

By the Committee on Judiciary and Representatives Logan, Press, Bucke

A bill to be entitled

An act relating to civil rights; amending s. 760.01, F.S.; renaming the Human Rights Act of 1977 as the Florida Civil Rights Act of 1992; including provisions concerning public lodging establishments and public food service establishments in the act; amending s. 760.02, F.S.; providing definitions; amending s. 760.03, F.S.; revising language with respect to the executive director of the Florida Commission on Human Relations; amending s. 760.04, F.S.; providing for the assignment of the commission to the Executive Office of the Governor; amending s. 760.06, F.S.; revising language with respect to the powers of the commission; amending s. 760.10, F.S.; eliminating language with respect to remedies and construction concerning unlawful employment practices; providing for the application of the section to certain religious corporations, associations, educational institutions, or societies; creating s. 760.11, F.S.; providing for administrative and civil remedies; providing for construction; amending s. 760.36, F.S.; revising language with respect to conciliation agreements to conform to the act; providing for application; amending s. 509.092, F.S.; revising language with respect to public lodging establishments and public food service establishments; providing for a right of action

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1 for civil rights violations; providing for
2 severability; providing effective dates.
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4 Be It Enacted by the Legislature of the State of Florida:
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6 Section 1. Section 760.01, Florida Statutes, is
7 amended to read:
8 760.01 Purposes; construction; title.--
9 (1) Sections 760.01-760.11, and ~~509.092~~ 760:10 shall
10 be cited as the "Florida Civil Human Rights Act of 1992 1977."
11 (2) The general purposes of the Florida Civil Rights
12 Act of 1992 ~~ss.--768-81-768:10~~ are to secure for all
13 individuals within the state freedom from discrimination
14 because of race, color, religion, sex, national origin, age,
15 handicap, or marital status and thereby to protect their
16 interest in personal dignity, to make available to the state
17 their full productive capacities, to secure the state against
18 domestic strife and unrest, to preserve the public safety,
19 health, and general welfare, and to promote the interests,
20 rights, and privileges of individuals within the state.
21 (3) The Florida Civil Rights Act of 1992 Sections
22 ~~760:01-760:10~~ shall be construed according to the fair import
23 of its terms and shall be liberally construed to further the
24 general purposes stated in this section and the special
25 purposes of the particular provision involved.
26 Section 2. Section 760.02, Florida Statutes, is
27 amended to read:
28 760.02 Definitions.--For the purposes of ss. 760.01-
29 ~~760.11, and 509.092~~ 760:10:
30 (1) "Florida Civil Rights Act of 1992" means ~~ss.~~
31 ~~760.01-760.11, and 509.092.~~

(2)(1) "Commission" means the Florida Commission on
2 Human Relations created by s. 760.03.
3 (3)(2) "Commissioner" or "member" means a member of
4 the commission.
5 (4)(3) "Discriminatory practice" means any practice
6 made unlawful by the Florida Civil Rights Act of 1992 ~~ss:~~
7 ~~768-81-760-10.~~
8 (5)(4) "National origin" includes ancestry.
9 (6)(5) "Person" includes an individual, association,
10 corporation, joint apprenticeship committee, joint-stock
11 company, labor union, legal representative, mutual company,
12 partnership, receiver, trust, trustee in bankruptcy, or
13 unincorporated organization; any other legal or commercial
14 entity; the state; or any governmental entity or agency.
15 (7)(6) "Employer" means any person employing 15 or
16 more employees for each working day in each of 20 or more
17 calendar weeks in the current or preceding calendar year, and
18 any agent of such a person.
19 (8)(7) "Employment agency" means any person regularly
20 undertaking, with or without compensation, to procure
21 employees for an employer or to procure for employees
22 opportunities to work for an employer, and includes an agent
23 of such a person.
24 (9)(8) "Labor organization" means any organization
25 which exists for the purpose, in whole or in part, of
26 collective bargaining or of dealing with employers concerning
27 grievances, terms or conditions of employment, or other mutual
28 aid or protection in connection with employment.
29 (10) "Aggrieved person" means any person who files a
30 complaint with the Human Relations Commission.
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1 Section 3. Subsections (5) and (7) of section 760.03,
2 Florida Statutes, are amended to read:
3 760.03 Commission on Human Relations; staff.--
4 (5) Seven members shall constitute a quorum for the
5 conduct of business; however, the commission may establish
6 panels of not less than three of its members to exercise its
7 powers under the Florida Civil Rights Act of 1992 s:
8 760:06(5), subject to such procedures and limitations as the
9 commission may provide by rule.

10 (7) The commission may shall appoint, and may remove,
11 an executive director who, with the consent of the commission,
12 may employ a deputy, attorneys, investigators, clerks, and
13 such other personnel as may be necessary adequately to perform
14 the functions of the commission, within budgetary limitations.

15 Section 4. Section 760.04, Florida Statutes, is
16 amended to read:

17 760.04 Commission on Human Relations, assigned to
18 Executive Office of the Governor Department-of
19 Administration.--The commission created by s. 760.03 is
20 assigned to the Executive Office of the Governor Department-of
21 Administration. The commission, in the performance of its
22 duties pursuant to the Florida Civil Rights Act of 1992 under
23 s. 760:04-760:10, shall not be subject to control,
24 supervision, or direction by the Executive Office of the
25 Governor Department-of-Administration.

26 Section 5. Section 760.06, Florida Statutes, is
27 amended to read:

28 760.06 Powers of the commission.--Within the
29 limitations provided by law, the commission shall have the
30 following powers:
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(1) To maintain offices an-office in the State of
Florida City-of-Tallahassee.

(2) To meet and exercise its powers at any place
within the state.

(3) To promote the creation of, and to provide
continuing technical assistance to, local commissions on
relations and to cooperate with individuals and state, l,
and other agencies, both public and private, including
agencies of the Federal Government and of other states.

(4) To accept gifts, bequests, grants, or other
payments, public or private, to help finance its activities.

(5) To receive, initiate, investigate, seek to
conciliate, hold hearings on, and act upon complaints all
any discriminatory practice, as defined by the Florida C
Rights Act of 1992 ss:-760:04-760:10.

~~(6)--To hold hearings to determine the facts about
instances of discrimination or intergroup tensions:~~

~~(6)(7) To issue subpoenas for, administer oaths o
affirmations to and compel the attendance and testimony o
subpoena witnesses or to issue subpoenas for; and compel
production of books, papers, records, documents, and othe
evidence pertaining to any investigation or hearing conve
pursuant to the powers of the commission subsection-(5).
conducting an investigation, the commission and its
investigators shall have access at all reasonable times t
premises, records, documents, and other evidence or possi
sources of evidence and may examine, record, and copy suc
materials and take and record the testimony or statements
such persons as are reasonably necessary for the furthera
of the investigation. The authority to issue subpoenas a
administer oaths granted-by-this-subsection may be delega~~

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1 individual on the basis of race, color, religion, sex,
2 national origin, age, handicap, or marital status.
3 (3) It is an unlawful employment practice for a labor
4 organization:

5 (a) To exclude or to expel from its membership, or
6 otherwise to discriminate against, any individual because of
7 race, color, religion, sex, national origin, age, handicap, or
8 marital status.

9 (b) To limit, segregate, or classify its membership or
10 applicants for membership, or to classify or fail or refuse to
11 refer for employment any individual, in any way which would
12 deprive or tend to deprive any individual of employment
13 opportunities, or adversely affect any individual's status as
14 an employee or as an applicant for employment, because of such
15 individual's race, color, religion, sex, national origin, age,
16 handicap, or marital status.

17 (c) To cause or attempt to cause an employer to
18 discriminate against an individual in violation of this
19 section.

20 (4) It is an unlawful employment practice for any
21 employer, labor organization, or joint labor-management
22 committee controlling apprenticeship or other training or
23 retraining, including on-the-job training programs, to
24 discriminate against any individual because of race, color,
25 religion, sex, national origin, age, handicap, or marital
26 status in admission to, or employment in, any program
27 established to provide apprenticeship or other training.

28 (5) Whenever, in order to engage in a profession,
29 occupation, or trade, it is required that a person receive a
30 license, certification, or other credential, become a member
31 or an associate of any club, association, or other

organization, or pass any examination, it is an unlawful
2 employment practice for any person to discriminate against any
3 other person seeking such license, certification, or other
4 credential, seeking to become a member or associate of such
5 club, association, or other organization, or seeking to take
6 or pass such examination, because of such other person's race,
7 color, religion, sex, national origin, age, handicap, or
8 marital status.

9 (6) It is an unlawful employment practice for an
10 employer, labor organization, employment agency, or joint
11 labor-management committee to print, or cause to be printed or
12 published, any notice or advertisement relating to employment,
13 membership, classification, referral for employment, or
14 apprenticeship or other training, indicating any preference,
15 limitation, specification, or discrimination, based on race,
16 color, religion, sex, national origin, age, absence of
17 handicap, or marital status.

18 (7) It is an unlawful employment practice for an
19 employer, an employment agency, a joint labor-management
20 committee, or a labor organization to discriminate against any
21 person because that person has opposed any practice which is
22 an unlawful employment practice under this section, or because
23 that person has made a charge, testified, assisted, or
24 participated in any manner in an investigation, proceeding, or
25 hearing under this section.

26 (8) Notwithstanding any other provision of this
27 section, it is not an unlawful employment practice under ss.
28 760.01-760.10 for an employer, employment agency, labor
29 organization, or joint labor-management committee to:

30 (a) Take or fail to take any action on the basis of
31 religion, sex, national origin, age, handicap, or marital

1 status in those certain instances in which religion, sex,
2 national origin, age, absence of a particular handicap, or
3 marital status is a bona fide occupational qualification
4 reasonably necessary for the performance of the particular
5 employment to which such action or inaction is related.

6 (b) Observe the terms of a bona fide seniority system,
7 a bona fide employee benefit plan such as a retirement,
8 pension, or insurance plan, or a system which measures
9 earnings by quantity or quality of production, which is not
10 designed, intended, or used to evade the purposes of ss.
11 760.01-760.10. However, no such employee benefit plan or
12 system which measures earnings shall excuse the failure to
13 hire, and no such seniority system, employee benefit plan, or
14 system which measures earnings shall excuse the involuntary
15 retirement of, any individual on the basis of any factor not
16 related to the ability of such individual to perform the
17 particular employment for which such individual has applied or
18 in which such individual is engaged. This subsection shall
19 not be construed to make unlawful the rejection or termination
20 of employment when the individual applicant or employee has
21 failed to meet bona fide requirements for the job or position
22 sought or held or to require any changes in any bona fide
23 retirement or pension programs or existing collective
24 bargaining agreements during the life of the contract, or for
25 2 years after October 1, 1981, whichever occurs first, nor
26 shall this act preclude such physical and medical examinations
27 of applicants and employees as an employer may require of
28 applicants and employees to determine fitness for the job or
29 position sought or held.

30 (c) Take or fail to take any action on the basis of
31 age, pursuant to law or regulation governing any employment or

1 training program designed to benefit persons of a particular
2 age group.

3 (9) This section shall not apply to any religious
4 corporation, association, educational institution, or society
5 which conditions opportunities in the area of employment or
6 public accommodation to members of that religious corporation,
7 association, educational institution, or society or to persons
8 who subscribe to its tenets or beliefs. This section shall
9 not prohibit a religious corporation, association, educational
10 institution, or society from giving preference in employment
11 to individuals of a particular religion to perform work
12 connected with the carrying on by such corporations,
13 associations, educational institutions, or societies of its
14 various activities.

15 (10)(9) Each employer, employment agency, and labor
16 organization shall post and keep posted in conspicuous places
17 upon its premises a notice provided by the commission setting
18 forth such information as the commission deems appropriate to
19 effectuate the purposes of ss. 760.01-760.10.

20 (11)--Any person aggrieved by a violation of this
21 section may file a complaint with the commission within 180
22 days of the alleged violation, naming the employer, employment
23 agency, labor organization, or joint labor-management
24 committee; or, in the case of an alleged violation of
25 subsection (5), the person responsible for the violation and
26 describing the violation;--The commission, a commissioner, or
27 the Attorney General may in like manner file such a complaint.

28 (11)(a)--In the event that any other agency of the
29 state or of any other unit of government of the state has
30 jurisdiction of the subject matter of any complaint filed with
31 the commission and has legal authority to investigate or act

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1 upon the complaint; the commission may refer such complaint to
2 such agency. Referral of such a complaint by the commission
3 shall not constitute agency action within the meaning of s.
4 128-5242. In the event of any referral under this
5 subsection, the commission shall accord substantial weight to
6 final findings and orders of any such agency.
7 (b) If any such agency has legal authority to
8 investigate such a complaint and to provide relief
9 substantially identical to that available under this section,
10 the commission may provide by rule, in accordance with
11 criteria established by rule, that all such complaints shall
12 be deferred to such agency. In the event that such agency;
13 within 28 days of deferral of such a complaint, gives notice
14 to the commission that the agency accepts jurisdiction of the
15 complaint, the commission shall cease to have jurisdiction of
16 the complaint.
17 (12) In the event that the commission fails to
18 conciliate or take final action on any complaint under this
19 section within 180 days of filing, an aggrieved person may
20 bring a civil action against the named employer, employment
21 agency, labor organization, or joint labor management
22 committee, or, in the case of an alleged violation of
23 subsection (5), the person, in any court of competent
24 jurisdiction. The commencement of such action shall divest
25 the commission of jurisdiction of such complaint, except that
26 the commission may intervene as a matter of right.
27 (13) In the event that the commission, in the case of
28 a complaint under subsection (18), or the court, in the case
29 of a civil action under subsection (12), finds that an
30 unlawful employment practice has occurred, it shall issue an
31 order prohibiting the practice and providing affirmative

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1 relief from the effects of the practice, including reasonable
2 attorney's fees. Upon such notice as the commission or the
3 court, as appropriate, may require, such order, or any
4 subsequent order upon the same complaint or action, may
5 provide relief for all individuals aggrieved by any such
6 unlawful employment practice. No liability for back pay shall
7 accrue from a date more than 2 years prior to the filing of a
8 complaint with the commission.
9 (14) All complaints filed with the commission under
10 ss. 768-04-768-18, and all records and documents in the
11 custody of the commission, which relate to and identify a
12 particular complainant, employer, employment agency, labor
13 organization, or joint labor management committee shall be
14 confidential and shall not be disclosed by the commission,
15 except to the parties or in the course of a hearing or
16 proceeding under ss. 768-04-768-18. The restriction of this
17 subsection shall not apply to any record or document which is
18 part of the record of any hearing or court proceeding.
19 Section 7. Effective October 1, 1992, section 760.11,
20 Florida Statutes, is created to read:
21 760.11 Administrative and civil remedies;
22 construction.--
23 (1) Any person aggrieved by a violation of ss. 760.01-
24 760.10 may file a complaint with the commission within 365
25 days of the alleged violation, naming the employer, employment
26 agency, labor organization, or joint labor management
27 committee, or, in the case of an alleged violation of s.
28 760.10(5), the person responsible for the violation and
29 describing the violation. Any person aggrieved by a violation
30 of s. 509.092 may file a complaint with the commission within
31 365 days of the alleged violation naming the person

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1 responsible for the violation and describing the violation.
2 The commission, a commissioner, or the Attorney General may in
3 like manner file such a complaint. On the same day the
4 complaint is filed with the commission, the commission shall
5 clearly stamp on the face of the complaint the date the
6 complaint was filed with the commission. The complaint shall
7 contain a short and plain statement of the facts describing
8 the violation and the relief sought. The commission may
9 require additional information to be in the complaint. The
10 commission, within 5 days of the complaint being filed, shall
11 by registered mail send a copy of the complaint to the person
12 who allegedly committed the violation. The person who
13 allegedly committed the violation may file an answer to the
14 complaint within 25 days of the date the complaint was filed
15 with the commission. Any answer filed shall be mailed to the
16 aggrieved person by the person filing the answer. Both the
17 complaint and the answer shall be verified.
18 (2) In the event that any other agency of the state or
19 of any other unit of government of the state has jurisdiction
20 of the subject matter of any complaint filed with the
21 commission and has legal authority to investigate the
22 complaint, the commission may refer such complaint to such
23 agency for an investigation. Referral of such a complaint by
24 the commission shall not constitute agency action within the
25 meaning of s. 120.52(2). In the event of any referral under
26 this subsection, the commission shall accord substantial
27 weight to any findings and conclusions of any such agency.
28 The referral of a complaint by the commission to a local
29 agency does not divert the commission's jurisdiction over the
30 complaint.
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2 (3) Except as provided in subsection (2), the
3 commission shall investigate the allegations in the complaint.
4 Within 180 days of the filing of the complaint, the commission
5 shall determine if there is reasonable cause to believe that
6 discriminatory practice has occurred in violation of the
7 Florida Civil Rights Act of 1992. When the commission
8 determines whether or not there is reasonable cause, the
9 commission by registered mail shall promptly notify the
10 aggrieved person and the respondent of the reasonable cause
11 determination, the date of such determination, and the options
12 available under this section.
13 (4) In the event that the commission determines that
14 there is reasonable cause to believe that a discriminatory
15 practice has occurred in violation of the Florida Civil Rights
16 Act of 1992, the aggrieved person may either:
17 (a) Bring a civil action against the person named in
18 the complaint in any court of competent jurisdiction; or
19 (b) Request an administrative hearing under s. 120.57.
20 The election by the aggrieved person of filing a civil action
21 or requesting an administrative hearing under this subsection
22 is the exclusive procedure available to the aggrieved person
23 pursuant to this act.
24 (5) In any civil action brought under this section,
25 the court may issue an order prohibiting the discriminatory
26 practice and providing affirmative relief from the effects of
27 the practice, including back pay. The court may also award
28 compensatory damages, including, but not limited to, damages
29 for mental anguish, loss of dignity, and any other intangible
30 injuries, and punitive damages. The provisions of ss. 768.72
31 and 768.73 do not apply to this section. The judgment for the

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1 total amount of punitive damages awarded under this section to
2 an aggrieved person shall not exceed \$300,000. If the
3 aggrieved person is the prevailing party in the civil action,
4 the trial court shall award the aggrieved person's costs and
5 expenses, including, but not limited to, reasonable attorney's
6 fees and investigative expenses. If the respondent or
7 defendant is the prevailing party in the civil action, the
8 court shall not award costs, attorney's fees, or investigative
9 or other expenses, unless provided for under s. 57.105. The
10 right to trial by jury is preserved in any such private right
11 of action in which the aggrieved person is seeking
12 compensatory or punitive damages and any party may demand a
13 trial by jury. The commission's determination of reasonable
14 cause is not admissible into evidence in any civil proceeding,
15 including any hearing or trial, except to establish for the
16 court the right to maintain the private right of action. A
17 civil action brought under this section shall be commenced no
18 later than 1 year after the date of determination of
19 reasonable cause by the commission. The commencement of such
20 action shall divest the commission of jurisdiction of the
21 complaint, except that the commission may intervene in the
22 civil action as a matter of right. Notwithstanding the above,
23 the state and its agencies and subdivisions shall not be
24 liable for punitive damages. The total amount of recovery
25 against the state and its agencies and subdivisions shall not
26 exceed the limitation as set forth in s. 766.26(5).

27 (6) Any administrative hearing brought pursuant to
28 paragraph (4)(b) shall be conducted under s. 120.57. The
29 commission may hear the case provided that the final order is
30 issued by members of the commission who did not conduct the
31 hearing or the commission may request that it be heard by a

1 hearing officer pursuant to s. 120.57(1)(b)3. If the
2 commission elects to hear the case, it may be heard by a
3 commissioner. If the commissioner, after the hearing, finds
4 that a violation of the Florida Civil Rights Act of 1992 has
5 occurred, the commissioner shall issue an appropriate proposed
6 order in accordance with chapter 120 prohibiting the practice
7 and providing affirmative relief from the effects of the
8 practice, including back pay. If the hearing officer, after
9 the hearing, finds that a violation of the Florida Civil
10 Rights Act of 1992 has occurred, the hearing officer shall
11 issue an appropriate recommended order in accordance with
12 chapter 120 prohibiting the practice and providing affirmative
13 relief from the effects of the practice, including back pay.
14 Within 90 days of the date the recommended or proposed order
15 is rendered, the commission shall issue a final order by
16 adopting, rejecting, or modifying the recommended order as
17 provided under s. 120.57. The 90-day period may be extended
18 with the consent of all the parties. An administrative
19 hearing pursuant to paragraph (4)(b) must be requested no
20 later than 35 days after the date of determination of
21 reasonable cause by the commission. If the aggrieved person
22 is the prevailing party in the hearing, the commission, in its
23 final order, shall award the aggrieved person's costs and
24 expenses, including, but not limited to, reasonable attorney's
25 fees, and investigative expenses. If the respondent or
26 defendant is the prevailing party in the administrative
27 hearing, the commission shall not award costs, attorney's
28 fees, or investigative or other expenses.

(7) If the commission determines that there is no
30 reasonable cause to believe that a violation of the Florida
31 Civil Rights Act of 1992 has occurred, the commission shall

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1 dismiss the complaint. The aggrieved person may request an
2 administrative hearing under s. 120.57, but any such request
3 must be made within 35 days of the date of determination of
4 reasonable cause and any such hearing shall be heard by a
5 hearing officer and not by the commission or a commissioner.
6 If the aggrieved person does not request an administrative
7 hearing within the 35 days, the claim will be barred. If the
8 hearing officer finds that a violation of the Florida Civil
9 Rights Act of 1992 has occurred, he or she shall issue an
10 appropriate recommended order to the commission prohibiting
11 the practice and recommending affirmative relief from the
12 effects of the practice, including back pay. Within 90 days
13 of the date the recommended order is rendered, the commission
14 shall issue a final order by adopting, rejecting, or modifying
15 the recommended order as provided under s. 120.57. The 90-day
16 period may be extended with the consent of all the parties.
17 If the commission enters a final order in favor of the
18 aggrieved person, the commission shall award the aggrieved
19 person's costs and expenses, including, but not limited to,
20 reasonable attorney's fees and investigative expenses. If the
21 respondent or defendant is the prevailing party in the
22 administrative hearing, the court shall not award costs,
23 attorney's fees, or investigative or other expenses. In the
24 event the final order issued by the commission determines that
25 a violation of the Florida Civil Rights Act of 1992 has
26 occurred, the aggrieved person may bring, within 1 year of the
27 date of the final order, a civil action under subsection (5)
28 as if there has been a reasonable cause determination or
29 accept the affirmative relief offered by the commission, but
30 not both.
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1 coniliate or determine whether there is reasonable cause on
2 any complaint under this section within 180 days of the filing
3 of the complaint, an aggrieved person may proceed under
4 subsection (7), as if the commission determined that there was
5 reasonable cause.
6 (9) No liability for back pay shall accrue from a date
7 more than 2 years prior to the filing of a complaint with the
8 commission.
9 (10) A judgment for the amount of damages and costs
10 assessed pursuant to a final order by the commission may be
11 entered in any court having jurisdiction thereof and may be
12 enforced as any other judgment.
13 (11) If a complaint is within the jurisdiction of the
14 commission, the commission shall simultaneously with its other
15 statutory obligations attempt to eliminate or correct the
16 alleged discrimination by informal methods of conference,
17 conciliation, and persuasion. Nothing said or done in the
18 course of such informal endeavors may be made public or used
19 as evidence in a subsequent civil proceeding, trial, or
20 hearing. The commission may initiate dispute resolution
21 procedures, including voluntary arbitration, by special
22 masters or mediators. The commission may adopt rules as to
23 the qualifications of persons who may serve as special masters
24 and mediators.
25 (12) All complaints filed with the commission and all
26 records and documents in the custody of the commission, which
27 relate to and identify a particular person, including, but not
28 limited to, a complainant, employer, employment agency, labor
29 organization, or joint labor-management committee shall be
30 confidential and shall not be disclosed by the commission.
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1 except to the parties or in the course of a hearing or
 2 proceeding under this section. The restriction of this
 3 subsection shall not apply to any record or document which is
 4 part of the record of any hearing or court proceeding.
 5 (13) Final orders of the commission are subject to
 6 judicial review pursuant to s. 120.69. The commission's
 7 determination of reasonable cause is not final agency action
 8 that is subject to judicial review. Unless specifically
 9 ordered by the court, the commencement of an appeal does not
 10 suspend or stay the order of the commission, except as
 11 provided in the Rules of Appellate Procedure. In the event
 12 the aggrieved person is the prevailing party on any appeal, he
 13 or she shall be entitled to reasonable attorney's fees and
 14 costs. In the event the order of the court determines that a
 15 violation of the Florida Civil Rights Act of 1992 has
 16 occurred, the court shall remand the matter to the commission
 17 for appropriate relief. The aggrieved party has the option to
 18 accept the relief offered by the commission or may bring,
 19 within 1 year of the date of the court order, a civil action
 20 under subsection (5) as if there has been a reasonable cause
 21 determination.
 22 (14) The commission may adopt, promulgate, amend, and
 23 rescind rules to effectuate the purposes and policies of this
 24 section and to govern the proceedings of the commission under
 25 this section.
 26 (15) In any civil action or administrative proceeding
 27 brought pursuant to this section a finding that a person
 28 employed by the state or any governmental entity or agency has
 29 violated s. 760.10 shall as a matter of law constitute just or
 30 substantial cause for such person's discharge.
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2 Section 8. Section 760.36, Florida Statutes, is
 amended to read:
 3 760.36 Conciliation agreements.--Any conciliation
 4 agreement arising out of conciliation efforts by the Florida
 5 Commission on Human Relations pursuant to the Fair Housing Act
 6 must be agreed to by the respondent and the complainant and is
 7 subject to the approval of the commission. Notwithstanding
 8 the provisions of s. 760.11(1) and (12) 760:34(f), each
 9 conciliation agreement arising out of a complaint filed under
 10 the Fair Housing Act shall be made public unless the
 11 complainant and the respondent otherwise agree and the
 12 commission determines that disclosure is not required to
 13 further the purposes of the Florida Fair Housing Act.
 14 Section 9. Section 509.092, Florida Statutes, is
 amended to read:
 15 509.092 Public lodging establishments and public food
 16 service establishments; rights as private enterprises.--Public
 17 lodging establishments and public food service establishments
 18 are private enterprises, and the operator has the right to
 19 refuse accommodations or service to any person who is
 20 objectionable or undesirable to the operator, but such refusal
 21 may not be based upon race, creed, color, sex, physical
 22 disability, or national origin. A person aggrieved by a
 23 violation of this section or a violation of a rule adopted
 24 under this section has a right of action pursuant to s.
 25 760.11.
 26 Section 10. If the cap on punitive damages found in
 27 section 7 of this act or any other provision of this act is
 28 held invalid, the invalidity shall not affect other provisions
 29 of the act which can be given effect without the invalid
 30 provision, and to this end the provisions of this act are
 31

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

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1 declared severable. Should a court hold that the cap on
2 punitive damages is invalid, punitive damages will be
3 available as a remedy for violations of this act.
4 Section 11. Except as otherwise provided herein, this
5 act shall take effect July 1, 1992. This act applies only to
6 causes of action accruing on or after October 1, 1992.
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10 This publication was produced at an average cost of 1.12 cents
11 per single page in compliance with the Rules and for
12 the information of members of the Legislature and the public.
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