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CS/HB 1407

2026 Legislature

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2 An act relating to commencement of civil actions;
3 amending s. 760.11, F.S.; removing the requirement
4 that the Florida Commission on Human Relations send
5 certain information to certain persons by registered
6 mail; requiring certain civil actions to be commenced
7 within specified periods; making technical changes;
8 providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Subsections (1), (3), and (5) of section
13 760.11, Florida Statutes, are amended to read:

14 760.11 Administrative and civil remedies; construction.—

15 (1) Any person aggrieved by a violation of ss. 760.01-
16 760.10 may file a complaint with the commission within 365 days
17 of the alleged violation, naming the employer, employment
18 agency, labor organization, or joint labor-management committee,
19 or, in the case of an alleged violation of s. 760.10(5), the
20 person responsible for the violation and describing the
21 violation. Any person aggrieved by a violation of s. 509.092 may
22 file a complaint with the commission within 365 days of the
23 alleged violation, naming the person responsible for the
24 violation and describing the violation. The commission, a
25 commissioner, or the Attorney General may in like manner file

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

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

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51 shall investigate the allegations in the complaint. Within 180
52 days of the filing of the complaint, the commission shall
53 determine if there is reasonable cause to believe that
54 discriminatory practice has occurred in violation of the Florida
55 Civil Rights Act of 1992. When the commission determines whether
56 or not there is reasonable cause, the commission ~~by registered~~
57 ~~mail~~ shall promptly notify the aggrieved person and the
58 respondent of the reasonable cause determination, the date of
59 such determination, and the options available under this
60 section.

61 (5) In any civil action brought under this section, the
62 court may issue an order prohibiting the discriminatory practice
63 and providing affirmative relief from the effects of the
64 practice, including back pay. The court may also award
65 compensatory damages, including, but not limited to, damages for
66 mental anguish, loss of dignity, and any other intangible
67 injuries, and punitive damages. Sections ~~The provisions of ss.~~
68 768.72 and 768.73 do not apply to this section. The judgment for
69 the total amount of punitive damages awarded under this section
70 to an aggrieved person shall not exceed \$100,000. In any action
71 or proceeding under this subsection, the court, in its
72 discretion, may allow the prevailing party a reasonable attorney
73 ~~attorney's~~ fee as part of the costs. It is the intent of the
74 Legislature that this provision for attorney ~~attorney's~~ fees be
75 interpreted in a manner consistent with federal case law

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76 | involving a Title VII action. The right to trial by jury is
77 | preserved in any such private right of action in which the
78 | aggrieved person is seeking compensatory or punitive damages,
79 | and any party may demand a trial by jury. The commission's
80 | determination of reasonable cause is not admissible into
81 | evidence in any civil proceeding, including any hearing or
82 | trial, except to establish for the court the right to maintain
83 | the private right of action. A civil action brought under this
84 | section shall be commenced no later than 1 year after the date
85 | of determination of reasonable cause by the commission or the
86 | issuance of a Notice of Right to Sue by the Equal Employment
87 | Opportunity Commission, whichever is earlier. If a determination
88 | of reasonable cause is not made by the commission or a Notice of
89 | Right to Sue is not issued by the Equal Employment Opportunity
90 | Commission within 180 days after the filing of the complaint, a
91 | civil action brought under this section may be commenced no
92 | later than 18 months after the filing of the complaint. The
93 | commencement of such action shall divest the commission of
94 | jurisdiction of the complaint, except that the commission may
95 | intervene in the civil action as a matter of right.
96 | Notwithstanding the above, the state and its agencies and
97 | subdivisions shall not be liable for punitive damages. The total
98 | amount of recovery against the state and its agencies and
99 | subdivisions shall not exceed the limitation as set forth in s.
100 | 768.28(5).

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