

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 67-82 and insert:

5 760.07 Remedies for unlawful discrimination; deprivation  
6 of rights, privileges, or immunities under color of law.-

7 (1) Any violation of any Florida statute making unlawful  
8 discrimination because of race, color, religion, gender,  
9 pregnancy, national origin, age, handicap, or marital status in  
10 the areas of education, employment, housing, or public  
11 accommodations gives rise to a cause of action for all relief  
12 and damages described in s. 760.11(5), unless greater damages  
13 are expressly provided for. If the statute prohibiting unlawful  
14 discrimination provides an administrative remedy, the action for

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15 equitable relief and damages provided for in this section may be  
 16 initiated only after the plaintiff has exhausted his or her  
 17 administrative remedy. The term "public accommodations" does not  
 18 include lodge halls or other similar facilities of private  
 19 organizations which are made available for public use  
 20 occasionally or periodically. The right to trial by jury is  
 21 preserved in any case in which the plaintiff is seeking actual  
 22 or punitive damages.

23 (2) Every person who, under color of any statute,  
 24 ordinance, regulation, custom, or usage of any agency of  
 25 government within this state, subjects or causes to be  
 26 subjected, any citizen of the United States or other person  
 27 within the jurisdiction thereof to the deprivation of any  
 28 rights, privileges, or immunities secured by the Constitution of  
 29 the United States or the Constitution of the State of Florida,  
 30 shall be liable to the party injured in any action at law, suit  
 31 in equity, or other proper proceeding for redress, except that  
 32 in any action brought against a judicial officer for an act of  
 33 omission taken in such officer's judicial capacity, injunctive  
 34 relief shall not be granted unless a declaratory decree was  
 35 violated or declaratory relief was unavailable.

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**T I T L E   A M E N D M E N T**

Remove line 11 and insert:

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40 basis of pregnancy; providing a remedy for deprivation  
41 of certain rights, privileges, or immunities under  
42 color of law; amending s. 760.08, F.S.;

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