

**By** Senator Burgess

23-00889A-26

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A bill to be entitled

An act relating to remedies for violations of the Florida Civil Rights Act; amending s. 760.11, F.S.; revising the timeframe when a civil action may be brought for violations of the act; providing that if the Florida Commission on Human Relations or the Equal Employment Opportunity Commission does not make a determination within a specified timeframe, the complainant may bring a civil action within a specified timeframe; reenacting s. 760.07, F.S., relating to remedies for unlawful discrimination, to incorporate the amendment made to s. 760.11, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (5) of section 760.11, Florida Statutes, is amended to read:

## 760.11 Administrative and civil remedies; construction.—

(5) In any civil action brought under this section, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the effects of the practice, including back pay. The court may also award compensatory damages, including, but not limited to, damages for mental anguish, loss of dignity, and any other intangible injuries, and punitive damages. Sections 768.72 and 768.73 ~~The provisions of ss. 768.72 and 768.73~~ do not apply to this section. The judgment for the total amount of punitive damages awarded under this section to an aggrieved person may shall not

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30 exceed \$100,000. In any action or proceeding under this  
31 subsection, the court, ~~in its discretion~~, may allow the  
32 prevailing party a reasonable attorney fees ~~attorney's fee~~ as  
33 part of the costs. It is the intent of the Legislature that  
34 ~~attorney this provision for attorney's~~ fees be interpreted in a  
35 manner consistent with federal case law involving a Title VII  
36 action. The right to trial by jury is preserved in any such  
37 private right of action in which the aggrieved person is seeking  
38 compensatory or punitive damages, and any party may demand a  
39 trial by jury. The commission's determination of reasonable  
40 cause is not admissible into evidence in any civil proceeding,  
41 including any hearing or trial, except to establish for the  
42 court the right to maintain the private right of action. A civil  
43 action brought under this section must be filed ~~shall be~~  
44 ~~commenced~~ no later than 1 year after the date of determination  
45 of reasonable cause by the commission or the issuance of a  
46 Notice of Right to Sue from the Equal Employment Opportunity  
47 Commission, whichever occurs first. If a determination is not  
48 made by the commission or a Notice of Right to Sue is not issued  
49 by the Equal Employment Opportunity Commission within 180 days  
50 after the filing of the complaint, a civil action may be brought  
51 by the complainant under this subsection no later than 18 months  
52 after the filing of the complaint. The filing ~~commencement~~ of  
53 such action divests ~~shall divest~~ the commission of jurisdiction  
54 of the complaint, except that the commission may intervene in  
55 the civil action as a matter of right. Notwithstanding this  
56 subsection ~~the above~~, the state and its agencies and  
57 subdivisions may ~~shall~~ not be liable for punitive damages. The  
58 total amount of recovery against the state and its agencies and

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59 subdivisions may ~~shall~~ not exceed the limitation as set forth in  
60 s. 768.28(5).

61 Section 2. For the purpose of incorporating the amendment  
62 made by this act to section 760.11, Florida Statutes, in a  
63 reference thereto, section 760.07, Florida Statutes, is  
64 reenacted to read:

65 760.07 Remedies for unlawful discrimination.—Any violation  
66 of any Florida statute that makes unlawful discrimination  
67 because of race, color, religion, gender, pregnancy, national  
68 origin, age, handicap, or marital status in the areas of  
69 education, employment, or public accommodations gives rise to a  
70 cause of action for all relief and damages described in s.  
71 760.11(5), unless greater damages are expressly provided for. If  
72 the statute prohibiting unlawful discrimination provides an  
73 administrative remedy, the action for equitable relief and  
74 damages provided for in this section may be initiated only after  
75 the plaintiff has exhausted his or her administrative remedy.  
76 The term "public accommodations" does not include lodge halls or  
77 other similar facilities of private organizations which are made  
78 available for public use occasionally or periodically. The right  
79 to trial by jury is preserved in any case in which the plaintiff  
80 is seeking actual or punitive damages.

81 Section 3. This act shall take effect July 1, 2026.