



HB 0123A

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A bill to be entitled  
 An act relating to the Florida Civil Rights Act of 1992;  
 providing that this act shall be known by the popular name  
 the "Dr. Marvin Davies Florida Civil Rights Act"; 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.; defining "public accommodations"; creating  
 760.08, F.S.; making unlawful discrimination or  
 segregation in places of public accommodation; providing  
 for construction of the act in pari materia with laws  
 enacted during the 2003 Regular Session of the  
 Legislature; providing an effective date.

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

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

(2) Any person or group of persons has been discriminated against as defined by the laws of this state and such



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

42 Section 3. Section 16.57, Florida Statutes, is amended to  
43 read:

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

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

53 760.02 Definitions.--For the purposes of ss. 760.01-760.11  
54 and 509.092, the term:

55 (11) "Public accommodations" means places of public  
56 accommodation, lodgings, facilities principally engaged in  
57 selling food for consumption on the premises, gasoline stations,  
58 places of exhibition or entertainment, and other covered  
59 establishments. Each of the following establishments which  
60 serves the public is a place of public accommodation within the



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61 meaning of this section:

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

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

72 (c) Any motion picture house, theater, concert hall,  
73 sports arena, stadium, or other place of exhibition or  
74 entertainment.

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

80 Section 5. Section 760.08, Florida Statutes, is created to  
81 read:

82 760.08 Discrimination in places of public accommodation.--  
83 All persons shall be entitled to the full and equal enjoyment of  
84 the goods, services, facilities, privileges, advantages, and  
85 accommodations of any place of public accommodation, as defined  
86 in this chapter, without discrimination or segregation on the  
87 ground of race, color, national origin, sex, handicap, familial  
88 status, or religion.

89 Section 6. If any law amended by this act was also amended  
90 by a law enacted at the 2003 Regular Session of the Legislature,



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91 such laws shall be construed as if they had been enacted at the  
92 same session of the Legislature, and full effect shall be given  
93 to each if possible.

94 Section 7. This act shall take effect upon becoming a law.

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