
**FLORIDA ADMINISTRATIVE CODES FROM THE FCHR
[CHAPTER 60Y-5]**

January 25, 1990

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

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FLORIDA ADMINISTRATIVE CODES | FCHR | CHAPTER 60Y-6

CODES: 60Y-6.001 through 60Y-6.002

AS OF: 2/4/2016

60Y-6.001 | DEFINITIONS

As used in the rules of the Commission:

(1) "Accessible," when used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached, entered and used by individuals with physical handicaps. The phrase "readily accessible to and usable by" is synonymous with accessible. A public or common use area that complies with the appropriate requirements of ANSI A117.1-1986 or a comparable standard is "accessible" within the meaning of this subsection.

(2) "Accessible route" means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts. A route that complies with the appropriate requirements of ANSI A117.1-1986 or a comparable standard is an "accessible route."

(3) "Act" means the Fair Housing Act, as amended, Section 760.20-760.37, F.S.

(4) "Aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice or who believes that such person will be injured by a discriminatory housing practice.

(5) "ANSI A117.1-1986" means the 1986 edition of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people. Copies may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(6) "Attorney General" means the Attorney General of the State of Florida.

(7) "Broker or agent" includes any person authorized to perform an action on behalf of another person regarding any matter related to the sale or rental of dwellings, including offers, solicitations or contracts and the administration of matters regarding such offers, solicitations or contracts or any residential real estate-related transactions.

(8) "Building" means a structure, facility or portion thereof that contains or serves one or more dwelling units.

(9) "Building entrance on an accessible route" means an accessible entrance to a building that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to public streets or sidewalks, if available. A building entrance that complies with ANSI A117.1-1986 or a comparable standard complies with the requirements of this subsection.

(10) "Chairperson" or "Chair" means the Chairperson of the Commission or Chairperson of a Panel, as the context may indicate.

(11) "Charge" means the statement of facts upon which the Commission has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur.

(12) "Clerk" means the person designated by the Executive Director as heading the Office of the Clerk.

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

(14) "Commissioner" means a member of the Commission.

(15) "Common use areas" means rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

(16) "Complainant" means a person who filed a complaint.

(17) "Complaint" means a written, verified statement which alleges the occurrence of an unlawful housing practice and also includes an amended complaint.

(18) "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.

(19) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(20) "Controlled substance" means any drug or other substance, or their immediate precursor, defined in Chapter 893, F.S.

(21) "Covered multifamily dwellings" means a building which consists of four or more dwelling units and has an elevator, or the ground floor units of a building which consists of four or more dwelling units and does not have an elevator.

(22) "Discriminatory housing practice" means an act which is unlawful under the terms of the Fair Housing Act, Sections 760.20-.37, F.S.

(23) "Division of Administrative Hearings" means the Division of Administrative Hearings of the Department of Administration.

(24) "Document" includes, but is not limited to, writings, drawings, graphs, charts, photographs, phono-records and other data compilations from which information can be obtained.

(25) " Dwelling " means any building or 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 on the land of any such building or structure, or portion thereof.

(26) " Dwelling unit " means a single unit of residence for a family or one or more persons. Examples of dwelling units include: a single family home; an apartment unit within an apartment building; and in other types of dwellings in which sleeping accommodations are provided but toileting or cooking facilities are shared by occupants of more than one room or portion of the dwelling, rooms in which people sleep. Examples of the latter include dormitory rooms and sleeping accommodations in shelters intended for occupancy as a residence for homeless persons.

(27) " Entrance " means any access point to a building or portion of a building used by residents for the purpose of entering.

(28) " Executive Director " means the Executive Director of the Commission.

(29) " Exterior " means all areas of the premises outside of an individual dwelling unit.

(30) " Fair Housing Act " means the act which is set forth in Chapter 760, F.S., Sections 760.20-.37, F.S.

(31) " Familial Status " is established when an individual who has not attained the age of 18 years is domiciled with a parent or other person having legal custody of such individual, or a designee of a parent or other person having legal custody, with written permission of such parent or other person.

(32) " Family " includes a single individual.

(33) " First occupancy " means a building that has never before been used for any purpose.

(34) " General Counsel " means the General Counsel of the Commission.

(35) " Ground floor " means a floor of a building with a building entrance on an accessible route. A building may have more than one ground floor.

(36) " Handicap " means a person who has a physical or mental impairment which substantially limits one or more major life activities, or has a record of having or is regarded as having such physical or mental impairment, or a person who has a developmental disability as defined in Section 393.063(6), F.S.

(37) " Has a record of having such impairment " means has a history of, or has been misclassified as having a mental or physical impairment.

(38) " Hearing " means an administrative hearing conducted pursuant to Chapter 120, F.S.

(39) "Hearing Officer" means the person assigned to conduct a hearing upon a petition filed with the Commission.

(40) "Is regarded as having an impairment" means having a physical or mental impairment that does not substantially limit one or more major life activities but is treated as if it does; having a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or having no physical or mental impairments but being treated as having such an impairment.

(41) "Interior" means the spaces, parts, components or elements of an individual dwelling unit.

(42) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(43) "Modification" means any change to the public or common use areas of a building or any change to a dwelling unit.

(44) "Panel" means a panel of three or more Commissioners convened for the purpose of holding hearings on petitions for relief from discriminatory housing practices.

(45) "Party" means any person designated as a party to a proceeding before the Commission, pursuant to rule of the Commission.

(46) "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.

(47) "Person in the business of selling or renting dwellings" means any person who within the preceding twelve months has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or within the preceding twelve months has participated as agent, other than in the sale of his personal residence, in providing sales of rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(48) "Petition" means a writing, other than a written motion, filed with the Commission pursuant to rule of the Commission requesting that specified action be taken by the Commission.

(49) "Petitioner" means a person who files a petition with the Commission.

(50) "Physical or mental impairment" includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.

(51) "Premises" means the interior or exterior spaces, parts, components or elements of a building, including individual dwelling units and the public and common use areas of a building.

(52) "Public use areas" means interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

(53) "Residential real estate transactions" means any of the following: the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling; or the making or purchasing of loans or providing other financial assistance secured by residential real estate; or the selling, brokering or appraising of residential real estate property.

(54) "Respondent" means the person designated in the complaint as responsible for the alleged discriminatory housing practice or in the case of a petition, the person against whom relief is sought.

(55) "Site" means a parcel of land bounded by a property line or a designated portion of a public right of way.

(56) "Substantially equivalent" means an administrative subdivision of the State of Florida meeting the requirements of 24 C. F. R. Part 115, Section 115.6, F.S.

(57) "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.

Rulemaking Authority 760.31(5) FS. Law Implemented 760.22-760.37 FS. History—New 1-25-90, Formerly 22T-20.001.

60Y-6.002 | CONSTRUCTION OF RULES

The rules of the Commission are intended to promote the purposes of the Act, the efficient operation of the Commission and the orderly administration of the Act. They are to be liberally construed to ensure the accomplishment of these purposes.

Rulemaking Authority 760.31(5) FS. Law Implemented 760.21 FS. History–New 1-25-90, Formerly 22T-20.002.

APPENDIX

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CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

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