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Bill No. CS/HB 1111

Amendment No. (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

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Representative(s) Roberts offered the following:

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Amendment (with title amendment)

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On page 9, between lines 28 & 29 of the bill

14

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insert:

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Section 6. Section 16.57, Florida Statutes, is amended to read:

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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 s. 760.51. In investigating violations of ~~constitutional rights~~ ~~under~~ s. 760.51, the Attorney General may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.

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

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760.34 Enforcement.--

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(9) Upon timely application, the Attorney General may intervene in a civil enforcement action by a private person, the commission, or any local agency certified as substantially

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1 equivalent, if the Attorney General certifies that the case is
2 of general public importance. Upon such intervention, the
3 Attorney General may obtain such relief as would be available
4 to the Attorney General under subsection (10) in a civil
5 action to which that section applies.

6 (10) Whenever the Attorney General has reasonable
7 cause to believe that any person or group of persons is
8 engaged in a pattern or practice of resistance to the full
9 enjoyment of any of the rights secured by the State
10 Constitution or the laws of this state, that any person or
11 group of persons has been denied any of the rights secured by
12 the State Constitution or the laws of this state, or that any
13 person or group of persons has otherwise attempted to
14 interfere with those rights, and such denial or attempted
15 interference raises an issue of general public importance, the
16 Attorney General may investigate such violations of rights by
17 administering oaths and affirmations, subpoenaing witnesses or
18 matter, and collecting evidence and may commence a civil
19 action in any appropriate state or federal court. In a civil
20 action brought by the Attorney General, the court may award
21 damages or injunctive or other appropriate relief for
22 violations of the rights secured and a civil penalty of not
23 more than \$10,000 for each violation. The Attorney General is
24 entitled to an award of reasonable attorney's fees and costs
25 if the Department of Legal Affairs prevails in an action
26 brought under this section.

27 Section 8. Subsection (1) of section 760.51, Florida
28 Statutes, is amended to read:

29 760.51 Violations of constitutional rights, civil
30 action by the Attorney General; civil penalty.--

31 (1) Whenever any person, whether or not acting under

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1 color of law, coerces, intimidates, threatens, or interferes
 2 in any manner with or attempts to coerce, intimidate,
 3 threaten, or interfere in any manner ~~interferes by threats,~~
 4 ~~intimidation, or coercion, or attempts to interfere by~~
 5 ~~threats, intimidation, or coercion,~~with the exercise or
 6 enjoyment by any other person of rights secured by the State
 7 Constitution or laws of this state, the Attorney General may
 8 bring a civil or administrative action for damages, and for
 9 injunctive or other appropriate relief for violations of the
 10 rights secured. Any damages recovered under this section
 11 shall accrue to the injured person. The civil action shall be
 12 brought in the name of the state and may be brought on behalf
 13 of the injured person. The Attorney General is entitled to an
 14 award of reasonable attorney's fees and costs if the
 15 Department of Legal Affairs prevails in an action brought
 16 under this section.

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

20 And the title is amended as follows:

21 On page 1, line 28

22

23 after the semicolon insert:

24 amending s. 16.57, F.S.; revising provisions
 25 relating to investigations of violations of s.
 26 760.51, F.S., by the Office of Civil Rights;
 27 amending s. 760.34, F.S.; authorizing
 28 intervention by the Attorney General in civil
 29 enforcement actions under certain
 30 circumstances; authorizing the Attorney General
 31 to investigate violations of rights and to

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commence a civil action under certain
circumstances; providing for the award of
damages or relief; providing a civil penalty;
providing for attorney's fees and costs;
amending s. 760.51, F.S.; revising language
relating to violations of constitutional
rights;