

By Senator Campbell

32-915-03

See HB 179

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 providing for filing complaints with the
8 Commission on Human Relations; providing for
9 filing civil actions under certain
10 circumstances; 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 any
27 business establishment serving the public, to publish,
28 circulate, issue, display, post, or mail any advertisement,
29 notice, or solicitation that contains a statement to the
30 effect that the accommodations, advantages, facilities,
31 membership, or privileges of the club or business

1 establishment are denied to any individual because of race,
2 color, religion, gender, national origin, handicap, age above
3 the age of 21, recreational clothing, mode of transportation,
4 or marital status. This subsection does not apply to fraternal
5 or 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 establishment. Within 30 days
15 after receiving a complaint, the commission or the Attorney
16 General shall investigate the alleged discrimination and give
17 notice in writing to the person who filed the complaint if it
18 intends to resolve the complaint. If the commission or the
19 Attorney General decides to resolve the complaint, it shall
20 attempt to eliminate or correct the alleged discriminatory
21 practices of a club, or business establishment serving the
22 public, by informal methods of conference, conciliation, and
23 persuasion.

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

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

9 Section 2. This act shall take effect upon becoming a
10 law.

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