

By the Committee on Judiciary and Senators Meek and Campbell

308-1828-01

1 A bill to be entitled
2 An act relating to discrimination in the
3 treatment of persons; amending s. 16.57, F.S.;
4 providing for the Attorney General to
5 investigate violations of rights secured by
6 state law; amending s. 760.34, F.S.;
7 authorizing the Attorney General to intervene
8 in certain civil actions to enforce compliance
9 with part II of ch. 760, F.S.; authorizing the
10 Attorney General to commence a civil action to
11 obtain damages or other relief for a violation
12 of rights secured by the State Constitution or
13 state law; providing for a civil penalty;
14 providing for attorney's fees and costs;
15 amending s. 760.11, F.S.; authorizing the
16 Attorney General to intervene in certain civil
17 actions to enforce compliance with part I of
18 ch. 760, F.S.; authorizing the Attorney General
19 to commence a civil action to obtain damages or
20 other relief for a violation of rights secured
21 by the State Constitution or state law;
22 providing for a civil penalty; providing for
23 attorney's fees and costs; providing an
24 effective date.

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

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28 Section 1. Section 16.57, Florida Statutes, is amended
29 to read:

30 16.57 Office of Civil Rights.--There is created in the
31 Department of Legal Affairs an Office of Civil Rights. The

1 office may investigate and initiate actions authorized by s.
2 760.51. In investigating violations of constitutional rights
3 or rights secured by the laws of this state under s. 760.51,
4 the Attorney General may administer oaths and affirmations,
5 subpoena witnesses or matter, and collect evidence.

6 Section 2. Subsections (16) and (17) are added to
7 section 760.11, Florida Statutes, to read:

8 760.11 Administrative and civil remedies;
9 construction.--

10 (16) Upon timely application, the Attorney General may
11 intervene in a civil action by a private person, the
12 commission, or any local agency to enforce compliance with
13 this part if the Attorney General certifies that the case is
14 of general public importance. Upon such intervention, the
15 Attorney General may obtain any relief that is available to
16 the Attorney General under subsection (17) in a civil action
17 to which that subsection applies.

18 (17) If the Attorney General has reasonable cause to
19 believe that any person or group of persons is engaged in a
20 pattern or practice of resistance to the full enjoyment of any
21 of the rights secured by the State Constitution or the laws of
22 this state, that any person or group of persons has been
23 denied any of the rights secured by the State Constitution or
24 the laws of this state, or that any person or group of persons
25 has otherwise attempted to interfere with those rights, and if
26 such denial or attempted interference raises an issue of
27 general public importance, the Attorney General may commence a
28 civil action in any appropriate state or federal court. In a
29 civil action brought by the Attorney General, the court may
30 award damages or injunctive or other appropriate relief for
31 violations of the rights secured by the State Constitution or

1 the laws of this state and may impose a civil penalty of not
2 more than \$10,000 for each violation. The Attorney General is
3 entitled to reasonable attorney's fees and costs if the
4 Department of Legal Affairs prevails in an action brought
5 under this subsection.

6 Section 3. Subsections (9) and (10) are added to
7 section 760.34, Florida Statutes, to read:

8 760.34 Enforcement.--

9 (9) Upon timely application, the Attorney General may
10 intervene in a civil action by a private person, the
11 commission, or any local agency to enforce compliance with
12 this part if the Attorney General certifies that the case is
13 of general public importance. Upon such intervention the
14 Attorney General may obtain any relief that is available to
15 the Attorney General under subsection (10) in a civil action
16 to which that subsection applies.

17 (10) If the Attorney General has reasonable cause to
18 believe that any person or group of persons is engaged in a
19 pattern or practice of resistance to the full enjoyment of any
20 of the rights secured by the State Constitution or the laws of
21 this state, that any person or group of persons has been
22 denied any of the rights secured by the State Constitution or
23 the laws of this state, or that any person or group of persons
24 has otherwise attempted to interfere with those rights, and
25 such denial or attempted interference raises an issue of
26 general public importance, the Attorney General may commence a
27 civil action in any appropriate state or federal court. In a
28 civil action brought by the Attorney General, the court may
29 award damages or injunctive or other appropriate relief for
30 violations of the rights secured by the State Constitution or
31 the laws of this state and may impose a civil penalty of not

1 more than \$10,000 for each violation. The Attorney General is
2 entitled to reasonable attorney's fees and costs if the
3 Department of Legal Affairs prevails in an action brought
4 under this subsection.

5 Section 4. This act shall take effect July 1, 2001.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 620

4 Removes from the bill the definitions of the terms "Place of
5 public accommodation" and "Undue burden", which were being
6 added to s. 706.02, F.S., the definition section of the
7 Florida Civil Rights Act of 1992.

8 Removes the provisions from the bill which would have expanded
9 the scope of the Florida Civil Rights Act of 1992 to include
10 unlawful discriminatory practices against disabled individuals
11 by places of public accommodation.

12 Modifies the changes to s. 760.11, F.S., which is the
13 administrative and civil remedies section of the Florida Civil
14 Rights Act of 1992, to clarify that the Attorney General may
15 intervene, upon certification that a case is of general public
16 importance, in a civil action brought by an individual under
17 the Florida Civil Rights Act of 1992. Also provides the
18 Attorney General with authority to commence a civil action
19 under the Florida Civil Rights Act of 1992 and seek damages,
20 injunctive relief, civil penalties of no more than \$10,000 for
21 each violation of the act, attorney's fees and costs.

22 Modifies the changes to s. 760.34, F.S., which is the
23 enforcement section of the Fair Housing Act, to clarify that
24 the Attorney General may intervene, upon certification that a
25 case is of general public importance, in a civil action
26 brought by an individual under the Fair Housing Act. Also
27 provides the Attorney General with authority to commence a
28 civil action under the Fair Housing Act and seek damages,
29 injunctive relief, civil penalties of no more than \$10,000 for
30 each violation of the act, attorney's fees and costs.

31 Removes the provisions from the bill which would have given
the Attorney General express authority to investigate private
clubs accused of discriminatory practices under s. 760.60,
F.S. The provisions allowing for the recovery of actual and
punitive damages, as well as attorney's fees and costs, were
also removed. Likewise, the provisions allowing the
commencement of an administrative proceeding under chapter
120, F.S., were removed.

Removes the provisions from the bill which would have amended
s. 760.80, F.S., pertaining to minority representation on
boards, commissions, councils, and committees.

Removes the provisions from the bill which would have amended
s. 413.08, F.S., pertaining to rights of physically disabled
persons who use guide dogs.