

By Senator Garcia

39-691-01

1 A bill to be entitled
2 An act relating to discriminatory practices;
3 prohibiting certain business establishments
4 from publishing a statement that certain
5 privileges are denied to any individual on the
6 basis of specified factors; expanding the list
7 of factors that may not be the basis for
8 discrimination to include an individual's
9 recreational clothing and mode of
10 transportation; providing an effective date.

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

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14 Section 1. Section 760.60, Florida Statutes, is
15 amended to read:

16 760.60 Discriminatory practices of certain clubs or
17 business establishments prohibited; remedies.--

18 (1) It is unlawful for a person to discriminate
19 against any individual because of race, color, religion,
20 gender, national origin, handicap, age above the age of 21, or
21 marital status in evaluating an application for membership in
22 a club that has more than 400 members, that provides regular
23 meal service, and that regularly receives payment for dues,
24 fees, use of space, facilities, services, meals, or beverages
25 directly or indirectly from nonmembers for business purposes.
26 It is unlawful for a person, on behalf of such a club or on
27 behalf of a business establishment serving the public, to
28 publish, circulate, issue, display, post, or mail any
29 advertisement, notice, or solicitation that contains a
30 statement to the effect that the accommodations, advantages,
31 facilities, membership, or privileges of the club or business

1 are denied to any individual because of race, color, religion,
2 gender, national origin, handicap, age above the age of 21,
3 recreational clothing, mode of transportation, or marital
4 status. This subsection does not apply to fraternal or
5 benevolent organizations, ethnic clubs, or religious
6 organizations where business activity is not prevalent.

7 (2) A person who has been discriminated against in
8 violation of this act may file a complaint with the Commission
9 on Human Relations or with the Attorney General's Office of
10 Civil Rights. A complaint must be in writing and must contain
11 such information and be in such form as the commission
12 requires. Upon receipt of a complaint, the commission or the
13 Attorney General shall provide a copy to the person who
14 represents the club or business. Within 30 days after
15 receiving a complaint, the commission or the Attorney General
16 shall investigate the alleged discrimination and give notice
17 in writing to the person who filed the complaint if it intends
18 to resolve the complaint. If the commission or the Attorney
19 General decides to resolve the complaint, it shall attempt to
20 eliminate or correct the alleged discriminatory practices of a
21 club or business by informal methods of conference,
22 conciliation, and persuasion.

23 (3) If the commission or the Attorney General fails,
24 within 30 days after receiving a complaint filed pursuant to
25 subsection (2), to give notice of its intent to eliminate or
26 correct the alleged discriminatory practices of a club or
27 business, or if the commission or the Attorney General fails
28 to resolve the complaint within 30 days after giving such
29 notice, the person or the Attorney General on behalf of the
30 person filing the complaint may commence a civil action in a
31 court against the club or business, its officers, its owners,

1 or its members to enforce this section. If the court finds
2 that a discriminatory practice occurs at the club or business,
3 the court may enjoin the club, its officers, its owners, or
4 its members from engaging in such practice or may order other
5 appropriate action.

6 Section 2. This act shall take effect July 1, 2001.

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SENATE SUMMARY

10 Prohibits certain business establishments, as well as
11 certain clubs, from publishing a statement that certain
12 privileges are denied to any individual on the basis of
13 specified factors. Expands the list of factors that may
14 not be used as the basis for discriminating to include an
15 individual's recreational clothing and mode of
16 transportation.

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