

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representatives Gannon and Rich 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, civil penalties not to exceed \$10,000 per violation, and such other relief as may be appropriate under the laws of this state if the Attorney General has reasonable cause to believe that any person or group:

(a) Has engaged in a pattern or practice of discrimination as defined by the laws of this state; or

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27 (b) Has been discriminated against as defined by the laws
28 of this state and such discrimination raises an issue of great
29 public interest.

30 (2) The Attorney General may file an action under this
31 section in the circuit court of the county where the cause of
32 action arises or in the circuit court of the Second Judicial
33 Circuit, in and for Leon County.

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

42 (4) The prevailing party in an action brought under this
43 section is entitled to an award of reasonable attorney's fees
44 and costs.

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

47 Section 3. 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.

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

58 760.02 Definitions.--For the purposes of ss. 760.01-760.11
59 and 509.092, the term:

60 (11) "Public accommodations" means places of public
61 accommodation, lodgings, facilities principally engaged in
62 selling food for consumption on the premises, gasoline stations,
63 places of exhibition or entertainment, and other covered
64 establishments. Each of the following establishments which
65 serves the public is a place of public accommodation within the
66 meaning of this section:

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

72 (b) Any restaurant, cafeteria, lunchroom, lunch counter,
73 soda fountain, or other facility principally engaged in selling
74 food for consumption on the premises, including, but not limited
75 to, any such facility located on the premises of any retail
76 establishment, or any gasoline station.

77 (c) Any motion picture house, theater, concert hall,
78 sports arena, stadium, or other place of exhibition or
79 entertainment.

80 (d) Any establishment which is physically located within
81 the premises of any establishment otherwise covered by this
82 subsection, or within the premises of which is physically
83 located any such covered establishment, and which holds itself
84 out as serving patrons of such covered establishment.

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85 Section 5. Section 760.08, Florida Statutes, is created to
86 read:

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

94 Section 6. Subsection (2) of section 110.105, Florida
95 Statutes, is amended to read:

96 110.105 Employment policy of the state.--

97 (2) All appointments, terminations, assignments and
98 maintenance of status, compensation, privileges, and other terms
99 and conditions of employment in state government shall be made
100 without regard to age, sex, pregnancy status, as defined in s.
101 760.10, race, religion, national origin, political affiliation,
102 marital status, or handicap, except when a specific sex, age, or
103 physical requirement constitutes a bona fide occupational
104 qualification necessary to proper and efficient administration.

105 Section 7. Subsection (1) of section 110.233, Florida
106 Statutes, is amended to read:

107 110.233 Political activities and unlawful acts
108 prohibited.--

109 (1) No person shall be appointed to, demoted, or dismissed
110 from any position in the career service, or in any way favored
111 or discriminated against with respect to employment in the
112 career service, because of race, color, national origin, sex,

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113 pregnancy status, as defined in s. 760.10, handicap, religious
114 creed, or political opinion or affiliation.

115 Section 8. Subsection (1) of section 112.042, Florida
116 Statutes, is amended to read:

117 112.042 Discrimination in county and municipal employment;
118 relief.--

119 (1) It is against the public policy of this state for the
120 governing body of any county or municipal agency, board,
121 commission, department, or office, solely because of the race,
122 color, national origin, sex, pregnancy status, as defined in s.
123 760.10, handicap, or religious creed of any individual, to
124 refuse to hire or employ, to bar, or to discharge from
125 employment such individuals or to otherwise discriminate against
126 such individuals with respect to compensation, hire, tenure,
127 terms, conditions, or privileges of employment, if the
128 individual is the most competent and able to perform the
129 services required.

130 Section 9. Subsection (10) of section 760.10, Florida
131 Statutes, is renumbered as subsection (11), and a new subsection
132 (10) is added to said section to read:

133 760.10 Unlawful employment practices.--

134 (10) As used in this section, the terms "because of sex"
135 and "on the basis of sex" include because or on the basis of
136 pregnancy status. Pregnancy status does not require an employer
137 to pay for health insurance benefits for abortion, except where
138 the life of the mother would be endangered if the fetus were
139 carried to term or except where medical complications have
140 arisen from an abortion.

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141 Section 10. If any law amended by this act was also
142 amended by a law enacted at the 2003 Regular Session of the
143 Legislature, such laws shall be construed as if they had been
144 enacted at the same session of the Legislature, and full effect
145 shall be given to each if possible.

146 Section 11. This act shall take effect upon becoming a
147 law.

148
149 ===== T I T L E A M E N D M E N T =====

150 Remove the entire title, and insert:

151 A bill to be entitled
152 An act relating to the Florida Civil Rights Act of 1992;
153 providing that this act shall be known by the popular name the
154 "Dr. Marvin Davies Florida Civil Rights Act"; creating s.
155 760.021, F.S.; authorizing the Attorney General to commence
156 against a person or group perpetuating discriminatory practices;
157 providing for damages, injunctive relief, and civil penalties;
158 providing for venue; providing for a hearing to determine a
159 prima facie case; providing for attorney's fees and costs;
160 amending s. 16.57, F.S.; authorizing the Attorney General to
161 investigate violations under ch. 760, F.S.; amending s. 760.02,
162 F.S.; defining "public accommodations"; creating s. 760.08,
163 F.S.; making unlawful discrimination or segregation in places of
164 public accommodation; amending ss. 110.105, 110.233, 112.042,
165 and 760.10, F.S.; revising provisions relating to state
166 employment policy, career service appointments, county and
167 municipal employment, and unlawful employment practices to
168 provide that discrimination on the basis of sex includes
169 discrimination on the basis of pregnancy, childbirth, or related

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170 medical conditions; providing a limitation with respect to
171 employer health insurance benefits; providing for construction
172 of the act in pari materia with laws enacted during the 2003
173 Regular Session of the Legislature; providing an effective date.