

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

.
.
.

Representative Kottkamp offered the following:

Amendment (with directory and title amendments)

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.--If the Attorney General has reasonable cause to believe that:

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

Amendment No. (for drafter's use only)

26 (2) Any person or group of persons has been discriminated
27 against as defined by the laws of this state and such
28 discrimination raises an issue of general public importance,
29
30 the Attorney General may commence a civil action in any
31 appropriate court for damages, injunctive relief, civil
32 penalties not to exceed \$10,000 per violation, and such other
33 relief as may be appropriate under the circumstances. Any
34 damages recovered under this section shall accrue to the injured
35 person or group of persons. The Attorney General is entitled to
36 an award of reasonable attorney's fees and costs if the
37 Department of Legal Affairs prevails in an action brought under
38 this section.

39 Section 3. Section 16.57, Florida Statutes, is amended to
40 read:

41 16.57 Office of Civil Rights.--There is created in the
42 Department of Legal Affairs an Office of Civil Rights. The
43 office may investigate and initiate actions authorized by
44 chapter 760 s. 760.51. In investigating violations of
45 constitutional and statutory rights under chapter 760 s. 760.51,
46 the Attorney General may administer oaths and affirmations,
47 subpoena witnesses or matter, and collect evidence.

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

50 760.02 Definitions.--For the purposes of ss. 760.01-760.11
51 and 509.092, the term:

52 (11) "Public accommodations" means places of public
53 accommodation, lodgings, facilities principally engaged in
54 selling food for consumption on the premises, gasoline stations,

Amendment No. (for drafter's use only)

55 places of exhibition or entertainment, and other covered
56 establishments. Each of the following establishments which
57 serves the public is a place of public accommodation within the
58 meaning of this section:

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

64 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
65 soda fountain, or other facility principally engaged in selling
66 food for consumption on the premises, including, but not limited
67 to, any such facility located on the premises of any retail
68 establishment, or any gasoline station.

69 (c) Any motion picture house, theater, concert hall,
70 sports arena, stadium, or other place of exhibition or
71 entertainment.

72 (d) Any establishment which is physically located within
73 the premises of any establishment otherwise covered by this
74 subsection, or within the premises of which is physically
75 located any such covered establishment, and which holds itself
76 out as serving patrons of such covered establishment.

77 Section 5. Section 760.08, Florida Statutes, is created to
78 read:

79 760.08 Discrimination in places of public accommodation.--
80 All persons shall be entitled to the full and equal enjoyment of
81 the goods, services, facilities, privileges, advantages, and
82 accommodations of any place of public accommodation, as defined
83 in this chapter, without discrimination or segregation on the

515193

Amendment No. (for drafter's use only)

84 ground of race, color, national origin, sex, handicap, familial
85 status, or religion.

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

87

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

89 Remove the entire title

90

91 and insert:

92 A bill to be entitled

93 An act relating to the Florida Civil Rights Act of 1992;
94 providing that this act shall be known by the popular name
95 the "Dr. Marvin Davies Florida Civil Rights Act"; creating
96 s. 760.021, F.S.; authorizing the Attorney General to
97 commence a civil action to obtain damages or other relief
98 for a civil rights violation under certain circumstances;
99 providing for attorney's fees and costs; amending s.
100 16.57, F.S.; authorizing the Attorney General to
101 investigate violations under ch. 760, F.S.; amending s.
102 760.02, F.S.; defining "public accommodations"; creating
103 760.08, F.S.; making unlawful discrimination or
104 segregation in places of public accommodation; providing
105 an effective date.

106