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1 A bill to be entitled

2 An act relating to the Florida Civil Rights Act of 1992;  
3 providing that this act shall be known by the popular name  
4 the "Dr. Marvin Davies Florida Civil Rights Act"; creating  
5 s. 760.021, F.S.; authorizing the Attorney General to  
6 commence against a person or group perpetuating  
7 discriminatory practices; providing for damages,  
8 injunctive relief, and civil penalties; providing for  
9 venue; providing for a hearing to determine a prima facie  
10 case; providing for attorney's fees and costs; amending s.  
11 16.57, F.S.; authorizing the Attorney General to  
12 investigate violations under ch. 760, F.S.; amending s.  
13 760.02, F.S.; defining "public accommodations"; creating  
14 760.08, F.S.; making unlawful discrimination or  
15 segregation in places of public accommodation; providing  
16 for construction of the act in pari materia with laws  
17 enacted during the 2003 Regular Session of the  
18 Legislature; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. This act shall be known by the popular name the  
23 "Dr. Marvin Davies Florida Civil Rights Act."

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

26 760.021 Enforcement.--

27 (1) The Attorney General may commence a civil action for  
28 damages, injunctive relief, civil penalties not to exceed  
29 \$10,000 per violation, and such other relief as may be  
30 appropriate under the laws of this state if the Attorney General



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31 has reasonable cause to believe that any person or group:

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

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

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

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

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

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

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

56 16.57 Office of Civil Rights.--There is created in the  
 57 Department of Legal Affairs an Office of Civil Rights. The  
 58 office may investigate and initiate actions authorized by  
 59 chapter 760 s. 760.51. In investigating violations of  
 60 constitutional and statutory rights under chapter 760 s. 760.51,



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61 the Attorney General may administer oaths and affirmations,  
62 subpoena witnesses or matter, and collect evidence.

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

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

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

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

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

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

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



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91 out as serving patrons of such covered establishment.

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

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

101 Section 6. If any law amended by this act was also amended  
102 by a law enacted at the 2003 Regular Session of the Legislature,  
103 such laws shall be construed as if they had been enacted at the  
104 same session of the Legislature, and full effect shall be given  
105 to each if possible.

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