

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Kottkamp offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. This act shall be known by the popular name the "Dr. Marvin Davies Florida Civil Rights Act."

Section 2. Section 760.021, Florida Statutes, is created to read:

760.021 Enforcement.--

(1) The Attorney General may commence a civil action for damages, injunctive relief, and civil penalties not to exceed \$10,000 per violation, or any other relief that may be appropriate under law if the Attorney General has reasonable cause to believe that:

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27 (a) Any person or group of persons is engaged in a pattern
28 or practice of discrimination as defined by the laws of this
29 state; or

30 (b) Any person or group of persons has been discriminated
31 against as defined by the laws of this state and such
32 discrimination raises an issue of general public interest.

33 (2) The Attorney General may file an action under this
34 section in the circuit court of the county where the complaint
35 arises or in the circuit court for the Second Judicial Circuit
36 in and for Leon County.

37 (3) In any proceeding under this section, the respondent
38 may request, before any responsive pleading is due, that a
39 hearing be held no earlier than 5 days but no more than 30 days
40 after the filing of the complaint at which the court shall
41 determine whether the complaint on its face makes a prima facie
42 showing that a pattern or practice of discrimination exists or
43 that, as a result of discrimination, an issue of great public
44 interest exists.

45 (4) The Attorney General is entitled to an award of
46 reasonable attorney's fees and costs if the Department of Legal
47 Affairs prevails in an action brought under this section.

48 (5) Any damages recovered under this section shall accrue
49 to the injured party.

50 (6) Civil penalties collected under this section accrue to
51 the state and shall be deposited into the General Revenue Fund
52 unallocated.

53 Section 3. Section 16.57, Florida Statutes, is amended to
54 read:

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55 16.57 Office of Civil Rights.--There is created in the
56 Department of Legal Affairs an Office of Civil Rights. The
57 office may investigate and initiate actions authorized by
58 chapter 760 s. 760.51. In investigating violations of
59 constitutional and statutory rights under chapter 760 s. 760.51,
60 the Attorney General may administer oaths and affirmations,
61 subpoena witnesses or matter, and collect evidence.

62 Section 4. Subsection (11) is added to section 760.02,
63 Florida Statutes, to read:

64 760.02 Definitions.--For the purposes of ss. 760.01-760.11
65 and 509.092, the term:

66 (11) "Public accommodations" means places of public
67 accommodation, lodgings, facilities principally engaged in
68 selling food for consumption on the premises, gasoline stations,
69 places of exhibition or entertainment, and other covered
70 establishments. Each of the following establishments which
71 serves the public is a place of public accommodation within the
72 meaning of this section:

73 (a) Any inn, hotel, motel, or other establishment which
74 provides lodging to transient guests, other than an
75 establishment located within a building which contains not more
76 than four rooms for rent or hire and which is actually occupied
77 by the proprietor of such establishment as his or her residence.

78 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
79 soda fountain, or other facility principally engaged in selling
80 food for consumption on the premises, including, but not limited
81 to, any such facility located on the premises of any retail
82 establishment, or any gasoline station.

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83 (c) Any motion picture house, theater, concert hall,
84 sports arena, stadium, or other place of exhibition or
85 entertainment.

86 (d) Any establishment which is physically located within
87 the premises of any establishment otherwise covered by this
88 subsection, or within the premises of which is physically
89 located any such covered establishment, and which holds itself
90 out as serving patrons of such covered establishment.

91 Section 5. Section 760.08, Florida Statutes, is created to
92 read:

93 760.08 Discrimination in places of public accommodation.--
94 All persons shall be entitled to the full and equal enjoyment of
95 the goods, services, facilities, privileges, advantages, and
96 accommodations of any place of public accommodation, as defined
97 in this chapter, without discrimination or segregation on the
98 ground of race, color, national origin, sex, handicap, familial
99 status, or religion.

100 Section 6. This act shall take effect upon becoming a law.

101

102 ===== T I T L E A M E N D M E N T =====

103 Remove the entire title

104

105 and insert:

106 A bill to be entitled
107 An act relating to the Florida Civil Rights Act of 1992;
108 providing that this act shall be known by the popular name
109 the "Dr. Marvin Davies Florida Civil Rights Act"; creating
110 s. 760.021, F.S.; authorizing the Attorney General to
111 commence a civil action to obtain damages or other relief

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112 for a civil rights violation under certain circumstances;
113 providing for damages, injunctive relief, and civil
114 penalties; providing for venue; providing for a hearing to
115 determine a prima facie case; providing for attorney's
116 fees and costs; providing for allocation of damages;
117 providing for a deposit of civil penalties into General
118 Revenue Fund; amending s. 16.57, F.S.; authorizing the
119 Attorney General to investigate violations under ch. 760,
120 F.S.; amending s. 760.02, F.S.; defining "public
121 accommodations"; creating 760.08, F.S.; making unlawful
122 discrimination or segregation in places of public
123 accommodation; providing an effective date.
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