a civil action for enforcement by a private person be commenced no later than 2 years, rather than within 180 days, after the alleged discriminatory housing practice occurred. Upon finding that discrimination occurred, the court must issue an order prohibiting the practice and providing affirmative relief, including injunctive and other equitable relief, actual and punitive damages, and reasonable attorney's fees and costs. The section is further amended to provide that if the commission is unable to obtain voluntary compliance or has reasonable cause to believe a discriminatory housing practice has occurred, the commission may institute an administrative proceeding under ch.120, F.S., or the person aggrieved may request administrative relief under ch.120, F.S., within 30 days after receiving notice that the commission has concluded its investigation under s.760.34, F.S. Administrative hearings must be conducted pursuant to s.120.57(1), F.S. If the hearing officer finds that a discriminatory housing practice has occurred or is about to occur, he must issue a recommended order to the commission prohibiting the practice and recommending affirmative relief. Final orders of the commission may be appealed through the district courts. Costs or fees may not be assessed against the commission in any appeal from a final order issued by the commission under the subsection (s.760.35(3), F.S.). The subsection does not prevent any other legal or administrative actions provided by law.

Section 553.48(4), F.S., is created to provide notice to builders that handicapped access requirements under the Fair Housing Act must be met beginning March 12, 1991.

The bill takes effect October 1, 1989.

## II. ECONOMIC IMPACT AND FISCAL NOTE:

### A. Public:

Although precise data are not available, it is anticipated that families and handicapped persons will experience a reduction in housing costs as a result of having a wider range of residences available to them. To the extent that children cause additional wear and tear on property and that handicapped accessibility requirements increase costs, builders and owners of residential property may incur some additional costs. However, these costs are expected to be absorbed ultimately by the consumer.

REVISED: \_\_\_\_\_

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DATE: April 26, 1989

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B. Government:

To the extent that complaints of discriminatory housing practices increase the workload of the Commission on Human Relations, additional investigative and other staff may be required. Currently, the Florida Human Relations Commission receives \$65,000 annually from HUD for the investigation and resolution of fair housing complaints. The requirement that the Attorney General bring an action in some circumstances could also increase governmental costs. Failure to maintain a substantially equivalent state law would result in the loss of federal funding.

III. COMMENTS:

An identical proposal has been filed by Representative Rehm as HB 940 and has been referred to the Housing Subcommittee of the House Committee on Community Affairs.

IV. AMENDMENTS:

None.