

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Metz offered the following:

Amendment

Remove lines 208-235 and insert:

6 (1) The state attorney for the county in which a state
7 entity is headquartered, or in which a local governmental entity
8 or law enforcement agency is located, shall have primary
9 responsibility and authority for investigating credible reports
10 of any violation of this chapter. The results of any
11 investigation by a state attorney shall be provided to the
12 Attorney General in a timely manner.

13 (2) The Attorney General, the state attorney that
14 conducted the investigation, or a state attorney ordered by the
15 Governor pursuant to s. 27.14, may institute proceedings in
16 circuit court to enjoin a state entity, local governmental
17 entity, or law enforcement agency found to be in violation of

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18 this chapter. The court shall expedite an action under this
19 section, including setting a hearing at the earliest practicable
20 date.

21 (3) Upon adjudication by the court or as provided in a
22 consent decree declaring that a state entity, local governmental
23 entity, or law enforcement agency has violated this chapter, the
24 court shall enjoin the unlawful policy or practice and order
25 that such entity or agency pay a civil penalty to the state of
26 at least \$1,000 but not more than \$5,000 for each day that the
27 policy or practice was in effect before the injunction was
28 granted. The court shall have continuing jurisdiction over the
29 parties and subject matter and may enforce its orders with
30 imposition of additional civil penalties as provided for in this
31 section and contempt proceedings as provided by law.

32 (4) A state entity, local governmental entity, or law
33 enforcement agency ordered to pay a civil penalty pursuant to
34 subsection (3) shall remit payment to the Chief Financial
35 Officer. The Chief Financial Officer shall deposit such payments
36 into the General Revenue Fund.

37 (5) The court may award court costs and reasonable
38 attorney fees to the prevailing party in an action brought
39 pursuant to this section.

40 (6) Except as required by applicable law, public funds may