

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 1407](#)

**TITLE:** Commencement of Civil Actions

**SPONSOR(S):** Duggan

**COMPANION BILL:** [SB 1096](#) (Burgess)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Civil Justice & Claims](#)

16 Y, 0 N



[Judiciary](#)

## SUMMARY

### Effect of the Bill:

HB 1407 specifies that, where the Florida Commission on Human Relations (“Commission”) determines, after the filing of a complaint alleging that a discriminatory practice occurred in violation of the Florida Civil Rights Act of 1992 (“FCRA”), that there is reasonable cause to believe such a discriminatory practice occurred, or the Equal Employment Opportunity Commission (“EEOC”) issues a Notice of Right to Sue in connection with the filing of a complaint alleging violations of both state and federal anti-discrimination laws, the aggrieved person may file a civil action with respect to the alleged FCRA violation no later than one year after the earlier of the:

- Date of the Commission’s determination (as provided in current law); or
- Issuance of a Notice of Right to Sue by the EEOC.

However, under the bill, if the Commission does not make a reasonable cause determination, or the EEOC does not issue a Notice of Right to Sue, within 180 days after the complaint’s filing, a civil action alleging an FCRA violation must be commenced no later than 18 months after the complaint’s filing.

### Fiscal or Economic Impact:

None

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## ANALYSIS

### **EFFECT OF THE BILL:**

HB 1407 limits the time in which a person aggrieved by an alleged violation of the Florida Civil Rights Act of 1992 (“FCRA”) has to file a civil action with respect to such violation in certain circumstances. Specifically, under the bill, where the Florida Commission on Human Relations (“Commission”) receives a **complaint** alleging that a discriminatory practice occurred in violation of the FCRA (and in some instances, federal anti-discrimination laws) and subsequently **determines that there is reasonable cause** to believe such a discriminatory practice occurred, or the Equal Employment Opportunity Commission (“EEOC”) receives a dual-filed complaint alleging violations of both state and federal anti-discrimination laws, the aggrieved person may file a civil action with respect to the alleged FCRA violation no later than one year after the earlier of the:

- Date of the Commission’s determination (as provided in current law); or
- Issuance of a **Notice of Right to Sue** by the EEOC.

Further, under the bill, if the Commission does not make a reasonable cause determination, or the EEOC does not issue a Notice of Right to Sue, within 180 days after the complaint’s filing, a civil action under the FCRA must be commenced no later than 18 months after the complaint’s filing. Practically speaking, these changes resolve the “split” between the Fourth and First District Courts of Appeal arising from **recent litigation** and ensure the more expedient resolution of FCRA violation claims to provide finality to all parties involved. (Section [1](#)) The bill provides an effective date of July 1, 2026. (Section [2](#))

**STORAGE NAME:** h1407b.JDC

**DATE:** 1/30/2026

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

The [Florida Civil Rights Act of 1992](#) ("FCRA"), codified in [Part I of Ch. 760, F.S.](#), and incorporating s. [509.092](#), F.S., secures for all individuals within Florida freedom from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.<sup>1</sup> In doing so, the FCRA is meant to protect the interests of all individuals in personal dignity; make available to Florida their full productive capacities; secure Florida against domestic strife and unrest; preserve the public safety, health, and general welfare; and promote the interests, rights, and privileges of individuals within Florida.<sup>2</sup>

Generally speaking, any person aggrieved by an FCRA violation may file a [complaint](#) containing specified, statutorily-required information with the [Florida Commission on Human Relations](#)<sup>3</sup> ("Commission") within 365 days of the alleged violation.<sup>4</sup> In lieu of filing a complaint with the Commission, an aggrieved person may instead file a complaint with the federal [Equal Employment Opportunity Commission](#)<sup>5</sup> ("EEOC") or with any state government unit which is a fair-employment-practices agency<sup>6</sup> under federal law.<sup>7</sup> In any event, the date the complaint is filed with the Commission for purposes of the FCRA is the earliest date of filing with the EEOC, the fair-employment-practice agency, or the Commission itself.<sup>8</sup>

Within five days of the complaint's filing, the Commission must send a copy of the complaint to the person who allegedly committed the violation, who may then file an answer thereto within 25 days of the complaint's filing.<sup>9</sup> Any answer filed must be mailed to the aggrieved person by the person filing the answer, and both the complaint and the answer must be verified.<sup>10</sup> The Commission must then investigate the complaint's allegations and, within 180 days of the complaint's filing, determine whether there is reasonable cause to believe that a discriminatory practice occurred in violation of the FCRA.<sup>11</sup> Likewise, where complaints are dual-filed with the EEOC and the Commission but the EEOC conducts the investigation, the EEOC generally has 180 days to investigate the complaint and, if it finds reasonable cause to believe a violation of state and federal anti-discrimination laws occurred, issue a [Notice of Right to Sue](#) to the aggrieved person, which notice acts as the determination for both agencies.<sup>12</sup>

<sup>1</sup> The FCRA covers discrimination in the areas of housing, employment, and certain public accommodations. [S. 760.01, F.S.](#)

<sup>2</sup> *Id.*

<sup>3</sup> The FCRA establishes the Commission to promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status and mutual understanding and respect among all members of all economic, social, racial, religious, and ethnic groups. The FCRA further charges the Commission with endeavoring to eliminate discrimination against, and antagonism between, religious, racial, and ethnic groups and their members. Ss. [760.03](#) and [760.05](#), F.S.

<sup>4</sup> [S. 760.11, F.S.](#)

<sup>5</sup> The EEOC, established under the Federal Civil Rights Act of 1964, investigates and resolves discrimination complaints under federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, childbirth, or related conditions, transgender status, and sexual orientation), national origin, age, disability, or genetic information; such laws include the federal Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. Most employers with at least 15 employees are subject to the EEOC's jurisdiction. U.S. Equal Employment Opportunity Commission, *Overview*, <https://www.eeoc.gov/overview> (last visited Jan. 30, 2026).

<sup>6</sup> Under federal law, a "fair-employment-practices agency" is any state, county, or municipality with its own laws prohibiting discrimination, and any agencies responsible for enforcing those laws. U.S. Equal Employment Opportunity Commission, *Fair Employment Practices Agencies (FEPAs) and Dual Filing*, <https://www.eeoc.gov/fair-employment-practices-agencies-fepas-and-dual-filing> (last visited Jan. 30, 2026).

<sup>7</sup> The EEOC works with the Commission to facilitate a process in which an aggrieved person may file a single complaint with either the EEOC or the Commission to raise and preserve claims under both state and federal anti-discrimination laws, which complaint the receiving agency then shares with the other agency. Further, pursuant to a work share agreement between the agencies, only one agency investigates the complaint's allegations and share its findings with the other agency; typically, the agency that received the complaint initially will conduct the investigation. Florida Commission on Human Relations, *You Ask, We Answer....*, <https://fchr.myflorida.com/faq-frequently-asked-questions> (last visited Jan. 30, 2026); [S. 760.11, F.S.](#)

<sup>8</sup> [S. 760.11, F.S.](#)

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> U.S. Equal Employment Opportunity Commission, *After You Have Filed a Charge*, <https://www.eeoc.gov/after-you-have-filed-charge> (last visited Jan. 30, 2026).

## Determination of No Reasonable Cause

Where the Commission determines that there is no reasonable cause to believe that an FCRA violation occurred, the Commission must dismiss the complaint.<sup>13</sup> The aggrieved person may then request an administrative hearing, but any such request must be made within 35 days of the reasonable cause determination, and any such hearing must be heard by an administrative law judge.<sup>14</sup> If the administrative law judge finds that an FCRA violation occurred, he or she must issue an appropriate recommended order to the Commission prohibiting the practice and recommending affirmative relief from the practice's effects, including back pay.<sup>15</sup> Within 90 days of the date the recommended order is rendered, the Commission must issue a final order by adopting, rejecting, or modifying the recommended order.<sup>16</sup> A judgment for the amount of damages and costs assessed pursuant to the Commission's final order may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.<sup>17</sup>

## Determination of Reasonable Cause

Where the Commission **determines that there is reasonable cause** to believe that a discriminatory practice occurred, the aggrieved person may bring a civil action against the person named in the complaint in any court of competent jurisdiction.<sup>18</sup> In any such civil action, the court may issue an order prohibiting the discriminatory practice and providing affirmative relief from the practice's effects, including back pay.<sup>19</sup> 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, along with prevailing party attorney fees.<sup>20</sup> However, any such civil action must be commenced no later than one year after the date of the Commission's reasonable cause determination.<sup>21</sup>

## Recent Litigation

In 2023, the Fourth District Court of Appeal considered a challenge to a trial court's dismissal of a complaint dual-filed with the EEOC and the Commission based on an alleged failure to comply with the one-year statute of limitations provided in the FCRA.<sup>22</sup> In affirming the trial court's dismissal, the Court noted that, though the FCRA refers only to the Commission's issuance of a reasonable cause determination in setting the "trigger" for the running of the statute of limitations, the Court understood that "the Commission" in this context may include the EEOC, such that the statute of limitations would begin to run upon the EEOC's issuance of a Notice of Right to Sue.<sup>23</sup> Further, noted the Court, the EEOC issued a Notice of Right to Sue to the Appellant nearly three years before she filed her civil action alleging prohibited discrimination; thus, held the Court, the Appellant's civil action was time-barred.<sup>24</sup>

However, in 2024, the First District Court of Appeal also considered a challenge to a trial court's dismissal of a complaint dual-filed with the EEOC and the Commission based on an alleged failure to comply with the one-year statute of limitations.<sup>25</sup> In overturning the trial court's dismissal and finding that the Appellant's case could

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Alternatively, the aggrieved person may request an administrative hearing under ss. [120.569](#) and [120.57](#), F.S. *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> The judgment for the total amount of punitive damages awarded under this section to an aggrieved person may not exceed \$100,000. Further, the right to trial by jury is preserved in any such private right of action in which the aggrieved person is seeking compensatory or punitive damages, and any party may demand a trial by jury. However, the state and its agencies and subdivisions are not be liable for punitive damages, and the total amount of recovery against the state and its agencies and subdivisions may not exceed the sovereign immunity caps set forth in s. [768.28](#), F.S. *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Aleu v. Nova Southeastern University, Inc.*, 357 So. 3d 134 (Fla. 2023).

<sup>23</sup> *Id.* at 137.

<sup>24</sup> *Id.* at 136 and 141.

<sup>25</sup> *Mooshie v. Florida State Lodge Fraternal Order of Police*, 397 So. 3d 1202 (Fla. 1st DCA 2024).

proceed, the Court noted that, though the EEOC had apparently issued a Notice of Right to Sue, nothing before the Court indicated that the Commission had issued its own, independent reasonable cause determination from which the one-year statute of limitations begins to run under the FCRA, and, thus, nothing in the four corners of the Appellant's complaint suggested that the statute of limitations had yet expired such that her civil action should be time-barred.<sup>26</sup>

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Civil Justice &amp; Claims Subcommittee</a>	16 Y, 0 N	1/19/2026	Jones	Mawn
<a href="#">Judiciary Committee</a>			Kramer	Mawn

<sup>26</sup> *Id.* at 1205.