Florida Senate - 2003

CS for CS for SB 1502

By the Committees on Governmental Oversight and Productivity; Commerce, Economic Opportunities, and Consumer Services; and Senator Campbell

	302-2394-03
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; providing for filing civil
11	actions under certain circumstances; providing
12	an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. Section 760.61, Florida Statutes, is
17	created to read:
18	760.61 Restrictions on discrimination by public food
19	service establishments
20	(1) As used in this section, the term:
21	(a) "Public food service establishment" has the same
22	meaning as in s. 509.013(5).
23	(b) "Formal dress code" means a written policy that is
24	prominently posted at the entrance of a public food service
25	establishment and that requires the public to wear a suit,
26	dress, jacket, or tie for admission to such establishment.
27	(2) It is unlawful for a public food service
28	establishment, except such establishments that maintain a
29	formal dress code, to discriminate by restricting admission to
30	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 organization or association. 2 3 (3) This section does not prohibit the restriction of admission to a person because the person's conduct poses a 4 5 risk to the health, safety, or property of another. б (4) A person who has been discriminated against in 7 violation of this act may file a complaint with the Commission 8 on Human Relations or with the Attorney General's Office of Civil Rights. A complaint must be in writing and must contain 9 such information and be in such form as the commission 10 11 requires. Upon receipt of a complaint, the commission or the Attorney General shall provide a copy to the person who 12 represents the public food service establishment. Within 30 13 days after receiving a complaint, the commission or the 14 Attorney General shall investigate the alleged discrimination 15 and give notice in writing to the person who filed the 16 17 complaint if it intends to resolve the complaint. If the commission or the Attorney General decides to resolve the 18 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. (5) If the commission or the Attorney General fails, 23 24 within 30 days after receiving a complaint filed pursuant to subsection (2), to give notice of its intent to eliminate or 25 correct the alleged discriminatory practices of a public food 26 27 service establishment or if the commission or the Attorney General fails to resolve the complaint within 30 days after 28 giving such notice, the person or the Attorney General on 29 behalf of the person filing the complaint may commence a civil 30 31 action in a court against the owners of the public food

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service establishment to enforce this section. If the court finds that a discriminatory practice occurs at the public food service establishment, the court may enjoin the owners of the public food service establishment from engaging in such practice. б Section 2. This act shall take effect upon becoming a law. STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR CS for SB 1502Creates s. 760.61, F.S. Defines terms. Provides that it is unlawful for certain public food service establishments to operates a motorcycle or is wearing certain clothing. Provides for informal resolution by the Attorney General or the Commission on Human Relations of violations. Permits civil injunctive relief if informal resolution fails.

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