

By the Committee on Commerce and Economic Opportunities; and  
Senator Miller

310-1510-01

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A bill to be entitled

An act relating to civil rights; amending s.  
760.11, F.S., pertaining to administrative and  
civil remedies for violations of ss.  
760.01-760.10, F.S., the "Florida Civil Rights  
Act of 1992"; revising procedures for filing  
complaints; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 760.11, Florida  
Statutes, is amended to read:

760.11 Administrative and civil remedies;  
construction.--

(1) Any person aggrieved by a violation of ss.  
760.01-760.10 may file a complaint with the commission within  
365 days of the alleged violation, naming the employer,  
employment agency, labor organization, or joint  
labor-management committee, or, in the case of an alleged  
violation of s. 760.10(5), the person responsible for the  
violation and describing the violation. Any person aggrieved  
by a violation of s. 509.092 may file a complaint with the  
commission within 365 days of the alleged violation naming the  
person responsible for the violation and describing the  
violation. The commission, a commissioner, or the Attorney  
General may in like manner file such a complaint. On the same  
day the complaint is filed with the commission, the commission  
shall clearly stamp on the face of the complaint the date the  
complaint was filed with the commission. In lieu of filing the  
complaint with the commission, a complaint under this section  
may be filed with the federal Equal Employment Opportunity

1 Commission or with any unit of government of the state which  
2 is a fair-employment-practice agency under 29 C.F.R. ss.  
3 1601.70-1601.80. If the date the complaint is filed is clearly  
4 stamped on the face of the complaint, that date is the date of  
5 filing. The date the complaint is filed with the commission  
6 for purposes of this section is the earliest date of filing  
7 with the Equal Employment Opportunity Commission, the  
8 fair-employment-practice agency, or the commission.The  
9 complaint shall contain a short and plain statement of the  
10 facts describing the violation and the relief sought. The  
11 commission may require additional information to be in the  
12 complaint. The commission, within 5 days of the complaint  
13 being filed, shall by registered mail send a copy of the  
14 complaint to the person who allegedly committed the violation.  
15 The person who allegedly committed the violation may file an  
16 answer to the complaint within 25 days of the date the  
17 complaint was filed with the commission. Any answer filed  
18 shall be mailed to the aggrieved person by the person filing  
19 the answer. Both the complaint and the answer shall be  
20 verified.

21           Section 2. This act shall take effect upon becoming a  
22 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 354

The committee substitute clarifies that a state civil rights complaint may be filed with certain federal agencies in lieu of filing with the Florida Commission on Human Relations; replaces cross reference of fair-employment-practice agencies from federal law to federal regulations; removes a requirement that federal agencies clearly stamp the date on the face of complaints; provides that the date of filing of the state complaint is the date clearly stamped on the face of the complaint; and provides that the filing date for a state civil rights complaint is the earliest date of filing with the Florida Commission on Human Relations or the federal agency.