

House Bill No. 143-A

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 against a person or group perpetuating discriminatory practices; providing for damages, injunctive relief, and civil penalties; providing for venue; providing for a hearing to determine a prima facie case; 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.—

(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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 18, 2003.

Filed in Office Secretary of State June 18, 2003.