

By Senator Miller

21-311-01

1 A bill to be entitled
 2 An act relating to the Commission on Human
 3 Relations; amending s. 110.205, F.S.;
 4 redefining the term "department" to include the
 5 commission for personnel purposes; amending s.
 6 760.06, F.S.; providing for the acceptance of
 7 findings by the Equal Employment Opportunity
 8 Commission; providing a process for determining
 9 whether a state license should be revoked or
 10 suspended in specified cases; providing an
 11 effective date.
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 13 Be It Enacted by the Legislature of the State of Florida:
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 15 Section 1. Subsection (4) of section 110.205, Florida
 16 Statutes, is amended to read:
 17 110.205 Career service; exemptions.--
 18 (4) DEFINITION OF DEPARTMENT.--When used in this
 19 section, the term "department" shall mean all departments and
 20 commissions of the executive branch, whether created by the
 21 State Constitution or chapter 20; the office of the Governor;
 22 the Commission on Human Relations;and the Public Service
 23 Commission; however, the term "department" shall mean the
 24 Department of Management Services when used in the context of
 25 the authority to establish salary ranges and benefits.
 26 Section 2. Section 760.06, Florida Statutes, is
 27 amended to read:
 28 760.06 Powers of the commission.--Within the
 29 limitations provided by law, the commission shall have the
 30 following powers:
 31 (1) To maintain offices in the State of Florida.

1 (2) To meet and exercise its powers at any place
2 within the state.

3 (3) To promote the creation of, and to provide
4 continuing technical assistance to, local commissions on human
5 relations and to cooperate with individuals and state, local,
6 and other agencies, both public and private, including
7 agencies of the Federal Government and of other states.

8 (4) To accept gifts, bequests, grants, or other
9 payments, public or private, to help finance its activities.

10 (5) To receive, initiate, investigate, seek to
11 conciliate, hold hearings on, and act upon complaints alleging
12 any discriminatory practice, as defined by the Florida Civil
13 Rights Act of 1992.

14 (6) To issue subpoenas for, administer oaths or
15 affirmations to and compel the attendance and testimony of
16 witnesses or to issue subpoenas for and compel the production
17 of books, papers, records, documents, and other evidence
18 pertaining to any investigation or hearing convened pursuant
19 to the powers of the commission. In conducting an
20 investigation, the commission and its investigators shall have
21 access at all reasonable times to premises, records,
22 documents, and other evidence or possible sources of evidence
23 and may examine, record, and copy such materials and take and
24 record the testimony or statements of such persons as are
25 reasonably necessary for the furtherance of the investigation.
26 The authority to issue subpoenas and administer oaths may be
27 delegated by the commission, for investigations or hearings,
28 to a commissioner or the executive director. In the case of a
29 refusal to obey a subpoena issued to any person, the
30 commission may make application to any circuit court of this
31 state, which shall have jurisdiction to order the witness to

1 appear before the commission to give testimony and to produce
2 evidence concerning the matter in question. Failure to obey
3 the court's order may be punished by the court as contempt. If
4 the court enters an order holding a person in contempt or
5 compelling the person to comply with the commission's order or
6 subpoena, the court shall order the person to pay the
7 commission reasonable expenses, including reasonable
8 attorneys' fees, accrued by the commission in obtaining the
9 order from the court.

10 (7) To recommend methods for elimination of
11 discrimination and intergroup tensions and to use its best
12 efforts to secure compliance with its recommendations.

13 (8) To furnish technical assistance requested by
14 persons to facilitate progress in human relations.

15 (9) To make or arrange for studies appropriate to
16 effectuate the purposes and policies of the Florida Civil
17 Rights Act of 1992 and to make the results thereof available
18 to the public.

19 (10) To become a deferral agency for the Federal
20 Government and to comply with the necessary federal
21 regulations to effect the Florida Civil Rights Act of 1992. In
22 a dual-filed case, final findings by the Equal Employment
23 Opportunity Commission, including those contained on EEOC Form
24 161, constitute the findings of the commission unless the
25 aggrieved person requests a substantial-weight review of the
26 Equal Employment Opportunity Commission's findings within 35
27 days after the determination or dismissal.

28 (11) To render, at least annually, a comprehensive
29 written report to the Governor and the Legislature. The report
30 may contain recommendations of the commission for legislation
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1 or other action to effectuate the purposes and policies of the
2 Florida Civil Rights Act of 1992.

3 (12) To adopt, promulgate, amend, and rescind rules to
4 effectuate the purposes and policies of the Florida Civil
5 Rights Act of 1992 and govern the proceedings of the
6 commission, in accordance with chapter 120.

7 (13) To receive complaints and coordinate all
8 activities as required by the Whistle-blower's Act pursuant to
9 ss. 112.3187-112.31895.

10 (14) To require a person who has been found to be in
11 violation of this chapter and who is licensed by a state
12 agency to show cause to the licensing agency why the license
13 should not be revoked or suspended and to have the licensing
14 agency report its findings to the commission.

15 Section 3. This act shall take effect July 1, 2001.

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18 SENATE SUMMARY

19 Adds the Commission on Human Relations to the definition
20 of "department" for purposes of personnel management.
21 Provides for the acceptance of findings by the Equal
22 Employment Opportunity Commission in dual-filed cases.
23 Provides a process for determining whether a state
24 license should be revoked or suspended in specified cases
25 involving the Commission of Human Relations.
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