

What claims still exist for victims of disability discrimination?

Primarily, this law does NOT affect the ability to bring a lawsuit with the ultimate goal of ending a discriminatory practice. For purposes of receiving damages, this Supreme Court decision does not affect laws that have damages unrelated to the Spending Clause of the Constitution and does not alter state law remedies. For example, this does not change federal claims under laws based on other rights, such as [employment rights](#), [housing rights](#), educational rights, and other discrimination based on race or color. [Some local ordinances and Florida Law](#) protect persons from disability discrimination, however, each of these statutes and ordinances may be limited in the types of accommodations they cover or require additional administrative procedures before a claim can be made.

Currently, the remedies under the Florida Civil Rights Act are identical to those under the ADA or Section 504 for those entities that fall within the definition of public accommodation in the statute. This includes (1) places of lodging; (2) places of entertainment (3) Food service establishments, or (4) an establishment within or containing the establishments in (1) to (3). However, to bring these claims, a complaint must be filed with one year to the [Florida Commission on Human Relations](#). At that time, the complaint will be investigated, and when a decision finding cause or no cause is provided, the victim could choose to administratively challenge the decision in an administrative forum, and if cause is found, then the matter can be brought in court or an administrative forum. As administrative forum are unable to provide damages for mental pain and anguish, and for punitive damages, I often suggest going to court when a cause finding is issued. Because the limitation of funding for the commission, investigations of claims often take a substantial amount of time. In that event, a victim is entitled to bring a claim after 180 days.

Depending on where a victim of discrimination is harmed will also depend on whether that [particular city or county](#) have their own ordinances which prohibit such discrimination and provide damages. Some are identical to the Florida Civil Rights Act, and others include many other categories of facilities. In addition, some of these ordinances require filing a complaint first with the agency that is in charge of these complaints.