

# FLORIDA COMMISSION ON HUMAN RELATIONS



## ANNUAL REPORT 2001 - 2002



**Citizen Focused • Technology Driven  
Results Oriented**



**Jeb Bush**  
Governor



**Rita Barreto Craig**  
Chair

**Derick Daniel**  
Executive Director

## ABOUT THE FCHR

The Florida Commission on Human Relations (FCHR) was established in 1969 pursuant to the Civil Rights Act of 1964. The mission has been amended over the years by legislative action through the Florida Human Rights Act of 1977, and the Fair Housing Act in 1983 which was amended in 1989. In 1992, major amendments were made to Chapter 760, Florida Statutes which included prohibiting discrimination in public lodging, food service establishments and certain private clubs. This version is cited as the Florida Civil Rights Act of 1992. In 1999 the Florida Legislature passed the Whistle Blower's Act which protects public employees reporting improper use of government office, gross mismanagement of funds, or any other abuse or neglect of duty on the part of an agency, public officer or employee. The FCHR has the responsibility of investigating complaints of alleged retaliation against any person filing a Whistle Blower complaint. The functions of the FCHR as cited in Chapter 760, Florida Statutes, are to:

### COMMISSIONERS

Donna Elam  
Vice Chair  
Thonotosassa

Gayle Cannon  
Lake City

John Corbett  
West Palm Beach

Leonie Hermantin  
Miami

Roosevelt Paige  
Orange Park

Keith Roberts  
Dania Beach

Aletta Shutes  
Tallahassee

Gilbert Singer  
Tampa

Billy Whitefox Stall  
Panama City

Mario M. Valle  
Naples

P. C. Wu  
Pensacola

- Promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, handicap, or marital status;
- Promote and encourage mutual understanding and respect among members of all economic, social, racial, religious, and ethnic groups; and
- Endeavor to eliminate discrimination against and antagonism between religious, racial, and ethnic groups and their members.

## 2002 ACCOMPLISHMENTS

### Results Oriented

- Reduced working case inventory by 28%; from 2,535 cases on 6/30/01 to 1,831 cases on 6/30/02.
- Increased the number of cases closed by 42%; from 1,626 cases in FY 00/01 to 2,308 cases in FY 01/02.
- Negotiated over \$3.6 in settlements for complainants during this fiscal year.
- Initiated extensive training program for agency staff that improved customer service and quality of investigations.



### Technology Driven

- Completed Phase I of a Web-based system that will feature a one-stop shop for our customers. When complete, the system will consist of a new case management system, online technical and administrative assistance and other attributes to help increase the agency's ability to serve the public.
- Equipped staff with better computers through interagency surplus transfers at minimal cost to the agency.

## Citizen Focused

- Produced radio, television and newspaper public service announcements in English, Spanish and Haitian Creole, to expand the education and outreach program.
- Provided education and outreach to several communities, including Perry, Naples, Pensacola, Ocala, Tallahassee, Miami and Sarasota, to assist in development of Human Relations programs.
- Continued post 9/11 efforts by hosting statewide teleconferences to allow sharing of resources and information between national, state and local governments, as well as the Muslim community.
- Appointed to the Statewide Homeland Security Task Force and the Hate Crimes Task Force for the U. S. Middle District of Florida.
- Received the Management Achievement Award of Excellence from the North Florida Chapter of the American Society for Public Administration.
- Contacted over 500 community organizations, advocacy groups, governmental agencies and employers to offer training and other services provided by the agency.



## Partnerships

- Developed partnerships with several agencies to promote tolerance including the Council on American Islamic Relations, the Florida Dr. Martin Luther King, Jr. Institute for Non-Violence, the National Conference for Community and Justice, and the Florida State University Center for the Advancement of Human Rights.
- Co-Chaired the 54<sup>th</sup> Annual Conference of the International Association of Official Human Rights Agencies (IAOHRA).
- Developed website registration for housing providers operating under

the Housing for Older Persons Act. During the 2000 legislative session, Chapter 760.29(e), Florida Statutes was amended to provide that facilities or communities claiming exemption to the Fair Housing Act as it pertains to familial status must register with the FCHR. So far, over 2,300 communities have registered.

## Legal Update

### **Woodham vs. Blue Cross and Blue Shield**

The Florida Supreme Court held that the EEOC's use of the statement, ***“unable to conclude that the information obtained establishes violations of the statutes”*** was not a proper determination of cause or no cause under section 760.11(3) and (7), Florida Statutes. It upheld the construction given by the 2<sup>nd</sup> District Court of Appeal in *Cisco V. Phoenix Medical Products, Inc.* The court, however, went further than that narrow holding and found that a Complainant could file in a state court if the “FCHR fails to make its determination within 180 days, even if the untimely determination is made before the filing of a lawsuit.”



During fiscal year 2001/2002, the FCHR continued an aggressive campaign to reduce the case backlog of prior years. This strategy included:

- Increasing the number of staff allocated to the project. Sixty-eight percent of the agency's 72 allotted positions are assigned to the Enforcement Division.
- Batching multiple complaints filed against one respondent so they may be investigated concurrently, and scheduling fact-finding conferences with the parties to assist in prompt case resolution.
- Meeting with state agency EEO officers to offer training on investigation of discrimination complaints that will assist them in providing thorough responses to expedite the process.
- Providing continuous training to agency enforcement personnel to ensure prompt, courteous and effective response and service to our customers.

These special enforcement efforts increased the number of cases closed by 42% this fiscal year. Total inventory has been reduced by 25% for the same period measured.

## TOTAL INVENTORY COMPARISON\*

Case Type	6/30/2001	6/30/2002
• Employment	2,512	2,016
• Whistle-blower	18	17
• Public Accomodation	38	29
Subtotal:	2,568	2,062
• Housing	317	104
Total:	2,885	2,166

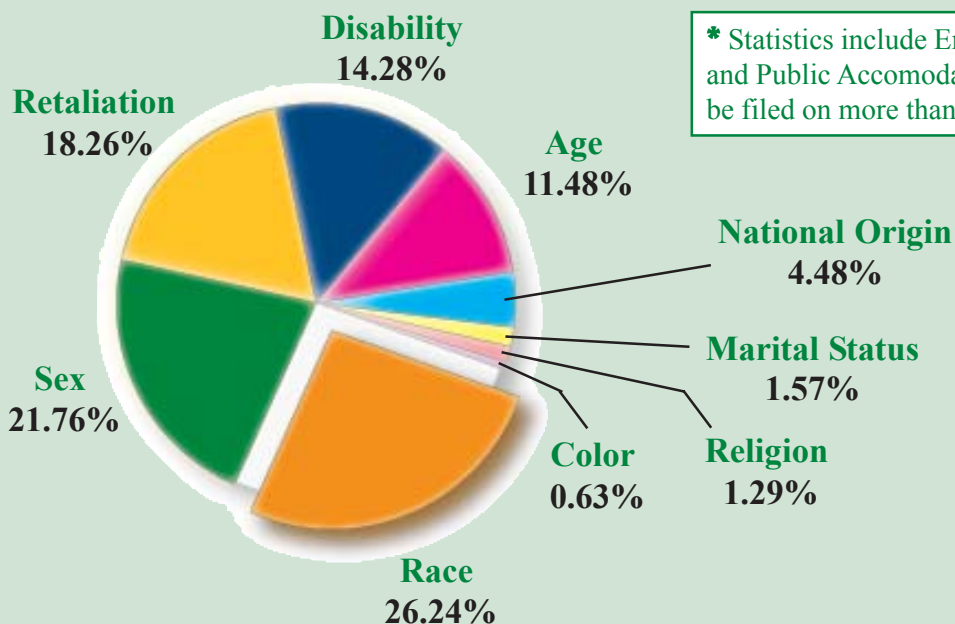
\* **Total inventory** includes cases where the investigation has been completed, a determination has been rendered and they are in suspense for 35 days as required by Chapter 760.11(7), Florida Statutes to allow the complainant the opportunity to appeal the decision; and cases at the Division of Administrative Hearings (DOAH) where the complainant has requested a hearing. **Working inventory** consists of the cases currently open and under investigation.

## INCREASED PRODUCTIVITY WITH LIMITED DOLLARS

<b>CASE PROCESSING:</b>	<b>FY 00-01</b>	<b>FY 01-02</b>
<b>Total Inventory</b>		
New Cases Docketed	1,437	1,604
Cases Closed	1,626	2,308
Cases In Progress (Working Inventory)	2,535	1,831
<b>Cases In Progress (Total Inventory)</b>	<b>2,885</b>	<b>2,166</b>
<b>SETTLEMENT:</b>	<b>FY 00-01</b>	<b>FY 01-02</b>
<b>Mediation</b>		
Settlement or Withdrawal with Benefits	125	186
Withdrawal with Benefits (Benefits Unknown)	14	24
<b>Total Settlements Or Withdrawal with Benefits</b>	<b>139</b>	<b>210</b>
Other Closure Types	231	184
<b>Total Mediation Closures</b>	<b>370</b>	<b>394</b>
<b>Settlement Dollars:</b>	<b>\$2,119,802</b>	<b>\$3,266,411</b>
<b>Investigation</b>		
Settlement or Withdrawal with Benefits	37	62
Withdrawal with Benefits (Benefits Unknown)	64	71
Total Settlements Or Withdrawal with Benefits	101	133
Settlement Dollars:	\$439,231	\$397,900
<b>Total Settlement Dollars:</b>	<b>\$2,559,033</b>	<b>\$3,664,311</b>
<b>FCHR BUDGET:</b>	<b>FY 00-01</b>	<b>FY 01-02</b>
General Revenue	\$3,212,456	\$3,074,984
Trust Fund	\$821,935	\$1,070,883
<b>Total:</b>	<b>\$4,034,391</b>	<b>\$4,145,867</b>

- The Commission is funded through general revenue allocated by the Florida Legislature and through trust funds that are the result of federal contracts. The trust funds, which amounted to approximately 25% of the 2001- 02 budget, are derived from contracts with the Equal Employment Opportunity Commission (EEOC) and the U. S. Department of Housing and Urban Development (HUD) for investigation and resolution of complaints of employment and housing discrimination.
- Although the overall budget of the Commission increased, there was a 4.3% reduction in general revenue allocated to the agency. When the EEOC or HUD defers cases to the state for investigation, they pay a fee to the Commission for a portion of the costs incurred for the investigation and resolution of the complaint of discrimination. The 30.3% increase in trust fund revenue was a direct result of increased productivity in the resolution of cases. During this fiscal year the Commission shifted the funding of two full-time positions from general revenue to trust fund.
- During FY 2001- 2002, the Commission docketed 1,604 new cases for investigation. This was an increase of 12% more than were docketed in FY 2000 - 2001.
- During FY 2001- 2002 the Mediation Unit negotiated settlements in 210 cases, and resolved 184 cases without settlement benefits. Agency settlements exceeded \$3.6 million. Since its inception in 1995, the Mediation Unit has been responsible for successful closure of over 1,300 cases resulting in a direct benefit of over \$9 million.

## OPEN INVENTORY ON 6/30/02\*



\* Statistics include Employment, Whistle-blower and Public Accommodation inventory. Cases may be filed on more than one basis.

## CLOSURES BY STATUTE

STATUTE	2000-2001	2001-2002	Increase/Decrease
Age Discrimination In Employment Act (ADEA)	137	168	18.45%
Americans with Disabilities Act (ADA)	162	221	26.70%
Federal Employment Act (Title VII)	494	617	19.94%
Chapter 760, Florida Statutes only	676	912	25.88%
Fair Housing Act (Title VIII)	157	390	59.74%
<b>Total Closures</b>	<b>1,626</b>	<b>2,308</b>	<b>29.55%</b>

## 2001-2002 CASE CLOSURE TYPES

CLOSURE TYPE	EMPLOYMENT	HOUSING	TOTAL	%
Settlements	80	0	80	3.47%
Withdrawal With Benefits	253	22	275	11.92%
Cause Determination	70	8	78	3.38%
Conciliations	0	25	25	1.08%
No Cause Determination	828	120	948	41.07%
Right to Sue	330	0	330	14.30%
Withdrawal Without Benefits	106	10	116	5.03%
No Jurisdiction/ Filed Civil Action	231	10	241	10.44%
Referred to HUD	0	193	193	8.36%
Other Admin Closures	0	1	1	0.04%
Fail to Locate/ Fail to Cooperate	20	1	21	0.91%
	<b>1,918</b>	<b>390</b>	<b>2,308</b>	<b>100.00%</b>

## FCHR SERVICES

The Florida Commission on Human Relations offers a range of services to individuals, employers and communities to promote fair treatment, equal access and an inclusive society.

### Mediation

In cases of alleged employment discrimination, FCHR offers mediation services prior to the investigative process. Mediation provides for an exchange of concerns from both the complaining party and the employer to work toward a possible resolution of the dispute that is acceptable to both parties. This process is voluntary, confidential and free of charge.



### Employment Investigation

If a complaining party and the employer are unable to reach agreement through mediation, the FCHR will investigate the complaint. The employment investigator will determine whether or not there is cause to believe the complaining party was discriminated against based on race, sex, color, religion, national origin, age, handicap, marital status or retaliation.



### Housing Investigation

The FCHR, as an agency substantially equivalent to the U. S. Department of Housing and Urban Development, conducts investigations of alleged housing discrimination. Under the Fair Housing Act no person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions. The investigators also provide technical assistance and guidance to the parties involved in the complaints, their legal representatives, and the general public. Conciliation attempts continue throughout the investigative process.

### Other Investigations

The FCHR also conducts investigations of claims of retaliation filed under the Florida Whistle Blower's Act, and complaints of accessibility of certain public accommodations (food and lodging establishments, and certain private clubs.)

### Community Relations Service

The Community Relations Service Unit (CRS) is the outreach arm of the FCHR. The goal of the unit is to prevent and resolve community conflict and tension arising from actions, policies and practices initiated by state and local governments perceived to be discriminatory. CRS acts as a catalyst and serves communities as a facilitator by creating effective partnerships between government and community to assist in the conciliation of such conflict.



### Training

The FCHR provides training to agencies, businesses and community groups to educate them on the Florida Civil Rights Act. The Commission believes that if employers know the law, it will assist in the reduction of cases filed, and provide a cost savings to potential parties and the State of Florida. Training can be tailored to the specific needs of the organization. Workshops include:

- Harassment in the Workplace (Sexual, Religious)
- Diversity and Cultural Competence
- Dispute Resolution
- Violence Prevention
- Current Trends in Employment and Housing

# FLORIDA COMMISSION ON HUMAN RELATIONS

## Contact Us:

- **Phone:** 1-850-488-7082  
Suncom: 278-7082
- **Toll Free Message:** 1-800-342-8170
- **Fax:** 1-850-488-5291
- **Website:** <http://fchr.state.fl.us>
- **E-mail:** [fchrinfo@dms.state.fl.us](mailto:fchrinfo@dms.state.fl.us)



## People with Communication Impairments:

- **TDD** 1-800-955-8771
- **TDD ASCII** 1-800-955-1339
- **Voice** 1-800-955-8770
- **Voice** 711 (statewide)



## FLORIDA COMMISSION ON HUMAN RELATIONS

2009 Apalachee Parkway, Suite 100  
Tallahassee, FL 32301-4857

Pre-Sorted  
US Postage Paid  
Tallahassee, FL  
Permit #927

Time-sensitive  
Material

