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1 A bill to be entitled 2 An act relating to civil actions for deprivation of 3 rights, privileges, or immunities; creating s. 760.52, 4 F.S.; providing a cause of action for the deprivation 5 of certain rights, privileges, or immunities under the 6 State Constitution; prohibiting injunctive relief 7 under certain circumstances; providing that the 8 plaintiff is considered the prevailing party under 9 certain circumstances; providing for damages and reasonable attorney fees and costs, including expert 10 11 witness fees and contingency fees; providing that interest accrues on a judgement beginning on a certain 12 13 date; providing a waiver of sovereign immunity under 14 certain circumstances; providing an effective date. 15 16 Be It Enacted by the Legislature of the State of Florida: 17 18 Section 1. Section 760.52, Florida Statutes, is created to 19 read: 20 760.52 Civil action for deprivation of rights, privileges, 21 or immunities.-22 (1) It is unlawful for a person to, under color of law, 23 including under any statute, ordinance, regulation, measure, 24 directive, rule, enactment, order, or policy, whether written or

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CODING: Words stricken are deletions; words underlined are additions.

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unwritten:

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(a) Promulgate or cause to be enforced any statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy, whether written or unwritten, that deprives any resident of the state or other person within the jurisdiction thereof of any rights, privileges, or immunities secured by the State Constitution; or

- (b) Otherwise cause any resident of the state or other person within the jurisdiction thereof to be subjected to the deprivation of any rights, privileges, or immunities secured by the State Constitution.
- A person who violates this subsection is liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress. However, injunctive relief may not be granted in an action brought against a judicial officer for an act or omission taken in such officer's judicial capacity unless a declaratory decree is violated or declaratory relief is unavailable.
- (2) If a defendant substantially modifies or repeals a statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy, whether written or unwritten, with or without court action, after a complaint has been filed alleging a violation of this section based on such statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy, the plaintiff is considered the prevailing

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- (3) In an action or proceeding brought under this section:
- (a) The court may award a prevailing plaintiff any or all of the following, as appropriate:
  - 1. Compensatory damages.
  - 2. Nominal damages.
  - 3. Punitive damages.
- (b) The court shall award a prevailing plaintiff reasonable attorney fees and costs, which may include a contingency fee multiplier as authorized by law, and expert witness fees.
- (4) Interest on the sums awarded by the court begins on the date the plaintiff filed the complaint with the clerk of court and accrues at the legal rate set forth in s. 55.03.
- (5) In accordance with s. 13, Art. X of the State

  Constitution, the state, for itself and for its agencies or

  political subdivisions, waives sovereign immunity for causes of

  action brought under this section, but only to the extent

  specified herein.
- Section 2. This act shall take effect July 1, 2022.