

2013
A Year in Review



Florida Commission on Human Relations

ANNUAL REPORT

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FCHR Vision, Mission and Core Values

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.

Vision

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

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 Our Leaders

For nearly 45 years, the Florida Commission on Human Relations has steadfastly reinforced its mission to prevent discrimination in employment, housing, and select public accommodations.

The Commission continually strives to ensure that persons in Florida have access to the many services and facilities that should be available to and enjoyed by all, and that everyone is treated fairly and equally without regard to gender, color, race, national origin, religion, age, disability, or familial or marital status.

Under the enthusiastic leadership of our appointed Commissioners, the Commission has an outstanding track record of success and accountability. We are continually maximizing our efforts, doing more with less, to meet the constantly-changing needs of the Sunshine State.

With the continued hard work of our productive and innovative staff, we are Florida's leading resource in human rights – a state leader for our increasingly-changing and diverse state. Fair treatment, equal access, and mutual respect are the benchmarks of the Commission's commitment to the people of Florida, and are committed to help build and maintain sustainable, inclusive, and peaceful communities across the entire state.

I want to extend my thanks to the Florida Commission on Human Relations team for their continued hard work and enthusiasm towards serving all Floridians. Without them and their efforts, the accomplishments highlighted in this document could not have been achieved.

Mario Valle
Chair

Michelle Wilson
Executive Director



Role of the Commission

The Florida Commission on Human Relations continues to evolve into an invaluable resource – not just for aggrieved individuals, but also for Florida’s business community and state government itself. The Commission 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 the 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 F.S.) for allegations of discrimination in housing
- The Florida Whistle-Blower’s Act (s. 112.31895 F.S.) 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.

When a complaint is properly filed, the Commission NOT ONLY 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. 1,611 (received)
 2. 1,476 (resolved)

Legislative Long-Range Program Plan (LRPP)

- Percent of cases resolved within statutory timeframes: 67% (overall) (Standard: 75%)
- Number of inquiries/investigations: 12,475 (Standard: 10,000)
- Percent of determinations upheld by DOAH: 86.7% (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: Averaged 46% FY 2012-13
- Housing: Averaged 82% FY 2012-13
- Public Accommodations: Average 66% FY 2012-13
- Working Inventory: Average 67% FY 2012-13 (*Working Inventory includes all housing, employment, public accommodations and whistle-blower cases under active investigation*)





Return on Investment

Cost Savings for Florida: A Conservative Estimate

The Florida Commission on Human Relations offers mediation and conciliation services to resolve discrimination complaints. This important role assures employees that their rights are protected, while fostering a favorable climate for job creators by preventing costly lawsuits. Since 2006, the Commission has helped Florida taxpayers and businesses avoid over \$86M in

litigation expenses - over \$12M per year. These savings equate to an average Return On Investment (ROI) for the seven-year period of 166% - for every \$1 spent in the Commission's budget, the Commission has returned an additional \$1.66 to the state through its mediation and conciliation services alone!

FY 2006-07 to FY 2012-13: Seven-Year Period

CASES MEDIATED AND CLOSED

Successful mediation resolutions: 719
Average mediated settlement: \$14,480
"No Cause" cases (timely closed): 4,787

COST SAVINGS TO FLORIDA

Average damage award (in court):* \$134,125
Average FCHR mediation: - \$14,480
Average saved through mediation: \$119,645
Number of mediation resolutions: x 719
COST SAVINGS TO BUSINESS: \$86,024,755

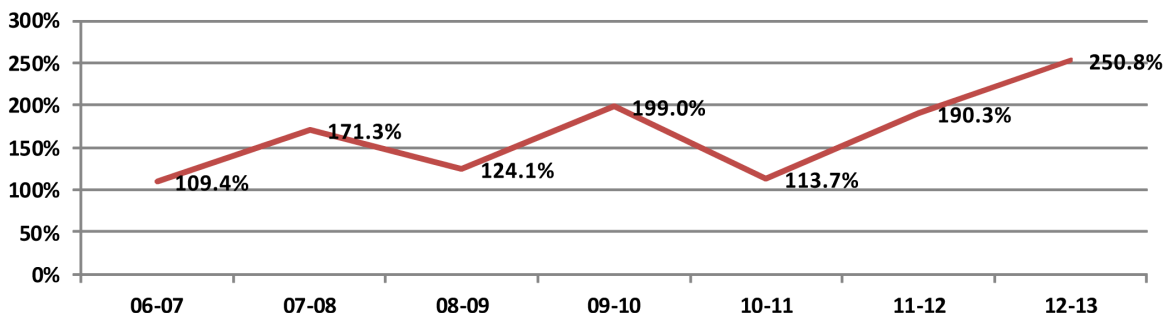
FCHR BUDGET/FTEs

	Dollars	Positions
Current Year:	\$ 4,003,498	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

Note: Additional substantial savings come from FCHR's 4,787 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

FCHR's Return on Investment - 2006-2013



ROI = Annual Cost Savings - FCHR Annual Budget / FCHR Annual Budget
(where Annual Cost Savings = \$134,125 - Average annual mediated settlement amount x # of successful mediated resolutions)



2012-13 By the Numbers



Incoming Cases

Incoming Cases						
	Emp.	P.A.	W.B.	Subtotal	Housing	Total
FY 2012-13	1,298	57	54	1,409	202	1,611

Cases Resolved

Cases Resolved						
	Emp.	P.A.	W.B.	Subtotal	Housing	Total
FY 2012-13	1,218	37	57	1,312	164	1,476

Average Length of Investigation

Average Length of Investigation (days)						
	Emp.	P.A.	W.B.	All Emp.	Housing	Total Avg.
FY 2012-13	185	229	117	183	78	172

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 2012-13	46%	66%	10%	50%	82%	67%

Employment Cases by Resolution Type

Employment Cases by Resolution Type	2012 / 2013
No Cause Finding Issued	866
Cause Finding	141
Settlements w/Benefits	80
Withdrawals w/Benefits	37
Admin: Withdrawals w/o Benefits	55
Admin: No Jurisdiction	21
Admin: Notice of Right to Sue	78
Admin: Filed Suit	3
Admin: Failure to Cooperate	0
Admin: Other Type of Closure	31
Total	1,312

Housing Cases by Resolution Type

Houses Cases by Resolution Type	2012 / 2013
No Cause Finding Issued	97
Reasonable Cause Finding Issued	7
Successful Conciliations	12
Withdrawals w/Benefits	16
Admin: Withdrawals w/o Benefits	6
Admin: No Jurisdiction	14
Admin: Failure to Cooperate	9
Admin: Other Type of Closure	3
Total	164



2012-13 By the Numbers

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 2012-13	360	82	378	25	146	441	49	562	434	2,477

EEOC Contract

EEOC Contract	FY 2012-13
Cases Submitted for Credit	238 of 1,145
Total %	21% as of December 31, 2013

Long Range Performance Plan (LRPP) FY 2012-13

LRPP Progress: FY 2011-2013			TOTAL
Completed Investigations (empl. & housing)	1,396	183	1,579
Intake Closures + Referrals	425	295	720
Technical Assistance (CMS) + Deferrals	1,719	8,457	10,176
Total Investigations + Inquiries			12,475





FY 2011-12 & 2012-2013 Comparisons

Top 10 Counties for Employment & Housing FY 2011-12

Top 10 Emp./PA/WB Counties FY 2011-12	
County	# Cases
Leon	430
Orange	127
Escambia	114
Volusia (tie)	86
Bay (tie)	71
Alachua	64
Seminole (tie)	58
Polk (tie)	51
Okaloosa (tie)	51
Duval	48

Top 10 Housing Counties FY 2011-12	
County	# Cases
Dade	54
Bay	11
Orange	9
Brevard	9
Sarasota	6
Broward	5
Seminole	5
Collier	5
Volusia (tie)	5
Polk (tie)	3

Top 10 Counties for Employment & Housing FY 2012-13

Top 10 Emp./PA/WB Counties FY 2012-13	
County	# Cases
Leon	240
Duval	113
Broward	75
Escambia	62
Bay	59
Alachua	56
Dade	50
Brevard	50
Marion	49
Lake	36

Top 10 Housing Counties FY 2012-13	
County	# Cases
Dade	39
Collier	19
Leon	15
Brevard	13
Broward	12
lake	10
Indian River	9
Manatee	7
Marion	6
Alachua	6



FY 2011-12 & 2012-2013 Comparisons

Continued...

Race Based Resolutions

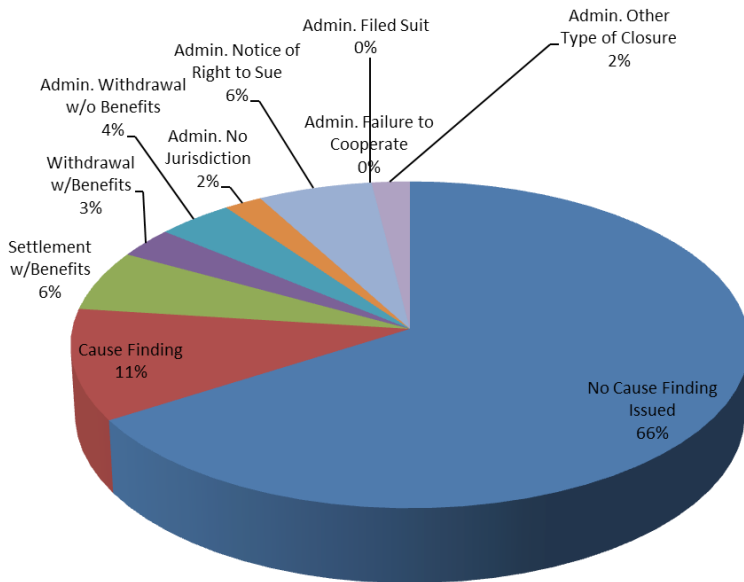
FY 2011-12						
	Asian	Black	Native Am	Other	White	Total
Settlements	0	23	0	3	1	27
Withdrawals w/Benefits	0	5	0	0	3	8
Administrative Closures	4	27	0	6	10	43
No Cause	0	250	1	13	41	309
Cause	0	37	0	0	2	39
Total Resolutions:	4	342	1	22	57	426

FY 2012-13						
	Asian	Black	Native Am	Other	White	Total
Settlements	0	23	0	3	1	27
Withdrawals w/Benefits	0	5	0	0	3	8
Administrative Closures	4	27	0	6	9	42
No Cause	0	250	1	14	41	310
Cause	0	37	0	1	2	40
Total Resolutions:	4	342	1	24	56	427

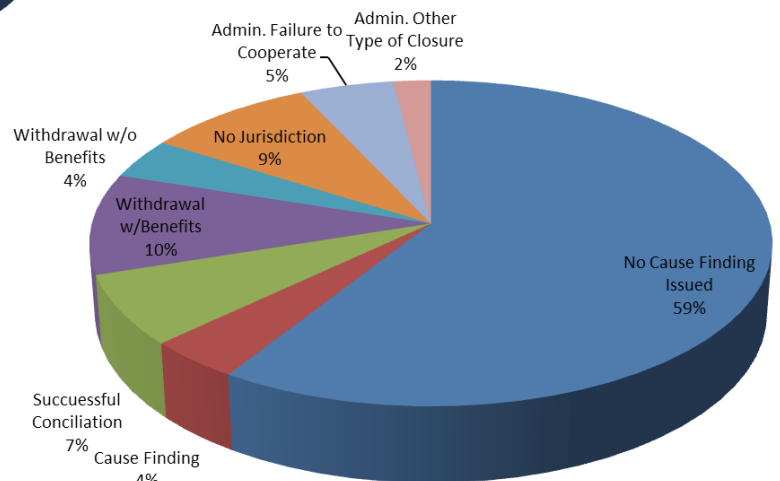


Graphic Comparisons

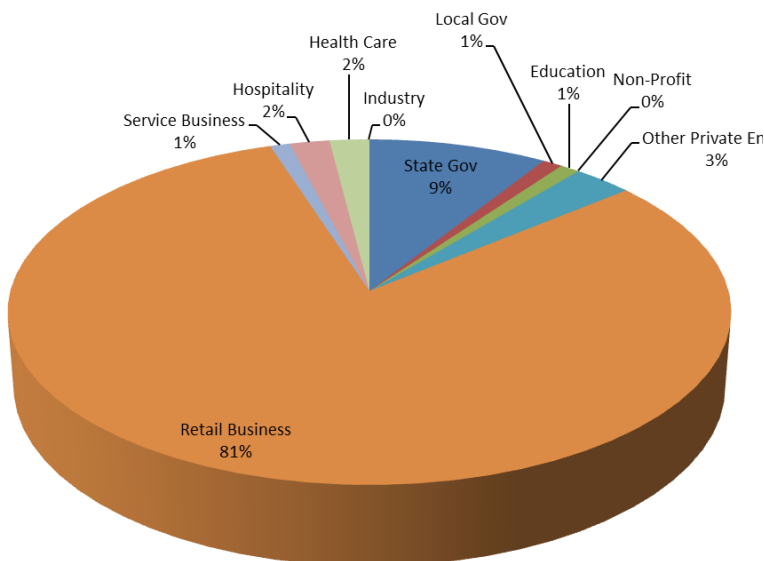
Employment Cases by Resolution Type FY 12-13



Housing Cases by Resolution Type FY 2012-13



Industry Type by Distribution FY 2012-13





Sampling of Commission Cases

Housing-Disability

A disabled woman had obtained an emotional support animal after moving into a condominium she was renting. The owners of the condo allowed her to keep the cat, however, the condo association refused the accommodation and threatened to evict her. The complainant alleged that the respondent's action and denials of her support animal have further aggravated her disability. **RESULT:** The Commission found reasonable cause that the association discriminated against the woman due to her handicap.

Whistle-Blower Retaliation

Through a grievance process, a man reported potential harm associated with computer ethics in a center for research at a state university. He accused its director of gaining access to restricted data, and violating university policy. He was subjected to harassment, unequal pay and FMLA violations. **RESULT:** The Commission found reasonable cause that his employer subjected him to unlawful whistle-blower retaliation.

Employment-Sexual Harassment

A woman, who had worked as a sales manager for four years, alleged that she was harassed and terminated because of her sex. During the investigation, it was found that the Vice President of Marketing consistently treated female employees in a rude and demeaning manner, while male employees were not subjected to the same treatment. **RESULT:** The Commission found cause for her allegations, as it appeared that she was retaliated against and terminated because she was a woman.

Employment-Race

A restaurant employee accused the restaurant owner and several employees of creating a hostile working environment when she was often called offensive, racist names. After she brought this to the owner's attention, she was threatened with termination. **RESULT:** The Commission found cause that the employee was discriminated against based on her race and she was retaliated against for engaging in a protected activity.

Employment-Age

A male maintenance technician had been employed for 22 years with the same company. When three positions were up for terminations due to reduction in force, the three employees chosen were all over the age of 65. The company claimed that the technician was terminated because of a low performance evaluation. However, the investigation found that a younger employee with a much lower evaluation was not terminated. **RESULT:** The Commission found that the technician was terminated based on age and not on his evaluation rating.





FCHR Reaches Out To Floridians

The FCHR continues to make its presence known throughout the Sunshine State. FCHR staff has continued to maximize outreach and educational efforts by offering Fair Housing training, sexual harassment training and presentations on the complaint process and the benefit the Commission provides to the state.

Here are just a few of the outreach efforts provided by FCHR staff in its effort to share our story and to tell others how we serve as the foremost resource on human relations for the state of Florida:

- Protect Our Women Act Press Conference – Tallahassee
- Presentations to Florida Civil Rights Hall of Fame Poster contest winners
- Presentation at an Advanced Executive Briefing- St. Augustine
- General Counsel team participated in the Annual Pro Bono Fair at The Florida State University College of Law
- Fair housing training at an event being put on by the Small Cities CDBG in Ocala
- Fair housing flyer distribution activity- Tallahassee and the surrounding areas
- Presentation to the National Association of Property Managers- Sarasota
- Presentation to participants at the Lenders Consortium First Time Homebuyers' Workshop - Tallahassee
- Homebuyers' Workshop – Housing staff investigators attended classes at the Leon County Public Library classroom and spoke for 15-20 minutes about Fair Housing and FCHR
- Diversity Training- 10th Judicial Circuit of Florida (judges and staff), Bartow
- Fair Housing training – Coastal Property Services, Tallahassee and Panama City Beach
- Fair Housing training- Prudential Florida Realty, Naples
- Fair housing posters and brochures mailed to numerous Florida libraries throughout the state (Housing staff)
- Fair housing training- Engel and Volkers law firm, Naples
- Tallahassee Housing Authority; presented to administrative, managerial and maintenance personnel (Housing staff)
- Fair Housing training , Realtors of VIP Realty, Naples
- Overview of the FCHR – 13th Judicial Circuit, Stuart, Florida (judges and court staff)
- Fair Housing training (student housing) - Boardwalk at Appleyard Apartments, Tallahassee
- Safety of Victims of Domestic Violence - VAWA Housing Forum and Economic Justice Institute, sponsored by the Florida Coalition Against Domestic Violence;
- Advanced Executive Briefing – Employment Law for HR Directors and Lawyers, World Golf Village, St. Augustine Florida
- What's New at Alphabet Agencies – Presentation to Palm Beach County Bar Association
- Employment and Pro Bono Opportunities at FCHR- Florida State University College of Law Annual Pro Bono Fair
- Fair Housing training – By The River independent affordable senior housing, Sebastian
- Kick Off Fair Housing Month – Canopy Oaks Elementary School, Tallahassee, Florida
- Kick Off Fair Housing Month – Crawfordville Elementary School, Crawfordville Florida
- Fair Housing training- Small Cities CDBG Program, Department of Economic Development, Ocala
- Fair Housing Information and Flyer distribution, Tallahassee and surrounding areas
- Fair Housing Information and Flyer distribution, Tallahassee and surrounding areas
- Reasonable Accommodation Requests for Support Animals- National Association of Property Managers, Sarasota
- Fair Housing Information and Flyer distribution – Havana
- Fair Housing training – African American Real Estate Agents
- Fair Housing Information and Flyer distribution – Tallahassee (Housing staff)
- Prevention and Enforcement of Disability Rights Laws, Florida State Courts System ADA Coordinators
- Expert Panel Participation, Tampa Bay Mother-Baby Summit, St. Joseph's Hospital, Tampa. Topics included civil rights of pregnant breastfeeding mothers in the workplace and pregnancy as a protected basis in federal law and proposed state legislation
- Florida Association of Community Relations Professionals (FACRP): Conference Call. Topics included proposed 2013 state legislation affecting employment/housing discrimination and current trends and issues facing the Commission
- What the Commission Does and How It Can Help – Employment and housing staff display and information table, Civil Rights Hall of Fame Induction Ceremony
- Fair Housing training- in partnership with the City of Tallahassee/Leon and Wakulla counties
- Fair Housing Information and Flyer distribution – Quincy (Housing staff)
- Regional Fair Housing Summit, 2013, Orlando
- Sessions Sexual Harassment- Florida Supreme Court Staff
- Cultural Diversity – Tallahassee Community College
- Cultural Diversity – Division of Risk Management, Florida Department of Financial Services
- Alternate Dispute Resolution – Division of Risk Management, Florida Department of Financial Services
- Housing Discrimination – Florida Department of Economic Opportunity
- Public Employment Labor Relations Forum – Florida Bar
- Sexual Harassment – Division of Risk Management, Florida Department of Financial Services
- Fair Housing Symposium – Legal Services North Florida
- Fair Housing – Legal Services Mid-Florida
- FCHR Introduction and Fair Housing Laws – Tallahassee Lenders' Consortium - Homebuyers' Orientation (every two weeks)
- Fair Housing – Pensacola Association of Realtors
- Regional Fair Housing Summit – City of Orlando and Orange County
- Fair Housing – Osceola County's Human Service Department
- Fair Housing – Community Development Block Grant workshop
- Housing Connection – 2012 Homebuyer Showcase, Tallahassee Lenders' Consortium
- Risk Management Webinar Training– State Employee Discrimination Claims and Settlements



Florida Civil Rights Hall of Fame

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

"This year's three inductees have acted on their conviction and truly made a difference in the countless lives here in our state and around the country. We must continue to honor their legacy by working to ensure that all Floridians have access to a great education so they can live their version of the American Dream." - Michelle Wilson, Executive Director of the Florida Commission on Human Relations

On April 25, 2013, Governor Rick Scott honored this year's inductees to the Florida Civil Rights Hall of Fame during a ceremony at the Florida State Capitol. Judge James. B. Sanderlin, Margarita Romo and Harry T. and Harriette Moore were this year's inductees. Governor Scott chose these three individuals from a list of 10 distinguished nominees submitted by the Florida Commission on Human Relations for their significant contributions to the improvement of life for minorities and all citizens of the great state of Florida.

The ceremony was opened up by Shonda Knight, co-anchor at WCTV in Tallahassee, followed by the invocation presented by Reverend Dr. Joseph T. Wright, Pastor of Jerusalem Baptist Church. After Lincoln High School's Naval Junior Reserve Officer Training Corp's Presentation of Colors, America the Beautiful was performed by the Tallahassee Girls' Choir of Choice and 8th Grade Violinist Samantha Crawford of the Swift Creek Middle School.

After Rodney Lawrence Hurst, Sr., keynote speaker, spoke on "The Struggle Continues," Governor Scott presented commemorative letters and plaques to Raymond F. Sanderlin, brother of Judge James. B. Sanderlin; Juanita Evangeline Moore, granddaughter of Harry T. and Harriet Moore; and Margarita Romo.

Each year, as authorized in the Florida Statutes, the Governor is to select up to three inductees from among 10 finalists submitted by the Florida Commission on Human Relations. The Commission encourages Floridians to nominate individuals who have made significant contributions and provided leadership toward Florida's progress and achievements in civil rights.





Prioritizing for the Future

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

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

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

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

3. Promote public confidence in Commission services through excellent Customer Service:

- Improving customer service efforts and outcomes through staff training, continuing education and the use of technology
- Ensuring even greater managerial efficiency, effectiveness and accountability, while operating under the FCHR Governance Policy
- Ensuring meetings of the Commission are open to the public and subject to Florida's open government laws relating to access, notice and requests for meeting records

The Commission is seeking legislative approval during the 2014 Session:

- Clarify discrimination based on pregnancy and medical conditions relating to pregnancy and 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 law complies with federal substantial equivalency requirements and enable the courts to have clearer direction for deciding cases

- Seek funds to relocate to state-owned office space if determined to be fiscally beneficial to the Commission and the state (vs. the private lease the Commission currently has). Will enable the Commission to occupy currently vacant state-owned office space; will help the Commission comply with employee to square foot office space requirements
- Request for more positions to handle the increased caseload and ensure timely completion of investigations, as well as to provide much-needed education and outreach on discrimination laws, rights and responsibilities to Florida individuals, businesses and communities
- Request for a salary rate adjustment: \$14,560 (GR); Will enable the Commission to attract and retain highly qualified investigators needed to handle complex discrimination cases in a timely manner as mandated by Florida law



COMMISSIONERS 2012-2013



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Chair
Tampa



Mario Valle,
Vice Chair
Naples



Gayle Cannon
Lake City



Dr. Donna Elam
Orlando



Dr. Onella Fajardo
Miami



Dr. Elena Flom
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James Johns
Jacksonville Beach



Michael Keller
Tampa



Michell Long
Jacksonville



Lizzette Romano
West Palm Beach



Billy Whitefox Stall
Panama City

Florida Commission on Human Relations

2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301

Phone: (850) 488-7082 / Toll-Free: 1-800-342-8170 / Fax: (850) 488-5291

Web Site: <http://fchr.state.fl.us>

E-mail: fchrinfo@fchr.myflorida.com

For those with communication impairments:

The Florida Relay Service Voice (statewide): 711

TDD ASCII: 1-(800) 955-1339

TDD Baudot: 1-(800) 955-8771

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