

By the Committee on Commerce, Economic Opportunities, and Consumer Services; and Senator Campbell

310-2112-03

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

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

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 17 Section 1. Section 760.60, Florida Statutes, is
 18 amended to read:

19 760.60 Discriminatory practices of certain clubs or
 20 business establishments prohibited; remedies.--

21 (1) It is unlawful for a person to discriminate
 22 against any individual because of race, color, religion,
 23 gender, national origin, handicap, age above the age of 21,
 24 recreational clothing, mode of transportation, or marital
 25 status in evaluating an application for membership in a club
 26 that has more than 400 members, that provides regular meal
 27 service, and that regularly receives payment for dues, fees,
 28 use of space, facilities, services, meals, or beverages
 29 directly or indirectly from nonmembers for business purposes.
 30 It is unlawful for such a club, or for any business
 31 establishment serving the public, to discriminate against any

1 individual by denying to the individual the accommodations,
2 advantages, facilities, membership, or privileges of the club
3 or business establishment because of race, color, religion,
4 gender, national origin, handicap, age above the age of 21,
5 recreational clothing, mode of transportation, or marital
6 status.It is unlawful for a person, on behalf of such a club
7 or any business establishment serving the public, to publish,
8 circulate, issue, display, post, or mail any advertisement,
9 notice, or solicitation that contains a statement to the
10 effect that the accommodations, advantages, facilities,
11 membership, or privileges of the club or business
12 establishment are denied to any individual because of race,
13 color, religion, gender, national origin, handicap, age above
14 the age of 21, recreational clothing, mode of transportation,
15 or marital status. This subsection does not apply to fraternal
16 or benevolent organizations, ethnic clubs, or religious
17 organizations where business activity is not prevalent.

18 (2) A person who has been discriminated against in
19 violation of this act may file a complaint with the Commission
20 on Human Relations or with the Attorney General's Office of
21 Civil Rights. A complaint must be in writing and must contain
22 such information and be in such form as the commission
23 requires. Upon receipt of a complaint, the commission or the
24 Attorney General shall provide a copy to the person who
25 represents the club or business establishment. Within 30 days
26 after receiving a complaint, the commission or the Attorney
27 General shall investigate the alleged discrimination and give
28 notice in writing to the person who filed the complaint if it
29 intends to resolve the complaint. If the commission or the
30 Attorney General decides to resolve the complaint, it shall
31 attempt to eliminate or correct the alleged discriminatory

1 practices of a club, or business establishment serving the
2 public,by informal methods of conference, conciliation, and
3 persuasion.

4 (3) If the commission or the Attorney General fails,
5 within 30 days after receiving a complaint filed pursuant to
6 subsection (2), to give notice of its intent to eliminate or
7 correct the alleged discriminatory practices of a club, or
8 business establishment serving the public,or if the
9 commission or the Attorney General fails to resolve the
10 complaint within 30 days after giving such notice, the person
11 or the Attorney General on behalf of the person filing the
12 complaint may commence a civil action in a court against the
13 club, its officers, or its members, or such business
14 establishment or its owners,to enforce this section. If the
15 court finds that a discriminatory practice occurs at the club
16 or such business establishment, the court may enjoin the club,
17 its officers, or its members, or such business establishment
18 or its owners,from engaging in such practice or may order
19 other appropriate action.

20 Section 2. This act shall take effect upon becoming a
21 law.

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23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 Senate Bill 1502

26 The committee substitute prohibits certain clubs from
27 discriminating against an individual in evaluating an
28 application for membership because of recreational clothing or
29 mode of transportation. The committee substitute also
30 prohibits certain clubs or business establishments serving the
31 public from discriminating against an individual by denying
the accommodations, advantages, facilities, membership, or
privileges of the club or business establishment because of
race, color, religion, gender, national origin, handicap, age
above the age of 21, recreational clothing, mode of
transportation, or marital status.