

HB 1407

2026

A bill to be entitled
An act relating to commencement of civil actions;
amending s. 760.11, F.S.; requiring certain civil
actions to be commenced within specified periods;
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 ~~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 shall not exceed \$100,000. In any action or proceeding under this subsection, the court, in its discretion, may allow the prevailing party a reasonable attorney attorney's fee as part of the costs. It is the intent of the Legislature that this provision for attorney ~~attorney's~~ fees be

26 interpreted in a manner consistent with federal case law
27 involving a Title VII action. The right to trial by jury is
28 preserved in any such private right of action in which the
29 aggrieved person is seeking compensatory or punitive damages,
30 and any party may demand a trial by jury. The commission's
31 determination of reasonable cause is not admissible into
32 evidence in any civil proceeding, including any hearing or
33 trial, except to establish for the court the right to maintain
34 the private right of action. A civil action brought under this
35 section shall be commenced no later than 1 year after the date
36 of determination of reasonable cause by the commission or the
37 issuance of a Notice of Right to Sue by the Equal Employment
38 Opportunity Commission, whichever is earlier. If a determination
39 of reasonable cause is not made by the commission or a Notice of
40 Right to Sue is not issued by the Equal Employment Opportunity
41 Commission within 180 days after the filing of the complaint, a
42 civil action brought under this section shall be commenced no
43 later than 18 months after the filing of the complaint. The
44 commencement of such action shall divest the commission of
45 jurisdiction of the complaint, except that the commission may
46 intervene in the civil action as a matter of right.
47 Notwithstanding the above, the state and its agencies and
48 subdivisions shall not be liable for punitive damages. The total
49 amount of recovery against the state and its agencies and
50 subdivisions shall not exceed the limitation as set forth in s.

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51 768.28(5).

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