



HB 0179

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

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

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 12           Section 1. Section 760.60, Florida Statutes, is amended to  
 13 read:

14           760.60 Discriminatory practices of certain clubs or  
 15 business establishments prohibited; remedies.--

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



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31 national origin, handicap, age above the age of 21, recreational  
 32 clothing, mode of transportation, or marital status. This  
 33 subsection does not apply to fraternal or benevolent  
 34 organizations, ethnic clubs, or religious organizations where  
 35 business activity is not prevalent.

36 (2) A person who has been discriminated against in  
 37 violation of this act may file a complaint with the Commission  
 38 on Human Relations or with the Attorney General's Office of  
 39 Civil Rights. A complaint must be in writing and must contain  
 40 such information and be in such form as the commission requires.  
 41 Upon receipt of a complaint, the commission or the Attorney  
 42 General shall provide a copy to the person who represents the  
 43 club or business establishment. Within 30 days after receiving a  
 44 complaint, the commission or the Attorney General shall  
 45 investigate the alleged discrimination and give notice in  
 46 writing to the person who filed the complaint if it intends to  
 47 resolve the complaint. If the commission or the Attorney General  
 48 decides to resolve the complaint, it shall attempt to eliminate  
 49 or correct the alleged discriminatory practices of a club, or  
 50 business establishment serving the public, by informal methods  
 51 of conference, conciliation, and persuasion.

52 (3) If the commission or the Attorney General fails,  
 53 within 30 days after receiving a complaint filed pursuant to  
 54 subsection (2), to give notice of its intent to eliminate or  
 55 correct the alleged discriminatory practices of a club, or  
 56 business establishment serving the public, or if the commission  
 57 or the Attorney General fails to resolve the complaint within 30  
 58 days after giving such notice, the person or the Attorney  
 59 General on behalf of the person filing the complaint may  
 60 commence a civil action in a court against the club, its



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61 officers, or its members, or such business establishment or its  
62 owners, to enforce this section. If the court finds that a  
63 discriminatory practice occurs at the club or such business  
64 establishment, the court may enjoin the club, its officers, or  
65 its members, or such business establishment or its owners, from  
66 engaging in such practice or may order other appropriate action.

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