

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1407 (2026)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Duggan offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 **Section 1. Subsections (1), (3), and (5) of section**

7 **760.11, Florida Statutes, are amended to read:**

8 760.11 Administrative and civil remedies; construction.—

9 (1) Any person aggrieved by a violation of ss. 760.01-

10 760.10 may file a complaint with the commission within 365 days
11 of the alleged violation, naming the employer, employment
12 agency, labor organization, or joint labor-management committee,
13 or, in the case of an alleged violation of s. 760.10(5), the
14 person responsible for the violation and describing the
15 violation. Any person aggrieved by a violation of s. 509.092 may
16 file a complaint with the commission within 365 days of the

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17 alleged violation, naming the person responsible for the
18 violation and describing the violation. The commission, a
19 commissioner, or the Attorney General may in like manner file
20 such a complaint. On the same day the complaint is filed with
21 the commission, the commission shall clearly stamp on the face
22 of the complaint the date the complaint was filed with the
23 commission. In lieu of filing the complaint with the commission,
24 a complaint under this section may be filed with the federal
25 Equal Employment Opportunity Commission or with any unit of
26 government of the state which is a fair-employment-practice
27 agency under 29 C.F.R. ss. 1601.70-1601.80. If the date the
28 complaint is filed is clearly stamped on the face of the
29 complaint, that date is the date of filing. The date the
30 complaint is filed with the commission for purposes of this
31 section is the earliest date of filing with the Equal Employment
32 Opportunity Commission, the fair-employment-practice agency, or
33 the commission. The complaint shall contain a short and plain
34 statement of the facts describing the violation and the relief
35 sought. The commission may require additional information to be
36 in the complaint. The commission, within 5 days of the complaint
37 being filed, shall ~~by registered mail~~ send a copy of the
38 complaint to the person who allegedly committed the violation.
39 The person who allegedly committed the violation may file an
40 answer to the complaint within 25 days of the date the complaint
41 was filed with the commission. Any answer filed shall be mailed

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42 to the aggrieved person by the person filing the answer. Both
43 the complaint and the answer shall be verified.

44 (3) Except as provided in subsection (2), the commission
45 shall investigate the allegations in the complaint. Within 180
46 days of the filing of the complaint, the commission shall
47 determine if there is reasonable cause to believe that
48 discriminatory practice has occurred in violation of the Florida
49 Civil Rights Act of 1992. When the commission determines whether
50 or not there is reasonable cause, the commission ~~by registered~~
51 mail shall promptly notify the aggrieved person and the
52 respondent of the reasonable cause determination, the date of
53 such determination, and the options available under this
54 section.

55 (5) In any civil action brought under this section, the
56 court may issue an order prohibiting the discriminatory practice
57 and providing affirmative relief from the effects of the
58 practice, including back pay. The court may also award
59 compensatory damages, including, but not limited to, damages for
60 mental anguish, loss of dignity, and any other intangible
61 injuries, and punitive damages. Sections ~~The provisions of ss.~~
62 768.72 and 768.73 do not apply to this section. The judgment for
63 the total amount of punitive damages awarded under this section
64 to an aggrieved person shall not exceed \$100,000. In any action
65 or proceeding under this subsection, the court, in its
66 discretion, may allow the prevailing party a reasonable attorney

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67 attorney's fee as part of the costs. It is the intent of the
68 Legislature that this provision for attorney attorney's fees be
69 interpreted in a manner consistent with federal case law
70 involving a Title VII action. The right to trial by jury is
71 preserved in any such private right of action in which the
72 aggrieved person is seeking compensatory or punitive damages,
73 and any party may demand a trial by jury. The commission's
74 determination of reasonable cause is not admissible into
75 evidence in any civil proceeding, including any hearing or
76 trial, except to establish for the court the right to maintain
77 the private right of action. A civil action brought under this
78 section shall be commenced no later than 1 year after the date
79 of determination of reasonable cause by the commission or the
80 issuance of a Notice of Right to Sue by the Equal Employment
81 Opportunity Commission, whichever is earlier. If a determination
82 of reasonable cause is not made by the commission or a Notice of
83 Right to Sue is not issued by the Equal Employment Opportunity
84 Commission within 180 days after the filing of the complaint, a
85 civil action brought under this section may be commenced no
86 later than 18 months after the filing of the complaint. The
87 commencement of such action shall divest the commission of
88 jurisdiction of the complaint, except that the commission may
89 intervene in the civil action as a matter of right.
90 Notwithstanding the above, the state and its agencies and
91 subdivisions shall not be liable for punitive damages. The total

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92 amount of recovery against the state and its agencies and
93 subdivisions shall not exceed the limitation as set forth in s.
94 768.28(5).

95 **Section 2.** This act shall take effect July 1, 2026.

96
97 -----
98 **T I T L E A M E N D M E N T**

99 Remove everything before the enacting clause and insert:
100 An act relating to commencement of civil actions;
101 amending s. 760.11, F.S.; removing the requirement
102 that the Florida Commission on Human Relations send
103 certain information to certain persons by registered
104 mail; requiring certain civil actions to be commenced
105 within specified periods; making technical changes;
106 providing an effective date.