

Questions for Agency Report to the Sunset Advisory Committee

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I. Agency Programs

A. Agency Mission and Organization

1. Please briefly describe your agency's mission, goals, objectives, and programs. Please use components 2-4 from the Long-Range Program Plan (LRPP) when appropriate.

Agency Mission

Vision: To become the chief resource on human relations for the State of Florida

Mission: To prevent unlawful discrimination by ensuring people in Florida are treated fairly and are given equal 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
- Service provided is impartial and of the highest quality
- Innovation and creativity are encouraged and rewarded
- Communication is open and honest
- Teamwork determines our success

Goals

Goal #15 (from DMS LRPP): To ensure fair treatment for both complainants and respondents in instances of alleged discrimination and to promote mutual respect and greater harmony among diverse groups.

Objectives (General Appropriations Act Measures and Standards)

- Seventy-seven percent (77%) of complaints were investigated and resolved within the statutorily required timeframe of 180 days.
- FCHR received 12,530 calls and requests during FY 2006-07. FCHR provided assistance to customers in the following ways: callers were guided through the process of filing a complaint; if necessary, individuals were referred to other entities with appropriate jurisdiction; or information was provided about FCHR or individual rights and responsibilities.
- Total persons reached through FCHR's training, educational and outreach efforts: 1,700. A total of 54 overall presentations and trainings were conducted during FY 06-07 and included outreach to state and local governmental entities, court system judges and staff, community organizations, businesses (employers and employees), housing industry, school districts and individuals.

Other Key Objectives from FCHR Strategic Plan (2008-2011) (objectives anticipated to be achieved within next three years)

- Issue determinations/dismissals for 100% of whistle-blower cases within 90 days
- Issue at least 95% of final orders within 90 days from receipt of recommended order
- Increase the number of businesses and complainants choosing to accept FCHR's mediation services (rather than going through the investigative process)
- Increase the number of businesses requesting and receiving training and the number of education initiatives to individuals and organizations about their rights and responsibilities by 25%
- Increase outreach/contacts with leaders in Florida's governments, businesses and communities by 50%
- Utilize current methods and increase the types of media use by 50% to disseminate information to the public and Florida's leadership
- Increase the instances in which resolution of cases results in improvements in policies and practices and a reduction of complaints filed against businesses by 20%
- Increase the number of organizations and groups receiving outreach and technical assistance by 40%
- Increase the number of citizens who are aware of their rights and responsibilities by 10%
- Increase public satisfaction with services
- Develop and implement FCHR--wide quality control standards
- Research, develop and implement efficiency standards
- Increase employee satisfaction by 90%

Programs

Executive Direction

Enforcement (employment investigations, housing investigations, intake investigations, customer service, technical assistance)

Community Relations Services (education, outreach, training, alternative dispute resolution, partnership development)

2. Please provide the agency organizational structure information required in Schedule X (Organizational Structure) of the Legislative Budget Request (LBR). **See attached PDF for most recent (June 2008) organizational chart**
3. When did you last perform a comprehensive internal organizational structural review? **March 2008. Additional changes may occur as a result of FCHR's current efforts to map its processes for three designated units (Human Resources Office, Community Relations Service and Enforcement). FCHR is also in the process of reviewing all its current position descriptions and associated duties and responsibilities in order to evaluate how its employees can more efficiently and effectively accomplish mission-critical tasks.**

B. A list of all advisory committees, including those established in statute and those established by managerial initiative; their purpose, activities, composition, and related expenses; the extent to which their purposes have been achieved; and the rationale for continuing or eliminating each advisory committee. (s. 11.906(15), Florida Statutes)

1. Complete Exhibit 1 below for each of your agency’s advisory committees as defined in s. 20.03(3), (7), (8), (9), (10), and (12), *Florida Statutes*, as well as those created through executive order that existed in Fiscal Year-07.

FLORIDA COMMISSION ON HUMAN RELATIONS

Exhibit 1: Advisory Committees

Advisory Committee Name and Composition	Year Created	Date of Meetings During Fiscal Year 2006-07	Authorization (e.g., cite the specific statute, managerial initiative, executive order)	Purpose and Activities	Fiscal Year 2006-07 Revenues (by fund source)	Fiscal Year 2006-07 Expenses – Please include travel, staff and other expenses (by fund source)	Achievements Accomplished in Fiscal Year 2006-07	Consequences of Abolishment
None								

C. Agency Funding

1. Complete Exhibit 2 below by supplying Fund Source, Number of OPS, and Number of Vacancies for each Budget Entity.

FLORIDA COMMISSION ON HUMAN RELATIONS
Exhibit 2: Revenue Sources and Amounts by Budget Entity

	Fiscal Year 2005-2006	Fiscal Year 2006-2007
Budget Entity Title	Florida Commission on Human Relations	Florida Commission on Human Relations
Budget Entity Number	72950100	72950100
Name of Fund	General Revenue	General Revenue
Total Amount	\$3,965,955	\$4,077,118
Fund Source	General revenue funding	General revenue funding
Name of Fund	Grants and Donations Trust Fund (renamed Operating Trust Fund 7/1/07)	Grants and Donations Trust Fund (renamed Operating Trust Fund 7/1/07)
Total Amount (Source: Exhibit B, columns C74 & C75)	\$1,397,555	\$1,507,283
Fund Source	HUD, EEOC, 55+ registration fees and fines, public record copies, interest earnings	HUD, EEOC, 55+ registration fees and fines, public record copies, interest earnings
Number of FTE*	71.00	67.00
Number of OPS**	26	24
Number of Vacancies*** (Source: LBC Report with information from Rate Report; 7/6/05 and 7/11/06)	12	14

*Reflects number of FTE's appropriated by the Legislature in the General Appropriations Act. Currently, for FY 07-08, FCHR has 64 FTEs.

**The Florida Legislature appropriated \$114,840 in both FY 05-06 and FY 06-07 for OPS (which also included monies for Commissioner honoraria, court reporter fees, etc.). Within this budget amount, FCHR can hire as few or as many necessary OPS staff to help it achieve its objectives and accomplish its mission. Because FCHR has lost eight (8) FTE's over the last several years, it has been necessary to hire numerous OPS staff during various times of the year (some for less than a week) on a temporary basis to assist FCHR in investigating cases and completing other essential services in a timely and high-quality manner.

***FCHR lost employees to other entities that were able to offer more competitive salaries.

D. The effect of federal intervention or loss of federal funds if the agency, program, or activity is abolished. (s. 11.906(14), Florida Statutes)

1. In the following table (Exhibit 3), please describe the type and amount of interaction your agency and its programs have with the federal government.

**FLORIDA COMMISSION ON HUMAN RELATIONS
Exhibit 3: Description of Agency and Federal Interaction**

	Description of Federal Interaction
<p>U.S. Equal Employment Opportunity Commission (EEOC)</p>	<p>FCHR has an annual contract with EEOC to investigate employment discrimination cases and receives federal dollars for each case completed.</p> <p>FCHR employment investigators receive some of their required training from EEOC. This training is to ensure accurate, thorough and quality investigations that comply with federal employment laws. Training is generally offered twice a year (spring and fall) and usually spans three days, 9 hours each day. EEOC reimburses FCHR for expenses (airfare, per diem) associated with such training.</p> <p>FCHR staff works with EEOC staff on a daily basis to ensure that there is no duplication of efforts, to exchange critical information and to partner on issues where appropriate.</p> <p>EEOC also holds a policy conference each year for state and local officials. This policy conference provides information on the latest legal updates and other high-level policy changes. EEOC pays a portion of the training and associated travel expenses for FCHR’s Executive Director and General Counsel to attend this conference.</p> <p>FCHR is able to investigate employment cases pursuant to this federal contract because EEOC has deemed FCHR to be “substantially equivalent” – which means that FCHR enforces laws that provide substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Civil Rights Act or Title VII. Unless an agency is certified as guaranteeing such protections, EEOC will not deem it to be substantially equivalent.</p>
<p>U.S. Housing and Urban Development (HUD): Housing investigations</p>	<p>FCHR has an annual contract with HUD to investigate housing discrimination cases and receives federal dollars for each case completed.</p>

	<p>FCHR housing investigators receive some of their required training from HUD and undergo extensive HUD training (a five-week training academy) in order to ensure accurate, thorough and quality investigations that comply with federal housing laws. The training is provided free of charge; HUD reimburses FCHR for travel expenses.</p> <p>FCHR staff works with HUD staff on a daily basis to ensure that there is no duplication of efforts, to exchange critical information and to partner on issues where appropriate.</p> <p>FCHR is able to investigate housing cases pursuant to this federal contract because HUD has deemed FCHR to be “substantially equivalent” – which means that FCHR enforces laws that provide substantive rights, procedures, remedies and judicial review provisions that are substantially equivalent to the federal Fair Housing Act or Title VIII. Unless an agency is certified as guaranteeing such protections, HUD will not deem it to be substantially equivalent.</p> <p>HUD prepares an annual performance assessment on the interaction between HUD and FCHR. In the most recent report from HUD, dated September 28, 2007, HUD indicated that: “The Florida Commission on Human Relations is commended for a stellar performance during this review period. The Agency met all nine of the Performance Standards. Last year, your Agency met all but one Standard, and that was in the area of aged cases. During the last review period, FCHR closed 34% of its cases within 100 days. This year, the Agency closed 82% of its cases within 100 days. This figure represents a substantial improvement.” (A copy of this annual assessment review is available upon request)</p> <p>HUD holds a policy conference every two years. Five members of FCHR (Executive Director, General Counsel, Housing Manager and two FCHR officials) are authorized to attend this policy conference. This policy conference provides information on the latest legal updates and other high-level policy changes. HUD pays travel expenses for all FCHR attendees.</p>
<p>Hispanic Disparity Study (HUD Grant)</p>	<p><u>Background:</u> In 2000, HUD conducted the Housing Discrimination Study 2000 (HDS 2000) to research discriminatory trends and measure the extent of housing discrimination in the United States against person because of race or color. The study found that 1 in 4 Hispanics are discriminated against and denied housing in rentals. The study also found that:</p> <ul style="list-style-type: none"> • Hispanic home seekers are still being told units are unavailable when they are

	<p>available to non-Hispanic whites.</p> <ul style="list-style-type: none">• Hispanic home seekers are being shown and told about fewer units than a comparable non-minority.• Hispanic homebuyers experience difference in treatment with the amount of help agents provide with providing information and obtaining financing.• Hispanic renters now face higher incidence of discrimination than African American renters.• Hispanics are often charged a higher rent and higher deposit just because of their national origin, regardless of being a citizen or not. <p>HUD Grant Received 2007: FCHR received a \$280,000 grant from HUD in 2007 to conduct a Housing Discrimination Study. The purpose of the study is to measure the extent of housing discrimination against Hispanic homebuyers and renters in Orlando metro area (Lake, Orange, Osceola and Seminole counties).</p> <p>As part of this study, FCHR conducted a Predatory Lending conference that concentrated on the Hispanic communities within the Orlando metro area. Because of this conference, <u>approximately 60 housing complaints (mortgage fraud for Hispanic families) were generated</u>. Because FCHR is not statutorily authorized to investigate mortgage fraud, FCHR is working with HUD and other agencies to ensure proper referral of these complainants.</p> <p>The HDS study concludes in August 2008, with a final report to be completed by October 2008.</p>
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2. In the following table (Exhibit 4), please describe whether abolishing the agency, programs, or activities could result in federal intervention, loss of federal funds, or other consequences.

FLORIDA COMMISSION ON HUMAN RELATIONS
Exhibit 4: Consequences of Abolishment

Entity: Florida Commission on Human Relations	Federal Interaction	Loss of Federal Funding	Other Consequences, including effects on local governments, the private sector, and/or citizens
<p>Employment and housing investigations (Federal agencies: EEOC and HUD)</p>	<p>Contract with federal agencies (EEOC and HUD) to conduct employment and housing discrimination investigations</p>	<p>\$550 per EEOC case \$2,400 per HUD case; additional \$500 per case if reasonable cause found TOTAL: \$1.5M in FY 05-06; \$1.0M in FY 06-07 <i>(Note: Amount varies from year to year, depending on number of cases received and closed by FCHR)</i></p>	<p>EEOC and HUD would not be able to protect all individuals in Florida in the areas of employment and housing discrimination in Florida who are currently under the protection and jurisdiction of FCHR.</p> <p>Currently, HUD does not have jurisdiction over cases filed with FCHR. HUD may request that a case be reactivated for a specific reason (e.g., Systemic, Pattern of Practice [same Respondent, multiple complaints], cases that involve “prompt judicial action,” or Violation of section 901, etc.). However, FCHR must approve any release of cases to HUD.</p> <p>Elimination of FCHR would result in increased workload for both EEOC and HUD, causing significant delays in</p>

			<p>completing investigations in a timely manner and adversely impacting complainants.</p> <p>Given such delays, complainants would have no other alternative except to seek remedy in a court of law. Filing fees, court costs and acquisition of legal representation could preclude many complainants from pursuing this legal action. For those complainants who sought legal remedy, the case workload for Florida's judicial system could increase significantly. Recent budget cuts have severely impacted state agency services, including those of the court system. Any additional cases stemming from discrimination complaints would only add to an already overburdened judicial system (Also see OPPAGA Report 06-09, pages 10 and 11).</p> <p>There would be no entity responsible for investigating discrimination complaints that are covered only by Florida law (e.g., whistle-blower retaliation for state employees, public accommodations, persons under the age of 40 and familial status).</p>
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<p>Hispanic Disparity Study (Federal agency: HUD)</p>	<p>HUD provided grant dollars to FCHR to conduct a study in the Orlando metro area Orlando (Lake, Orange, Osceola and Seminole counties)</p>	<p>In 2007, FCHR received a \$280,000 grant for this study. FCHR would not lose funding for this particular study since it has already received the full amount and is scheduled to complete the study by August 2008, with the final report prepared by October 2008</p>	<p>Although FCHR will not lose the funding for this particular study since it is soon to be completed, federal funding for future studies or other related activities that may result from the findings contained in the October 2008 report could be lost since FCHR, if abolished, would not be available to conduct follow-up studies or engage in related activities</p>
<p>Community Relations Services (Federal agency: U.S. Department of Justice)</p>	<p>FCHR's Community Relations Service (CRS) has collaborated with the U.S. Department of Justice to facilitate a student-driven program that teaches problem solving techniques to students in Florida schools. This program, known as Student Problem Identification and Resolution of Issues Together (SPIRIT), empowers students to identify and solve problems, as well as help students learn new and better ways to make decisions on their own</p>	<p>No loss of federal funds for FCHR</p>	<p>The U.S. Department of Justice, with the assistance of FCHR, provides a very successful and effective program for ensuring safe schools in Florida. FCHR provides valuable assistance to the federal agency in carrying out its mandate and ensuring that Florida schools are as free as possible from violence, bullying and conflict, and that issues are readily identified and resolved among the students themselves.</p> <p>Florida schools would no longer have an external source, such as FCHR, to intervene when conflicts and tensions arise (e.g., nooses, etc.).</p>

E. A statement of any statutory objectives intended for each program and activity, the problem or need that the program and activity were intended to address, and the extent to which these objectives have been achieved. (s. 11.906(6), Florida Statutes)

1. In the following table (Exhibit 5), please describe the statutory objectives for each program and activity under the agency’s budget entities (if statutory objectives are not applicable, please write “NA”), the problem or need the program and activity were intended to address, and the extent to which these objectives have or have not been achieved. Please complete a table for each budget entity.

**FLORIDA COMMISSION ON HUMAN RELATIONS
Exhibit 5: Statutory Objective by Budget Entity**

<p>Budget Entity and Related Programs and Activities</p>	<p>Florida Commission on Human Relations</p>
<p>Statutory Citations and Objectives</p>	<p>Discrimination Complaints (includes employment and public accommodations) - Florida Civil Rights Act of 1992 (Chapter 760, Part I and s. 509.092, Florida Statutes). Specifically s. 760.06, Florida Statutes:</p> <ul style="list-style-type: none"> • Secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital or familial status and thereby to protect their interest in personal dignity • Promote and encourage fair treatment and equal opportunity for all persons within the state • Secure the state against domestic strife and unrest, to preserve public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state • Promote and encourage mutual understanding and respect among members of all economic, social, racial, religious, and ethnic groups • Endeavor to eliminate discrimination against, and antagonism between, religious, racial, and ethnic groups and their members. • Recommend methods to eliminate discrimination and inter-group tensions and to use its best efforts to secure compliance with its recommendations • Furnish technical assistance requested by persons to facilitate progress in human relations • Ensure that all persons receive the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation without discrimination or segregation on the ground of race, color, national origin, sex, handicap, familial status or religion

	<p>Housing Discrimination Complaints: Florida Fair Housing Act (Chapter 760, Part II, Florida Statutes)</p> <ul style="list-style-type: none"> • Ensure that all persons in Florida are given equal access to fair housing and are otherwise not discriminated against in the sale or rental of housing and associated brokerage and financial services for securing housing based on race, color, national origin, sex, handicap, familial status or religion <p>Public Employee Complaints (s. 110.112(5), Florida Statutes)</p> <ul style="list-style-type: none"> • Provide assurance of equal employment opportunity through programs of affirmative and positive action that will allow full utilization of women and minorities. <p>Whistle-blower Retaliation Complaints (ss. 112.3187, 112.3188, 112.31895, Florida Statutes)</p> <ul style="list-style-type: none"> • Prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public's health, safety, or welfare. • Prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee. <p>Florida Americans with Disabilities Act Working Group (s. 413.082, Florida Statutes)</p> <ul style="list-style-type: none"> • Serve on the Florida Americans with Disabilities Act Working Group that is directed to provide to the Executive Office of the Governor recommendations that identify specific policies that the state can implement to ensure the effectiveness of this act and improve access for individuals with disabilities who are accompanied by service animals. <p>Building Code and Disability Access Complaints (s. 553.77(1)(d), Florida Statutes)</p> <ul style="list-style-type: none"> • Receive recommendations and assistance from the Florida Building Commission regarding rules relating to accessibility for persons with disabilities. <p>Discriminatory Practices of Certain Clubs (s. 760.60, Florida Statutes)</p> <ul style="list-style-type: none"> • Ensure that no person is discriminated against because of race, color, religion, gender, national origin, handicap, age above the age of 21, or marital status in evaluating an application for membership in a club that has more than 400 members, that provides regular meal service and that regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from nonmembers for business purposes. <p>Domestic Security Oversight Council (s. 943.0313, F.S.)(FCHR serves as ex-officio member)</p> <ul style="list-style-type: none"> • Provide executive direction and leadership with respect to terrorism prevention, preparation, protection, response, and recovery efforts by state and local agencies; serve as advisory
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	<p>council and provide guidance to the state's regional domestic security task forces and other domestic security working groups; and to make recommendations to the Governor and the Legislature regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts.</p>
<p>Problem/Need Intended to Address</p>	<p>Demographics:</p> <p>Florida has been and is expected to continue to experience an explosive growth in population, particularly among racial and ethnic populations. Baby boomers are reaching retirement years in great proportions, and Florida is one of the nation's preferred retirement destinations for these seniors who may want to pursue continued employment opportunities. The Hispanic population is rapidly increasing, especially in central Florida. By the year 2025, the total racial and ethnic minority populations are expected to exceed Florida's current white majority population for the first time. The increasingly changing diversity of the ethnicity of the state creates volatility and uncertainty in many areas, such as employment, housing and in public accommodations. Given the ever-broadening diversity of Florida's cultural, racial and ethnic landscape, assisting communities in the development of tolerance and mutual respect is critically important.</p> <p>Economy:</p> <p>Joblessness in Florida is on the rise. The jobless rate in Florida rose to 5.5 percent in May 2008, which is the highest since January 2003 (Florida Agency on Workforce Innovation, June 2008). The strained economy is having an adverse effect on companies and businesses, causing increased layoffs and reducing hiring efforts. In turn, applicants or employees may feel that unjust discrimination exists, which in turn may result in an increase in the number of complaints that are filed with FCHR. FCHR has realized an increased in total complaints filed. (As of June 2008, FCHR has received a total of 1,611 cases vs. 1,332 cases in FY 2006-07, an increase of 21% over the previous fiscal year.) Even if ultimately discrimination is not found, it is every person's right in Florida to have his or her complaint investigated thoroughly and accurately by FCHR. With the increase in home foreclosures in Florida and the nation as a whole, fair housing remains an issue, for both buyers and renters. Predatory lending issues accompany increased home foreclosures. Economic issues, such as high fuel prices, cost of living and loss of jobs create stressful situations and in turn, conflicts resulting in anger, violence and hate may become even more prevalent.</p> <p>Diversity:</p> <p>Hate crimes, such as burning or defacing of places of religious worship, nooses in schools and the workplace and unwarranted beatings of persons of various races, sexual orientation, ethnic groups or religions still exist, with race-related hate crimes on the rise. In 2006 (Office of the Attorney General,</p>

	<p>2006 Hate Crimes Report), 55.2% of reported hate crimes were based on race, followed by sexual orientation (18.1%) and ethnicity/national origin (13.1%). In 2005, 50% were based on race, with ethnicity/national origin comprising 22.3% and sexual orientation 13.1%. Given Florida's ever-changing demographics and the increasing diversity of the state, it is imperative more than ever that a state-level agency, such as FCHR, exists to address the state's needs and concerns.</p> <p>Summary:</p> <p>FCHR views itself as an active and essential component of Governor Crist's vision of Florida, leading the nation in social, environmental, economic and technological advances. Developing the dynamic statewide infrastructure that will make Florida competitive requires individuals, communities and businesses that are able to work together in settings free of conflict. These are goals central to FCHR's statutory mission.</p>
<p>Evidence That Objectives Have Been Achieved <i>(If applicable, please cite corresponding performance measure from Section II)</i></p>	<p>Also see I.A. and II.A for the Standards and Measures included in the General Appropriations Act, as well as a number of objectives included in FCHR's strategic plan for assuring that objectives are being met</p> <p>Other evidence of FCHR trying to achieve its strategic plan goals:</p> <ul style="list-style-type: none"> • Issue determinations/dismissals for 100% of whistle-blower cases within 90 days (FY 06-07: 24% [4 out of 17 cases]; low percent can be attributed to extenuating factors that can cause delays in thoroughly and adequately investigating these cases in the relatively short timeframe of 90 days. Also see Exhibit 10, Statutory Changes, for FCHR proposed request to increase number of days to 120) • Issue at least 95% of final orders within 90 days from receipt of recommended order (FY 06-07: 97.7%; current FY 07-08 estimate: 100%)
<p>Explanation As to Why Objectives Have Not Been Achieved <i>(If applicable, please cite corresponding performance measure from Section II)</i></p>	<p>FCHR has achieved all of the measures and standards outlined in the General Appropriations Act.</p> <p>FCHR anticipates achieving, giving limited personnel and fiscal resources, the other objectives provided in its 2008-2011 Strategic Plan within the next three years.</p>

F. An assessment of the extent to which the jurisdiction of the agency and its programs overlap or duplicate those of other agencies and the extent to which the programs can be consolidated with those of other agencies. (s. 11.906(7), Florida Statutes)

1. In the following table (Exhibit 6), please identify any major programs or activities, internal or external to your agency, which provide similar, overlapping, and/or duplicative services or functions or are provided at the same location. Please do not include programs that provide administrative services (e.g., human resources, information technology).

FLORIDA COMMISSION ON HUMAN RELATIONS

Exhibit 6: Program and Activities Similarity, Overlap, and/or Duplication

Program or Activities	Nature and Extent of Similarity, Overlap, and/or Duplication	Extent to Which Program Can Be Consolidated With Those of Other Agencies
Discrimination complaints	<p>None. There is no duplication of the services provided by FCHR with other state agencies.</p> <p>In OPPAGA Report No. 06-09 (January 2006), it was found that although some other state, federal and local entities enforce anti-discrimination laws, FCHR does not duplicate the functions of these entities due to differences in jurisdiction, types of complaints processed and provisions of applicable laws.</p> <p>The Attorney General’s Office is authorized to investigate only those discrimination complaints that are of a high profile nature or represent patterns of practice (repeat) offenses, and does not investigate individual cases.</p> <p>FCHR has cooperative agreements, executed annually, with federal agencies</p>	<p>None. No other state agency conducts discrimination investigations for Florida individuals to the extent that FCHR does.</p> <p>The Attorney General, through its Office of Civil Rights, prosecutes cases in which they find pattern and practices and high-profile cases.</p> <p>In OPPAGA Report 04-37 (June 2004), it was found that merging FCHR, Division of Administrative Hearings, Public Employees Relations Commission, State Retirement and Commission and Unemployment Appeals Commission would not result in increased efficiencies and there would be no cost savings to the state.</p>

	<p>(U.S. Equal Employment Opportunity Commission and U.S. Department of Housing and Urban Development). Pursuant to these contracts, information is reciprocally provided in order to ensure that duplication of case investigation is avoided.</p> <p>Local human relations offices located in a few areas of the state investigate complaints <u>but only for the specific geographic area served</u> (city, county or other limited area). The remaining areas of the state are under the jurisdiction of FCHR.</p>	
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G. Agency programs or functions that are performed without specific statutory authority. (s. 11.906(16), Florida Statutes)

1. In the following table (Exhibit 7), please identify any programs or activities administered by your agency that are not specifically authorized by statute. This could include programs or activities that are enacted by executive order, managerial initiative, or under the general statutory authority. Please describe the purpose and rationale for performing these programs or functions, what authority the program or function is performed, and the potential effect of their abolishment or transfer to another agency.

FLORIDA COMMISSION ON HUMAN RELATIONS
Exhibit 7: Programs or Activities Not Specifically Authorized by Statute

Program or Function	Purpose of Program/Activities	Under What Authority is This Program or Function Performed? (Executive Order, Managerial Initiative, General Statutory Authority, etc.)	Rationale for Providing Program/ Activities in Your Agency	Potential Effect of Abolishing or Transferring Program/ Activities to Another Agency
None				

II. Agency Performance

A. The performance measures for each program and activity as provided in s. 216.011, Florida Statutes, and three (3) years of data for each measure that provides actual results for the immediately preceding two (2) years and projected results for the current fiscal year. (s. 11.906(1), Florida Statutes)

	2005/06 Standard	2005/06 Actual	2006-07 Standard	2006-07 Actual	2007-08 Standard
<u>LRPP Outcome Measure</u>					
Percent of civil rights cases resolved within 180 days of filing	75%	86%	75%	77%	75%
<u>Unit Cost Output Measures</u>					
Number of inquiries and investigations	10,000	13,717	10,000	12,530	10,000
Number of training, education, conferences, meetings and counseling sessions held*	350	593	350	1700	1000

*This output measure should state the number of persons reached through FCHR's training, education conferences, meetings and counseling sessions; FCHR will work with Governor's Office Budget staff to affect this change

B. An explanation of factors that have contributed to any failure to achieve the approved standards. (s. 11.906(2), Florida Statutes)

1. Please provide performance information required in Exhibit II (Performance Measures and Standards) and Exhibit III (Performance Measure Assessment) of the Long-Range Program Plan (LRPP) for the immediately preceding two (2) fiscal years and projected results for the current fiscal year.

Not applicable – FCHR achieved or exceeded all legislatively established and approved standards.

C. The process by which an agency actively measures quality and efficiency of services it provides to the public. (s. 11.906(10), Florida Statutes)

1. Please define your customer.

EXTERNAL AND INTERNAL CUSTOMERS BY FCHR UNIT/OFFICE

FCHR UNIT	EXTERNAL CUSTOMERS	INTERNAL CUSTOMERS
Intake	<ul style="list-style-type: none"> • Complainants and representatives • Respondents and representatives • Florida Governor's Office • U.S. Department of Labor • EEOC Intake & Investigative sections • Fair Employment Practice Agency (FEPA) Intake & Investigative sections • Persons sending correspondence to FCHR • Persons requesting assistance from FCHR (via phone, fax, mail, email or in person) • Residents of and visitors to Florida who work for and/or patronize Florida businesses and club establishments 	<ul style="list-style-type: none"> • Executive Director • Enforcement managers and investigators • Customer Service Manager and staff • FCHR staff • Employment investigators • Docketing Clerk • Operator • Other clerks • Intake investigators • Legal staff • Clerk of the Commission • Internal staff requesting files • Human resource manager (website emails applications) • Recipients of website emails • Front Desk
Employment	<ul style="list-style-type: none"> • Complainants filing with FCHR • Respondents – Businesses with 15+ employees named as alleged offenders • Representatives of complainants and respondents • Witnesses – Persons identified as possible sources to substantiate allegations • U.S. Equal Employment Opportunity Commission 	<ul style="list-style-type: none"> • Executive Director • Employment unit staff • Other FCHR units
Housing	<ul style="list-style-type: none"> • Complainants filing with FCHR • Respondents – Persons named as alleged offenders; bankers, 	<ul style="list-style-type: none"> • Executive Director • Housing unit staff

FCHR UNIT	EXTERNAL CUSTOMERS	INTERNAL CUSTOMERS
	<p>neighbors (“818” cases - harassment, intimidation, coercion, retaliation or interference of a person’s rights under Fair Housing Act)</p> <ul style="list-style-type: none"> • Representatives of complainants and respondents • Witnesses – Persons identified as sources to substantiate allegations • Medical field – doctors, psychologist, nurses; anyone needing certification of persons with disabilities • Housing recipients – persons or families who rent • Housing providers – realtors, brokers, landlords, any realty or real estate persons • Other Fair Housing agencies, HUD, municipalities, County Government (referrals); Social Service agencies (Workforce Innovation, neighborhood centers) • Housing recipients, providers and advertising entities in Florida (outreach and training) 	<ul style="list-style-type: none"> • Other FCHR units (interfacing from one source and one unit to the other)
Community Relations	<ul style="list-style-type: none"> • Business owners and employees • Community/civic groups • Advocacy/grassroots organizations • National and state governmental entities, such as Department of Justice and Department of Education • Local governments in Florida • Local law enforcement agencies • Educational institution administrators, teachers and students at all levels • Anyone requesting CRS services 	<ul style="list-style-type: none"> • Executive Director • Commissioners • FCHR units – develop and disseminate printed outreach materials; provide training on an as needed basis • FCHR staff
Legal	<ul style="list-style-type: none"> • General public • Complainants/respondents and representatives who choose to mediate • Employees • Employers/business owners • Attorneys • Division of Administrative Hearings • Governmental agencies • Florida Legislature • U.S. Equal Employment Opportunity Commission (EEOC) • U.S. Housing and Urban Development (HUD) 	<ul style="list-style-type: none"> • Executive Director • Commissioners • FCHR managers • FCHR staff

FCHR UNIT	EXTERNAL CUSTOMERS	INTERNAL CUSTOMERS
Budget	<ul style="list-style-type: none"> • Florida Department of Management Services (primarily fiscal) • Legislative Appropriations staff • Governor's Office of Planning and Budget • Vendors, suppliers, contractors • U.S. Equal Employment Opportunity Commission (EEOC) • U.S. Housing and Urban Development (HUD) • 55+ Participants (senior housing facilities and communities) 	<ul style="list-style-type: none"> • Executive Director • Commissioners • FCHR managers • FCHR staff
Communications	<ul style="list-style-type: none"> • Legislators/Public Officials • General Public • Media Outlets • Partners/Organizations 	<ul style="list-style-type: none"> • Executive Director • Commissioners • FCHR units – Edit documents, publications and web page for plain language; engage in outreach efforts and public information (PSAs, media releases, talking points, speech-writing, public education campaigns, rapid response to breaking human and civil rights news) • FCHR staff – Develop internal newsletter, prepare all staff e-mails, provide training for plain language, assistance with written correspondence and message development
Technology	None	<ul style="list-style-type: none"> • Executive Director • FCHR managers • FCHR staff
Human Resources	<ul style="list-style-type: none"> • DMS (copies of recruitment activities, employee relations, employment classification and employee evaluations) • Prospective employers seeking information on FCHR employees • Prospective employees applying or being offered a position with FCHR • Mortgage companies, landlords other entities requesting information on a FCHR employee to verify employment • Conference attendees, hotel conference planning staff, food services - assistance in planning and implementing Annual Employment Law Conference 	<ul style="list-style-type: none"> • Executive Director • FCHR managers • FCHR staff
Administrative	<ul style="list-style-type: none"> • Legislature 	<ul style="list-style-type: none"> • Commissioners

FCHR UNIT	EXTERNAL CUSTOMERS	INTERNAL CUSTOMERS
(Executive Director)	<ul style="list-style-type: none"> • OPPAGA and Auditor General • Governor • Chief Inspector General • State agency heads • State agency inspectors general • Division of Administrative Hearings (DOAH) • Federal agencies (HUD, EEOC) • Local human relations offices in Florida • Human relations commissions in other states • National and local human rights organizations/associations • All customers served by FCHR units • Any person or entity requesting information concerning FCHR operations or activities 	<ul style="list-style-type: none"> • FCHR managers • FCHR staff
Administrative (Executive Assistant)	<ul style="list-style-type: none"> • Legislators, agency heads and parties wanting to meet with or talk to Executive Director 	<ul style="list-style-type: none"> • Executive Director (main customer) • Commissioners (honorarium, meeting information, minutes, technical support) • FCHR managers (liaison between managers and Executive Director) • FCHR staff (who need to meet with or obtain Executive Director signature)
Administrative (Inventory and Supplies)	<ul style="list-style-type: none"> • Building maintenance and construction companies and vendors • Office supply businesses • Copier vendors and service technicians • Florida Department of Management Services (inventory and equipment information) • Emergency and security care providers (CPR/first aid training) 	<ul style="list-style-type: none"> • Executive Director • FCHR managers • FCHR staff

2. Please explain how you define customer satisfaction.

FCHR defines “customer satisfaction” as a qualitative measure of performance assessing how well the delivery of services meet or surpass customer expectations. FCHR strives to meet its customers’ needs in a quick, accurate, easily understood, friendly and professional manner.

Customer satisfaction with FCHR, which is similar to other regulatory state agencies, can be difficult to achieve. The nature of this business requires FCHR to inform its customers that they may be ineligible for its services under current state law. When unable to assist customers, FCHR may refer these customers to other state, local or federal agencies whenever possible and appropriate (e.g., the U.S. Equal Employment Opportunity Commission, U.S. Housing and Urban Development, Unemployment Compensation, U.S. Department of Labor, Florida Agency for Workforce Innovation, Florida Department of Education and local human relations offices). Some customer concerns are private or are very specific in nature and require the assistance of an attorney or the customer’s local legal aid office. FCHR advises such customers to seek legal representation. Customers overall are satisfied with this type of referral, but sometimes feel that they are getting the “runaround” and that FCHR may be merely sending them onto another agency in order to avoid helping them. Also, even when FCHR is able to accept the case and investigate it, its customers (respondents and complainants) may not be satisfied with the outcome of the investigation when the final decision ultimately is found not in their favor. Although FCHR may have investigated the case promptly, accurately and thoroughly, and within the timelines and authority provided by law, customers who are not pleased with the final decision could express dissatisfaction with FCHR (and its performance) when completing the survey although the dissatisfaction has nothing to do with the quality of services provided.

3. Please describe the process by which your agency actively measures quality and efficiency of services to the public.

Intake

FCHR measures the number of days it takes to docket a case beginning from the date the case was filed. Florida law requires FCHR to docket complaints within five (5) days of the filing date. Optional statistical data: For the past few years, FCHR has generally docketed at least 75% of its cases within five (5) days of the filing date (including cases that aged for justified reasons, such as cases FCHR received from EEOC that are already past the 5 days). Because FCHR now adjusts (backs out of the data calculations) for cases received from the EEOC* that are past the five days, FCHR docketed at least 95% cases within five days.

Beginning December 21, 2006, FCHR began administering surveys to all complainants for whom FCHR drafts a “Charge of Discrimination” form. This is typically between 40-50% of all incoming written complaints. The surveys give complainants the opportunity to rate service received by intake investigators in the following areas: courtesy, responsiveness, neutrality, patience, professionalism, knowledge and ability to communicate in a clear and easy to understand manner. Complainants are also able to enter their comments and suggestions for improving future service. Incoming completed surveys are reviewed within one (1) day of receipt. Negative responses are addressed with the investigator. Survey results are compiled quarterly for both the strategic plan update and investigator’s performance evaluation in the area of customer service.

The Intake & Customer Service Manager reviews every incoming written complaint before a decision is made to close a case, refer it or draft a charge of discrimination form (thus preparing it for formal investigation). The only exception is "Process Ready cases" which typically come from an attorney and are ready to be docketed upon receipt. The manager reviews the cases to ensure the correct recommendation was made, necessary contacts have been made with the complainant, all allegations have been analyzed to determine whether prima facie was met, the charge form is drafted in a clear and concise manner and all actions are properly documented in FCHR's Case Management System (CMS).

**Pursuant to s. 760.11(1), F.S., FCHR is required to use the earliest date the complaint is filed. For instance, if the complaint is filed with EEOC on August 1, but FCHR receives the complaint on August 15, the earliest date of August 1 becomes the filing date. Because FCHR received the complaint August 15, FCHR is unable to meet the statutory timeframe of docketing the case within five days (which would have been August 6) of the filing of the complaint. Therefore, in order to accurately and fairly measure performance, FCHR adjusts this measure to remove any complaints received beyond the five-day timeframe.*

Employment Investigations

The Employment Investigations Unit sends a customer service survey to each respondent and complainant when the case is submitted to the Employment Investigations Manager for closure. The survey results are then entered into FCHR's survey database and a quarterly report is generated that indicates each investigator's customer service satisfaction. The responses to the nine (9) question survey range from 5 (excellent) to 1 (poor). Also, FCHR monitors the investigator's ability to complete actions in a timely manner according to the investigative steps, which impacts not only timely investigation results, but also customer service satisfaction. The Employment Investigations Unit has had several requests for additional reports that can be generated by CMS; implementation of these automatic CMS-generated reports is under development. All the information and data collected pursuant to these processes are used to assess and improve customer service efforts, forecast trends and evaluate investigator performance.

Housing Investigations

The housing investigations intake process is very similar to the process used by the Intake Unit. Housing is required to docket HUD cases within five (5) days from receipt. Each case appears in the "HUD queue" with a file date. The intake investigator initially pulls the case from the HUD queue, then establishes jurisdiction and timeliness and assigns it to an investigator within the five-day period. This measure is accomplished by reviewing the date received within the Title VIII Automated Paperless Office Tracking System (TEAPOTS) (HUD specific software). The time period established for which the investigator assigned the case is recorded within the CMS system (which records the date of assignment to the investigator). If it is an FCHR-generated complaint, the investigator assigned to intake will process a "TAQ" (Technical Assistance Questionnaire) within five (5) days of receipt of the document. This measure is accomplished by the date stamped received (FCHR) and the assignment date in CMS.

The customer service element for the housing intake process entails the following: The assigned investigator generates a weekly report that reflects the docketed cases, a Customer Service survey is sent to both complainants and respondents listed on the case file asking them to respond to the Housing Manager on attributes of the Investigator Specialist, including overall courtesy, responsiveness, neutrality, patience, professionalism, knowledge and ability to communicate in a clear and easy to understand manner. Comments and suggestions on improving overall services are also requested. The Housing Manager reviews each incoming survey within one day of receipt. All responses are discussed with the appropriate investigator. Any negative comments that are identified from the survey are assessed by the Housing Manager to determine if it is a negative comment about the investigator and not the process. If determined to be a comment about the conduct of the investigator, the Housing Manager discusses with the investigator ways to improve the conduct and a notation is made in the investigator's personnel file. If it is a negative comment about the intake process, that comment is reviewed by the Housing Manager for appropriate action.

The complaint is then forwarded to the investigators within the Housing Unit for investigation. On the 35th day of the complaint, FCHR’s Customer Service Survey is forwarded to both the complainant and respondents requesting information on the investigator in charge of the complaint on the following attributes: Overall courtesy, responsiveness to phone calls and correspondence, Investigator providing correct information, professionalism, knowledge level, neutrality, research abilities (when a question is asked and Investigator is unable to answer at that time), verbal and written communication skills and overall satisfaction. Comments and suggestions for improving overall service are also requested. The Housing Manager reviews all incoming surveys within one day of receipt. All responses are discussed with the appropriate investigator. Any negative comments that are identified from the survey are assessed by the Housing Manager to ensure it is a negative comment about the investigator and not the process. If determined to be a comment about the conduct of the investigator, the Housing Manager discusses with the investigator ways to improve the conduct and a notation is made in the investigator’s file. If any response is identified as “dissatisfied” or “very dissatisfied”, the Investigator and the Housing Manager will call the survey respondent to discuss the concerns. This happens within 24 hours of receipt of a survey. If it is a negative comment about the Investigation Process, that comment is reviewed by the Housing Manager for appropriate action.

Community Relations Services (CRS)

Customer satisfaction surveys and participant evaluations are the primary methods used by FCHR to assess the value and effectiveness of its outreach and training efforts. Race and sex discrimination complaints have remained in the top tier of employment discrimination cases closed by FCHR for the past several years (21% race and 21% sex for FY 06-07). Pursuant to statutory requirements, FCHR’s Diversity Training directly addresses best practices in preventing and resolving race and sex discrimination in the workplace. This interactive training explores personal biases and verbal and nonverbal communication between co-workers, which encourages dialog and exposes discrimination issues in an effective and innovative way. This training aims to reduce the number of complaints received by FCHR and further helps businesses avoid costly and lengthy litigation. Of the 642 evaluations received, FCHR received a 4.4 out of a possible 5.0 ranking for overall satisfaction with its Diversity Training course content.

4. In the following table (Exhibit 8), please provide information on any other measures of agency performance, for example, internal measures, information tracked in strategic plans, or reported to the federal government, for each budget entities’ related programs that measure quality and efficiency of services.

FLORIDA COMMISSION ON HUMAN RELATIONS
Exhibit 8: Other Measures of Agency Performance

Budget Entity and Program	Measure	Source of Measure	Fiscal Year 2006-07 Performance
Florida Commission on Human Relations	(See below)		

- **Mediation Efforts:** FCHR makes every attempt to get the involved parties (complainants and respondents) to mediate their case. Mediation is strictly voluntary. If the parties choose mediation, not only does it reduce the investigation caseload for FCHR, but it also expedites the timely resolution of the case, ultimately resulting in an outcome that is satisfactory for both parties. In FY 06-07, the total number of cases assigned to the mediation was 251. Of this amount, 181 mediations were conducted and 93 resulted in successful mediation, for a total settlement amount of \$1,344,738.
- **Investigative Step Compliance:** Beginning March 13, 2008, the Intake & Customer Service Manager began tracking compliance with the investigative steps, a tool used to ensure that cases are investigated within 180 days.
 - One of the intake steps measures how long it takes investigators to contact complainants from the assignment date. Compliance with this step ensures that a complainant receives a prompt response to his or her written inquiry.
 - Another intake step that is being measured involves how long it takes investigators to submit Ready to Draft complaints to the Intake & Customer Service Manager for review. Again, compliance with this step means that a customer receives a drafted charge form for his or her review/signature in less than two weeks from the date that he or she contacted FCHR (sometimes in less than a week).
 - The Legal Office and Enforcement Unit are also in the process of updating the steps to further increase efficiency. The results from this initial measurement will help FCHR determine what additional changes, if any, are needed or if any adjustments need to be made.
- **Quality of Docketed Cases:** One of the objectives of FCHR's FY 2008-11 Strategic Plan is to increase the quality of docketed cases. This process involves measuring the baseline error rate and taking steps to decrease errors. When cases are returned to intake for correction, it adds to the overall investigation processing time. FCHR is actively working on this objective in order to increase the efficiency of FCHR's investigations.
- **Customer Service:** FCHR staff documents all calls received by customers requesting assistance by entering into CMS a summary of the concern and the action taken to resolve the concern. The Intake & Customer Service Team (ICST) Manager reviews the entries periodically to ensure that callers are being provided accurate information (an informal measure). Plans are underway to begin more thoroughly tracking the level of service provided by the customer service staff, including:
 - An informal rating system whereby the Customer Service unit staff asks the caller to rate the level of customer service on a scale of 1-5 and records the response into CMS, which can then be compiled into a report for further analysis.
 - An online survey with every email sent by Customer Service unit staff having a link to this survey.
- **Process Mapping:** FCHR has been engaged in process mapping during the past year. Process mapping refers to the mapping or "flowcharting" of all activities in which an organization is engaged; who is responsible for what activity; to what standard a process should be completed and how effectiveness can be determined. Once this is completed, the steps, activities and requirements of every business process are known. Due to limited resources, FCHR has been able to only begin the first phase of this mapping process and identified three units (Human Resources, Enforcement and Community Relations Services) to undergo this endeavor. It is anticipated as additional fiscal resources become available; the remaining FCHR units will be engaging in the mapping process as well. (A copy of FCHR's initial processing mapping efforts is available upon request.)
- **Other Internal Efficiency and Effectiveness Measures:** (included in FCHR strategic plan – objectives that FCHR is working to achieve)
 - Issue determinations/dismissals for 100% of whistle-blower cases within 90 days (FY 06-07: 24% [4 out of 17 cases]; low percent can be attributed to the relatively short timeframe of 90 days, which affects FCHR's ability to thoroughly and adequately investigate these complaints. Also see Exhibit 10, Statutory Changes, for FCHR proposed request to increase number of days to 120)
 - Issue at least 95% of final orders within 90 days from receipt of recommended order (FY 06-07: 97.7%; current FY 07-08 estimate: 100%)
 - Issue determinations/dismissals of at least 90% of housing investigations within 100 days (FY 06-07: 82%)

- Increase quality of docketed cases to at least 75% (evaluates input and other errors in CMS)
- Quality of investigations: Cases returned to investigators for correction are noted in CMS with a reason for the return. Such results are also used in determining the training needs of staff and also in conducting annual performance evaluations.

D. The promptness and effectiveness with which the agency disposes of complaints concerning persons affected by the agency. (s. 11.906(3), Florida Statutes)

1. Please describe the processes your agency uses to resolve complaints concerning persons affected by the agency, including tracking complaints for promptness, responding to complaints, and referring complaints to the appropriate agency unit or other agency.

Investigations-Related Complaints: The respective unit supervisor enters a code into the electronic case file (CMS) to document when a complaint was received and when/how it was resolved. The codes used are “Customer Complaint Received” and “Customer Complaint Resolved.” Comments are also entered into CMS, providing a summary of the complaint and how it was resolved. All related paperwork is maintained with the case file. The supervisor is responsible for conducting necessary research in order to resolve the complaint. The supervisor may need to consult with the General Counsel and/or Executive Director as the need arises. Queries can be run on CMS in order to track any complaints received. In general, responses are made in the same manner that the complaint was received and within two (2) business days; unless multiple input and a more formal response is required due to the complexity of the issue. Complaints that come telephonically through the switchboard are routed to the supervisor. FCHR’s mail clerk distributes any complaints received via mail to the Executive Director’s office. Responses are provided to clients regardless of whether the complaint is proven to be substantiated or not. If the client disagrees with the informal resolution of the complaint, he or she can choose to file a formal complaint with FCHR. Formal complaints are to be resolved within seven (7) days of receipt.

Administrative/CRS Related Complaints: The supervisor is responsible for maintaining a spreadsheet that lists each complaint, including:

- a. The date complaint was received;
- b. How the complaint was received (phone, mail, facsimile, email, hand delivery);
- c. A summary of the complaint;
- d. The name of the employee against whom the complaint is filed and
- e. How and when the complaint was resolved.

Complaints about administration or CRS can also be elevated to a formal complaint if clients disagree with the way the supervisor handled the complaint.

E. An assessment of the extent to which the agency has corrected deficiencies and implemented recommendations contained in reports of the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative interim studies, and federal audit entities. (s. 11.906(9), Florida Statutes)

1. Please include audit information required in Schedule IX (Major Audit Findings and Recommendations) of the Legislative Budget Request (LBR) to provide information on the action taken by your agency to address each recommendation included in reports issued by the Auditor General, the Office of Program Policy Analysis and Government Accountability, legislative committees, and federal audit entities in the past three fiscal years. For each report, if corrective actions were not taken, please explain why not.

Quality of Investigations

OPPAGA Report 07-43 stated that FCHR's efforts to improve the quality of investigative reports and processes

... have increased the overall quality of investigations made by plaintiff and defense attorneys. However, the commission does not currently track such complaints in an electronic database, which impedes its ability to consistently record performance improvements or declines. FCHR officials report that the commission's data system was modified in June 2007 to allow for compilation of complaint data, including fields that record action taken (e.g., received, resolved, closed). The commission has not yet completed these system enhancements. As available resources allow, we encourage the commission to continue its efforts to collect complaint data in a reliable electronic format.

Due to limited personnel and fiscal resources, FCHR has not fully developed the electronic tracking system. However, FCHR currently employs other measures and assessment tools useful in evaluating the quality of investigations. Legal staff also reviews cases and provides feedback and training as needed; legal staff has seen significant improvement in the quality of the cases reviewed.

Enforcement managers provide ongoing training and feedback to investigators: After review by managers, cases that were incompletely or inaccurately investigated are returned to the investigator with discussions and input on the problems found. Any returned cases are noted in CMS fields, with a reason for the return. Such results are also used in determining the training needs of staff and also in conducting annual performance evaluations. For example, for the Intake Unit in FY 06-07, of the 855 cases reviewed, 64 (or 7.5%) were returned for corrections. So far, for FY 07-08, of the 1337 cases reviewed, 70 (or 5.3%) were returned for corrections. (New investigators do not get returns counted against them for the first three months of their employment.)

Revenue Collection Controls

Auditor General Report 2004-034 found financial concerns in six areas. Of the six areas, FCHR has resolved all but one: Controls over the

revenue collection process needs enhancing. More specifically, the report stated:

To enhance management controls over the revenue collection process, we recommend that Commission procedures require that: collections be logged at the initial point of receipt; checks and money orders be restrictively endorsed immediately upon receipt; the transfer of collections between employees be documented by signed receipts or logs; revenue collection and recording duties be adequately separated; and revenue transmittals provided by DMS be compared to logs of initial receipts and then maintained in accordance with State records retention guidelines.

FCHR collects revenue (other than federal reimbursement funds) for public records requests and 55+ registration fees. During May-June 2008, the Auditor General has been working with FCHR budget staff to enhance its revenue collection controls. All issues relating to this process have been recently addressed and controls have now been implemented to ensure future compliance. (A copy of the audit report should be available in July or August from the Auditor General.)

III. Compliance

A. The extent to which the agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by those it regulates and the extent to which public participation has resulted in rules compatible with the objectives of the agency. (s. 11.906(4), Florida Statutes)

1. Please describe below how your agency obtains input from the public regarding potential rules or other issues affecting the agency. Also, please describe how this input is incorporated into rule-making and other agency decisions.

Pursuant to s. 120.54, Florida Statutes, FCHR publishes all proposed rules, subsequent changes and repeals in the Florida Administrative Weekly not less than 28 days prior to the intended action of adopting such rules and rule changes. A notice to the public contains the procedure for requesting a public hearing on the proposed rule. Although FCHR has received no requests to hold a public hearing on any of its rules, any requests from the public to do so would be conducted according to law.

B. The extent to which the agency complies with public records and public meetings requirements under Chapters 119 and 286, Florida Statutes, and s. 24, Article 1 of the State Constitution. (s. 11.906(11), Florida Statutes)

1. Please describe your agency's process for complying with public records and meeting requirements. For example, please describe your policy for handling public records requests, process for advertising public meetings, and any other mechanisms, such as training programs, in place to ensure compliance with public record and public meeting requirements.

COMMISSION MEETINGS

Pursuant to s. 286.011, Florida Statutes (public meetings law), all Commission meetings are properly and reasonably noticed and open to the public. Minutes of such meetings are available to the public upon request pursuant to s. 119.07, Florida Statutes (public records law).

Pursuant to s. 120.52(1), Florida Statutes, except in the case of emergency meetings, FCHR gives notice of public meetings, hearings and workshops by publication in the Florida Administrative Weekly not less than 7 days before the event. The notice shall include a statement of the general subject matter to be considered. FCHR has assigned specific staff persons to ensure that proper notices are placed in the Florida Administrative Weekly in a timely manner. In the event FCHR has to conduct an emergency meeting, notice of such meeting is posted on FCHR's website and at the office headquarters.

COMMISSION RECORDS

All records of FCHR, unless otherwise specifically exempted from disclosure by state law, are available to the public upon request. Most of the information about FCHR is available on its website (<http://fchr.state.fl.us/>). The Customer Service Unit has an established process for handling incoming requests for copies of files. In brief:

- **Electronic Copies:** Persons requesting copies of FCHR records are given the option of receiving the copies either in hardcopy or electronic (e-mail or scanned files saved to CD) form. FCHR estimates that approximately 75-80% of the requests during the past fiscal year were for electronic copies (CD's).
- **Full File Requests:** Term used informally for cases that have or are going through FCHR's investigative process. These files range between 100 – 200 pages (average) and on occasion may actually be over 3,000 pages in length.
 - All requests for investigations related copies MUST be made in writing. This is to verify that the requestor is entitled to receive copies of the material, which have been designated confidential by statute. The exception is for cases that are public. FCHR asks requestors to provide proof that the case has been filed in court before proceeding with the request.
 - The Intake & Customer Service Team (ICST) Manager assigns all incoming requests to the appropriate clerk, using the CMS code "FCHR Copy Request Received." Full file requests are assigned either to the Archives Clerk or the Case Closures Clerk, depending upon whether the file is pending closure or is actually closed. If proof is not provided that the

- requestor is entitled to receive the copies, the clerk is responsible for verification.
 - FCHR's goal is to ensure that requests are resolved within 30 days of the date of receipt. However, several variables affect the timely processing of requests: whether the case file is available in-house or must be retrieved from Archives; whether the case documents are already scanned and for older case files, need to be scanned; the total number of pending public records requests are currently being processed and how quickly the requestor submits payment for copies of documents.
 - If the case files are not scanned, the employee must retrieve the file and scan it in order to obtain a page count and generate an invoice so that the requestor knows how much to pay. (FCHR charges the statutorily prescribed fee for copies of files by page, as well as a shipping charge for only paper/hardcopy requests.)
 - Invoiced files are placed in suspense for 30 days with an "Invoice Sent" CMS action code.
 - After 30 days, if payment is not received, the invoice is voided. CMS is updated with the code "Invoice Voided."
 - If payment is received, the clerks are responsible for providing the copies, and upon completion, entering the CMS code "FCHR Copy Request Sent."
- **Small File Requests** (usually for deferrals and referrals): Assigned to appropriate clerk by the ICST Manager using the same "Request Received" action code.
 - Generally can be handled in 5 days or less.
 - Clerk verifies that the requestor is entitled to receive the copies.
 - If less than 11 pages, the documents are printed and a certificate of authenticity is generated and mailed to the requestor free of charge.
 - **NOTE:** FCHR is currently investigating the cost-effectiveness and efficiency of e-mailing small file requests. Legal staff is researching whether or not an employee must sign the Certificate of Authenticity. If not, FCHR can then e-mail the certificate with an electronic signature, along with any necessary copies. Not only will this method be faster, but it will also save paper and postage costs.
 - Upon completion, the clerk is responsible for entering the "Request Sent" action code in CMS.
 - Queries can be run at any time of requests received and sent.
- **Other Types of Requests:** Not frequent, but when other types of requests are received, they are directed to either the ICST or the Communications managers. Requests are usually for specific reports, such as how many complaints were received against a state agency or from a particular county.
 - Other non-investigations related requests do not have to be made in writing but are generally made in writing so that the requestor can clearly describe the information and parameters that they want.
 - The MIS manager is usually involved because specialized CMS queries need to be created.
 - The related manager coordinates with the MIS manager in order to complete the request.
- **Retention, Maintenance, Archival Storage and Destruction:** Many of FCHR's closed investigations-related files are stored at the Records Center (Department of State).
 - The Archives Clerk is responsible for verifying that cases received from the employment and housing closure units are properly documented, for preparing accessions of closed cases to be picked up by Records at least every 3 months and for maintaining a destruction date.
 - The ICST Manager (who also serves as the Records Management Liaison Officer [RMLO]) signs off on disposal authority

forms upon the scheduled destruction date. The Department of State Records Center handles destruction of the cases that are stored there once they receive the signed disposal authority form.

- The RMLO also coordinates and documents any in-house destruction. This is to ensure that documents are destroyed in accordance with the state-established retention schedules.
- The RMLO also completes the annual compliance statement for signature by the Executive Director.

Note: The Mail Clerk and Archives Clerk positions were merged due to budget cuts in 2007. The same person is now responsible for handling BOTH mail and all records requests/other archives duties. FCHR still strives to respond to all requests within a timely manner, but the limited personnel resources has had a slight impact on how quickly FCHR is able to fulfill requests. The mail/archive clerk will make status calls to all pending requestors if the filling of the request will take more than a week to process. (Case files may have to be retrieved from archives, number of case file pages must be tabulated, an invoice must be prepared and sent to the requestor and payment for the copies must be received prior to copying and mailing the requested public record. Once payment is received, the case file is reviewed and nonpublic information is redacted prior to making copies.

C. The extent to which the agency has complied with applicable requirements of state law and applicable rules regarding purchasing goals and programs for small and minority-owned businesses. (s. 11.906(5), Florida Statutes)

1. Please provide the dates that your agency's most recent minority business enterprise utilization plan was submitted to and approved by the Department of Management Services' Office of Supplier Diversity. Also, please describe the extent to which the goals outlined in the plan have been achieved.

FCHR uses, to the fullest extent possible, minority vendors for providing its commodities and contractual services. For instance, FCHR contracts with a minority travel agency for all of its travel needs. In addition, FCHR uses the services of a minority vendor for printing its annual reports, brochures and other printed publications. In FY 2006-07, FCHR spent a total of \$29,198 (or 5.01% of its purchasing budget) with minority vendors:

- African American: .17%
- Hispanic 3.02%
- Asian .06%
- Non-minority white: 1.76%

IV. Alternative Program Delivery Options

A. An assessment of less restrictive or alternative methods of providing services for which the agency is responsible which would reduce costs or improve performance while adequately protecting the public. (s. 11.906(8), Florida Statutes)

B. The extent to which alternative program delivery options, such as privatization, outsourcing, or insourcing, have been considered to reduce costs or improve services to state residents. (s. 11.906(12), Florida Statutes)

1. In the following table (Exhibit 9), please list any alternative methods of providing services, or any alternative program delivery options that are currently planned, are currently under consideration, or have recently had been considered and rejected. When applicable, please include information from Schedule XII: Outsourcing or Privatization of a Function Business Case in the Legislative Budget Request (LBR).

FLORIDA COMMISSION ON HUMAN RELATIONS

Exhibit 9: Alternative Program Delivery Options

Major Program Affected	Description of alternative methods of providing services	Benefits (e.g. cost savings, improved service)	Adverse Effects (e.g., increased costs, fewer service recipients)	Implemented, Currently Planned, Under Consideration, or Rejected?	If Rejected, Explain Why
Discrimination complaints: No cause cases (hearings by DOAH)	Florida law provides that parties who receive a "no cause" determination may request a hearing by a DOAH administrative law judge. FCHR is seeking a statutory exemption from this requirement and, instead, be authorized to hire its own hearing officer to hear these cases	More cost-effective (would save general revenue and trust fund dollars). Would have potentially saved \$429,000 in FY 08-09	None	FCHR proposed this concept to the 2008 Legislature as one area to reduce its budget for FY 2008-09. Although not adopted this year, legislative staff indicated that this concept may be reviewed during the interim	Not known; the legislators and staff indicated that they would need more time to further review this option before implementation

2. What provisions has the agency made to allow agency customers and the public to electronically access agency data, information, and services?

Much of the information prepared or developed by FCHR, with the exception of confidential case file information, is available to the public via FCHR's website (<http://fchr.state.fl.us>). FCHR has also increased its use of scanning in order to allow for electronic sharing of information to customers and also to significantly reduce paper, printing and postage costs. Requests for public records can be made by e-mail (contact information and request forms are available on its website), telephone call, written request or in person. Public records requests can also be by regular mail (hardcopy), or faxed, depending upon the needs of the requestor.

FCHR's website has been extensively updated to allow for the viewing, completion and printing of complaints online in all investigation areas (employment, housing, public accommodations and whistleblower retaliation). http://fchr.state.fl.us/file_a_complaint. However, online submission has not been implemented as of this time due to specific barriers (i.e., funding, legal, technological and confidentiality issues). In order to fully implement this function, FCHR anticipates actively researching and resolving the issues surrounding the submission of complaints via the website and has also included this endeavor in its three-year strategic plan.

3. Please describe the policies and procedures that the agency uses to ensure the security of data submitted and/or retrieved by agency customers and the public.

Public Records:

Requests for copies of case (either closed or under investigation) are made through the Intake and Customer Service unit. The manager reviews and assigns each request (approximately 100 per month) to the appropriate unit for completion. Files can range in size from two pages to 3,000 pages, with the most common size being about 150 pages in length. The Records Clerk confirms whether the requestor is entitled to receive copies (state law provides that the parties or their representatives can have access to case file information) based upon the manager's notes.

Written verification that the requestor is either a party to the case or that the case has been otherwise made public is required before FCHR confirms that it has conducted or is currently conducting an investigation of the complaint.

If it has been verified that the requestor is entitled to receive a copy of the records, the Records Clerk scans the file and provides an invoice to the requestor. Upon payment of the invoice, the Records Clerk reviews the scanned file page by page to electronically redact any confidential information. Although the enforcement investigators continually redact any confidential information from the file throughout the course of the investigation, the Records Clerk also conducts a final check before releasing the file.

FCHR also gets requests for small files (deferrals and referrals). Each of the clerks follows a similar procedure, except that invoicing is only done on files that are 11 pages or more in length. Most deferrals do NOT contain confidential information, but the clerk is responsible for redacting any confidential information, if found.

NOTE: FCHR usually gets requests from one of the parties, so more often than not, information that was originally provided to FCHR by the requestor -- information that the requestor already has -- ends up being redacted.

Confidential Information:

FCHR developed its *Document Management: Confidential Records* procedure in 2003 (a copy of this document is available upon request). FCHR has posted this procedure on FCHR's internal intranet to ensure that all FCHR staff has access to and are kept well informed of the procedure. The procedure states that social security numbers are confidential and addresses the collection, processing, retention and dissemination of these numbers. Many of the provisions provide extra precautions for the protection of these numbers because for approximately 96% of the requests, FCHR only releases copies to the following: the complainant, the respondent or their representatives. In many cases, FCHR edits out information that the party has provided throughout the investigation and sends back redacted copies of his/her own documents (or withholds them altogether if the documents are filed under the confidential tab). In approximately 4% of the cases, FCHR sends documents to reporters or other requestors after the case has been made public (filed in court). FCHR closely monitors these activities to ensure all confidential information is protected.

4. When developing, competitively procuring, maintaining, or using electronic information or information technology, how does the agency ensure that state employees with disabilities have comparable access to and are provided with the same information and data as state employees who do not have disabilities?

FCHR makes every effort to develop, purchase and maintain the necessary information technology resources, equipment, furniture, tools and supplies needed to ensure that its staff can effectively and efficiently complete their required job assignments.

In March 2008, the Governor's Commission on Disabilities reviewed FCHR's website to assess its level of compliance with disability accessibility guidelines. Based on the recommendations from the Governor's Commission, FCHR made a number of changes to its website. FCHR asked the Governor's Commission to reevaluate FCHR's amended website and has been told of additional changes that are needed. FCHR is working with the private company that developed the site on these matters.

C. Recommendations to the committee for statutory, budgetary, or regulatory changes that would improve the quality and efficiency of services delivered to the public, reduce costs, or reduce duplication. (s. 11.906(13), Florida Statutes)

1. In the following table (Exhibit 10), please list any recommendations from your agency for statutory changes that would improve the quality and efficiency of services, reduce costs, or reduce duplication. For each recommendation, please indicate what statutes would need to be changed, an approximate timeline for implementation of the proposed changes, the estimated benefits to be achieved through the changes, and any possible adverse consequences of the proposed changes, and how improvements would be achieved.

FLORIDA COMMISSION ON HUMAN RELATIONS

Exhibit 10: Statutory Changes

Recommended Statutory Change	Statute That Would Need to Be Changed	Timeline for Implementation	Benefits (e.g., cost savings, improved service)	Adverse Effects (e.g., increased costs, fewer service recipients)	How Improvements Would Be Achieved
Exempt FCHR from statutory requirement for DOAH hearings; authorize FCHR to hire its own hearing officer	s. 120.80 s. 760.02 s. 760.11 s. 760.22 s. 760.36	By July 1, 2009	Cost savings to FCHR in FY 08-09 would have been \$429,000 (current budget dollars to DOAH is \$704K; cost of hearing officer and support staff totals \$275K)	None	FCHR would hire its own hearing officer (because of the sole responsibility of hearing only discrimination cases; would be able to hear cases in a more timely manner)
Authorize FCHR to litigate employment cases (in which FCHR has issued cause determinations) on behalf of parties (already have statutory authority for housing cases)	Chapter 760	July 1, 2009	Would allow more individuals who are reluctant or could not afford to pursue legal remedy in a court of law to seek civil remedies because FCHR would be able to act on their behalf	More personnel and fiscal resources would be needed	Complainants would be informed of this service when appropriate
Amend definition of employer to include employers with 10 (vs. 15) or more employees	s. 760.02(7)	July 1, 2009	Would give more employees in Florida protection against discriminatory acts by their employers	More personnel and fiscal resources would be needed	Employers and employees will be trained; outreach efforts (education, website, published materials) will be modified to include protection for this increased customer base
Expand number of days required to complete employment investigation cases from 180 to	s. 760.11(3) s. 760.11(8)	July 1, 2009	Would allow more time to complete investigations when extenuating	None	Website and educational materials and other documents

240 days			circumstances occur; also would allow more time for parties to respond to FCHR requests		will be updated to reflect longer period of time
Clarify statutes to provide for "business days" vs. "days"	Chapter 760	July 1, 2009	Would allow FCHR adequate time for notification. Currently, the law only states "days", which is unclear as to whether this means calendar or business days. If interpreted to mean calendar days, the 5-day clock is running even when the FCHR is closed for business on holidays and weekends	None	Website and educational materials and other documents will be updated to reflect statutory change
Create statutorily a direct support organization (non-profit organization) for the purpose of raising funds to supplement FCHR's efforts to further accomplish its mission	s. 760.13, F.S. (create new section)	July 1, 2009	Would allow for the receipt of private donations/grants to help FCHR engage in more extensive and widespread statewide activities that further achieve its mission Recent efforts by FCHR to seek grant dollars have revealed that most funding sources prefer donating to non-profit organizations; having a non-profit DSO will help FCHR be more successful in obtaining these grant funds	FCHR will implement policies and requirements to ensure that donations are not received from potential complainants or respondents; will aid in guarding against perception of impropriety or bias should a case from such individuals be filed with FCHR	The DSO will be run by a board of directors adjunct to FCHR; initially FCHR staff will provide support to the DSO; however, once funds are forthcoming, it is anticipated that the DSO will be self-supporting
55+ Regulation Either repeal provision requiring	s. 760.29(4)	July 1, 2009	Costs to administer this program and maintain the registration database	Families who experience discrimination would not be able to file a complaint	Depending upon the legislative enactment (repeal or

<p>55+ facilities and communities to register with FCHR OR amend section to authorize FCHR to assess a fine for failure to register</p>			<p>exceed the revenues generated from the collection of fees (\$20 every two years). For example, FCHR, in order to administer this program, must maintain the 55+ data base, process registration and renewal forms, enter registration data, document and reconcile fee collections) exceeds the revenue generated from registration fees. MIS staff is responsible for making updates to the database and website, budget staff must perform daily deposits and reconciliations, housing staff must verify names and account numbers, renewal notices must be mailed. FCHR receives 40-60 checks a day that must be processed. The relatively small fee (\$20 every two years) does not cover the costs associated with this program</p> <p>In addition, the program has not proven to be very effective, as evidenced by the relatively low number of complaints based on familial status filed with FCHR</p> <p>FCHR has authority only to assess an administrative fine should false information be</p>	<p>with FCHR if they were not allowed to move into a 55+ facility or community</p> <p>In addition, FCHR will no longer receive the revenue from the registration fees; however, such fees are minimal</p>	<p>amendment), FCHR would notify all currently registered facilities and communities of current law. Technical assistance calls, workshops, website and other housing outreach efforts would inform affected entities of any statutory changes</p>
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			<p>submitted. It does not have statutory authority to require such facilities to register nor to fine them for failure to do so. Therefore, FCHR cannot effectively enforce the registration requirements</p> <p>FCHR (due to limited resources) cannot verify whether or not these communities are in compliance with federal housing (55+) requirements - FCHR merely receives a statement from each community stating that it is in compliance with federal regulations</p>		
Amend Florida's Whistle-blower Act to clarify certain provisions and provide more extensive protections	s. 112.3187-112.31895, F.S.	July 1, 2009	<p>Would allow state employees who have been retaliated against more time to have their case investigated; clarifies that employees of independent contractors are included under act; provides for exchange of confidential information between Chief Inspector General and FCHR; increases time to file a complaint of retaliation from 60 to 90 days; increases amount of time to investigate complaints of retaliation from 90 to 120 days; clarifies standards and procedures for reporting wrongdoing; clarifies</p>		Enforcement, education and outreach efforts would be expanded to include these statutory changes

			standards and procedures for reporting retaliation by a state agency or independent contractor		
<p>OTHER ISSUES: The Governor’s Commission on Disabilities issued its report in May 2008. In that report, the Governor’s Commission outlined a number of initiatives, including proposing statutory changes that would affect FCHR. If enacted by the Legislature, FCHR would be supportive of these changes and would enforce the provisions to the fullest extent possible.</p>					
Incorporate Americans with Disabilities Act into state law and provide enforcement authority to FCHR (and AG)	Chapter 760	July 1, 2009	Would provide persons with disabilities greater protection against discrimination and access barriers	More personnel and fiscal resources would be needed	Enforcement, education and outreach efforts would be expanded to include these statutory changes
Authorize FCHR (and AG) to pursue administrative and judicial remedies for violation of the Florida Americans with Disabilities Accessibility Implementation Act	ss. 553.501-553.513	July 1, 2009	Would facilitate greater compliance with physical access standards in government and private facilities	More personnel and fiscal resources would be needed	Enforcement, education and outreach efforts would be expanded to include these statutory changes

2. In the following table (Exhibit 11), please list any recommendations from your agency for budgetary changes that would improve the quality and efficiency of services, reduce costs, or reduce duplication. For each recommendation, please describe the changes proposed, the timeline for implementation, and the advantages and disadvantages of the changes. Do not list proposed budgetary increases unless they are anticipated to result in measurable long-term cost savings.

FLORIDA COMMISSION ON HUMAN RELATIONS

Exhibit 11: Budgetary Changes

Recommended Budgetary Change	Timeline for Implementation	Benefits (e.g., cost savings, improved service)	Adverse Effects (e.g., increased costs, fewer service recipients)	Funding Source (If increase, what is the source?)	How Improvements Would Be Achieved
Reduction in rent costs	July 1, 2008-June 30, 2012	Reduced operating costs of \$100,000 in FY 2008-09; total potential cost avoidance for the state by 2012: \$432,000	None	General Revenue (reduction)	Already completed; relocation of employees to 2 nd floor has occurred; 1 st floor leased space is now vacant and available for new tenant

3. In the following table (Exhibit 12), please list any recommendations from your agency for regulatory changes that would improve the quality and efficiency of services, reduce costs, or reduce duplication. For each recommendation, please describe the changes proposed, the timeline for implementation, and the advantages and disadvantages of the changes.

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Exhibit 12: Regulatory Changes

Recommended Regulatory Change	Timeline for Implementation	Benefits (e.g., cost savings, improved service)	Adverse Effects (e.g., increased costs, fewer service recipients)	Funding Source (If increase, what is the source?)	How Improvements Would Be Achieved

See Exhibit 10; any regulatory changes needed would require statutory amendment					
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