



FLORIDA COMMISSION ON HUMAN RELATIONS



ANNUAL REPORT

2012-A YEAR IN REVIEW

2012

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FCHR Vision, Mission and Core Values

Vision

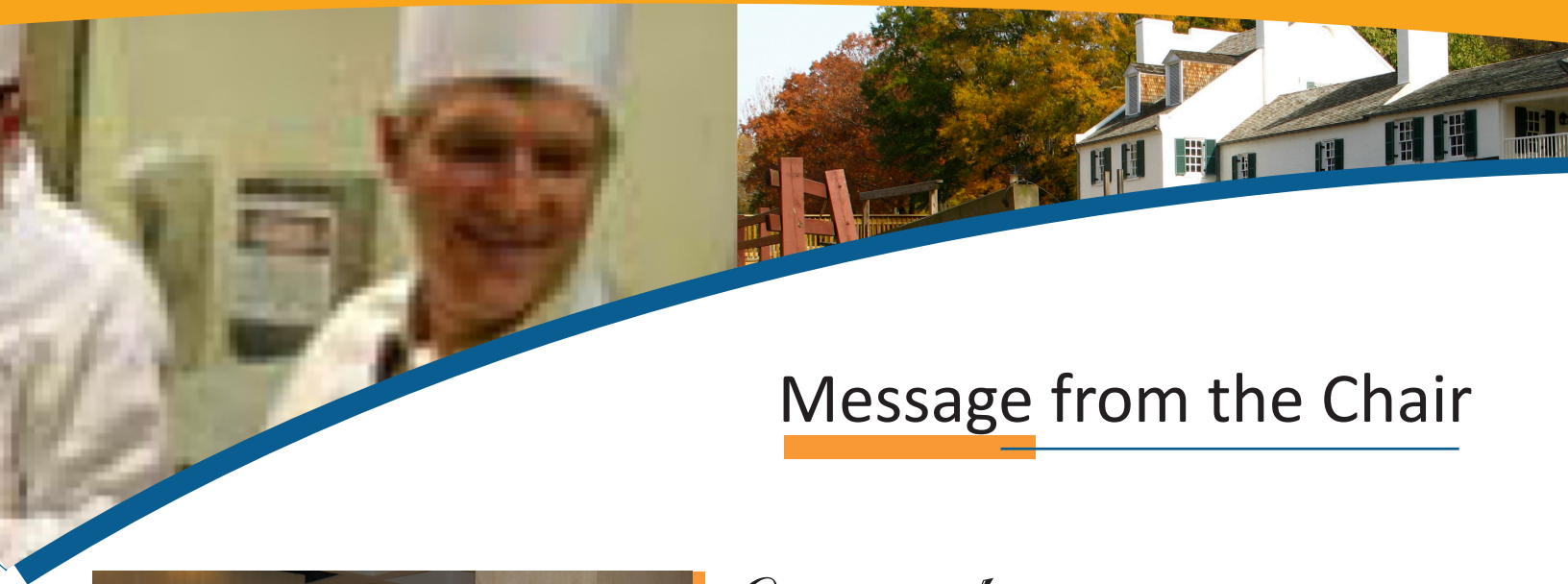
To serve as the foremost resource on human relations for the state of Florida.

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
- Everyone -- accuser and accused alike -- is entitled to fair consideration and equal treatment



Message from the Chair



Greetings!

As Chairman and Executive Director of the Florida Commission on Human Relations (FCHR), we are proud to present you our 2012 Annual Report. It highlights the work and achievements accomplished by our outstanding staff during the past year.

The fiscal year 2011-12 continued to prove challenging, requiring FCHR staff to stay the course while doing more with less. The FCHR received 1,575 cases -- 354 more than the previous fiscal year. The percent of cases resolved within statutory timeframes remains high at 84.9%, with our legislatively-required standard set at 75%.

Even with the increased caseload, our team remained committed to

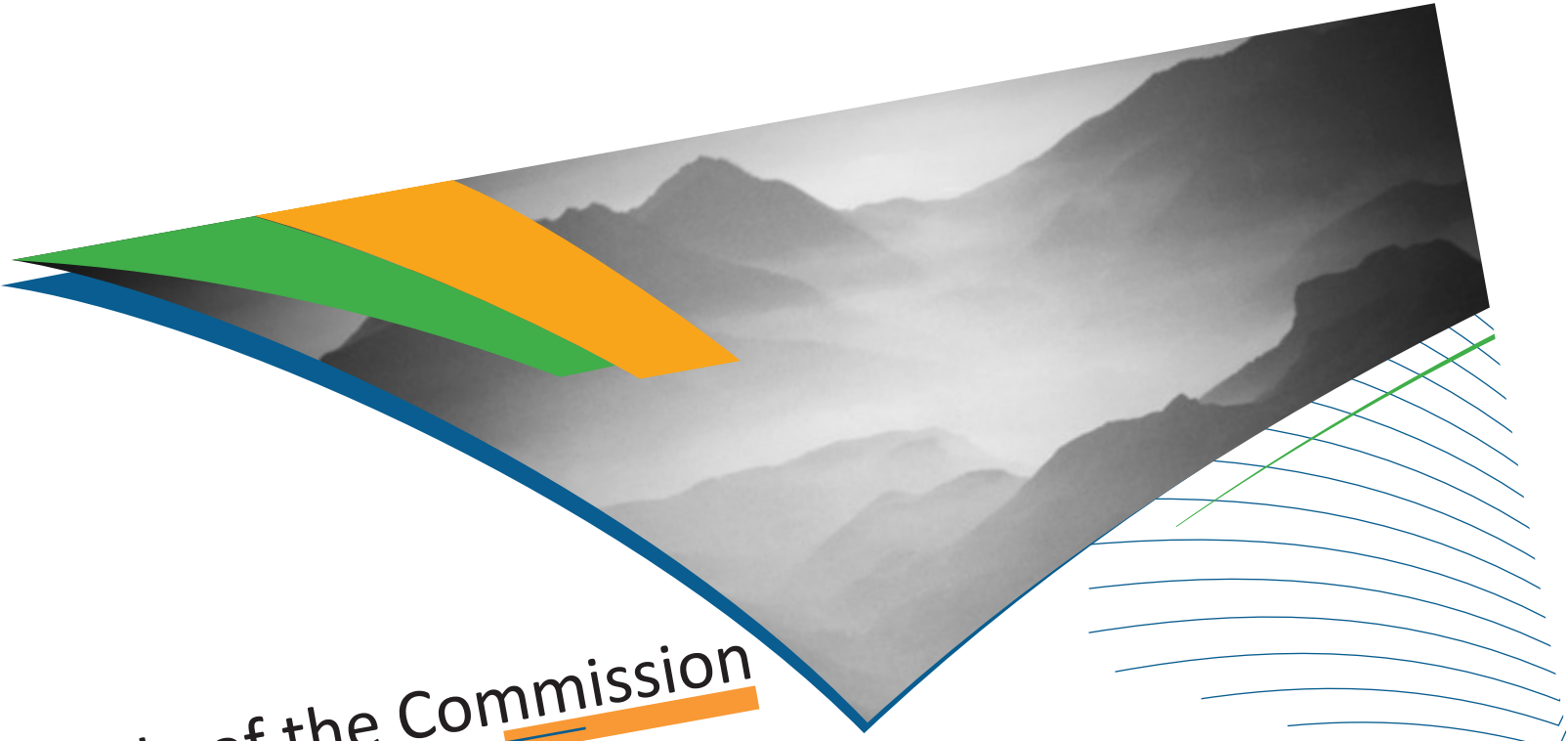
our mission of preventing unlawful discrimination by ensuring that all people in Florida are treated fairly and have access to opportunities in employment, housing and certain public accommodations.

On February 29, 2012, Floridians were introduced to the first members of the new Florida Civil Rights Hall of Fame at a ceremony in the Capitol Rotunda, joined by Governor Rick Scott, Lt. Governor Jennifer Carroll and other dignitaries. This inaugural event was a huge success. This annual program spotlights efforts on civil rights in the Sunshine State.

Once again, Floridians can rest assured that the Commission remains steadfast in implementing the civil rights protections in chapter 760 F.S. as we safeguard the rights of individuals who believe they have been the victims of discrimination and assist Florida's businesses in eliminating illegal discriminatory practices. The Commission will continue to be steadfast in our commitment to these principles.

Gilbert Singer
Chair

Michelle Wilson
Executive Director



Role of the Commission

The Florida Commission on Human Relations continues to evolve over 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 75,000 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 whistleblowers

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

FCHR Performance Highlights

Incoming and Outgoing Case Statistics

- Cases received/resolved:
 1. 1,575 (received)
 2. 1,345 (resolved)
- As of September 1, 2012, submitted 977 cases (85% of our contracted amount)

Legislative Long-Range Program Plan (LRPP)

Legislative Standards

- Percent of cases resolved within statutory timeframes: 84.9% (overall) (Standard: 75%)
- Number of inquiries/investigations: 18,655 (Standard: 10,000)
- Percent of determinations upheld by DOAH: 89.7% (Standard: 80%)

Current Inventory Statistics - Backlog

The following statistics analyze the backlog of open cases under active investigation at the end of each month –Backlog is defined as the percentage of open cases that have exceeded their statutory compliance limit.

- Employment: Remained below 5% during FY 2011-12
- Housing: Remained below 15% during FY 2011-12
- Public Accommodations: Has Remained below 14% FY 2011-12
- Working Inventory: Remained below 5% during FY 2011-12 (Working Inventory includes all housing, employment, public accommodations and whistle-blower cases under active investigation)



Return on Investment

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 \$72 million** in litigation

expenses since 2006 — almost **\$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 \$1.51 to Florida taxpayers and businesses through its mediation services alone!

FY 2006-07 to FY 2011-12

MEDIATION & CASES CLOSED

Successful mediation resolutions: 601
Average mediated settlement: \$14,375

"No Cause" cases (timely closed): 4,364

FCHR BUDGET

	Dollars	Positions
Current Year:	\$ 3,881,248	48.5
2011-2012:	\$ 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: \$71.9 million

Average damage award (in court):*	\$134,125
Average FCHR mediation:	- \$14,375
Average saved through mediation:	\$119,750
Number of mediation resolutions:	x 601
COST SAVINGS TO BUSINESS:	\$71,969,750

Note: Additional substantial savings come from FCHR's 4,364 timely findings of "no cause," - avoiding potentially costly circuit court litigation

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

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 %
2011-12	93	\$12,963	\$11,268,066	\$3,881,248	190.3%
				AVERAGE:	151.3%

FY 2010-11 & 2011-12 Comparisons

Incoming Cases

Incoming Cases						
	Emp.	P.A.	W.B.	Subtotal	Housing	Total
FY 2011-12	1,294	27	43	1,364	211	1,575

Cases Resolved

Cases Resolved						
	Emp.	P.A.	W.B.	Subtotal	Housing	Total
FY 2011-12	1,093	27	43	1,163	182	1,345

Average Length of Investigation

Average Length of Investigation (days)						
	Emp.	P.A.	W.B.	All Emp.	Housing	Total Avg.
FY 2011-12	150	145	80	131	64	97

Cases Resolved Within Compliance

Percentage of Cases Resolved within Compliance (180 days Emp./PA; 90 days WB; 100 days Housing)						
	Emp.	P.A.	W.B.	All Emp.	Housing	Total Avg.
FY 2011-12	85%	80%	72%	84%	89%	84%

Employment Cases by Resolution Type

Employment Cases by Resolution Type	2011 / 2012
No Cause Finding Issued	780
Cause Finding	138
Settlements w/Benefits	25
Withdrawals w/Benefits	19
Admin: Withdrawals w/o Benefits	22
Admin: No Jurisdiction	37
Admin: Notice of Right to Sue	6
Admin: Filed Suit	0
Admin: Failure to Cooperate	0
Admin: Other Type of Closure	136
Total	1,163

Housing Cases by Resolution Type

Houses Cases by Resolution Type	2011 / 2012
No Cause Finding Issued	126
Reasonable Cause Finding Issued	14
Successful Conciliations	13
Withdrawals w/Benefits	7
Admin: Withdrawals w/o Benefits	6
Admin: No Jurisdiction	3
Admin: Failure to Cooperate	10
Admin: Other Type of Closure	3
Total	1,163

FY 2010-11 & 2011-12 Comparisons

Continued...

Cases Received by Type of Bases

Bases Received by Type of Basis										
	Age	Color	Disability	Fam./Mar	Nat. Origin	Race	Religion	Retaliation	Sex	Total Basis
FY 2011-12	282	29	336	22	88	403	34	462	320	1,976

EEOC Contract

EEOC Contract	FY 2011-12
Cases Submitted for Credit	834 of 977
Total %	As of September 1, 85%

Long Range Performance Plan (LRPP) FY 2011-12

LRPP Progress: FY 2011-2013			TOTAL
Completed Investigations (all units)	1167	198	1,365
Intake Closures + Referrals	381	403	784
Technical Assistance (CMS) + Deferrals	3666	12840	16,506
Total Investigations + Inquiries			18,655



FY 2010-11 & 2011-12 Comparisons

Continued...

Top 10 Counties for Employment & Housing FY 2010-11

Top 10 Emp./PA/WB Counties FY 2010-11	
County	# Cases
Leon	197
Orange	62
Escambia	53
Volusia (tie)	42
Bay (tie)	42
Alachua	39
Seminole (tie)	36
Polk (tie)	36
Okaloosa (tie)	36
Duval	34

Top 10 Housing Counties FY 2010-11	
County	# Cases
Dade	54
Bay	34
Orange	27
Brevard	17
Sarasota	16
Broward	15
Seminole	11
Collier	10
Volusia (tie)	9
Polk (tie)	9

Top 10 Counties for Employment & Housing FY 2011-12

Top 10 Emp./PA/WB Counties FY 2011-12	
County	# Cases
Leon	430
Duval	127
Broward	114
Escambia	86
Bay	71
Alachua	64
Dade	58
Brevard	51
Marion	51
Lake	48

Top 10 Housing Counties FY 2011-12	
County	# Cases
Dade	54
Collier	34
Leon	27
Brevard	17
Broward	16
Lake	15
Indian River	11
Manatee	10
Marion	9
Alachua	9





Sampling of Commission Cases

Housing-Disability

A couple whose 24-year-old son is disabled and unable to care for himself was denied a reasonable accommodation request from their residency board. They were requesting that their son be allowed to live with them because his illness required them to administer his medications on a daily basis. The couple alleged that their request was denied because they lived in a 55+ community and their son was under the age of 40. RESULT: The son was able to live without the couple being fined.

Whistle-Blower Retaliation

A woman who disclosed inmate abuse and subsequent collusion was retaliated against her by unfairly referring her for discipline, questioning information she reported, instructing her not to comply with investigators, scrutinizing her attendance and changing her job assignment. She further alleged that incident reports she submitted were not filed, coworkers refused to cooperate with her and she was warned not to irritate her superiors. RESULT: The Commission found reasonable cause that her employer subjected her to unlawful whistle-blower retaliation.

Employment-Age

A woman who had worked in education for more than 30 years, with one year as dean, was told that she was among the top four candidates for the position of Assistant Principal. She was eventually passed over for a significantly younger and less experienced person, and she alleged age-based discrimination. In addition, she believed that she was retaliated against for her previous charge of discrimination. RESULT: The Commission found cause for her allegations as it appeared that she was the better quali-

fied candidate for the Assistant Principal position.

Employment-Race

An airline employee complained that she was sexually harassed on the job and was not hired/denied promotions and disciplined as a result of refusing the advances. She also alleged, because she was Hispanic, that she was discriminated against based on her national origin. RESULT: The Commission found that there was strong evidence showed that the employee was unlawfully subjected to hostile working environment.

Employment- Sexual Harassment

A female employee believed she was a victim of discrimination alleging she was terminated based on her sex and in retaliation for opposing discriminatory treatment. RESULT: The Commission found that she was likely demoted based on her gender and was terminated for complaining about discriminatory treatment.

FCHR Reaches Out To Floridians

While reduced budget allocations continue to challenge FCHR, Commission staff continued to reach out to the general public and other governmental entities. Whenever possible 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 across the Sunshine State.

Here are just some of the occasions when FCHR staff shared our story and how we serve as the foremost resource on human relations for the state of Florida:

Tallahassee Lender Consortium, First Time Homebuyers' Workshop

--housing investigators attended each of the following classes at the Leon County Public Library classroom and spoke for 15-20 minutes about fair housing and FCHR.



Homestead Branch

- Miami-Dade Public Library
Doral Branch

Collier County

- Collier County Public Library

Sarasota County

- North Port Library
- The Osprey Library at Historic Spanish Point

Osceola County

- Hart Memorial Central Library

Volusia County

- Deltona Regional Library

Florida Civil Rights Hall of Fame: ~Inaugural event a great success~

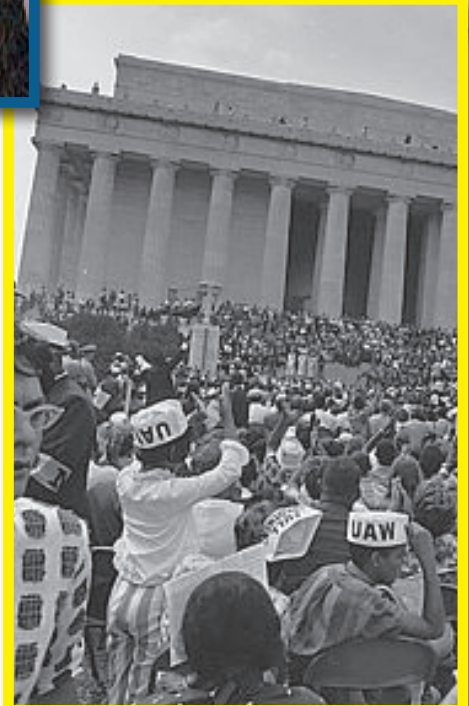
"In a state that changes as rapidly as Florida, the struggle for equality and civil rights can seem like ancient history. This Hall of Fame will serve as a permanent reminder of the courage and sacrifices that built today's Florida," - Michelle Wilson, executive director of the Florida Commission on Human Relations.

Governor Rick Scott chose three trailblazers who helped shape modern-day Florida were honored today by being enshrined as the first members of the new Florida Civil Rights Hall of Fame. Family members of the three inductees attended the ceremony in the Capitol Rotunda, joining Governor Scott and Lt. Governor Jennifer Carroll.

Pioneering educator Mary McLeod Bethune, civil rights leader C.K. Steele and advocate for seniors and minorities Claude Pepper were recognized for their unyielding commitment to equality, diversity and human dignity. The Civil Rights Hall of Fame, authorized by the Legislature, will be a permanent display in the Rotunda area of the Capitol Building.

The Governor and Lieutenant Governor presented commemorative letters to Dr. Evelyn Bethune, granddaughter of Mary McLeod Bethune; Charles Kenzie Steele, son of C.K. Steele, and Ms. Tina Pepper, sister-in-law of Claude Pepper. Also participating in the ceremony were legislative sponsors of the bill establishing the Civil Rights Hall of Fame, including Rep. Alan Williams and former Sen. Tony Hill.

Governor Scott named the first group of Civil Rights Hall of Fame inductees in January. Each year the state's chief executive will select up to three inductees from among 10 finalists submitted by the Florida Commission on Human Relations.



Planning for the Future

Continue to conduct thorough, high-quality and timely investigations of discrimination complaints:

- o Utilizing innovative management approaches
- o Offering voluntary mediation services for mutually acceptable and speedier resolutions
- o Ensuring timely case closure to help avoid costly litigation for the parties

Promote greater public understanding of discrimination issues and laws and engage community members and leaders to address inter-group tensions and discrimination:

- o Provide education and outreach opportunities to businesses, employers and the housing industry relating to their legal responsibilities under federal and state discrimination laws
- o Forming partnerships with private sector entities and governmental agencies is critical to reaching as many customers as possible

Promote public confidence in Commission services through good Customer Service:

- o Improve customer service efforts and outcomes through staff training, continuing education and the use of technology

The Commission is seeking legislative approval during the 2013 session for the following issues:

Amend Chapter 760, Florida Statutes, to allow the Division of Administrative Hearings (DOAH) to request a “hearing assessment” of \$200 for anyone seeking administrative relief in discrimination cases only; would allow for waiver of such fees in certain circumstances (indigency)

Amend Chapter 120, Florida Statutes, to provide that any order issued by DOAH is to include actual or compensatory damages for orders issued in discrimination hearings where appropriate

Amend Chapter 760 (senior housing program) to ensure compliance with state law by authorizing the Commission more enforcement power to require 55+ communities and facilities to register with the Commission

Amend Chapter 760 to clarify what constitutes discrimination based on sex; would include language covering pregnancy, childbirth and any medical condition relating to pregnancy or childbirth (recent court opinion ruled that sex, under the Florida Civil Rights Act of 1992, does not include discrimination based on pregnancy – two other district courts of appeal found that discrimination based on sex did include pregnancy). Would assure Florida remains in compliance with federal substantial equivalency requirements and align Florida law more closely with federal law



COMMISSIONERS 2010-2011



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