

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/SB 1096

INTRODUCER: Rules Committee and Senator Burgess

SUBJECT: The Florida Civil Rights Act

DATE: March 4, 2026

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<b>Favorable</b>
2.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	<b>Favorable</b>
3.	<u>Davis</u>	<u>Kruse</u>	<u>RC</u>	<b>Fav/CS</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1096 establishes a statute of limitation to clarify and limit the amount of time that a person who files an employment discrimination complaint with the Equal Employment Opportunity Commission or the Florida Human Relations Commission has to file a civil action for the alleged discrimination.

The bill provides that a complainant who chooses to file a civil action must file *no later than* 1 year after the Florida Commission issues a determination of reasonable cause or the EEOC issues a Notice of Right to Sue, whichever occurs *first*. However, if a determination is not made or a notice is not issued within 180 days after a complaint is filed, a civil action may be brought by the complainant, but no later than 18 months after the complaint was filed.

The bill also deletes a requirement that the Commission send certain correspondence to the parties through registered mail. The Commission is no longer required to use registered mail to send a copy of the complaint to the person alleged to have committed the violation at issue. Additionally, the Commission is no longer required to use registered mail to notify the parties whether the Commission makes a reasonable cause determination, the date of the determination, and the options available to them.

This bill is not expected to impact state and local government revenues and expenditures.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Background

The Florida Civil Rights Act of 1992 (the Act) provides a forum for people to seek redress if they believe they have been discriminated against on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.<sup>1</sup> The Florida Commission on Human Relations (Commission) is authorized to receive, investigate, hold hearings on, and act upon complaints that allege a discriminatory practice as defined in the Act.<sup>2</sup>

### Procedure and Timelines

#### *The Complaint Must Be Filed within 365 Days of the Alleged Violation*

Anyone who believes that he or she has been discriminated against may file a complaint with the Commission, but it must be filed within 365 days after the alleged violation. The complaint must name the employer or alleged violator, describe the violation, and the relief that is sought. On the same day that the complaint is filed with the Commission, the Commission is required to clearly stamp the filing date on the complaint. In lieu of filing the complaint with the Commission, the person alleging discrimination may file a complaint with the federal Equal Employment Opportunity Commission (EEOC)<sup>3</sup> or a unit of state government that is a fair-employment practice agency under the federal code.<sup>4</sup>

The Commission, within five days of the complaint being filed, must then send *by registered mail* a copy of the complaint to the alleged violator. The alleged violator then has 25 days from the date the complaint was filed to file an answer with the Commission.<sup>5</sup>

#### *180 Days to Investigate and Make a Determination*

The Commission must investigate the allegations in a complaint and has 180 days after the filing date to determine if there is reasonable cause to believe that a discriminatory practice occurred in violation of the Act. When the Commission determines whether there is reasonable cause, the Commission must, *by registered mail*, promptly notify the aggrieved person and the respondent of the reasonable cause determination, the date of the determination, and the options available for them to pursue.<sup>6</sup>

If the Commission fails, within 180 days after the complaint is filed, to determine whether there is reasonable cause, the complainant may bring a civil action or request an administrative hearing. The Commission must notify the complainant in writing of the failure to make a determination as to whether there is reasonable cause and provide the complainant with their

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<sup>1</sup> Section 760.01(2), F.S.

<sup>2</sup> Section 760.06(5), F.S.

<sup>3</sup> The EEOC is authorized to investigate discrimination charges against employers who are covered under federal law. See U.S. Equal Employment Opportunity Commission, *Overview, Authority & Role*, <https://www.eeoc.gov/overview> (last visited Jan. 29, 2026).

<sup>4</sup> Section 760.11(1), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 760.11(3), F.S.

options. The complainant then has 1 year to file a civil action after the date the Commission certifies that the notice was mailed to the complainant.<sup>7</sup>

Some people choose to dual-file a complaint with the EEOC and the Commission when they believe that their rights have been violated under federal and state law. Under a work-share agreement with the EEOC, both entities act as agents for each other and only one agency investigates a claim. This avoids duplicating an investigation. If the EEOC issues a determination, that serves as a determination for both agencies.<sup>8</sup>

If the EEOC conducts an investigation, it generally has 180 days to resolve the charge. If the EEOC finds reasonable cause to believe a violation has occurred, it will issue a Notice of Right to Sue to the complainant and the notice serves as the determination for both the EEOC and the Commission.<sup>9</sup>

### ***Statute of Limitation - A Civil Action Must Be Brought Within 1 Year***

A statute of limitations is a law that bars a legal claim after a specific period of time. Its purpose is to bring finality to a legal situation. The statute also serves to ensure that claims will be resolved while evidence is available, before memories fade, and before witnesses can no longer be found.<sup>10</sup>

If the Commission determines that there is reasonable cause to believe that employment discrimination occurred, the aggrieved person may either bring a civil action against the employer named in the complaint or request an administrative hearing.<sup>11</sup> A civil action must be brought within 1 year after the date the Commission determines that reasonable cause exists.<sup>12</sup> However, the statute is silent on when a civil action must be filed when the EEOC conducts the investigation. This omission has led to confusion for attorneys who represent claimants as well as defense attorneys who represent business interests.<sup>13</sup> A plaintiff's attorney could be sued for malpractice if he or she files an action after the deadline has passed for filing a claim. A defense attorney who is not made aware of a potential lawsuit until years after the alleged violation occurred is then tasked with locating evidence and witnesses that might no longer be available.

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<sup>7</sup> Section 760.11(8), F.S.

<sup>8</sup> Florida Commission on Human Relations, *You Ask, We Answer ...*, Case Status With EEOC, <https://fchr.myflorida.com/faq-frequently-asked-questions> (last visited Jan. 28, 2026).

<sup>9</sup> *Id.*, and U.S. Equal Employment Opportunity Commission, *After You Have Filed a Charge*, <https://www.eeoc.gov/after-you-have-filed-charge> (last visited Jan. 28, 2026).

<sup>10</sup> BLACK'S LAW DICTIONARY (12th ed. 2024).

<sup>11</sup> Section 760.11(4), F.S., Pursuant to s. 760.07, F.S., if the statute prohibiting unlawful discrimination provides an administrative remedy, the plaintiff must first exhaust his or her administrative remedy.

<sup>12</sup> Section 760.11(5), F.S.

<sup>13</sup> See *Davis v. Big Bend Hospice, Inc.*, 419 So. 3d 272 (Fla. 1st DCA 2025). In *Davis*, the First District Court of Appeal wrestled with the existing statutory language and prior case law to determine the limitations period for filing an employment discrimination lawsuit after the EEOC dismissed the complainant's claim and issued a right to sue letter, but the Commission did not follow through with the ministerial function of providing the complainant with its own notice dismissing the claim. The court certified conflict with other decisions issued by the Second District and Fourth District Court of Appeal.

### III. Effect of Proposed Changes:

The bill clarifies and limits the amount of time a person has to file a civil action for employment discrimination after filing an employment discrimination complaint with the Florida Human Relations Commission or the Equal Employment Opportunity Commission. This will resolve confusion for litigants who are uncertain what the time constraints are for filing a civil action for discrimination.

#### **When a Determination of Reasonable Cause or a Notice of Right to Sue is Issued**

Existing law provides that a civil action must be brought “no later than 1 year” after the Commission issues a determination of reasonable cause. The bill similarly establishes that someone who chooses to file a civil action must do so no later than 1 year after the EEOC issues a Notice of Right to Sue. The 1-year time frame for filing a civil action begins when the *first* organization, whether the Commission or the EEOC, issues its decision.

#### **When a Determination of Reasonable Cause or a Notice of Right to Sue is *Not* Issued**

If, however, a determination of reasonable cause is not made by the Commission or a Notice of Right to Sue is not issued by the EEOC within 180 days after the filing of the complaint, a civil action for employment discrimination may be brought by the complainant no later than 18 months after the filing of the complaint.

#### **Certain Correspondence Is No Longer Required to Be Sent By Registered Mail**

The bill also deletes a requirement that the Commission send certain correspondence to the parties through registered mail. The Commission is no longer required to use registered mail to send a copy of the complaint to the person alleged to have committed the violation at issue. Additionally, the Commission is no longer required to use registered mail to notify the parties whether the Commission makes a reasonable cause determination, the date of the determination, and the options available to them.

The bill takes effect July 1, 2026.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

#### B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill is not expected to impact state and local government revenues and expenditures.

**VI. Technical Deficiencies:**

None identified.

**VII. Related Issues:**

None identified.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 760.11 and 760.07.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Rules on March 3, 2026:**

The committee substitute deletes the existing requirement that the Commission send certain correspondence by “registered mail.”

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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