

ADMINISTRATIVE AND CIVIL PROCEEDINGS

HB 143-A — Florida Civil Rights Act of 1992

by Rep. Kottkamp and others (CS/SB 46-A by Judiciary Committee and Senators Villalobos, Smith, Miller, Diaz de la Portilla, and Campbell)

This bill amends the Florida Civil Rights Act of 1992 (ss. 760.01-760.11, F.S., and s. 509.092, F.S.) and provides that this act may be cited as the “Dr. Marvin Davies Florida Civil Rights Act.” The bill gives the Attorney General the independent authority to initiate, upon reasonable cause, a civil action for damages, injunctive relief, civil penalties up to \$10,000 per violation, and other appropriate relief against any person or group for: 1) patterns or practices of discrimination; or 2) for discrimination that raises an issue of great public interest. The bill further provides that a respondent in such a proceeding may request, before any responsive pleading is due, that a hearing be held at which the court shall determine whether the complaint on its face makes a prima facie showing that a pattern or practice of discrimination exists or that, as a result of discrimination, an issue of great public interest exists. A prevailing party would be entitled to an award of reasonable attorney’s fees and costs and any damages recovered would accrue to the injured party. The bill expands the power of the Attorney General’s Office of Civil Rights to investigate and initiate actions under the new statutory provisions of this act.

The bill also defines the term “public accommodations” for purposes of the Florida Civil Rights Act and provides that all persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any public accommodation without discrimination or segregation on the ground of race, color, national origin, sex, handicap, familial status, or religion.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-1; House 112-1

JUDICIARY

HB 113-A — Judicial System

by Rep. Benson and others (SB 34-A by Senators Smith and Villalobos)

This bill continues the 4-year phase-in legislative implementation of constitutional Revision 7 to Article V (relating to the judicial branch) of the State Constitution begun in 2000. Revision 7, adopted by the voters in 1998, requires the state to shift primary costs and funding for the operation of the state courts system to the state and to reallocate other costs and expenses among

the local governments and other users and participants in the state courts system. Briefly, this bill:

- Delineates state and county funding responsibilities for the state courts system, the offices of the state attorney, the offices of the public defender, and the local requirements and other court-related functions performed by the clerks of the court.
- Delineates and expands substantially the duties of the clerks of the court including collection and submission of revenues sufficient to support court-related functions and the operations of their offices, the provision of ministerial assistance solely to pro-se litigants, and the submission of various reports including budget reports.
- Establishes a 9-member Clerk of Court Operations Conference as a review and advisory body with authority to recommend changes to court-related service charges, fines, and fees; to receive, review, and approve clerks' court-related projected revenues, court projected revenues, and budgets; to certify budget deficits; to develop accountability and performance standards; and to publish and adjust fee schedules.
- Creates a 12-member Article V Indigent Services Advisory Board whose responsibilities include recommending qualifications for authorized state-funded due process services including eligibility and performance standards for court-appointed counsel, recommending adjustments to compensation standards for court-appointed counsel and other providers of due process services, identifying due process services for indigents, recommending statewide contracting standards for procurement of such services, and advising the Legislature on strategies and policies for cost-containment.
- Delineates the responsibilities or role of the courts in issues relating to indigence, collection of costs and fees, jury management, selection, and process.
- Circumscribes the scope of prosecution by state attorneys and defense by public defenders and private court-appointed counsel and prescribes the process for compensation.
- Prescribes methodologies and processes for selection, appointment, and compensation of court-appointed counsel including the establishment of a rotating registry of qualified attorneys and state- and circuit-level administrative bodies for the purpose of administering indigent services.
- Creates a statutory cause of action for civil enforcement of violations of municipal or county ordinances in which the county or municipality would be the plaintiff.
- Revises various provisions affecting local government finances including replacing the local option county levy to fund, in part, mediation and arbitration services with a

statewide mandatory \$1 filing fee on all circuit and county court proceedings, redefining guaranteed entitlement for municipalities, revising the authority to pledge state-shared revenue, and expanding the use of discretionary sales surtaxes.

- Adjusts court fines, fees, costs, and service charges and redirects other court fines, fees, costs, and service charges from the counties to the state and the clerks of the circuit court in order to implement Revision 7 at the state level.
- Directs the Chief Financial Officer to conduct a study to determine county expenditures for court-related services for FY 2001-2002 and provides for a \$200,000 appropriation from the Insurance Regulatory Trust Fund to support the study.

If approved by the Governor, these provisions take effect July 1, 2003, except as otherwise provided for within the bill.

Vote: Senate 40-0; House 110-6

