

# Memorandum



**Date:** July 6, 2016

Agenda Item No. 1(F)5

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

**Subject:** Sunset Review of County Boards for FY 2016 – Commission on Human Rights

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In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2016 Sunset Review of County Boards Report for the Commission on Human Rights. The Board approved the attached report at its meeting of March 16, 2016, and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez  
Deputy Mayor

**Date:** March 16, 2016  
**To:** Carlos A. Gimenez  
Mayor  
**From:** Victor Romano, Ph.D.  
Chairperson, Commission on Human Rights  
**Subject:** Sunset Review of County Boards for 2016 –Commission on Human Rights

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Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2016 Sunset Review of County Boards Report for the Miami-Dade County Commission on Human Rights for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of March 16, 2016

It is recommended that the BCC approve the continuation of the Commission on Human Rights.

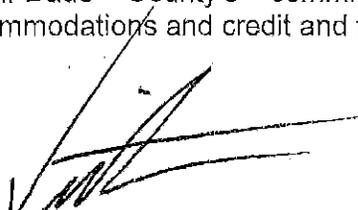
#### **BACKGROUND**

The Commission on Human Rights was originally established as the Fair Housing Commission by Ordinance 69-35 passed June 18, 1969, later renamed Fair Housing and Employment Appeals Board. Subsequent amendments added more protections from discrimination for residents of Miami-Dade County and defined case processing and enforcement authority. In April 1990 the Fair Housing and Employment Appeals Board was reestablished as the Equal Opportunity Board (EOB). In June of 2009, the Equal Opportunity Board was reestablished as the Commission on Human Rights (CHR).

The purpose of the CHR is to enforce Miami-Dade County's anti-discrimination ordinance, also known as the Human Rights Ordinance. It is a quasi-judicial board charged with receiving, mediating, investigating and adjudicating cases of discrimination in employment, housing, public accommodations, family leave and domestic violence leave on the basis of a person's race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, gender identity and/or expression, status as a victim of domestic violence or stalking, and/or source of income.

The CHR should continue to function because it provides a vital direct service to the public. Besides providing relief for victims of discrimination, the CHR works with local employers and housing providers to help create harmonious and productive work environments and equal housing opportunities.

The attached report explains in more detail the work of the staff and board members in implementing Miami-Dade County's commitment to equal opportunity in housing, employment, public accommodations and credit and financing practices for all residents in our community.



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Victor Romano, Ph.D.  
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2016**

**I. GENERAL INFORMATION**

1. Name of Board reporting: Miami-Dade County Commission on Human Rights (CHR)

2. Indicate number of board members, terms of office, and number of vacancies:

Number of Board Members: 26

Terms of Office: Section 2-11.38.2 of the Code of Miami-Dade County  
governs the term of office of the members of the board

Number of Vacancies: Ten (10)

Listed below are the current board members, appointing commissioner, commencement of term and term expiration.

BOARD MEMBER	APPOINTING COMMISSIONER	TERM COMMENCED	TERM EXPIRES/EXPIRED
John Riley	Hon. Barbara J. Jordan	May 18, 2015	November 30, 2016
Matthew Tisdol (2 <sup>nd</sup> Vice-Chair)	Hon. Jean Monestime	May 5, 2015	November 30, 2016
Sabrina Salomon	Hon. Jean Monestime	June 7, 2011	November 30, 2014
Kenneth M. Kilpatrick	Hon. Jean Monestime	April 4, 2011	November 30, 2014
Faye T. Davis	Hon. Audrey Edmonson	May 28, 2013	November 30, 2016
Rene Gonzalez-Llorens	Hon. Sally A. Heyman	December 2, 2014	November 30, 2018
Victor Romano (Chair)	Hon. Sally A. Heyman	December 18, 2014	November 30, 2018
Yvonne Welcker-Sepulveda	Hon. Bruno A. Barreiro	May 21, 2009	November 30, 2012
Marta Navarro	Hon. Rebeca Sosa	February 1, 2011	November 30, 2014
Rob Collins (1st Vice-Chair)	Hon. Rebeca Sosa	December 6, 2011	November 30, 2014
Ronald Lieberman	Hon. Carlos A. Gimenez	March 30, 2009	November 30, 2012
Jorge Rosario	Hon. Xavier Suarez	April 5, 2013	November 30, 2016
Samantha Faye Simonhoff	Hon. Juan C. Zapata	October 8, 2013	November 30, 2016
Marco A. Valdes	Hon. Juan C. Zapata	July 28, 2015	November 30, 2016
Carolina Naveiras	Hon. Esteban Bovo, Jr.	May 19, 2015	November 21, 2016
Justin Wales	Hon. Daniella Levine Cava	April 2, 2015	November 17, 2016

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2014** through **December 31, 2015**):

Number of Meetings: 26

Number of Meetings with a Quorum: 24

Attendance Records: See Attachment A

Because of its quasi-judicial and enforcement mission, the CHR does not meet as would a typical "advisory board." Section 11A-4(6) of the Human Rights Ordinance requires, in part, that meetings "... be held monthly or as needed to hear and dispose of the pending cases." Currently the CHR schedules public hearings on a weekly basis to hear and dispose of pending appeals. A hearing panel may consist of three (3) or more members. Five (5) or more members are required to constitute a quorum

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2016**

to hold a meeting for any other purpose.<sup>1</sup> The board members may uphold, modify or overturn the determination issued by the CHR director.

In accordance with the provisions of the board's bylaws, hearing procedures, and Chapter 11A, scheduled hearings may be cancelled or continued for the following reasons:

1. The respondent or charging party requests a continuance which is approved by the Chair or Vice Chair;
2. The case is settled prior to the hearing;
3. The case is removed from the docket due to a lack of cooperation;
4. The case is withdrawn by the appealing party;
5. The Charging Party files suit in court; and/or
6. A hearing panel could not be secured.

**Meetings/Hearings in 2014 and 2015**

- In calendar year 2014, 20 hearings and meetings were scheduled; 14 were held and 6 were cancelled.
- During calendar year 2015, 13 hearings and meetings were scheduled; 9 were held and 4 were cancelled.

(Refer to Attachment "A", Board Member Attendance Sheet for 2014 and 2015).

4. What is the source of your funding? The CHR is funded by the general fund and a federal source. The CHR is a designated deferral agency to the United States Equal Employment Opportunity Commission (EEOC). This means that the EEOC contracts with the CHR to investigate employment discrimination complaints involving protected categories under federal anti-discrimination law(s), including race, national origin, color, sex, religion, age and disability claims.

The following is a breakdown of the funding for Fiscal Year 2013/2014

- General Fund                   \$760,000
- U.S. EEOC (Federal)       \$104,800

The following is a breakdown of the funding for Fiscal Year 2014/2015:

- General Fund                   \$694,500
- U.S. EEOC (Federal)       \$79,450

5. Date of Board Creation:  
June 17, 1968 – Resolution No. R-719-68 established the Equal Employment Opportunity Board.  
June 18, 1969 – Ordinance No. 69-35 reestablished the Equal Employment Opportunity Board as the Fair Housing and Employment Commission.

**Amendments**

- Ordinance No. 69-41, adopted June 25, 1969, amended Section 9 of Ordinance No. 69-35.
- Ordinance No. 70-22, adopted March 11, 1970, added prohibition against public accommodation discrimination;
- Ordinance No. 72-96, adopted December 19, 1972, prescribed the powers of the Fair Housing and Employment Commission and procedures for the processing of complaints, among other things;

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<sup>1</sup> Section 11A-4(d), *Ibid.*

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- Ordinance No. 73-97, adopted December 4, 1973, added marital status as a protected category;
  - Ordinance No. 74-59, adopted July 30, 1974, established further procedures for complaint filing and processing;
  - Ordinance No. 75-46, adopted June 18, 1975, reestablished the Fair Housing and Employment Commission as the Fair Housing and Employment Appeals Board, and added additional protected categories, among other things;
  - Ordinance No. 76-23, adopted February 3, 1976, provided for the transition and transfer of cases from the Fair Housing and Employment Commission to the Fair Housing and Employment Appeals Board;
  - Ordinance No. 76-29, adopted March 16, 1976, provided for requests for hearings;
  - Ordinance No. 77-4, adopted January 18, 1977, added protection from discrimination based on affection or sexual preference;<sup>2</sup>
  - Ordinance 78-29, adopted April 18, 1978, created three member hearing panels;
  - Ordinance No. 80-82, adopted July 15, 1980, provided additional powers to the Fair Housing and Employment Appeals Board in housing matters;
  - Ordinance No. 82-25, adopted April 6, 1982, gave agency authority to award damages, including costs and attorney's fees, and to issue and apply for injunctive relief;
  - Ordinance No. 86-28, adopted April 1, 1986, allowed for bona fide discount programs based on age;
  - Ordinance No. 90-32, adopted April 3, 1990, re-established the Fair Housing and Employment Appeals Board as the Equal Opportunity Board, added familial status and disability to existing protected categories, among other things;
  - Ordinance 95-67, adopted April 18, 1995, repealed Chapter 11A and enacted new Chapter 11A;
  - Ordinance 98-170, adopted December 1, 1998, added sexual orientation as a protected category to Articles I, II, III, and IV of Chapter 11A.
  - Ordinance No. 06-179, adopted December 5, 2006, increased board membership from 13 to 26, and added the volunteer position of hearing officer, among other things.
  - Ordinance No. 09-53, adopted June 30, 2009, added source of income to existing protected categories and changed the agency name to Commission on Human Rights.
  - Ordinance No. 14-113, adopted November 5, 2014, added status as a victim of domestic violence, dating violence, or stalking to existing protected categories.
  - Ordinance No. 14-118, adopted December 2, 2014, added gender identity or gender expression to existing protected categories.
  - Ordinance No. 15-23, adopted April 21, 2015, provided for the transition of powers and duties from the Miami-Dade Housing Civil Rights Oversight Board to the Commission on Human Rights.
6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).  
See Attachment B
7. Include the Board's Mission Statement or state its purpose: Reduce discrimination in Miami-Dade County and promote equal treatment for all persons in employment, housing, public accommodations, and credit and financing.

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<sup>2</sup> This Ordinance was later repealed by referendum.

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8. Attach the Board's standard operating procedures, if any.  
See Attachment C
9. Attach a copy of the Board's By-Laws, if any.  
See Attachment D
10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership**.  
See Attachment E

**II. EVALUATION CRITERIA**

1. Is the Board serving the purpose for which it was created? (Please provide detailed information) Yes, the CHR is meeting its stated goals and purpose. The CHR is a quasi-judicial agency charged with the enforcement of Miami-Dade County's Human Rights Ordinance, codified as Chapter 11A of the Miami-Dade County Code, as amended, Articles I, II, III and IV. The Human Rights Ordinance makes it unlawful to discriminate against any person in Miami-Dade County in employment, public accommodations, credit and financing practices and housing accommodations on the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, gender identity, gender expression, status as a victim of domestic violence or stalking, and source of income. The CHR also enforces the Miami-Dade County Family Leave Ordinance (Article V of Chapter 11A) and the Domestic Violence Leave Ordinance (Article VIII of Chapter 11A). No municipality, with the exception of the City of Miami Beach, currently has a fair employment or fair housing ordinance.

**Case Resolutions**

Over the past thirteen (13) years, the CHR has completed more than 5,380 resolutions of discrimination cases. Monetary benefits to discrimination victims reached over seven million.

2. Is the Board serving current community needs? Yes, the exercise of the CHR's regulatory authority, through the enforcement of the Human Rights Ordinance (Chapter 11A) has improved the quality of life for the protected groups, who continue to struggle with discrimination.

**Provision of Direct Services**

Any individual can file a discrimination complaint with the CHR if the claim is based upon one or more of the protected categories under the Human Rights Ordinance. The CHR staff provides a direct service to the public through the following activities:

- Intake;
- Mediation;
- Investigation;
- Conciliation;
- Administrative hearings;
- Technical assistance; and
- Education and outreach.

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In addition to providing direct relief to discrimination victims, the CHR through its technical assistance service works with local employers and housing providers to help create harmonious and productive work environments and equal housing opportunities. The staff provides training workshops to employers with respect to policies and procedures. This service is offered mainly to small businesses that for the most part, do not have the resources to maintain an in-house human resources program. Additionally, approximately 600 housing providers have received technical assistance from the CHR on fair housing issues.

1. What are the Board's major accomplishments?

(a) Last 24 months

- Obtained over \$600,000 in back wages and other benefits for discrimination victims.
- Resolved over 380 discrimination complaints between January 1, 2014 and December 31, 2015.
- 90% of resolutions were written determinations on the merits of the case; 10% of resolutions were settlement agreements.
- Conducted nine (9) appeal hearings and made final determinations on four (4).
- Conducted seminars and training workshops with local employers and housing providers to provide information regarding best practices in the workplace, as well as their rights and responsibilities under anti-discrimination laws.

(b) Since established

- Ordinance No. 69-35, adopted June 18, 1969, re-established the Dade County Equal Employment Opportunity Board as the Dade County Fair Employment and Housing Commission. Ordinance created the first Fair Housing Law in the State of Florida.
- In June of 1974, the U.S. Equal Employment Opportunity Commission granted "706 deferral status" to the Fair Housing and Employment Appeals Board.
- In October of 1987, Resolution No. 5 (e) (10) authorized an on-going Memorandum of Agreement with the U.S. Department of Justice (DOJ), which provides for a referral mechanism for pattern and practice housing discrimination charges for possible litigation in Federal District Court by the DOJ.
- Since its establishment, the CHR has investigated and adjudicated approximately 27,350 formal cases of discrimination.
- Over 5.1 million dollars has been received in federal contracts to address employment and housing discrimination in Miami-Dade County.
- More than 300,000 persons have benefited from direct services provided by the CHR
- Developed guidelines for employers in Miami-Dade County as to rules and regulations concerning the requirement and the speaking of other languages in the workplace.
- In 1987, the agency received a \$100,000 grant from the U.S. Department of HUD to conduct community outreach and establish a non-profit fair housing center. In August 1988, the agency established H.O.P.E., Inc. This organization is currently an independent, non-profit fair housing center.
- More than \$10,000,000 has been obtained in back pay and other benefits for victims of discrimination in Miami-Dade County.

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- In 1999, the CHR was recognized by the U.S. Equal Employment Opportunity Commission (EEOC) as one of the most effective civil rights enforcement agencies in the State of Florida.
  - The CHR staff has hosted and cosponsored five (5) major national civil rights conferences in South Florida. Among them, the International Association of Official Human Rights Agencies (IAOHRA), National Association of Human Rights Workers (NAHRW), Florida Association of Community Relations Professionals (FACRP), and State of Florida Annual Civil Rights Conference.
  - The CHR received a 2002 NACo Achievement Award for the Dispute Resolution/Mediation Program.
  - In 2003, the Dispute Resolution/Mediation Program expanded to include pro-bono mediators from Florida International University's Center for Labor and Research.
2. Is there any other board, either public or private, which would better serve the function of this board? No. There is no other board, either public or private, in Miami-Dade County with the authority, scope and mission of the CHR.
3. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)  
No. Miami-Dade County's anti-discrimination ordinance is subject to periodic reviews by the CHR staff and the County Attorney's Office. These reviews are necessary in order to maintain the funding relationships with the federal agencies, and to keep current with new developments in the areas of employment and housing discrimination.
4. Should the Board's membership requirements be modified? No modification is necessary. The board's membership was increased from 13 to 26 in December 2006 to help expedite the backlog of appeal hearings.
5. What is the operating cost of the Board, both direct and indirect? (Report on FY 2014 and FY 2015)  
In Fiscal Year 2014 and 2015, approximately \$200,000 of the agency's budget was spent on board support, mainly on the preparation of hearings and other board activities (this amount is based on administrative costs, such as the time spent by staff preparing for and attending appeal hearings and board meetings; transcribing minutes, meeting with charging parties and respondents; responding to inquiries).
6. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.  
The board meets the prescribed performance measures by holding regular meetings and appeal hearings and conducting informational and educational outreach. These performance measures are also met by the terms and conditions of the federal contracts and cooperative agreements with the Equal Employment Opportunity Commission (EEOC). Currently, the CHR tracks the number of intakes conducted, charges filed, hearings/meetings held, successful mediations and conciliations, completed investigations, and outreach and training activities attended.

**MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS  
2015 Board Member Attendance**

Board Members	2/25	3/26	5/27	7/23	9/30	10/28	11/18	12/18	
Judith Chorlog Jackson	TERM EXPIRED 2012								
Rob Collins	x		x				x	x	
Faye Davis	x					x			
Michelle Dunjai Lucking		x	REMOVED 09/16/2015						
Patricia Ford			REMOVED 2-24-15						
Eduardo Hernandez	REMOVED 2/24/15								
Kenneth Kilpatrick		x				x	x	x	
Ron Lieberman								x	
Rene Llorens Gonzalez	x	x	x						
Martha Navarro		x		x	x	x	x	x	
Carolina Naveiras	APPOINTED 5/19/15				x	x	x	x	
John Riley	APPOINTED 5/18/15				x		x		
Victor Romano	x	x	x	x	x	x	x		
Jorge Rosario				x			x		
Sabrina Salomon			x		x		x	x	
Samantha Simonhoff									
Ralph Solernou, Jr.	REMOVED 2/24/15								
Dionne Stephens									
Matthew Tisdol	APPOINTED 5/5/15			x	x	x	x	x	
Marco Valdes	APPOINTED 7/28/15								x
Justin Wales	APPOINTED 4/2/15				x				
Yvonne Welcker Sepulveda	x		x			x	x		
Patricia Wright	x	x	DECLINED APPOINTMENT						

**MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS  
2014 Board Member Attendance**

<b>Board Members</b>	<b>1/28</b>	<b>2/25</b>	<b>3/25</b>	<b>5/27</b>	<b>6/24</b>	<b>8/27</b>
Judith Chorlog Jackson						
Rob Collins	X		X	X	X	X
Faye Davis	X		X			
Michelle Dunjai Lucking						
Patricia Ford						
Eduardo Hernandez						
Kenneth Kilpatrick	X	X				
Ron Lieberman						
Rene Llorens Gonzalez	X	X	X	X	X	X
Martha Navarro	X	X			X	X
Victor Romano	X	X	X	X	X	X
Jorge Rosario		X		X		
Sabrina Salomon		X		X		
Samantha Simonhoff						
Ralph Solernou, Jr.						
Dionne Stephens						
Yvonne Welcker Sepulveda			X	X	X	
Patricia Wright		X				

Chapter 11A - DISCRIMINATION<sup>11</sup>

## ARTICLE I. - GENERAL PROVISIONS

## Sec. 11A-1. - Declaration of policy and scope.

- (1) Policy. It is hereby declared to be the policy of Miami-Dade County, in the exercise of its police power for the public safety, health and general welfare, to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking. It is further hereby declared to be the policy of Miami-Dade County to eliminate and prevent discrimination in housing based on source of income.
- (2) Jurisdiction and area of application.
  - (a) The provisions of this chapter shall not apply to any complaint naming Miami-Dade County, the State of Florida, the federal government, or any of their agencies or employees as a respondent.
  - (b) This chapter is applicable in both the incorporated and unincorporated areas of Miami-Dade County, Florida.
  - (c) All violations shall be prosecuted in the court of appropriate jurisdiction of Miami-Dade County, Florida.
  - (d) The provisions of this chapter shall be cumulative and in addition to and not in derogation of any and all other provisions or laws prohibiting discrimination in employment, family leave, public accommodations, credit and financing practices and housing.
- (3) Preservation of substantive rights. Any substantive rights created by Chapter 11A as it existed prior to the enactment of Ordinance Number 90-32 are preserved as to any cases pending on the effective date of the creation of the Miami-Dade County Commission on Human Rights.
- (4) Deferment by other enforcement agencies. The Director of the Commission on Human Rights, subject to approval by the County Commission, and upon written agreement with the United States Department of Housing and Urban Development, the United States Equal Employment Opportunity Commission or any other federal, state or local agencies may accept written, sworn and signed complaints of violations of this chapter deferred to the Commission on Human Rights by such agency for investigation and resolution; however, the Director of the Commission on Human Rights may waive such deferment.
- (5) Ex parte communications. Except for ex parte applications for subpoenas pursuant to this chapter, no person shall make any ex parte communication, relative to any pending case before the Commission on Human Rights, to any Commission member, or at any stage of a proceeding after the filing of a charge or complaint, by any party to the proceeding, or by any person who has a direct or indirect interest in the proceeding, or by any authorized representative or counsel. Any violation of this section shall be reported, in writing, by the Commission member affected; and the report, which shall include a description of the substance of the communication, any response, and a copy of any written communication, shall be part of the record.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 98-170, § 1, 12-1-98; Ord. No. 06-179, § 1, 12-5-06; Ord. No. 09-53, § 1, 6-30-09; Ord. No. 14-118, § 1, 12-2-14; Ord. No. 14-113, § 1, 11-5-14)

## Sec. 11A-2. - Definitions.

The definitions set out herein shall apply to articles II, III, IV and V:

- (1) Age shall mean the chronological age of any individual who is eighteen (18) years or older.
- (2) Commission shall mean the Miami-Dade County Commission on Human Rights or its successor.
- (3) Complaint shall mean any written allegation of a discriminatory act or practice prohibited by this chapter.
- (4) Complainant shall mean any person or persons alleging a discriminatory act or practice prohibited by this chapter that has occurred or is about to occur and who has filed a written complaint.
- (5) Conciliation Agreement shall mean a written agreement resolving or otherwise disposing of a complaint and which is entered into by the parties and the Director prior to a hearing in front of the board.
- (6) County shall mean Miami-Dade County.
- (7) Director shall mean the Director of the Miami-Dade County Commission on Human Rights or his or her designee.
- (8) Discrimination shall mean any difference, distinction or preference in treatment, access or impact because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, gender identity, gender expression, sexual orientation, source of income, or actual or perceived status as a victim of domestic violence, dating violence or stalking.
- (9) Familial status is established when:
  - (a) An individual who has not attained the age of eighteen (18) years is domiciled with a parent or other person having legal custody of such individual; or
  - (b) An individual who has not attained the age of eighteen (18) years is domiciled with a designee of a parent or other person having legal custody of such individual with the written permission of such parent or other person; or
  - (c) An individual becomes pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.
- (10) Family shall include a single individual.
- (11) Finding related to probable cause shall mean the conclusion reached by the Director after completion of an investigation as to whether or not the discriminatory act or practice alleged in the complaint occurred and shall consist of the final investigative report and recommended order.
- (12) Gender identity shall mean a person's innate, deeply felt psychological identification as a man, woman or some other gender, which may or may not correspond to the sex assigned to them at birth (e.g., the sex listed on their birth certificate).
- (13) Gender expression shall mean all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine or neutral in one culture may not be assessed similarly in another.
- (14) Marital status shall mean the state of being married, unmarried, single, divorced, separated or widowed, and the conditions that may be associated therewith, including pregnancy or parenthood.

- (15) National origin shall include citizenship status, ancestry, place of birth, and language characteristics thereof.
- (16) Person shall mean one (1) or more natural persons, individuals, employees, employers, employment agencies, owners, businesses, government, government agencies, government departments, unions, joint apprenticeship committees, firms, associations, joint ventures, partnerships, estates, trusts, trustees, trustees in bankruptcy, legal representative, mutual companies, joint-stock companies, receivers, syndicates, fiduciaries, corporations, unincorporated organizations, and all other groups or combinations.
- (17) Person with a disability:
- (a) "Person with a disability" shall mean:
    - (i) An individual with a physical or mental impairment which substantially limits one (1) or more of that individual's major life activities;
    - (ii) An individual who has a record of such impairment; or
    - (iii) An individual who is perceived or regarded as having such an impairment.
  - (b) "Physical or mental impairment" shall include:
    - (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological, musculo-skeletal, special sense organs, cardiovascular, reproductive, digestive, genitourinary, hemic or lymphatic, skin, and endocrine;
    - (ii) Any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
    - (iii) Any degree of paralysis, epilepsy, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness, speech impediment or persons who rely upon a seeing eye dog, wheelchair or other remedial method, appliance or device.
  - (c) "Major life activities" shall include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, learning and working.
  - (d) A "record of such impairment" shall include having a history of, or having been misclassified as having a history of, physical or mental impairment which substantially limits one (1) or more major life activities.
  - (e) "Individual who is perceived as or regarded as having a disability" shall mean any individual who:
    - (i) Has a physical or mental impairment that does not substantially limit one (1) or more major life activities but such impairment is treated by others as constituting such a limitation;
    - (ii) Has a physical or mental disability that substantially limits one (1) or more major life activities only as a result of the attitude of others toward such impairment; or
    - (iii) Has no impairment defined in this subsection but is treated by another as having such an impairment.
  - (f) "Disability" does not include current, illegal use of or addiction to a controlled substance as defined in Chapter 893, Florida Statutes, as amended.
- (18) Religion shall mean any belief protected by the free exercise clause of the First Amendment of the United States Constitution.
- (19) Respondent shall mean person or persons alleged to have engaged in a discriminatory act or practice prohibited by this chapter.

- (20) Sexual orientation shall mean heterosexuality, homosexuality or bisexuality whether such orientation is real or perceived.
- (21) Mediation shall mean an informal conference held with a neutral third party to help the parties resolve their disputes prior to the investigation of the complaint, or at any time during the investigation of the complaint.
- (22) Hearing officer shall mean an employee of the Division of Administrative Hearings within the State of Florida, Department of Administration, employed to conduct hearings pursuant to F.S. chapter 120, or other person selected by the Chairperson of the Commission on Human Rights, or his or her designee, to conduct a hearing pursuant to this chapter from a pool of hearing officers, who are members of the Florida Bar in good standing. The hearing officers shall serve for a term of two (2) years and shall not be entitled to compensation; however, they shall receive reimbursement for parking in county garages and for mileage for any hearing-related business. Such reimbursement shall be consistent with County policy.
- (23) Prevailing party shall have the same meaning as such term has in section 722 of the Revised Statutes of the United States (42 U.S.C. 1988).
- (24) Victim of domestic violence shall mean a person who has been subjected to acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.
- (25) Victim of dating violence shall mean a person who has or had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:
- (a) A dating relationship must have existed within the past six (6) months;
  - (b) The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
  - (c) The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.
- The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.
- (26) Victim of stalking shall mean a victim of acts which constitute are deemed under Florida Law to be willful, malicious, and repeated following, harassing, or cyber stalking of another person, and/or the making of a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 98-170, § 1, 12-1-98; Ord. No. 06-179, § 2, 12-5-06; Ord. No. 09-53, § 2, 6-30-09; Ord. No. 13-83, § 5, 9-17-13; Ord. No. 14-118, § 1, 12-2-14; Ord. No. 14-113, § 2, 11-5-14)

Sec. 11A-3. - Office of Director established.

- (1) The position of Commission on Human Rights Director is hereby created and established. The Director shall be appointed by and serve at the will of the County Manager. The position shall be exempt from the classified service of the County.

- (2) The duties, functions, powers and responsibilities of the Director include but are not limited to, the following:
- (a) Enforcing the provisions of this chapter and any rules and regulations promulgated thereunder;
  - (b) Receiving, initiating, investigating, mediating, dismissing, waiving, and determining complaints received under this chapter;
  - (c) Facilitating settlement or conciliation of a complaint alleging a discriminatory act or practice prohibited by this chapter;
  - (d) Completing investigative reports on complaints filed under this chapter.
  - (e) Issuing a finding related to probable cause which may include findings, conclusions and recommendations addressing liability, reasonable accommodation, affirmative action, quantifiable relief, costs, attorney's fees, interest and such other appropriate remedies as in the judgment of the Director shall carry out the purposes of this chapter. The remedies may include the remedies enumerated in Section 11A-5(6)—(11);
  - (f) Providing assistance and direction in all matters relating to discrimination in housing, credit and finance, public accommodations, employment, family leave and domestic violence leave;
  - (g) Publishing and disseminating information and educational materials relating to discrimination in housing, credit and finance, public accommodations, employment, family leave and domestic violence leave;
  - (h) Issuing notice of a complainant's private right to sue under Article II, III, IV, V and VIII of this chapter upon a written request from complainant received not sooner than one hundred eighty (180) days after the filing of a charge or amended charge of a violation of this chapter;
  - (i) Performing such other administrative duties as may be assigned by the County Manager.
- (3) When necessary to vindicate the public interest, the Director may, with the approval of the County Attorney, have the County designated as a party in any proceeding under this chapter, and in connection therewith, shall be governed by the same procedures applicable to any other party to a charge of violation of this chapter. In any proceeding in which the County participates as a party, the Director, with the approval of the County Attorney, may hire special counsel.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 3, 12-5-06; Ord. No. 09-53, § 3, 6-30-09)

Sec. 11A-4. - Commission on Human Rights established.

- (1) Creation of the Commission. The Miami-Dade County Commission on Human Rights is hereby created and established. The Commission shall consist of twenty-six (26) members appointed by the Board of County Commissioners. Each member of the Board of County Commissioners may appoint two persons to the Commission on Human Rights.
- (2) Qualifications of members. Members of the Commission on Human Rights shall be permanent residents and electors of Miami-Dade County, Florida. Of at least one of the two appointments by each County Commissioner, consideration for membership may be given to representatives from the following fields:
  - (a) an attorney who is a member in good standing of the Florida Bar;
  - (b) a member of the business community;
  - (c) a representative of the real estate industry;
  - (d) a member of a non-profit civil rights organization;

- (e) a small business owner;
- (f) a representative of municipal government;
- (g) a representative of an employee organization;
- (h) reserved;
- (i) a representative of persons with disabilities; and
- (j) a representative of the banking industry.

Membership shall be made on the basis of civic pride, integrity, experience and interest in the area of equal opportunity, and be representative of the County's population and reflective of the racial and ethnic make-up of Miami-Dade County, in addition to geographic, economic and gender considerations.

- (3) Term of office. The term of office of members of the Board shall be as specified in Section 2-11.38.2 of the Code of Miami-Dade County.
- (4) Organization of the Commission. The members of the Commission shall elect the Chairperson, and such other Officers as may be deemed necessary, who shall serve a term of two (2) years with the possibility of reelection. At least three (3) members of the Commission shall constitute a hearing panel for the purposes of conducting a hearing and approving final orders on complaints. At least five (5) members of the Commission shall constitute a quorum to hold a meeting for any other purposes. A majority vote of those present at a duly constituted meeting shall be sufficient for all actions.
- (5) Compensation. Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses including but not limited to, training and travel, subject to approval by the County Commission. Training in equal opportunity shall be provided to all Commission Members at least once each year.
- (6) Meetings. Meetings of the Commission shall be held monthly or as needed to hear and dispose of the pending cases. Notice of the time and place of meetings shall be given to all members of the Commission and to all parties scheduled to be heard. The Chairperson may call an emergency meeting of the Commission. Three (3) members may also call an emergency meeting upon written request to the Director.
- (7) Minutes. Minutes shall be kept of all meetings of the Commission. All meetings shall be public and all minutes shall be subject to public inspection except where prohibited by law.
- (8) County Manager. The County Manager shall provide such adequate and competent administrative, technical and clerical personnel as may be reasonably required by the Commission for the proper performance of its duties. The County Manager shall provide a regular meeting place for the Commission.
- (9) County Attorney. The County Attorney shall provide counsel to the Commission.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 4, 12-5-06; Ord. No. 09-53, § 4, 6-30-09)

#### Sec. 11A-5. - Duties and powers of the Commission.

The Commission on Human Rights shall have the following duties, functions, powers and responsibilities:

- (1) To apply to the appropriate court on behalf of the County for such temporary or permanent injunctive relief as the Commission, or a Hearing Panel thereof, believe is necessary to preserve the status quo or to prevent irreparable harm and to carry out the purposes of this chapter;

- (2) To adopt, promulgate, amend and rescind rules and regulations necessary to effectuate the purposes and provisions of this chapter following a public hearing and subject to approval by the County Commission;
- (3) To issue an adjudicative final order upon the authority of the Chairperson following approval by the appropriate Hearing Panel. Such an adjudicative final order may review and uphold, modify or reverse recommended final orders issued by the Director or his or her designated representative in accordance with the provisions of this chapter;
- (4) To administer oaths;
- (5) To compel, by subpoena issued by the Chairperson of the Commission, the attendance of witnesses and the production of evidence for discovery, investigation, hearing or deposition for the preservation of testimony;
- (6) To issue remedial orders requiring cessation of violations of this chapter;
- (7) To issue such other final orders as, in the judgment of the Hearing Panel, will carry out the purposes of this chapter, including but not limited to:
  - (a) Hiring, reinstatement or promotion of employees with accrued seniority, with accrued benefits and with back pay;
  - (b) Taking affirmative action and making corrections; and
  - (c) Requiring reasonable accommodation;
  - (d) Awarding of front pay, to the extent that the calculation of any such front pay is quantifiable and reasonably definite.
- (8) To issue final orders dismissing the complaint;
- (9) To award quantifiable relief to a prevailing complainant for injuries incurred as a proximate result of an act prohibited by this chapter or to apply to the appropriate court for such an award, provided that such damages are not prohibited by state or federal law;
- (10) To award costs and Attorney's fees to a prevailing party or to apply to the appropriate court for such an award; provided, however, that such an award is not contrary to the purposes of this chapter.
- (11) To award prejudgment interest to a prevailing party upon a finding of employment discrimination and post judgment interest to a prevailing party upon a finding of any type of discrimination, or to apply to the appropriate court for such an award;
- (12) At the conclusion of a hearing and upon a finding of housing discrimination in violation of Article II of this chapter, to recommend that the County Attorney commence a civil action on behalf of the County for fines pursuant to Section 11A-17.
- (13) In addition to the powers and duties set forth herein, the Commission shall have the following powers and duties:
  - (a) To advise the County Commission regarding compliance by Miami-Dade County Public Housing and Community Development Department, or its successor department, and other County departments that administer housing programs with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies;
  - (b) To provide advice to the County Commission and the County Mayor regarding housing discrimination issues in Miami-Dade County; and
  - (c) To approve and provide a report annually to the County Commission regarding compliance of Miami-Dade Public Housing and Community Development Department, or its successor department, and other County departments that administer housing programs with the Fair

Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 5, 12-5-06; Ord. No. 09-53, § 5, 6-30-09; Ord. No. 15-23, § 2, 4-21-15)

Sec. 11A-6. - Discretionary review; request for rehearing.

- (1) Within fifteen (15) days following the issuance of the final adjudicative order, a party may file a written request for rehearing of a case or amendment of a final order by the Commission on Human Rights. A request for rehearing shall state with particularity the factors overlooked or misapprehended by the original hearing panel, and shall not reargue the merits of the case. The nonmoving party may file a written response within ten (10) days of receipt of the written request for rehearing.
- (2) At the first regularly scheduled meeting following the receipt of such a request, the members of the original Hearing Panel shall vote on whether to grant the request for rehearing.
- (3) If the request for rehearing is granted, the Commission shall expeditiously schedule a hearing. At least five (5) members shall constitute a Hearing Panel for the purpose of such rehearing.
- (4) Upon the conclusion of rehearing, the rehearing panel shall issue a new adjudicative final order which may affirm, modify, rescind or reverse the final adjudicative order issued by the original Hearing Panel.
- (5) The filing of a request for rehearing shall toll the time for commencing an appeal pursuant to Section 11A-8.
- (6) No appeal to the Commission shall be had from a denial of a request for rehearing.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 6, 12-5-06; Ord. No. 09-53, § 6, 6-30-09)

Sec. 11A-7. - Enforcement of final order.

If the Commission determines that any respondent has committed an unlawful act prohibited by this chapter, and said respondent refuses to comply with or obey the final order of the Commission or Director, the Commission on behalf of the County or the complainant may petition the court of competent jurisdiction for enforcement of the final order.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 7, 12-5-06; Ord. No. 09-53, § 7, 6-30-09)

Sec. 11A-8. - Appeals.

- (1) The Commission's final order shall be subject to review in accordance with the Florida Rules of Appellate Procedure. For purposes of such review, any original jurisdictional notices required to be filed under the Florida Rules of Appellate Procedure shall be filed with the Director. The Commission shall provide the index and record on appeal when required by, and in accordance with, the Florida Rules of Appellate Procedure. A fee may be charged by the Commission for the preparation and

transmission of the record on appeal to the court of competent jurisdiction. Such fee may be waived by the Director if the party requesting the record is indigent.

- (2) Costs or fees may not be assessed against the Commission in any appeal from a final order issued by the Commission pursuant to this chapter.
- (3) Miami-Dade County shall be named a party to any judicial proceeding involving a challenge to the validity of this chapter. Services of process upon Miami-Dade County shall be accomplished as provided by Section 48.111, Florida Statutes.
- (4) Unless specifically ordered by the Commission or by a court of competent jurisdiction, the commencement of an appeal does not suspend or stay a final order of the Commission.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 09-53, § 8, 6-30-09)

#### Sec. 11A-9. - Remedial action.

If at any time after a complaint has been filed, the Director or the Commission upon conferring with the County Attorney, has reasonable cause to believe that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the Director or the Commission shall refer the complaint to the County Attorney, who may, at his or her discretion and a determination that the complaint raises a matter of great public importance, commence a civil action to preserve the status quo or to prevent irreparable harm. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Florida Rules of Civil Procedure. The commencement of a civil action under this chapter shall be in addition to all remedies otherwise available under federal and state law, municipal ordinances and this chapter.

(Ord. No. 97-17, § 1, 2-25-97; Ord. No. 06-179, § 8, 12-5-06; Ord. No. 09-53, § 9, 6-30-09)

#### Sec. 11A-10. - General unlawful practices.

It shall be an unlawful practice to:

- (1) Retaliate or discriminate in any manner against a person because he or she has opposed a practice declared unlawful by this chapter, or because he or she has supported a person or persons protected by this chapter or because he or she has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing, or conference conducted under the authority of this chapter; or
- (2) Aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this chapter or obstruct or prevent any person from complying with the provisions of this chapter.

(Ord. No. 97-17, § 1, 2-25-97)

**MIAMI-DADE COMMISSION ON HUMAN RIGHTS  
HEARING PROCEDURES**

**I. REQUEST FOR HEARING**

A charging party or respondent aggrieved by the Director's recommended final order may request a hearing before a panel of the Commission by writing to the Director of the Miami-Dade Commission on Human Rights 111 N.W. 1<sup>st</sup> Street, 21<sup>st</sup> Floor, Miami, Florida 33128, not later than fifteen (15) days after service of the Director's findings.<sup>1</sup> In a housing discrimination case the request for hearing must be received not later than twenty (20) days. Service of the request for a hearing shall be made in person or by certified mail.

**II. GOVERNMENT IN THE SUNSHINE**

All hearings, deliberations and decisions of the Commission shall be open to the public in accordance with Section 186.011 et seq., Fla. Stat., as amended.

**III. NOTICE OF HEARING**

A. The hearings of the Commission shall be held at such time and in such place as shall be designated by the Director of the Commission.

B. At least twenty (20) days prior to the hearing, the Director of the Commission shall deliver a notice of hearing to the respondent and the charging party by personal service or certified mail. Such notice shall include the time and place at which the hearing is to be held, and shall inform the parties that any appellate review will require a verbatim record of the proceedings.

**IV. SUBPOENAS AND DISCOVERY**

A. A party may pursue discovery only through the methods set forth in the Florida Rules of Civil Procedure and shall be bound by the limitations set forth in those rules.

B. Any party to a hearing before the Commission may request a reasonable number of subpoenas to be issued upon the authority of the Chairperson of the Commission to compel the appearance of any person to testify before the Commission or testify at deposition. Any request for subpoenas shall be in writing and shall be received by the Director not less than fifteen (15) days prior to the hearing or deposition. Such a request shall state the time and place at which the witness is to appear,

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<sup>1</sup>Pursuant to Section 11A-2 of the Code of Miami-Dade County, the Commission's Hearing Procedures were adopted by the Miami-Dade County Commissioners on April 8, 2014 upon the adoption of Resolution No. R-344-14.

and the name of the party on whose behalf the witness is called to testify. Where a subpoena duces tecum is requested, the request shall describe with particularity any material to be produced.

C. The requesting party is responsible for service of any subpoenas issued pursuant to this section. Service shall be accomplished as provided in Chapter 48, Fla. Stat., as amended.

D. Within ten (10) days after service of a subpoena upon any person, but in no event later than the time specified in the subpoena for compliance, such person may petition the board to revoke or modify the subpoena. The Commission shall grant the petition upon a finding that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which is not relevant to the proceeding before the board, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good cause.

E. All discovery shall cease six (6) months after submission of a request for hearing or 15 days prior to the hearing whichever is earliest. Any party may request an extension of discovery for good cause shown.

F. All procedural issues, including but not limited to issues regarding subpoenas or discovery shall be decided by the Chairperson of the Commission with advice from the County Attorney's Office. Any person aggrieved by the Chairperson's decision may appeal that decision to a panel of three (3) board members which shall be convened solely to resolve the issue of procedure or discovery. The decision of the panel shall be final as to an issue regarding procedure, discovery or the issuance of subpoenas. Notwithstanding the Chairperson's delegated authority to resolve discovery disputes, the Chairperson shall not rule on any motion requesting dismissal of case because of a party's failure to comply with the Florida Rules of Civil Procedure or failure to comply with an order issued by the Commission. Instead, such motions shall be referred to a Hearing Panel to resolve.

## **V. EVIDENCE**

A. Any party or member of the Commission's hearing panel may call, examine and cross-examine witnesses, and introduce documentary and other evidence into the record. Upon offering an exhibit into evidence at a hearing, a party shall provide an original and four (4) copies to the Commission, and simultaneously furnish copies to all other parties.

B. All relevant and material evidence, oral or written, may be received. Hearsay evidence shall be accorded such weight as the circumstances

warrant. In its discretion, the Commission's hearing panel may exclude irrelevant, immaterial or unduly repetitious evidence. A party is entitled to present his or her case by oral and or documentary evidence, to submit rebuttal evidence, and to conduct cross-examination. Both parties may appear in person or through any duly authorized personal representative.

C. The burden or persuasion, or the duty of producing evidence to substantiate an allegation of discrimination, remains with the charging party in all hearings before the Commission.

D. Final orders of the Commission shall be supported by competent substantial evidence.

## **VI. ADMINISTRATIVE NOTICE**

Upon request the Commission shall take administrative notice of provisions of federal law, state law, local ordinances, decisions of other administrative agencies and other matters subject to judicial notice; PROVIDED, HOWEVER, that matters so noticed shall be specified on the record. Either party shall be afforded an opportunity, on the record, to rebut such matters.

## **VII. MOTIONS OR OBJECTIONS**

A. Any preliminary motions or objections shall be heard and disposed of by the hearing panel before proceeding to the merits of the case. Upon its own motion the hearing panel may defer ruling on any such motion until the conclusion of the evidentiary portion of the hearing.

B. After the charging party has completed the presentation of his or her case-in-chief, the respondent may move for dismissal on the ground that on the facts and the law the charging party has shown no prima facie violation of Chapter 11A, Code of Miami-Dade County, without waiving the right to offer evidence if the motion is not granted. The hearing panel may grant the motion and enter a final order against the charging party upon a specific finding that the charging party has failed to establish a prima facie case, may deny the motion, or may defer ruling on the motion until the conclusion of the end of the respondent's case-in-chief. A final order granting such a motion to dismiss shall operate as adjudication on the merits.

C. Upon motion by a party or the hearing panel the hearing panel may dismiss a case if the party requesting the hearing fails to appear after proper notice or fails to establish good cause for such failure to appear. Prior to the entry of an order of dismissal, the hearing panel shall establish

through documentary and oral evidence the steps taken by the Director to notify the parties of the hearing. In the event a party fails to make an appearance at the scheduled hearing, the hearing panel shall commence the hearing fifteen (15) minutes or soon thereafter from the scheduled time of the hearing. On the day of the hearing, all efforts shall be made by the Director's staff to contact the absent party to determine their whereabouts.

## VIII. THE HEARING

A. The Chairperson shall open the hearing at the time and place specified in the notice of hearing, or as soon thereafter as a hearing panel of the Commission can be obtained. After a reasonable time, if the Chairperson determines that there are insufficient members to establish quorum for a hearing panel, the hearing panel's chairperson shall state so on the record and a new hearing date shall be scheduled by the Director. At least three (3) members of the Commission shall constitute a hearing panel for the purposes of conducting a hearing and approving final orders on complaints.

B. Prior to the scheduled hearing, the Chairperson may rule on motions for continuances filed by any party. Parties shall file any motions for continuance a minimum of two (2) weeks in advance of a scheduled hearing. At the discretion of the Chairperson, motions for continuances filed less than two (2) weeks before the scheduled hearing may be granted if the moving party is able to demonstrate good cause.

C. At the commencement of the hearing, the Chairperson shall ask whether both parties are prepared to proceed.

D. The Director's recommended final order and complete investigation file shall be entered into the record as an exhibit of the board.

E. Judicial rules of procedure, including rules of evidence and civil procedure need not be strictly applied to these quasi-judicial administrative hearings.

F. Each party shall have the right to present an opening statement. After opening arguments from each party, the charging party shall have the opportunity to call witnesses and present any evidence. Following the presentation of the charging party's case, the respondent shall have the right and opportunity to present a defense by offering testimony and documentary evidence. The charging party shall then have the right to present any rebuttal testimony or other evidence. The Director may then present any additional evidence deemed relevant or material. Upon request from any party, the Chairperson may provide a reasonable amount of time for oral argument at the conclusion of the hearing.

G. If any party with a disability who needs any accommodation to participate in any proceeding before the Commission, the party shall be entitled, at no cost to them, to the provision of certain assistance. A party shall contact the Miami-Dade County Court's ADA Coordinator at Lawson E. Thomas Courthouse Center, Suite 2702, 175 Northwest First Avenue, Miami, FL 33128, telephone numbers 305.349.7175 for voice or 305.349.7174 for TDD and 305.349.7355 for fax, at least seven (7) days before the scheduled hearing before the Commission, or immediately upon receiving a notification from the Commission if the time before the scheduled appearance is less than seven (7) days; if a party is hearing or voice impaired, they should call 711 for the Florida Relay Service.

H. If any party is not able to communicate in English, they may provide, at their cost, a translator to translate on their behalf.

#### **IX. RENDERING THE DECISION**

A. Upon the conclusion of the evidentiary hearing, the hearing panel deliberate and vote on whether to uphold or reverse the Director's determination. Thereafter, a written order will be prepared and shall include a statement of (1) findings and conclusions with respect to all material issues of fact or law presented on the record, and (2) the appropriate order for sanction, relief or denial thereof.

B. All proposed orders of the hearing panel shall be deemed final when the Commission at a regularly scheduled business meeting has voted to approve the proposed order, the Chairperson or Vice-Chairperson has signed the order, and the clerk of the Commission has date-stamped it.

#### **X. ATTORNEY FEES, EXPERT WITNESS FEES AND COST OF LITIGATION**

A. A motion for attorney fees, expert witness fees or costs of litigation in a proceeding before the Commission may be filed with the Commission or the Director by any party prior to the close of the evidentiary hearing or prior to adoption of a final order by the hearing panel. All evidence supporting or contravening the claim that attorney fees, expert witness fees or costs should be awarded shall be presented at the close of the evidentiary hearing. Thereafter, a hearing shall be scheduled separately on the motion for attorney's fees. The evidence presented should address the threshold question of whether fees should be awarded to any party and need not specify the amount of fees claimed.

B. If the Commission determines that an award to the prevailing party of attorney fees, expert witness fees or costs of litigation is appropriate,

the Director shall notify the parties of that determination by certified mail or personal service. Within twenty (20) days of the service of such notification, the prevailing party shall file with the Commission, and serve upon all opposing parties, a written proposal for the amount of fees to be awarded. The proposal shall be sworn and shall be supported by affidavit on any individual having personal knowledge of the facts contained therein. The proposal shall include:

1. The name and business address of the attorney performing the services for the prevailing party;
2. The experience, reputation and background of each of the attorneys listed, including the number of years of practice, experience in the field of civil rights and discrimination litigation, specialized academic background, professional associations and any other pertinent experience;
3. The number of hours or portions thereof expended by each of the above attorneys in this matter, identifying the date, description of each service performed and time expended on that matter from contemporaneously kept time records which must be produced upon request;
4. The hourly rate for the attorney for whom the fee is claimed, including the hourly rate normally charged by that attorney, as supported by affidavits attesting to the hourly rate prevailing in the community for similar work by attorneys of similar experience and competence;
5. Whether this case was contingent in nature or whether compensation was certain and whether the lodestar fee, which consists of the hourly rate multiplied by hours expended, should be adjusted based on contingency;
6. Whether there has been a delay in the receipt of payment for services rendered, and if so, the nature, length and cause of the delay, and whether the lodestar fee should be adjusted to reflect this factor;
7. Whether the lodestar fee should be adjusted because of the quality of representation and the reason therefore;
8. Whether the prevailing party believes that issues presented in this case were particularly novel or difficult and, if so, the reasons for that belief;

9. Whether the acceptance of employment in the particular case involved the loss of employment with other clients while employed in the particular case, and if so, why;

10. The nature of the attorney-client relationship, stating whether this case was performed for a casual client or an established and constant client;

11. Whether an agreement with respect to fees existed between the attorney and client, and, if so, a copy of that agreement must be attached to the fee proposal, or if the agreement was oral, the terms thereof;

12. The amount actually billed to the client for the case, attaching to the fee request copies of all bills to the client for the case. If the amount billed differs from the amount requested, the prevailing party must explain the reasons therefore;

13. Any other relevant factors to be considered by the Commission in the determination of an appropriate fee, including the amounts of awards in similar cases;

14. The amount of costs and expert witness fees incurred in this proceeding, itemizing each such cost and attaching documentation to support the request.

C. An opposing party who disagrees with any aspect of the proposal filed by the prevailing party shall file a counterproposal within fifteen (15) days after the filing of the proposal. The counterproposal shall specify the items with which the opposing party agrees, the items with which the party disagrees and the reasons for the disagreement. All counterproposals shall be supported by affidavit where appropriate, or if the information supporting the claim is exclusively in the possession of the attorney for the prevailing party, the opposing party may move the Commission for an order seeking discovery of the information. In such a motion, the moving party must state that the information sought could not be obtained elsewhere and that the prevailing party has refused to cooperate voluntarily. If no timely counterproposal is filed, the prevailing party's proposal shall be deemed accepted.

D. An evidentiary hearing shall not be held on the issue of attorney's fees, expert witness fees and costs. A final award of attorney fees, expert witness fees and costs may be issued by the hearing panel, subject to final approval by the Commission. In issuing its final order the hearing panel or the Commission shall consider the proposals and counter proposals filed by the parties. A request for attorney's fees, expert fees

and costs which is not supported by appropriate documentation shall be denied.

E. In determining an award of attorney fees, the Commission shall be guided by the considerations set forth by the Florida Supreme Court in *Standard Guaranty Insurance Co. v. Quanstrom*, 55 So.2d 828 (Fla. 1990).

## **XI. INTEREST**

A. Prejudgment interest shall accrue on back-pay from the date of demand for remedy of discrimination or the date of filing of the complaint whichever occurred first and shall accrue at the rate provided in Section 687.01, Fla. Stat., as amended.

B. Interest shall accrue on awards of the Commission at the rate provided in Section 55.03, Fla. Stat., as amended.

## **XII. DISCRETIONARY REVIEW**

A. Within fifteen (15) days following the issuance of the written final order by the Commission, a party may file a written request for rehearing of a case or amendment of a final order by the Commission. A request for rehearing shall state with particularity the factors overlooked or misapprehended by the original hearing panel and shall not reargue the merits of the case.

B. At the first regularly scheduled meeting following the receipt of such a request, the members of the original hearing panel shall vote on whether to grant the request for review.

C. If the request for rehearing is granted, the Commission shall expeditiously schedule a hearing. At least five (5) members shall constitute a hearing panel for the purposes of such review.

D. Upon the conclusion of rehearing, the rehearing panel shall issue a written final order which may modify, rescind or reverse the final order issued by the original hearing panel.

E. No appeal to the Commission shall be had from a denial of a request for rehearing.

## **XIII. JUDICIAL REVIEW**

A. The Commission's final order shall be subject to judicial review in accordance with the Florida Rule of Appellate Procedure. For the

purposes of such review, any notices required to be filed with the lower tribunal pursuant to the Florida Rules of Appellate Procedure shall be filed with the Director. The Commission shall provide the index and record on appeal when required by, and in accordance with, the Florida Rules of Appellate Procedure. A fee may be charged by the Commission for the preparation and transmission of the record on appeal to the court of appropriate jurisdiction.

B. All proceedings before the Commission shall be recorded through the use of a tape recorder or by live court reporter. Should any party desire to appeal from any final order rendered by the Commission, a record of the proceedings is required. For appellate purposes, the party desiring to appeal must personally ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

C. Any party desiring the service of a live court reporter, in lieu of Commission tape recordings of the proceedings before the Commission shall provide for the same.

D. Unless specifically ordered by the Commission or a court of competent jurisdiction, the commencement of an appeal does not operate to suspend or stay a final order of the Commission or the Director.

Miami-Dade County  
Commission on Human Rights

By-Laws



**BYLAWS**  
**OF THE**  
**MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS**

**ARTICLE I**

**AUTHORITY AND SCOPE**

**1.1 Authority.** The Miami-Dade County Commission on Human Rights (“CHR”), formerly known as the Miami-Dade Equal Opportunity Board, is a quasi-judicial and an advisory board of Miami-Dade County, Florida, having been established pursuant to Miami-Dade County Ordinance No. 97-17, as amended, which was first adopted by the Board of County Commissioners (“County Commission”) on February 25, 1997 and codified in Chapter 11A of the Code of Miami-Dade County (“Chapter 11A”).

**1.2 Policy.** The County Commission has declared it to be the policy of Miami-Dade County, in the exercise of its police power for the public safety, health and general welfare, to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation. It is further hereby declared to be the policy of Miami-Dade County to eliminate and prevent discrimination in housing based on source of income.

**1.3 Scope.** These Bylaws are adopted pursuant to Section 11A-5, Paragraph (2) of Chapter 11A which authorizes the CHR “[t]o adopt, promulgate, amend and rescind rules and regulations necessary to effectuate the purposes and provisions of this chapter following a public hearing and subject to the approval of the County Commission.” These Bylaws are intended to supplement the matters covered by Chapter 11A and not to supersede or modify any provision of Chapter 11A. In the event of any conflict between anything contained in the Bylaws and anything contained in Chapter 11A or any other applicable ordinance or law, the latter shall govern.

**ARTICLE II**  
**DUTIES**

**2.1 Duties, Functions, Powers and Responsibilities.** The CHR shall have the following duties, functions, powers and responsibilities:

- (a) To apply to the appropriate court on behalf of the County for such temporary or permanent injunctive relief as the Commission, or a Hearing Panel thereof, believe is necessary to preserve the status quo or to prevent irreparable harm and to carry out the purposes of this chapter;
- (b) To adopt, promulgate, amend and rescind rules and regulations necessary to effectuate the purposes and provisions of this chapter following a public hearing and subject to approval by the County Commission;
- (c) To issue an adjudicative final order upon the authority of the Chairperson following approval by the appropriate Hearing Panel. Such an adjudicative final order may review and uphold, modify or reverse recommended final orders issued by the Director or his or her designated representative in accordance with the provisions of this chapter;
- (d) To administer oaths;
- (e) To compel, by subpoena issued by the Chairperson of the Commission, the attendance of witnesses and the production of evidence for discovery, investigation, hearing or deposition for the preservation of testimony;
- (f) To issue remedial orders requiring cessation of violations of this chapter;
- (g) To issue such other final orders as, in the judgment of the Hearing Panel, will carry out the purposes of this chapter, including but not limited to:
  - (1) Hiring, reinstatement or promotion of employees with accrued seniority, with accrued benefits and with back pay;

- (2) Taking affirmative action and making corrections; and
  - (3) Requiring reasonable accommodation;
  - (4) Awarding of front pay, to the extent that the calculation of any such front pay is quantifiable and reasonably definite.
- (h) To issue final orders dismissing the complaint;
- (i) To award quantifiable relief to a prevailing complainant for injuries incurred as a proximate result of an act prohibited by this chapter or to apply to the appropriate court for such an award, provided that such damages are not prohibited by state or federal law;
- (j) To award costs and Attorney's fees to a prevailing party or to apply to the appropriate court for such an award; provided, however, that such an award is not contrary to the purposes of this chapter.
- (11) To award prejudgment interest to a prevailing party upon a finding of employment discrimination and post judgment interest to a prevailing party upon a finding of any type of discrimination, or to apply to the appropriate court for such an award;
- (12) At the conclusion of a hearing and upon a finding of housing discrimination in violation of Article II of Chapter IIA, to recommend that the County Attorney commence a civil action on behalf of the County for fines pursuant to Section 11A-17.

### ARTICLE III

#### COMPOSITION, QUALIFICATIONS, TERM OF OFFICE, AND COMPENSATION

3.1. **Composition.** The CHR shall consist of twenty-six (26) members appointed by the members of the County Commission.

**3.2. Qualifications of Members.** CHR members shall be permanent residents and electors of Miami-Dade County, Florida. Membership shall be made on the basis of civic pride, integrity, experience and interest in the area of equal opportunity, and be representative of the County's population and reflective of the racial and ethnic make-up of Miami-Dade County, in addition to geographic, economic and gender considerations.

**3.3 Term of office.** No board member shall serve more than eight (8) consecutive years. Nothing set forth in this section shall prohibit any individual from being reappointed to the CHR after a hiatus of two (2) years. Notwithstanding the foregoing, the County Commission may, by a resolution adopted by a two-thirds (2/3) vote of members present, waive the restriction that a particular member of a board may not serve more than eight (8) consecutive years on that board or any other term limit applicable to a particular board member. Additionally, notwithstanding any other provision of the Code or of any resolution, the term of every board member nominated by a Commissioner shall automatically expire when: (1) the nominating Commissioner leaves office or (2) the nominating Commissioner's term of office expires. Notwithstanding the previous sentence, a CHR member may remain as a member for continuity and quorum as determined by the County Attorney.

**3.4 Compensation.** Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses including but not limited to, training and travel, subject to approval by the County Commission. Training in equal opportunity shall be provided to all Commission Members at least once each year.

## ARTICLE IV

### MEETINGS AND HEARINGS

**4.1 Public Meetings.** All meetings, hearings and business of the CHR shall comply with all of the requirements of the Florida's Government in the Sunshine Law, as codified at Florida Statute §286.011, as amended. All CHR members must comply with Florida's Government in the Sunshine Law and the Florida Public Records Act set forth in Chapter 119 of the Florida Statutes. The Florida Government in the Sunshine Law prohibits discussion outside a duly noticed meeting between any two or more members of the CHR,

standing committees, subcommittee, or ad hoc committee regarding any matter that may come before the respective committees or subcommittee as an item of business. This restriction includes correspondence by email, which is considered public record.

**4.2 Business, Emergency or Special Meetings.**

a. **Business Meetings:** Business meetings of the CHR shall be held monthly or as needed to hear and dispose of the pending cases. Notwithstanding the preceding sentence, no business meeting shall be scheduled if there are no pending matters or cases to be disposed of by the CHR in any particular month. Written notice of the time and place of business meetings shall be given to all CHR members and to all parties scheduled to be heard by facsimile, email or hand-delivered and shall be posted on the County's calendar.

b. **Special and Emergency Meetings:** The Chairperson or three (3) CHR members may call an emergency or special meeting upon written request to the Director. The written notification of said meetings shall be in the same manner as described in Article IV, Section 4.2a. Emergency or special meetings shall be scheduled no less than forty-eight (48) hours prior to the date of said meeting.

**4.3 Hearings.** Hearings shall be held as frequently as necessary to effectuate the purposes and provisions of Chapter 11A. Hearings shall be held in accordance with the CHR Hearing Procedures and the Florida Rules of Civil Procedure. Each hearing shall be chaired by the Chairperson, 1<sup>st</sup> Vice Chairperson, Second Vice Chairperson or any other member of the CHR. Each member of the CHR are encouraged to serve as chair on at least one hearing panel during a twelve month period.

**4.4 Standing Committees, Subcommittees and Ad Hoc Committees.** From time to time the CHR may establish standing committees, subcommittees and ad hoc committees to carry out certain of its functions. Standing committees, subcommittees and ad hoc committees shall be comprised of no fewer than three (3) CHR members, who shall be appointed by the Chairperson. The written notification of said meetings shall be in the same manner as described in Article IV, Section 4.2a.

**4.5 Agenda.** The Agenda for all business meetings of the CHR shall be determined by the Chairperson in consultation with the staff and with regard to the recommendations of the members. The agenda for hearings shall be determined by staff in consultation with the designated chairperson of the hearing panel.

**4.6 Voting.** Each member shall be entitled to one vote, if present, on each matter coming before the CHR. No member may vote by proxy.

**4.7 Conduct of Meetings and Hearings.** All meetings and hearings shall be open to the public but participation in discussion by members of the public shall be at the sole discretion of the chairperson of the meeting or hearing. The agenda shall be followed to the extent practicable, but the matters considered and the procedure to be followed shall be within the sole discretion of the Chairperson, subject to requirements of any applicable County ordinance or other laws. In the absence of the Chairperson at a business, emergency or special meeting, the First Vice Chairperson shall serve as the Chairperson. The Second Vice Chairperson shall serve in the absence of the Chairperson and First Vice Chairperson. In the absence of the Chairperson and the First and Second Vice Chairpersons, the most senior board member shall serve as the Chairperson of the business, emergency or special meeting.

**4.8 Attendance.** CHR members shall participate in at least one hearing panel per month and one business meeting per month. In the event that a business meeting or hearing to which a member has committed his or her attendance is cancelled or continued, the member is encourage but not required, to participate in another business meeting or hearing panel during that same month. In the event a business meeting or hearing is cancelled or continued on the date it is scheduled and the business meeting or hearing panel has convened, the attendance of each CHR member shall be counted for attendance purposes.

**4.9 Minutes.** Written minutes shall be kept of all meetings of the CHR. Although recorded minutes are permissible, such recordings shall not serve as a substitute for written minutes. All meetings shall be public and all minutes shall be subject to public inspection except where prohibited by law.

**4.10 Public Requests.** Any Miami-Dade County resident or organization concerned with issues of discrimination shall be entitled to request consideration for a hearing before the CHR. Such request shall be made in writing and shall be delivered to the CHR Director. The Director in consultation with the Chairperson may schedule the request at a regularly scheduled meeting of the CHR, provided that the requesting party is notified in writing at least fifteen (15) days prior to the scheduled meeting. The request shall include all relevant facts concerning the subject of the request, including, if possible, the solution the requesting

party believes the CHR should consider. The CHR will not consider a request which deals directly or indirectly with matters pertaining to a case under investigation by staff.

## ARTICLE V

### VACANCIES

**5.1 Appointment.** For the purposes of filling vacancies of those whose terms are expiring, the CHR shall submit no more than three (3) names of candidates per vacancy to the appointing County Commissioner.

**5.2 Resignation and Removal.** Any member may resign at any time by delivering written notice of such resignation to the Chairperson, the Director of the CHR and the appointing County Commissioner. No person shall be eligible to serve on the CHR if, at the time of appointment to the County board, the person has filed a lawsuit against the County that is pending at the time of appointment and that challenges a policy set by the County Commission, unless the County Commission by two-thirds (2/3) vote of its membership waives this requirement. No person sitting on the CHR may file a lawsuit against the County that challenges a policy set by the County Commission without relinquishing his or her seat on the CHR unless the County Commission by two-thirds (2/3) vote of its membership waives this requirement. Additionally, no member of the CHR shall become a candidate for elective political office during his or her term. Should any member of the CHR qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from the CHR. No CHR member shall serve on more than two (2) County boards simultaneously, unless the County Commission has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits, or said CHR member sits on any of the advisory boards identified in Section 2-11-38 of the Code of Miami-Dade County.

## ARTICLE VI

## OFFICERS

**6.1 Number.** The officers of the CHR shall be a Chairperson and First and Second Vice-Chairpersons, and other such officers as may be determined from time to time by the CHR to be necessary or desirable for the efficient administration of CHR business.

**6.2. Removal.** Any officer may be removed from office upon a two-third (2/3) vote of the remaining members of the CHR at a duly noticed business or special meeting called for that purpose, provided that in the case of the special meeting the notice of the meeting shall specify the purpose thereof. The CHR may remove an officer for inefficiency, neglect of duty or misconduct in office, but only after a hearing before the CHR and only if he or she has been given a copy of the charges at least ten (10) days prior to the hearing.

**6.3. Duties.**

- (a) The Chairperson of the CHR shall preside at all CHR business and special meetings. The Chairperson shall appoint members to serve on standing and ad hoc committees of the CHR. The Chairperson shall have the right to vote at all meetings. The Chairperson shall serve as the designated spokesperson for the CHR on all matters affecting the CHR. No member of the CHR, including the Chairperson, shall appear before the Miami-Dade Board of County Commission or any other public body in their capacity as a CHR member or speak on behalf of the CHR without the approval of the members of the CHR.
- (b) First Vice-Chairperson. The First Vice-Chairperson shall act in the absence of the Chairperson in the conduct of business or special meetings and/or appeal hearings and shall perform such duties as may be delegated to him or her by the Chairperson from time to time.
- (c) Second Vice-Chairperson. The Second Vice-Chairperson shall act in the absence of the Chairperson and First Vice-Chairperson in the conduct of meetings and/or appeal hearings and shall perform such duties as may be delegated to him or her by the Chairperson from time to time.

**6.4 Term of Office and Elections.** Each Officer shall be elected for a two (2) year term, and may be re-elected for an additional two (2) year term. Election of the Chairperson, First Vice-Chairperson and Second Vice-Chairperson shall be held every two (2) years in

October of said year. Nominations for Chairperson, First Vice-Chairperson and Second Vice-Chairperson shall be made every two (2) years in September of said year in which the election is to be held.

## ARTICLE VII CONFLICT OF INTEREST

**7.1 Conflict of Interest and Recusal.** All CHR members shall comply with all applicable federal, state and county Code of Ethics governing financial interest, ownership or other business disclosure and conflict of interest rules. CHR members shall not vote on any matter where they have a conflict of interest. CHR members with a conflict of interest must recuse themselves from voting during any business, special or emergency or serving on a hearing panel. CHR members shall refrain from participating or involving his or herself in any discrimination matter where said matter is being investigated by the CHR Director or the reviewed by a CHR hearing panel. CHR members shall publicly disclose any possible conflict of interest regarding a case brought before them prior to the commencement of an appeal hearing. If a member believes he or she has a conflict of interest, said member shall seek a written opinion from the Miami-Dade Commission on Ethics and Public Trust. Notwithstanding the foregoing sentence, any member who learns that he or she may have a conflict of interest during the course of a business, special or emergency or hearing shall make public the conflict and shall refrain from voting in said meeting or recuse himself or herself from said hearing.

**7.2 Ex Parte Communication** No member shall engage in or encourage ex parte communication with any party appearing before the CHR. CHR members shall disclose in writing any ex parte communication relative to any pending case before the CHR by any party to the proceeding, or by any person who has a direct or indirect interest in the proceeding, or by any authorized representative or counsel.

**7.3 Exceptions.** Notwithstanding Section 7.1 of this Article, CHR members and employees are not prohibited from participating in organizations or projects endorsed or supported by the CHR. Nevertheless, CHR members and employees should avoid any action that could possibly be interpreted as a use of CHR membership or employment for direct or indirect financial gain through the furthering of the economic interests of an organization or project with which they are affiliated.

**ARTICLE VIII  
STAFF SUPPORT**

**8.1 Support Staff.** The CHR shall have assistance from staff designated by the County Manager and the County Attorney's Office. Staff shall maintain and keep the records of the CHR; prepare, in cooperation with the Chairperson, the agenda for each meeting; be responsible for the preparation of orders, subpoenas, reports, minutes, documents, resolutions, correspondence or any other documents as the CHR may direct; and generally administer the business and affairs of the CHR subject to budgetary restrictions.

**ARTICLE IX  
MISCELLANEOUS**

**9.1 Reports.** The CHR shall present to the County Commission on an annual basis a written report describing the CHR's activities related to enforcement of Chapter 11A of the Code of Miami-Dade County and any other matters of importance affecting the civil rights of citizens of Miami-Dade County. Subject to the approval of the CHR, from time to time the Chairperson or any member of the CHR may also make oral presentations and/or reports to the County Commissioners as the need arises.

**9.2 Amendments.** These bylaws may only adopted, promulgated, amended or rescinded following a public hearing and subject to the approval of the County Commission.

**MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS**

Minutes  
General Business Meeting  
Wednesday, March 16, 2016  
12:00 pm  
Stephen P. Clark Center  
111 NW 1<sup>st</sup> Street  
18<sup>th</sup> Floor, Conference Room 4  
Miami, FL 33128

**MEMBERS PRESENT:** Victor Romano, **Chair**; Ronald Lieberman, Macro Valdes, Sabrina Salomon, and Carolina Naveiras.

**STAFF:** Sharon Smith, HRFEP Senior Specialist; Christine Garcia, HRFEP Senior Specialist; Latisha Schumacher, HRFEP Intake Specialist; and Evangeline Rambeau, Secretary.

**CALL TO ORDER**

Mr. Victor Romano, Chair, called the meeting to order at approximately 12:16 p.m. Mr. Romano noted that a quorum was present. He then asked the members and staff to announce their names for the record

**REASONABLE OPPORTUNITY FOR THE PUBLIC TO BE HEARD**

There being no comments from the public, the Board proceeded with the next item on the meeting agenda.

**APPROVAL OF AGENDA**

Ms. Sabrina Salomon entered a motion to approve the agenda. The motion was seconded by Mr. Marco Valdes and was unanimously passed.

**APPROVAL OF MINUTES**

Ms. Sabrina Salomon entered a motion to approve the minutes. The motion was seconded by Mr. Marco Valdes and was unanimously passed.

**CHAIR'S REPORT**

**MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS**

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Mr. Romano requested that the nameplates used at the Board meetings be changed to display the member's name on both sides of the nameplate.

Mr. Romano advised that the HRFEP website needed updating, as it does not reflect the current Board membership.

Mr. Romano shared the Proclamation letter prepared for Mr. Ozzie Black, retired EEOC Miami District Director, with the members for their review and approval. Mr. Romano noted that Mr. Terrence Smith, Assistant County Attorney, suggested that the request for the Proclamation be sent to each of the County Commissioners, as well as the Mayor. He asked the members if they had any comments or objections regarding the letter. With no objections from the members, Mr. Romano signed the letter and thanked staff for preparing it.

Mr. Romano asked if there were any members present of the newly created ad hoc committee tasked with comparing Chapter 11A to other state and local ordinances, and if they had been able to hold their first meeting. Ms. Sabrina Salomon reported that the committee had not yet had an opportunity to meet.

**STAFF REPORT**

Ms. Sharon Smith informed the Board that there are currently ten (10) vacancies on the CHR Board, and provided the Board with the names of the Commissioners who had those vacancies. Mr. Romano suggested that members who have a relationship with any of the Commissioners with vacancies should reach out to them and encourage them to appoint new members.

Ms. Smith announced the 23<sup>rd</sup> Annual Miami-Dade Fair Housing Month Celebration, "Taking it to the Streets" will be held on Friday, April 22, 2016, at 9:00 a.m. at Jungle Island. She invited the members to attend the free workshop and the luncheon. However, she mentioned that there's a cost of \$40.00 per person for the luncheon.

Ms. Smith also announced the upcoming 3<sup>rd</sup> Annual Inner City Youth Enrichment Camp's "Stop the Violence" event being held on Saturday, March 26 2016, at 11:00 a.m. at Olinda Park.

Mr. Marco Valdes inquired if CHR Board meetings were advertised to the public, and, if so, what the Board could do to increase public participation. Ms. Smith and Ms. Christine Garcia explained that monthly meetings and appeal hearings are advertised on the County's Calendar of

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Events located on the County's web page. Ms. Smith offered that the Board made an effort to promote public participation at Board meetings by holding one at the North Dade Regional Public Library. However, she noted that the effort did not elicit any further participation from the public.

Ms. Smith shared that Ms. Collen McKenzie, Training and Outreach Coordinator, had attended several outreach events in which she was able to share information with the community regarding the services the CHR Board and staff provides. She also advised the Board that the Outreach Committee could potentially encourage more participation from the public with their outreach efforts, as well.

**CONFLICT OF INTEREST**

There were no conflicts.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

Mr. Romano informed the board that the next item on the agenda was the review and approval of the 2016 Sunset Review Report. He explained that the Questionnaire and its attachments were the only documents that had any changes, as the remainder of the documents were standard operating procedures and by-laws that needed no review or discussion. Mr. Romano advised the Board that the Sunset Review is vital to the CHR Board's activities and accomplishments, which influences funding decisions.

During the discussion, Mr. Ronald Lieberman inquired as to the guidelines, rules, and regulations, regarding the speaking of other languages in the workplace. Mr. Marco Valdes chimed in to ask if there was an official language in Miami-Dade County. Ms. Smith informed the Board that the County Attorney's Office had issued a one-page memo in reference to the subject a few years ago and offered to make it available to the Board at the next business meeting. Mr. Romano also noted that there was possibly an Ordinance addressing this issue and asked staff to provide a copy at the next meeting.

**MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS**

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After the discussion, Mr. Romano noted that a correction needed to be made to Mr. Rene Gonzalez-Llorens' term commencement date in the table under the General Information section listing that information. Ms. Carolina Naveiras entered a motion to approve the 2016 Sunset Review report with the stated correction. The motion was seconded by Mr. Marco Valdes and was unanimously passed.

**BOARD MEMBER'S ACTIVITIES IN THE COMMUNITY**

The CHR Board Members shared no Community Activities.

**MATTERS OF INTEREST FOR POSSIBLE INCLUSION ON FUTURE AGENDAS**

There were none.

**ADJOURNMENT**

There being no further business, Mr. Romano entered a motion to adjourn. The motion was seconded by Mr. Valdes and was unanimously passed. The meeting adjourned at approximately 12:43 p.m.