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A bill to be entitled

An act relating to discriminatory practices in public food service establishments; creating s. 760.61, F.S.; defining terms; prohibiting discrimination in specified public food service establishments against persons who operate motorcycles or wear certain clothing; providing for the filing of complaints with the Commission on Human Relations or Attorney General's Office of Civil Rights; providing for filing a civil action under certain circumstances; authorizing the court to issue an injunction; providing an effective date.

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

Section 1. Section 760.61, Florida Statutes, is created to read:

760.61 Restrictions on discrimination by public food service establishments.--

(1) As used in this section, the term:

(a) "Public food service establishment" has the same meaning as in s. 509.013.

(b) "Formal dress code" means a written policy that is prominently posted at the entrance of a public food service establishment and that requires the public to wear a suit, dress, jacket, or tie for admission to such establishment.

(2) It is unlawful for a public food service establishment, except those establishments that maintain a formal dress code, to discriminate by restricting admission to a person solely because the person operates a motorcycle or is

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30 wearing clothing that displays the name of a motorcyclist
31 organization or association.

32 (3) This section does not prohibit the restriction of
33 admission to a person because the person's conduct poses a risk
34 to the health, safety, or property of another.

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

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

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60 establishment to enforce this section. If the court finds that a
61 discriminatory practice occurs at the public food service
62 establishment, the court may enjoin the owners of the public
63 food service establishment from engaging in such practice.

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