

By Senator Garcia

39-1370-02

1 A bill to be entitled
2 An act relating to discriminatory practices;
3 amending s. 760.60, F.S.; applying to business
4 establishments serving the public the
5 provisions applicable to certain clubs
6 prohibiting certain discriminatory practices;
7 prohibiting certain discriminatory practices;
8 providing for filing complaints with the
9 Commission on Human Relations; providing for
10 filing civil actions under certain
11 circumstances; providing an effective date.

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

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

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

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

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

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

26 (3) If the commission or the Attorney General fails,
27 within 30 days after receiving a complaint filed pursuant to
28 subsection (2), to give notice of its intent to eliminate or
29 correct the alleged discriminatory practices of a club, or
30 business establishment serving the public, or if the
31 commission or the Attorney General fails to resolve the

1 complaint within 30 days after giving such notice, the person
2 or the Attorney General on behalf of the person filing the
3 complaint may commence a civil action in a court against the
4 club, its officers, or its members, or such business
5 establishment or its owners, to enforce this section. If the
6 court finds that a discriminatory practice occurs at the club
7 or such business establishment, the court may enjoin the club,
8 its officers, or its members, or such business establishment
9 or its owners, from engaging in such practice or may order
10 other appropriate action.

11 Section 2. This act shall take effect upon becoming a
12 law.

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15 LEGISLATIVE SUMMARY

16 Applies to business establishments serving the public the
17 provisions prohibiting discriminatory practices that
18 apply to clubs that have more than 400 members, provide
19 regular meal service, and regularly receive payment for
20 dues, fees, use of space, facilities, services, meals, or
21 beverages directly or indirectly from nonmembers for
22 business purposes. (See bill for details.)
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