**By** Senator Campbell

32-258-04

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 1                    A bill to be entitled
 2          An act relating to discriminatory practices in
 3          public food service establishments; creating s.
 4          760.61, F.S.; defining terms; prohibiting
 5          discrimination in specified public food service
 6          establishments against persons who operate
 7          motorcycles or wear certain clothing; providing
 8          for the filing of complaints with the
 9          Commission on Human Relations or Attorney
10          General's Office of Civil Rights; providing for
11          filing a civil action under certain
12          circumstances; authorizing the court to issue
13          an injunction; 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 760.61, Florida Statutes, is
18   created to read:
19          760.61  Restrictions on discrimination by public food
20   service establishments.--
21          (1)  As used in this section, the term:
22          (a)  "Public food service establishment" has the same
23   meaning as in s. 509.013.
24          (b)  "Formal dress code" means a written policy that is
25   prominently posted at the entrance of a public food service
26   establishment and that requires the public to wear a suit,
27   dress, jacket, or tie for admission to such establishment.
28          (2)  It is unlawful for a public food service
29   establishment, except those establishments that maintain a
30   formal dress code, to discriminate by restricting admission to
31   a person solely because the person operates a motorcycle or is
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 1 | wearing clothing that displays the name of a motorcyclist
 2 | organization or association.
 3 |     (3)  This section does not prohibit the restriction of
 4 | admission to a person because the person's conduct poses a
 5 | risk to the health, safety, or property of another.
 6 |     (4)  A person who has been discriminated against in
 7 | violation of this section may file a complaint with the
 8 | Commission on Human Relations or with the Attorney General's
 9 | Office of Civil Rights. A complaint must be in writing and
10 | must contain the information and be in the form that the
11 | commission requires. Upon receipt of a complaint, the
12 | commission or the Attorney General shall provide a copy to the
13 | person who represents the public food service establishment.
14 | Within 30 days after receiving a complaint, the commission or
15 | the Attorney General shall investigate the alleged
16 | discrimination and give notice in writing to the person who
17 | filed the complaint if it intends to resolve the complaint. If
18 | the commission or the Attorney General decides to resolve the
19 | complaint, it shall attempt to eliminate or correct the
20 | alleged discriminatory practices of the public food service
21 | establishment by informal methods of conference, conciliation,
22 | and persuasion.
23 |     (5)  If the commission or the Attorney General fails,
24 | within 30 days after receiving a complaint filed pursuant to
25 | subsection (2), to give notice of its intent to eliminate or
26 | correct the alleged discriminatory practices of a public food
27 | service establishment or if the commission or the Attorney
28 | General fails to resolve the complaint within 30 days after
29 | giving such notice, the person or the Attorney General on
30 | behalf of the person filing the complaint may commence a civil
31 | action in a court against the owners of the public food

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1  service establishment to enforce this section. If the court

2  finds that a discriminatory practice occurs at the public food

3  service establishment, the court may enjoin the owners of the

4  public food service establishment from engaging in such

5  practice.

6         Section 2.  This act shall take effect upon becoming a

7  law.

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10                        SENATE SUMMARY

11   Prohibits discrimination in specified public food service
     establishments against persons who operate motorcycles or
12   wear certain clothing. Provides for the filing of a
     complaint with the Commission on Human Relations or the
13   Attorney General's office. Provides for filing civil
     actions under certain circumstances.

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**CODING:**Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.