



CHAMBER ACTION

The Committee on Appropriations recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Florida Civil Rights Act of 1992; creating s. 760.021, F.S.; authorizing the Attorney General to commence a civil action to obtain damages or other relief for a civil rights violation under certain circumstances; providing for attorney's fees and costs; amending s. 16.57, F.S.; authorizing the Attorney General to investigate violations under ch. 760, F.S.; amending s. 760.02, F.S.; changing the threshold for an employer subject to the Florida Civil Rights Act of 1992; defining "public accommodations," "support by state action," and "commerce"; creating 760.08, F.S.; making unlawful discrimination or segregation in places of public accommodation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 760.021, Florida Statutes, is created to read:



HB 0215

2003
CS

29 760.021 Enforcement.--If the Attorney General has
30 reasonable cause to believe that:

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

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

47 Section 2. Section 16.57, Florida Statutes, is amended to
48 read:

49 16.57 Office of Civil Rights.--There is created in the
50 Department of Legal Affairs an Office of Civil Rights. The
51 office may investigate and initiate actions authorized by
52 chapter 760 s. 760.51. In investigating violations of
53 constitutional and statutory rights under chapter 760 s. 760.51,
54 the Attorney General may administer oaths and affirmations,
55 subpoena witnesses or matter, and collect evidence.



56 Section 3. Subsection (7) of section 760.02, Florida
57 Statutes, is amended and subsections (11), (12), and (13) are
58 added to said section, to read:

59 760.02 Definitions.--For the purposes of ss. 760.01-760.11
60 and 509.092, the term:

61 (7) "Employer" means any person employing 10 ~~15~~ or more
62 employees for each working day in each of 20 or more calendar
63 weeks in the current or preceding calendar year, and any agent
64 of such a person.

65 (11) "Public accommodations" means establishments
66 affecting interstate commerce or supported in their activities
67 by state action as places of public accommodation, lodgings,
68 facilities principally engaged in selling food for consumption
69 on the premises, gasoline stations, places of exhibition or
70 entertainment, and other covered establishments. Each of the
71 following establishments which serves the public is a place of
72 public accommodation within the meaning of this section if its
73 operations affect commerce, or if discrimination or segregation
74 by it is supported by state action:

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

80 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
81 soda fountain, or other facility principally engaged in selling
82 food for consumption on the premises, including, but not limited



HB 0215

2003
CS

83 to, any such facility located on the premises of any retail
84 establishment, or any gasoline station.

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

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

93 (12) "Supported by state action" means carried on under
94 color of any law, statute, ordinance, or regulation; or is
95 carried on under color of any custom or usage required or
96 enforced by officials of the state or political subdivision
97 thereof; or is required by action of the state or political
98 subdivision thereof.

99 (13) "Commerce" means travel, trade, traffic,
100 transportation, or communication among the several states, or
101 between the District of Colombia and any state, or between any
102 foreign country and any territory or possession and any state or
103 the District of Colombia, or between points in the same state
104 but through any other state or the District of Columbia or a
105 foreign country.

106 Section 4. Section 760.08, Florida Statutes, is created to
107 read:

108 760.08 Discrimination in places of public accommodation.--

109 (1) All persons shall be entitled to the full and equal
110 enjoyment of the goods, services, facilities, privileges,



HB 0215

2003
CS

111 advantages, and accommodations of any place of public
112 accommodation, as defined in this chapter, without
113 discrimination or segregation on the ground of race, color,
114 national origin, sex, handicap, familial status, or religion.

115 (2) The operations of an establishment affect commerce
116 within the meaning of this section if it is one of the
117 establishments described in s. 760.02(11)(a); in the case of an
118 establishment described in s. 760.02(11)(b), it serves or offers
119 to serve interstate travelers of a substantial portion of the
120 food which it serves, or gasoline or other products which it
121 sells, has moved in commerce; in the case of an establishment
122 described in s. 760.02(11)(c), it customarily presents films,
123 performances, athletic teams, exhibitions, or other sources of
124 entertainment which move in commerce; and in the case of an
125 establishment described in s. 760.02(11)(d), it is physically
126 located within the premises of, or there is physically located
127 within its premises, an establishment the operations of which
128 affect commerce within the meaning of this subsection.

129 Section 5. This act shall take effect upon becoming a law.
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