

FLORIDA COMMISSION ON HUMAN RELATIONS



Annual Report 2010 - 2011





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FCHR Vision, Mission and Core Values

Vision

To be the foremost resource on human relations for the state of Florida.

Mission

To prevent unlawful discrimination by ensuring that all people in Florida are treated fairly and have access to opportunities in employment, housing and certain public accommodations; and to promote mutual respect among groups through education and partnerships.

Core Values

- Every individual is to be treated with dignity and respect
- The service we provide is impartial and high-quality
- Communication with the public is open and honest
- Those accused of discrimination are entitled to the same fair consideration and treatment as those making the accusations

Message from the Chair

Thank you for spending a few moments with this Annual Report, which details the many achievements of the Florida Commission on Human Relations throughout the 2010-11 fiscal year.

This has been a period of significant transition and change for our state, and the Commission has not been immune from this trend. Nevertheless, the Commissioners and our outstanding staff have remained steadfast in our commitment, focusing on our essential responsibility to ensure that all Floridians are treated with dignity and respect.

For the Commission itself, the most significant transition has been at the top. Following the retirement of long-time Executive Director Derick Daniel, we have begun to chart a new course. My fellow Commissioners and I determined that the best way to fill the void left by Mr. Daniel's departure was a partnership – one that would continue the important work being done by the agency while saving the taxpayers money. We were fortunate to have two exceptional administrators already on staff in Budget Director Michelle Wilson and General Counsel Larry Kranert. These two dedicated public servants agreed to serve as co-directors on an interim basis, and Commission operations have continued without missing a beat.

The broader transition, of course, was at the top of Florida government, where Floridians welcomed Governor Rick Scott. Soon after his inauguration our new Governor faced his first legislative session without first having an opportunity to learn fully about the Florida Commission on Human Relations. Since then, however, we have provided him and his team with a better understanding of the Commission's place in Florida's present and future.

We really do have quite a story to tell. While the Commission will always place a high priority on ensuring the rights of individuals who believe they



Co-Director Michelle Wilson (l), Chair Donna Elam and Co-Director Larry Kranert meet with Governor Rick Scott.

have been the victims of discrimination, we are also playing an increasingly vital role in fostering a bright economic future for Florida's businesses. As described in more detail elsewhere in this Annual Report, the Commission's mediation services produce cost savings for business of more than \$12 million per year on average. Every \$1.00 the taxpayers provide for Commission operations returns an additional \$1.44 in cost savings for Florida businesses.

Those businesses may be the very ones who create the jobs so many of our citizens desperately need. By working closely with the business sector, we can help foster workplaces that value employees and respect their rights. That is the kind of environment Florida workers need, and it's the kind of environment in which businesses can thrive.

The Commission's work can go a long way toward helping Floridians – both individuals and businesses – build a brighter future together. After all, as the Commission's motto says: We're all in this together.

Dr. Donna Elam
Chair

Role of the Commission - *An Overview*

Spawned in the heyday of the civil rights movement, the Florida Commission on Human Relations has evolved over the years into an invaluable resource – not just for aggrieved individuals but also for Florida’s business community and state government itself. It has investigated more than 74,000 cases since it was statutorily established in 1969 to address discrimination.

Overseen by 12 Commissioners appointed by the Governor and confirmed by the Senate, FCHR conducts its business primarily under authority of three Florida laws:

- The Florida Civil Rights Act (Part I, Chapter 760, and s. 509.092, F.S) for allegations of discrimination in employment or public accommodations
- The Florida Fair Housing Act (Part II, Chapter 760) for allegations of discrimination in housing
- The Florida Whistle-Blower’s Act (s. 112.31895) for allegations of improper retaliation against state agency whistle-blowers

The Commission is the state’s leading anti-discrimination agency. A work-sharing agreement between FCHR and two federal partners – the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development – helps ensure that complaints are properly investigated without duplication, whether they are initially filed with the Commission or one of the federal agencies.

The Commission’s activities are all directed toward a simple goal: eliminating conflict. Conflict that may involve FCHR can arise in numerous ways – a woman believes her employer has sexually harassed her . . . a renter believes he has been denied housing because of his race or age or religion . . . a state

government employee believes she has been fired simply because she complained of wrongdoing by a co-worker.

These and other types of allegations may fall under the jurisdiction of FCHR. When a complaint is properly filed the Commission conducts a thorough investigation, but also offers a mediation process that often produces a mutually agreeable resolution in much less time. When an investigation is completed, the Commission may issue a finding of either “reasonable cause” or “no reasonable cause” to support the allegation. Many cases end with a finding of “no cause” by the Commission. After either determination, the complainant may choose to pursue the matter at the Division of Administrative Hearings – with “cause” determinations also carrying the option of going directly to court - for an entirely new proceeding. In the overwhelming majority of FCHR cases the division reviews, it concurs with the Commission’s determination – more than 91 percent of the time.

Whatever the outcome, the Commission process provides an important service to all involved.

- For the person who feels so wronged that he or she chooses to file a complaint, FCHR provides a neutral forum for that complaint to be investigated and the person’s rights to be protected.
- For the business accused of a discriminatory act, FCHR represents a chance to resolve the matter quickly with a “no cause” finding or a mediated outcome that avoids costly litigation.
- For the Florida taxpayer, FCHR helps limit caseloads on crowded court dockets and even helps state agencies avoid costly litigation resulting from state employee discrimination claims.

Number of Cases, FY 2010-11

Filed		Closed *	
Emp/PA/WB	Housing	Emp/PA/WB	Housing
950	271	1,001	269

* Includes some cases filed prior to FY 2010-11

Hearings Requested

To DOAH **	
Emp/PA	Housing
72	20

** After case is closed by FCHR

DOAH Results

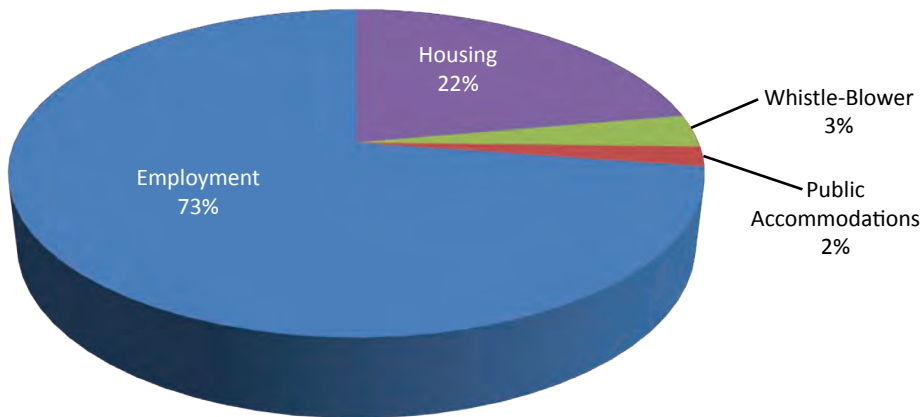
Review of FCHR Cases	
Same as FCHR	Differed from FCHR
84 (91.3%)	8 (8.7%)

Outcomes of Closed Cases

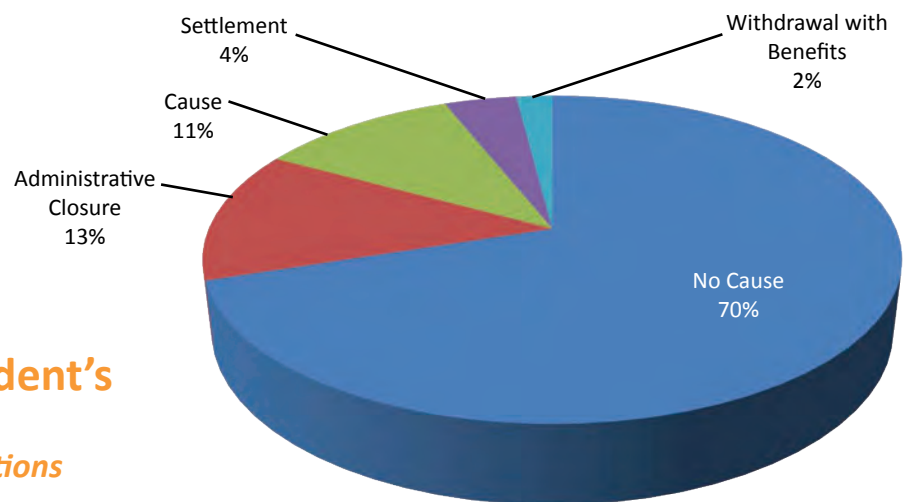
Cause		No Cause		Administrative Closures		Settlements		Withdrawals w/ Benefits	
Emp/PA/WB	Housing	Emp/PA/WB	Housing	Emp/PA/WB	Housing	Emp/PA/WB	Housing	Emp/PA/WB	Housing
111	20	700	171	129	46	44	16	17	16

Fiscal Year 2010 - 2011 Statistics

Types of Complaints Received

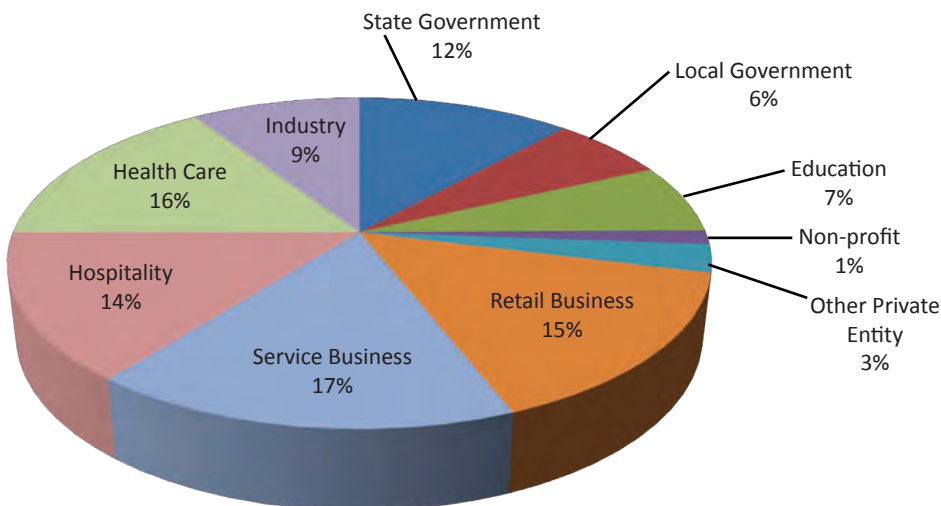


Case Resolutions



Cases Received by Respondent's Business Type

Employment, Public Accommodations & Whistle-Blower



Cost Savings for Florida Businesses:

A Conservative Estimate

Through its mediation services, the Florida Commission on Human Relations plays an important role in fostering a favorable climate for job creators by preventing costly lawsuits.

The Commission's work reassures employees that their rights will be protected, while also saving businesses almost \$61 million in litigation

expenses since 2006 — that's more than \$12 million per year. Despite its small budget, the Commission provides Florida's taxpayers an extraordinary return on their investment. For every \$1 provided by the taxpayers over the past five years, the Commission has returned an additional \$1.44 to Florida businesses.

FY 2006-07 to FY 2010-11

MEDIATION & CASES CLOSED

Successful mediation resolutions: 508
Average mediated settlement: \$14,527

Cases closed through
"No Cause" findings: 3,571

FCHR BUDGET

	Dollars	Positions
Current Year:	\$ 3,881,248	48.5
2010-2011:	\$ 4,355,259	53.5
2009-2010:	\$ 4,337,704	55.5
2008-2009:	\$ 5,013,681	60.5
2007-2008:	\$ 5,827,845	64.0
2006-2007:	\$ 5,436,822	67.0

TOTAL SAVINGS TO BUSINESS

Litigation costs avoided: \$60.8 million

Average damage award (in court):*	\$134,125
Average FCHR mediation:	- \$14,527
Average saved through mediation:	\$119,598
Number of mediation resolutions:	x 508
COST SAVINGS TO BUSINESS:	\$60,755,784

* Source: Bureau of Justice Statistics, U.S. Department of Justice, for 2006 discrimination cases; does not include attorney fees or court costs

Note: Additional substantial savings come from FCHR's 3,571 timely findings of "no cause," which preclude potentially costly circuit court litigation

FISCAL YEAR	MEDIATION RESOLUTIONS	AVG. MEDIATION SETTLEMENT	SAVINGS TO BUSINESS	FCHR BUDGET (GAA)	RETURN ON INVESTMENT
2006-07	95	\$14,276	\$11,385,655	\$5,436,822	109.4 %
2007-08	129	\$11,555	\$15,811,530	\$5,827,845	171.3 %
2008-09	95	\$15,349	\$11,283,720	\$5,013,681	124.1 %
2009-10	111	\$17,298	\$12,967,797	\$4,337,704	199.0 %
2010-11	78	\$14,806	\$ 9,306,882	\$4,355,259	113.7 %
AVERAGE:					143.7 %

Fair Housing Month

One of the Commission's primary missions is to ensure that all Floridians have equal access to the housing of their choice. A highlight of that effort comes each April with Fair Housing Month, and this year the Commission took part in festivities marking the 43rd anniversary of the federal Fair Housing Act of 1968.

Fair Housing Month is an ideal time to educate the public on laws against housing discrimination. With so many residents continuing to face an uncertain housing future, all Floridians have a stake in preventing illegal housing discrimination. During this year's Fair Housing Month observance, the Commission distributed English and Spanish versions of a public service announcement designed to shed light on the subtle but insidious nature of housing discrimination. The video depicts a landlord slamming the door in the face of would-be renters who are African American, Hispanic or disabled, but warmly welcoming a white man. The video is available on the Commission's website at http://fchr.state.fl.us/publications/public_service_announcements.

During 2010-11, the Commission received 271 complaints of alleged housing discrimination commit-



ted against Floridians as they tried to buy or rent a home or apartment. As part of its effort to combat this form of discrimination, FCHR sponsored several events during Fair Housing Month 2011, including:

- Visits to two Tallahassee public schools for educational workshops on service animals and disability role playing (conducted in partnership with the state Division of Blind Services); and
- Training for members of the non-profit Tallahassee Lenders' Consortium on credit counseling and home purchasing by low-income and very-low income families.

FCHR also promoted Fair Housing Month resolutions in the Florida House and Senate. The resolutions acknowledge Florida's catastrophic rates of foreclosure and mortgage fraud, which have particularly impacted racial and ethnic minorities.

FAN MAIL EXCERPTS

"I have been a lawyer practicing in this area for over 20 years and frankly I am amazed at the outstanding service we receive from the FCHR. Your investigators and staff are always professional and efficient. I wish the EEOC gave even close to the same service that we receive from the FCHR."
— email from a partner in a Jacksonville law firm representing businesses

"I had a mediation last week ('conciliation') in a public accommodations case. (Your mediator) was extremely professional and knowledgeable – and I am happy to say the matter was successfully resolved." – email from a Gainesville attorney regarding a case involving a service/support animal

"I want to compliment you on one of the finest (investigatory reports and recommendations) I've ever read in the 32 years I've been dealing with this stuff. You have written one of the greatest recommendations I've ever seen. I'm not telling you I'm happy with the outcome – that's not the point – the point is that you've covered everything, and I think you're doing a great job." – voicemail left by the attorney for an unsuccessful complainant

"Top 5" Statistics - FY 2010-11

Top 5 Reasons for Complaints Received: Employment / Public Accommodation / Whistle-Blower

Retaliation	23%
Race	20%
Disability	17%
Sex	17%
Age	13%

Top 5 Reasons for Complaints Received: Housing

Disability	38%
Race	22%
Sex	11%
National Origin	11%
Familial Status	10%

Top 5 Case Resolutions: Employment / Public Accommodation / Whistle-Blower

No Cause	70%
Administrative Closure	13%
Cause	11%
Settlement	4%
Withdrawal with Benefits	2%

Top 5 Case Resolutions: Housing

No Cause	64%
Administrative Closure	17%
Cause	7%
Settlement	6%
Withdrawal with Benefits	6%

Top 5 Counties for Complaints Filed: Employment / Public Accommodation / Whistle-Blower

Leon
Orange
Escambia
Bay (tie)
Volusia (tie)

Top 5 Counties for Complaints Filed: Housing

Miami-Dade
Bay
Orange
Brevard
Sarasota

Top 5 Employer Types Cited in Complaints: Employment / Public Accommodation / Whistle-Blower

Service Business	17%
Health Care	16%
Retail	15%
Hospitality	14%
State Government	12%

Florida Civil Rights Hall of Fame: *Working Toward a Reality*

"It is the intent of the Legislature to recognize and honor those persons, living or dead, who have made significant contributions to this state as leaders in the struggle for equality and justice for all persons." – Florida Statutes, section 760.065

With these opening words, the Florida Legislature established the Florida Civil Rights Hall of Fame. A bill creating the Hall passed the Legislature unanimously and was signed into law on May 11, 2010. The Commission then began working to help identify those distinguished Floridians who would become the initial class of inductees.

Florida's first-ever Civil Rights Hall of Fame will honor leaders and advocates who worked tirelessly to protect the rights of various populations throughout Florida's history. The Hall came into being through the determined efforts of numerous state legislators, led by Alan Williams in the House and Tony Hill in the Senate.

The law requires the state to set aside an appropriate public area within the Capitol building. The statute spells out the Commission's role to consult on the design and theme of the display and to seek nominations of individuals "who have made a significant contribution and provided exemplary leadership toward Florida's progress and achievements in civil rights."

Pursuant to its statutory duties, during the first part of 2011 the Commission solicited nominations for the inaugural class. After carefully considering the submissions, the Commission narrowed the list to 10 finalists. That list was then forwarded to Governor Rick Scott, who under the statute "shall select up to 3" individuals for formal induction into the Hall of Fame.

In seeking the first group of candidates for the Hall, the Commission considered individuals who made substantial contributions in such areas as community empowerment, legislative advocacy, grassroots organizing, coalition building, organizational leadership and multicultural educational initiatives. The names of almost two dozen outstanding Floridians, living or deceased, were submitted for consideration, and narrowing the list to the statutorily required 10 names was an extremely difficult task. As the fiscal year covered in this Annual Report came to a close, the Governor was considering his choices from among the finalists.



Emerging Trends in Florida Hate Crimes

Few things say more about human relations than hate crimes, which erupt when inner prejudices explode to the surface. Hate crimes are particularly reprehensible because their victims are targeted not for what they have done, but simply for who and what they are.

According to the Southern Poverty Law Center, Florida continued to have the third largest number of documented hate groups in 2010, trailing only California and Texas. The Center's survey shows that hate groups operate in at least 20 Florida counties, in all corners of the state and many places in between. Over the years the Florida Commission on Human Relations has partnered with state and federal agencies, educational institutions and private organizations to combat hate-based crimes. The state's official report shows signs of improvement in some areas, but cause for increased concern in others.

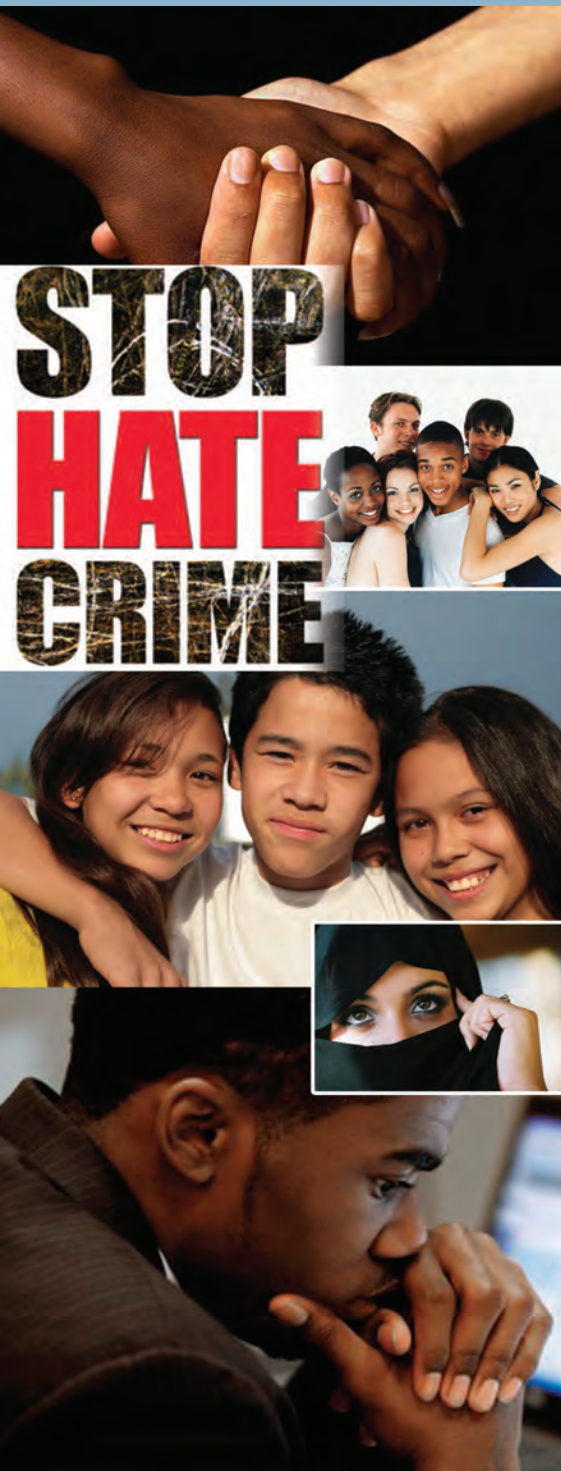
The Florida Attorney General's annual Hate Crimes in Florida report documents the incidence of hate crimes across the state, as reported by local law enforcement agencies. The most recent assessment covers calendar year 2009, with Florida law enforcement agencies reporting the fewest hate crimes (148) since the Attorney General's Office began reporting on them in 1991.

The 19% drop in reported hate crimes in 2009 is part of an overall decline of more than 43% over the past five years. Taking an even longer view, reported hate crimes in the first decade of the new millennium were down an average of almost 3% per year compared to the 1990s. Unclear is whether this decline is a result of greater tolerance or merely changes in reporting procedures among local law enforcement agencies.

Not all forms of hate crimes are in decline, however. Overall trends suggest that the past two decades have seen Florida become somewhat more tolerant in the area of race relations, but at the same time it has become less tolerant in newly emerging areas of ill will. The race/color of the victim is still the Number 1 basis for hate crimes, but it is not as dominant as in the past – in the 1990s that motivation accounted for 67% of all hate crimes, but today it represents just over 51%. However, in the post-9/11 era, the share of hate crimes based on the victim's religion or ethnicity/national origin has jumped

by more than one-third, from 22% to 31% of all reported hate crimes. Similarly, the share based on the victim's sexual orientation has grown by two-thirds, to almost 17% of the total.

Perhaps the most comforting aspect of the Hate Crimes in Florida report is that in a diverse state of 19 million people, it appears that the vast majority of residents practice civility and do not resort to hate-based criminal acts.



Reaching Out to the Public and Officials



Although budget-related staff reductions forced the elimination of FCHR's Community Relations Services unit, the Commission continued to reach out to the general public and other governmental entities. Whenever possible (with costs covered by the inviting party), Commission staff attended events to share information with the general public on how FCHR can be of assistance, and also frequently lent its expertise to state and local officials throughout Florida.

Here are just some of the occasions when FCHR staff provided valuable information to others about Florida discrimination laws and ways to prevent discrimination:

GENERAL TRAINING, OUTREACH AND EDUCATIONAL EFFORTS

07/06/10	High Springs Police Department - sexual harassment
08/15/10	Florida Bar Public Employee Conference – Genetic Information Nondiscrimination Act (GINA) and Americans with Disabilities Act (ADA)
09/17/10	Booker T. Washington Economic Development Summit, Tuskegee University, Alabama (keynote speech)
09/23/10	Florida Professional Association for Human Resources - diversity and employment investigations
10/14/10	Florida Department of Education - cultural diversity and employment investigations
10/06/10	Tallahassee Mayor's Summit - human trafficking
01/23/11	Seminole County School District - cultural diversity training
01/29/11	Division of Forestry - cultural diversity and employment discrimination
02/15/11	Florida Public Administrators - conflict resolution
05/18/11	Division of Forestry - cultural diversity and employment discrimination
05/24/11	State agency human resources staff, managers, legal staff (in partnership with the Division of Risk Management) - sexual harassment
Various	Florida Supreme Court legal staff - sexual harassment training

HOUSING DISCRIMINATION - TRAINING, OUTREACH AND EDUCATIONAL EFFORTS

08/31/10	Department of Community Affairs - kickoff workgroup for consolidated plan
02/07/11	Miracle Village - subsidized housing for persons aged 62 and older
02/07/11	Community Legal Services of Mid-Florida – fair housing, complaint intake process and technical assistance
3/8-9/11	Focus on Disability (Polk County) - fair housing
03/09/11	Miracle Village - subsidized housing for persons aged 62 and older
04/18/11	Tallahassee Lenders Consortium Homebuyers Workshop – fair housing
04/18/11	Pineview Elementary School (Tallahassee) - fair housing (in partnership with Division of Blind Services)
04/21/11	Apalachee Elementary School (Tallahassee) - fair housing (in partnership with Division of Blind Services)

COMMISSIONERS 2010-2011



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Orlando



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We're All In It Together