

By Senators Villalobos, Smith, Miller and Diaz de la Portilla

38-2625-03

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

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. This act may be cited as the "Dr. Marvin
 26 Davies Florida Civil Rights Act."

27 Section 2. Section 760.021, Florida Statutes, is
 28 created to read:

29 760.021 Enforcement.--

30 (1) The Attorney General may commence a civil action
 31 for damages, injunctive relief, civil penalties not to exceed

1 \$10,000 per violation, or any other relief that may be
2 appropriate under law if the Attorney General has reasonable
3 cause to believe that any person or group:
4 (a) Has engaged in a pattern or practice of
5 discrimination as defined by state law; or
6 (b) Has been discriminated against as defined by state
7 law and such discrimination raises an issue of great public
8 interest.
9 (2) The Attorney General may file an action under this
10 section in the circuit court of the county where the cause of
11 action arises or in the circuit court for the Second Judicial
12 Circuit in and for Leon County.
13 (3) In any proceeding under this section, the
14 respondent may request, before any responsive pleading is due,
15 that a hearing be held no earlier than 5 days but no more than
16 30 days after the filing of the complaint, at which the court
17 shall determine whether the complaint on its face, makes a
18 prima facie showing that a pattern or practice of
19 discrimination exists or that, as a result of discrimination,
20 an issue of general public importance exists.
21 (4) The prevailing party in an action brought under
22 this section is entitled to an award of reasonable attorney's
23 fees and costs.
24 (5) Any damages recovered under this section shall
25 accrue to the injured party.
26 Section 3. Section 16.57, Florida Statutes, is amended
27 to read:
28 16.57 Office of Civil Rights.--There is created in the
29 Department of Legal Affairs an Office of Civil Rights. The
30 office may investigate and initiate actions authorized by
31 chapter 760 ~~s. 760.51~~. In investigating violations of

1 constitutional and statutory rights under chapter 760 ~~s-~~
2 ~~760.51~~, the Attorney General may administer oaths and
3 affirmations, subpoena witnesses or matter, and collect
4 evidence.

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

7 760.02 Definitions.--For the purposes of ss.
8 760.01-760.11 and 509.092, the term:

9 (11) "Public accommodations" means places of public
10 accommodation, lodgings, facilities principally engaged in
11 selling food for consumption on the premises, gasoline
12 stations, places of exhibition or entertainment, and other
13 covered establishments. Each of the following establishments
14 that serves the public is a place of public accommodation
15 within the meaning of this section:

16 (a) Any inn, hotel, motel, or other establishment that
17 provides lodging to transient guests, other than an
18 establishment located within a building that contains not more
19 than four rooms for rent or hire and that is actually occupied
20 by the proprietor of such establishment as his or her
21 residence.

22 (b) Any restaurant, cafeteria, lunchroom, lunch
23 counter, soda fountain, or other facility principally engaged
24 in selling food for consumption on the premises, including,
25 but not limited to, any such facility located on the premises
26 of any retail establishment, or any gasoline station.

27 (c) Any motion picture house, theater, concert hall,
28 sports arena, stadium, or other place of exhibition or
29 entertainment.

30 (d) Any establishment that is physically located
31 within the premises of any establishment otherwise covered by

1 this subsection, or within the premises of which is physically
2 located any such covered establishment, and that holds itself
3 out as serving patrons of such covered establishment.

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

6 760.08 Discrimination in places of public
7 accommodation.--All persons shall be entitled to the full and
8 equal enjoyment of the goods, services, facilities,
9 privileges, advantages, and accommodations of any place of
10 public accommodation, as defined in this chapter, without
11 discrimination or segregation on the ground of race, color,
12 national origin, gender, handicap, familial status, or
13 religion.

14 Section 6. If any law amended by this act was also
15 amended by a law enacted at the 2003 Regular Session of the
16 Legislature, such laws shall be construed as if they had been
17 enacted during the same session of the Legislature, and full
18 effect shall be given to each if possible.

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

21
22 *****

23 SENATE SUMMARY

24 Creates the "Dr. Marvin Davies Florida Civil Rights Act."
25 Authorizes the Attorney General to commence a civil
26 action against a person or group perpetuating
27 discriminatory practices. Provides for damages,
28 injunctive relief, and civil penalties. Defines the term
29 "public accommodations." (See bill for details.)
30
31