The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL:	SB 1096
INTRODUCER:	Senator Burgess
SUBJECT:	Remedies for Violations of the Florida Civil Rights Act
DATE:	February 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	**Favorable**
2.			GO	
3.			RC	

I. Summary:

SB 1096 establishes a statute of limitation to clarify and limit the amount of time that a person who files an employment discrimination complaint with the Equal Employment Opportunity Commission or the Florida Human Relations Commission has to file a civil action for the alleged discrimination.

The bill provides that a complainant who chooses to file a civil action must file *no later than* 1 year after the Florida Commission issues a determination of reasonable cause or the EEOC issues a Notice of Right to Sue, whichever occurs *first*. However, if a determination is not made or a notice is not issued within 180 days after a complaint is filed, a civil action may be brought by the complainant, but no later than 18 months after the complaint was filed.

The bill takes effect July 1, 2026.

II. Present Situation:

Background

The Florida Civil Rights Act of 1992 (the Act) provides a forum for people to seek redress if they believe they have been discriminated against on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.[1] The Florida Commission on Human Relations (Commission) is authorized to receive, investigate, hold hearings on, and act upon complaints that allege a discriminatory practice as defined in the Act.[2]

[1] Section 760.01(2), F.S.
[2] Section 760.06(5), F.S.

Procedure and Timelines

The Complaint Must Be Filed within 365 Days of the Alleged Violation

Anyone who believes that he or she has been discriminated against may file a complaint with the Commission, but it must be filed within 365 days after the alleged violation. The complaint must name the employer or alleged violator, describe the violation, and the relief that is sought. On the same day that the complaint is filed with the Commission, the Commission is required to clearly stamp the filing date on the complaint. In lieu of filing the complaint with the Commission, the person alleging discrimination may file a complaint with the federal Equal Employment Opportunity Commission (EEOC)[3] or a unit of state government that is a fair-employment practice agency under the federal code.[4]

The Commission, within 5 days of the complaint being filed, must then send by registered mail a copy of the complaint to the alleged violator. The alleged violator then has 25 days from the date the complaint was filed to file an answer with the Commission.[5]

180 Days to Investigate and Make a Determination

The Commission must investigate the allegations in a complaint and has 180 days after the filing date to determine if there is reasonable cause to believe that a discriminatory practice occurred in violation of the Act.[6] If the Commission fails, within 180 days after the complaint is filed, to determine whether there is reasonable cause, the complainant may bring a civil action or request an administrative hearing. The Commission must notify the complainant in writing of the failure to make a determination as to whether there is reasonable cause and provide the complainant with their options. The complainant then has 1 year to file a civil action after the date the Commission certifies that the notice was mailed to the complainant. [7]

Some people choose to dual-file a complaint with the EEOC and the Commission when they believe that their rights have been violated under federal and state law. Under a work-share agreement with the EEOC, both entities act as agents for each other and only one agency investigates a claim. This avoids duplicating an investigation. If the EEOC issues a determination, that serves as a determination for both agencies.[8]

If the EEOC conducts an investigation, it generally has 180 days to resolve the charge. If the EEOC finds reasonable cause to believe a violation has occurred, it will issue a Notice of Right to Sue to the complainant and the notice serves as the determination for both the EEOC and the Commission.[9]

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[3] The EEOC is authorized to investigate discrimination charges against employers who are covered under federal law. See U.S. Equal Employment Opportunity Commission, *Overview, Authority & Role*, https://www.eeoc.gov/overview (last visited Jan. 29, 2026).
[4] Section 760.11(1), F.S.
[5] *Id*.
[6] Section 760.11(3), F.S.
[7] Section 760.11(8), F.S.
[8] Florida Commission on Human Relations, *You Ask, We Answer …*, Case Status With EEOC, https://fchr.myflorida.com/faq-frequently-asked-questions (last visited Jan. 28, 2026).
[9] *Id*., and U.S. Equal Employment Opportunity Commission, *After You Have Filed a Charge*, https://www.eeoc.gov/after-you-have-filed-charge (last visited Jan. 28, 2026).

Statute of Limitation - A Civil Action Must Be Brought Within 1 Year

A statute of limitations is a law that bars a legal claim after a specific period of time. Its purpose is to bring finality to a legal situation. The statute also serves to ensure that claims will be resolved while evidence is available, before memories fade, and before witnesses can no longer be found.[10]

If the Commission determines that there is reasonable cause to believe that employment discrimination occurred, the aggrieved person may either bring a civil action against the employer named in the complaint or request an administrative hearing.[11] A civil action must be brought within 1 year after the date the Commission determines that reasonable cause exists.[12] However, the statute is silent on when a civil action must be filed when the EEOC conducts the investigation. This omission has led to confusion for attorneys who represent claimants as well as defense attorneys who represent business interests.[13] A plaintiff's attorney could be sued for malpractice if he or she files an action after the deadline has passed for filing a claim. A defense attorney who is not made aware of a potential lawsuit until years after the alleged violation occurred is then tasked with locating evidence and witnesses that might no longer be available.

III. Effect of Proposed Changes:

The bill clarifies and limits the amount of time a person has to file a civil action for employment discrimination after filing an employment discrimination complaint with the Florida Human Relations Commission or the Equal Employment Opportunity Commission. This will resolve confusion for litigants who are uncertain what the time constraints are for filing a civil action for discrimination.

When a Determination of Reasonable Cause or a Notice of Right to Sue is Issued

Existing law provides that a civil action must be brought "no later than 1 year" after the Commission issues a determination of reasonable cause. The bill similarly establishes that someone who chooses to file a civil action must do so no later than 1 year after the EEOC issues a Notice of Right to Sue. The 1-year time frame for filing a civil action begins when the *first* organization, whether the Commission or the EEOC, issues its decision.

When a Determination of Reasonable Cause or a Notice of Right to Sue is *Not* Issued

If, however, a determination of reasonable cause is not made by the Commission or a Notice of Right to Sue is not issued by the EEOC within 180 days after the filing of the complaint, a civil

[10] BLACK'S LAW DICTIONARY (12th ed. 2024).
[11] Section 760.11(4), F.S., Pursuant to s. 760.07, F.S., if the statute prohibiting unlawful discrimination provides an administrative remedy, the plaintiff must first exhaust his or her administrative remedy.
[12] Section 760.11(5), F.S
[13] See *Davis v. Big Bend Hospice, Inc.*, 419 So. 3d 272 (Fla. 1st DCA 2025). In *Davis*, the First District Court of Appeal wrestled with the existing statutory language and prior case law to determine the limitations period for filing an employment discrimination lawsuit after the EEOC dismissed the complainant's claim and issued a right to sue letter, but the Commission did not follow through with the ministerial function of providing the complainant with its own notice dismissing the claim. The court certified conflict with other decisions issued by the Second District and Fourth District Court of Appeal.

action for employment discrimination may be brought by the complainant but no later than 18 months after the filing of the complaint.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 760.11 and760.07.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.