

By the Committee on Rules; and Senator Burgess

595-03395-26

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1 A bill to be entitled
2 An act relating to the Florida Civil Rights Act;
3 amending s. 760.11, F.S.; deleting the requirement
4 that the Florida Commission on Human Relations send
5 certain information to certain persons by registered
6 mail; making technical changes; revising the timeframe
7 when a civil action may be brought for violations of
8 the act; providing that if the commission or the Equal
9 Employment Opportunity Commission does not make a
10 determination within a specified timeframe, the
11 complainant may bring a civil action within a
12 specified timeframe; reenacting s. 760.07, F.S.,
13 relating to remedies for unlawful discrimination, to
14 incorporate the amendment made to s. 760.11, F.S., in
15 a reference thereto; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsections (1), (3), and (5) of section 760.11,
20 Florida Statutes, are amended to read:

21 760.11 Administrative and civil remedies; construction.—

22 (1) Any person aggrieved by a violation of ss. 760.01-
23 760.10 may file a complaint with the commission within 365 days
24 after ~~of~~ the alleged violation, naming the employer, employment
25 agency, labor organization, or joint labor-management committee,
26 or, in the case of an alleged violation of s. 760.10(5), the
27 person responsible for the violation and describing the
28 violation. Any person aggrieved by a violation of s. 509.092 may
29 file a complaint with the commission within 365 days after ~~of~~

595-03395-26

20261096c1

30 the alleged violation, naming the person responsible for the
31 violation and describing the violation. The commission, a
32 commissioner, or the Attorney General may in like manner file
33 such a complaint. On the same day the complaint is filed with
34 the commission, the commission shall clearly stamp on the face
35 of the complaint the date the complaint was filed with the
36 commission. In lieu of filing the complaint with the commission,
37 a complaint under this section may be filed with the federal
38 Equal Employment Opportunity Commission or with any unit of
39 government of the state which is a fair-employment-practice
40 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
41 complaint is filed is clearly stamped on the face of the
42 complaint, that date is the date of filing. The date the
43 complaint is filed with the commission for purposes of this
44 section is the earliest date of filing with the Equal Employment
45 Opportunity Commission, the fair-employment-practice agency, or
46 the commission. The complaint must ~~shall~~ contain a short and
47 plain statement of the facts describing the violation and the
48 relief sought. The commission may require additional information
49 to be in the complaint. The commission, within 5 days after ~~of~~
50 the complaint being filed, shall ~~by registered mail~~ send a copy
51 of the complaint to the person who allegedly committed the
52 violation. The person who allegedly committed the violation may
53 file an answer to the complaint within 25 days after ~~of~~ the date
54 the complaint was filed with the commission. Any answer filed
55 must ~~shall~~ be mailed to the aggrieved person by the person
56 filing the answer. Both the complaint and the answer must ~~shall~~
57 be verified.

58 (3) Except as provided in subsection (2), the commission

595-03395-26

20261096c1

59 shall investigate the allegations in the complaint. Within 180
60 days after ~~of~~ the filing of the complaint, the commission shall
61 determine whether ~~if~~ there is reasonable cause to believe that
62 discriminatory practice has occurred in violation of the Florida
63 Civil Rights Act of 1992. When the commission determines whether
64 ~~or not~~ there is reasonable cause, the commission ~~by registered~~
65 ~~mail~~ shall promptly notify the aggrieved person and the
66 respondent of the reasonable cause determination, the date of
67 such determination, and the options available under this
68 section.

69 (5) In any civil action brought under this section, the
70 court may issue an order prohibiting the discriminatory practice
71 and providing affirmative relief from the effects of the
72 practice, including back pay. The court may also award
73 compensatory damages, including, but not limited to, damages for
74 mental anguish, loss of dignity, and any other intangible
75 injuries, and punitive damages. Sections 768.72 and 768.73 ~~The~~
76 ~~provisions of ss. 768.72 and 768.73~~ do not apply to this
77 section. The judgment for the total amount of punitive damages
78 awarded under this section to an aggrieved person may ~~shall~~ not
79 exceed \$100,000. In any action or proceeding under this
80 subsection, the court, ~~in its discretion,~~ may allow the
81 prevailing party ~~a reasonable~~ attorney fees ~~attorney's fee~~ as
82 part of the costs. It is the intent of the Legislature that
83 attorney ~~this provision for attorney's~~ fees be interpreted in a
84 manner consistent with federal case law involving a Title VII
85 action. The right to trial by jury is preserved in any such
86 private right of action in which the aggrieved person is seeking
87 compensatory or punitive damages, and any party may demand a

595-03395-26

20261096c1

88 trial by jury. The commission's determination of reasonable
 89 cause is not admissible into evidence in any civil proceeding,
 90 including any hearing or trial, except to establish for the
 91 court the right to maintain the private right of action. A civil
 92 action brought under this section must be filed ~~shall be~~
 93 ~~commenced~~ no later than 1 year after the date of determination
 94 of reasonable cause by the commission or the issuance of a
 95 Notice of Right to Sue from the Equal Employment Opportunity
 96 Commission, whichever occurs first. If a determination is not
 97 made by the commission or a Notice of Right to Sue is not issued
 98 by the Equal Employment Opportunity Commission within 180 days
 99 after the filing of the complaint, a civil action may be brought
 100 by the complainant under this subsection no later than 18 months
 101 after the filing of the complaint. The filing ~~commencement~~ of
 102 such action divests ~~shall divest~~ the commission of jurisdiction
 103 of the complaint, except that the commission may intervene in
 104 the civil action as a matter of right. Notwithstanding this
 105 subsection ~~the above~~, the state and its agencies and
 106 subdivisions may ~~shall~~ not be liable for punitive damages. The
 107 total amount of recovery against the state and its agencies and
 108 subdivisions may ~~shall~~ not exceed the limitation as set forth in
 109 s. 768.28(5).

110 Section 2. For the purpose of incorporating the amendment
 111 made by this act to section 760.11, Florida Statutes, in a
 112 reference thereto, section 760.07, Florida Statutes, is
 113 reenacted to read:

114 760.07 Remedies for unlawful discrimination.—Any violation
 115 of any Florida statute that makes unlawful discrimination
 116 because of race, color, religion, gender, pregnancy, national

595-03395-26

20261096c1

117 origin, age, handicap, or marital status in the areas of
118 education, employment, or public accommodations gives rise to a
119 cause of action for all relief and damages described in s.
120 760.11(5), unless greater damages are expressly provided for. If
121 the statute prohibiting unlawful discrimination provides an
122 administrative remedy, the action for equitable relief and
123 damages provided for in this section may be initiated only after
124 the plaintiff has exhausted his or her administrative remedy.
125 The term "public accommodations" does not include lodge halls or
126 other similar facilities of private organizations which are made
127 available for public use occasionally or periodically. The right
128 to trial by jury is preserved in any case in which the plaintiff
129 is seeking actual or punitive damages.

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