
**FLORIDA ADMINISTRATIVE CODES FROM THE FCHR
[CHAPTER 60Y-10]**

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TABLE OF CONTENTS | PUBLIC ACCOMMODATIONS DISCRIMINATION

#	Code	Title	Page
1	60Y-10.001	Purpose	4
2	60Y-10.002	Covered Entities and Facilities	5
3	60Y-10.003	Who may File a Complaint; Confidentiality	6
4	60Y-10.004	Investigating Process	7
5	60Y-10.005	Relationship of Other Rules	8
-	n/a	Appendix	9

FLORIDA ADMINISTRATIVE CODES | FCHR | PUBLIC ACCOMMODATIONS

CODES: 60Y-10.001 through 60Y-10.005

AS OF: 3/9/2004

60Y-10.001 | PURPOSE

These rules implement the statutory provisions which make it unlawful discrimination for the operator of a public lodging establishment or a public food service establishment to refuse accommodation or service to any person when the refusal is based upon race, creed, color, sex, physical disability or national origin. The Florida Civil Rights Act of 1992 authorizes the Commission on Human Relations to investigate complaints of discrimination by public lodging establishments and public food service establishments and provides for relief by subsequent administrative proceeding or civil action in court.

Rulemaking Authority 760.06(12), 760.11 FS. Law Implemented 760.11 FS. History–New 12-14-93.

60Y-10.002 | COVERED ENTITITES AND FACILITIES

The public lodging establishments covered by these rules are those defined in Sections 509.013(4) and 760.02(11), F.S. The public food service establishments covered by these rules are those defined in Sections 509.013(5) and 760.02(11), F.S. All other establishments defined in Section 760.02(11), F.S., are also covered by these rules.

Rulemaking Authority 760.06(12), 760.11 FS. Law Implemented 760.11 FS. History–New 12-14-93, Amended 3-9-04.

60Y-10.003 | WHO MAY FILE A COMPLAINT; CONFIDENTIALITY

(1) Any person aggrieved by a violation of Section 509.092, F.S. (1991), may file a complaint with the Commission within 365 days of the alleged violation. The Commission, a commissioner, or the Attorney General may, in like manner, file such a complaint. A commissioner who files a complaint becomes the complainant and shall not participate in the proceedings upon that complaint as a commissioner. All complaints must be reasonably specific as to the time and date of the alleged violation.

(2) All complaints filed with the Commission and all records and documents in the custody of the Commission which relate to and identify a particular person, including but not limited to, a complainant, owner, license, operator or employee of a public lodging establishment or public food service establishment shall be confidential and shall not be disclosed by the Commission, except to the parties or in the course of a hearing or proceeding under Section 760.11, F.S. (1992 Supp.). Disclosure is authorized to any other agency of the state or any other unit of government of the state that has jurisdiction of the subject matter of the complaint or that has legal authority to investigate the complaint.

Rulemaking Authority 760.06(12), 760.11 FS. Law Implemented 760.11 FS. History—New 12-14-93.

60Y-10.004 | INVESTIGATORY PROCESS

(1) Within five (5) days of a complaint being filed, the Commission shall by registered mail send a copy of the complaint to the establishment that allegedly committed the violation. A copy of Section 760.11, F.S. (1992 Supp.), may also be provided in the mail.

(2) The Commission may likewise provide a copy of the complaint to any other agency of the state, or to an agency of any other unit of government of the state, which has jurisdiction of the subject matter of the complaint or which has legal authority to investigate the complaint.

(3) Within 25 days of the date the complaint was filed, an answer may be filed on behalf of the establishment named for the alleged violation. The absence of an answer, however, shall in no manner delay the investigation of the complaint.

(4) The Executive Director is authorized to refer complaints in accordance with the provisions of Section 760.11(2), F.S. (1992 Supp.).

Rulemaking Authority 760.06(12), 760.11 FS. Law Implemented 760.11 FS. History—New 12-14-93.

60Y-10.005 | RELATIONSHIP OF OTHER RULES

Other rules adopted by the Commission, namely Chapters 60Y-3, 60Y-4 and 60Y-5, F.A.C., shall be the rules governing a proceeding under this chapter to the extent that such other rules do not contradict a specific provision herein.

Rulemaking Authority 760.06(12), 760.11 FS. Law Implemented 760.11 FS. History—New 12-14-93.

APPENDIX

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ORIGINAL SOURCE

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