



951756

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Commerce and Tourism (Thompson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 60 - 136
and insert:

(6) Any administrative hearing brought pursuant to paragraph (4)(b) shall be conducted under ss. 120.569 and 120.57. The commission may hear the case provided that the final order is issued by members of the commission who did not conduct the hearing or the commission may request that it be heard by an administrative law judge pursuant to s. 120.569(2)(a). If the commission elects to hear the case, it may be heard by a commissioner. If the commissioner, after the hearing, finds that



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13 a violation of the Florida Civil Rights Act of 1992 has
14 occurred, the commissioner shall issue an appropriate proposed
15 order in accordance with chapter 120 prohibiting the
16 discriminatory practice and providing affirmative relief from
17 the effects of the practice, including back pay. If the
18 administrative law judge, after the hearing, finds that a
19 violation of the Florida Civil Rights Act of 1992 has occurred,
20 the administrative law judge shall issue an appropriate
21 recommended order in accordance with chapter 120 prohibiting the
22 discriminatory practice and providing affirmative relief from
23 the effects of the practice, including back pay. Within 90 days
24 after ~~of~~ the date the recommended or proposed order is rendered,
25 the commission shall issue a final order by adopting, rejecting,
26 or modifying the recommended order as provided under ss. 120.569
27 and 120.57. The 90-day period may be extended with the consent
28 of all the parties. An administrative hearing pursuant to
29 paragraph (4) (b) may ~~must~~ be requested no later than 35 days
30 after the date of determination of reasonable cause by the
31 commission. In any action or proceeding under this subsection,
32 the commission, in its discretion, may allow the prevailing
33 party a reasonable attorney ~~attorney's~~ fee as part of the costs.
34 Attorney ~~It is the intent of the Legislature that this provision~~
35 ~~for attorney's fees~~ must be calculated ~~interpreted~~ in a manner
36 consistent with federal case law involving a Title VII action.

37 (7) If the commission determines that there is not
38 reasonable cause to believe that a violation of the Florida
39 Civil Rights Act of 1992 has occurred, the commission shall
40 dismiss the complaint. The aggrieved person may request an
41 administrative hearing under ss. 120.569 and 120.57, but any



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42 such request must be made within 35 days after ~~of~~ the date of
43 determination of reasonable cause and any such hearing shall be
44 heard by an administrative law judge and not by the commission
45 or a commissioner. If the aggrieved person does not request an
46 administrative hearing within the 35 days, the claim will be
47 barred. If the administrative law judge finds that a violation
48 of the Florida Civil Rights Act of 1992 has occurred, he or she
49 shall issue an appropriate recommended order to the commission
50 prohibiting the discriminatory practice and recommending
51 affirmative relief from the effects of the practice, including
52 back pay. Within 90 days after ~~of~~ the date the recommended order
53 is rendered, the commission shall issue a final order by
54 adopting, rejecting, or modifying the recommended order as
55 provided under ss. 120.569 and 120.57. The 90-day period may be
56 extended with the consent of all the parties. In any action or
57 proceeding under this subsection, the commission, in its
58 discretion, may allow the prevailing party a reasonable attorney
59 ~~attorney's~~ fee as part of the costs. Attorney ~~It is the intent~~
60 ~~of the Legislature that this provision for attorney's fees must~~
61 be calculated ~~interpreted~~ in a manner consistent with federal
62 case law involving a Title VII action. In the event the final
63 order issued by the commission determines that a violation of
64 the Florida Civil Rights Act of 1992 has occurred, the aggrieved
65 person may bring, within 1 year after ~~of~~ the date of the final
66 order, a civil action under subsection (5) as if there has been
67 a reasonable cause determination or accept the affirmative
68 relief offered by the commission, but not both.

69 ===== T I T L E A M E N D M E N T =====

70 And the title is amended as follows:



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71 Delete lines 18 - 21
72 and insert:
73 providing that attorney fees be calculated