



Florida Commission on the Status of Women



1994 Annual Report



January 1995

Dear Floridian:

The Third Annual Report of the Florida Commission on the Status of Women represents one of our most challenging endeavors. Our mission of eliminating all barriers to a woman's achievement of her fullest potential through research, legislation, and communication was put to test as we prepared the 1994 FCSW Report.

The subject of justice and human rights and its application to women is a critical one as we look at some of the problems women face in achieving equal status as a human being. Significant changes in the justice system and the family unit must be made to eliminate domestic violence, hate crimes, sexual battery, and sexual harassment.

The Commission must continue to create partnerships with families, individuals, and organizations to prevent this type of destructive behavior directed at women and which consequently removes their rights as an individual. While we are encouraged by some of the progress, there is still much to be accomplished. The adoption of the key recommendations contained in this report will be a starting point in eliminating such barriers.

Sincerely,

A handwritten signature in black ink, reading "Elsie B. Crowell". The signature is written in a cursive style with a large initial "E".

Elsie B. Crowell

Chair

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FCSW HISTORY AND ACCOMPLISHMENTS

The Florida Commission on the Status of Women is established in the Office of the Attorney General, State of Florida. The Commission has 22 members. The Governor, Attorney General, President of the Senate, and Speaker of the House of Representatives each appoint three members, and the Secretary of State, Comptroller, Insurance Commissioner, Commissioner of Agriculture, and the Commissioner of Education each appoint two members for four-year terms. No member may serve more than eight consecutive years. Appointees shall include persons who represent rural and urban interests and the ethnic and cultural diversity of the state's population.

Historically, the first Commission on the Status of Women in Florida was created by Executive Order of Governor Farris Bryant in 1964, in response to a 1963 recommendation by the President's Commission on the Status of Women that each state should form a similar commission. (The President's CSW was established in 1961 by President John F. Kennedy. Eleanor Roosevelt was the Chair, and Esther Peterson of the U.S. Department of Labor's Women's Bureau was Vice Chair.) In 1991, legislation was filed to establish FCSW in its present form.

As required in Florida Statute 14.24, the Commission's mandate is to study issues affecting women and make recommendations to the Governor, Cabinet, and Legislature on those issues. Topics may include, but are not limited to:

- socio-economic factors influencing the status of women
- development of individual potential
- encouragement of women to utilize their capabilities and to assume leadership roles
- coordination of efforts of numerous organizations interested in the welfare of women
- identification and recognition of contributions made by women to the community, state, and nation
- implementation of recommendations to improve working conditions, financial security, and legal status of both sexes

Accomplishments 1994–1995

- Held Annual Florida Women's Hall of Fame Ceremonies
- Created FCSW brochure
- Developed brochure on How to Start a Local Commission on the Status of Women
- Created and dedicated the Florida Women's Hall of Fame Wall in the Florida Capitol Building in Tallahassee
- Compiled 1993 Second Annual Report on "Women and Health — A Status Report"
- Participated in Women in Government National Meeting, International Women's Day and Take Our Daughters to Work Day, National Association of Commission For Women meetings, City

of Tallahassee diversity training day, City of Tallahassee public forum on women's issues in Florida, with recognition of Florida's ten most 'women-friendly' businesses

- Successfully advocated Commission funding, staff, and the passage of bills important to women, including the "Gender and Minority Equity in Appointments" bill
- Successfully worked for legislation dealing with domestic violence and sexual abuse
- Participated in various Women's History Month programs, via public speaking and statewide radio, television, and newspapers
- Participated in the Second Annual Minority Commissions Conference and Annual Civil Rights Conference
- Participated in the U.S. Southeastern Regional Conference on Women/Preparatory for the United Nations Fourth World Conference on Women (Beijing, China 1995)
- Participated in Annual Workshops with local Commissions on the Status of Women
- Conferred with the Office of the Attorney General on issues dealing with violence against women
- Conducted regional open forum concerning agrarian and community issues in Dade City
- Assisted the United States Information Agency/Meridian International Center in the coordination of an open forum for women leaders from eight South and Central American countries to share with Florida women similar experiences, differences in cultures, and opportunities for learning
- Met with U.S. Department of Health and Human Services Region IV Director regarding women's health issues in Florida
- Coordinated and facilitated meeting with Assistant to the President, White House on issues of importance to women. This meeting included leaders from governmental agencies, women's organizations, women's health groups, and FCSW members and staff, along with women legislators of both political parties and minority commission leaders.
- Participated in the annual Southern Women in Public Service conference and the Florida Women's Consortium Tallahassee Days
- Participated in historic quilt-signing ceremony in recognition of women-elected officials with State Department. This quilt was created to honor Florida's 150th anniversary of statehood and the 75th anniversary of suffrage.
- Participated in the Women's Symposium held by the Florida Historical Society and in the Annual Conference sponsored by the National Order of Women Legislators
- Assisted the Florida Archives in creating a Women's History Archives to preserve historical documents and objects for future researchers

BRIEF BIOS OF COMMISSIONERS AND STAFF 1994-1996

Karen Amlong of Fort Lauderdale

Karen Amlong is an attorney who is Board Certified by the Florida Bar in Civil Trial practice, as well as in Marital and Family Law. She and her husband own their own law firm. She frequently litigates employment discrimination cases, including sexual harassment claims. She has lectured on the faculties of continuing legal education programs at the local, state and national level on sexual harassment and gender bias in the court system. Karen is a former member of the Florida House of Representatives, has served on the Broward County Commission on the Status of Women, and is a former Florida State Coordinator and member of the National Board of Directors of the National Organization for Women (NOW).

Honorable Rosemary Barkett of Miami

Rosemary Barkett, immediate past Chief Justice of the Florida Supreme Court, was Florida's first female Supreme Court Justice. She was born in Mexico of Syrian parents. A former nun and schoolteacher, she served as a trial judge and an appellate judge in the state court system before being selected for the Supreme Court by then-Governor Bob Graham. She was appointed by President Clinton to the Eleventh Circuit Court of Appeals in Atlanta.

Conchy Bretos of Tallahassee

Conchy Bretos is Assistant Secretary for Aging and Adult Services in the Department of Health and Rehabilitative Services. She also serves as a member of the Florida Commission on Hispanic Affairs and Coalition of Hispanic American Women. Conchy served as the Director of the Dade County Commission on the Status of Women for several years.

Barbara A. Carey del Castillo of Fort Lauderdale

Barbara Carey is an attorney, practicing administrative and government law, legislation, health care litigation, medical malpractice, and insurance law. She is a member of the Broad & Cassel law firm of Fort Lauderdale

Elsie B. Crowell of Tallahassee

Elsie Crowell is the Chair of the Commission. She has been employed by the State of Florida in various positions for more than 25 years, and is currently the Director of Consumer Services for the Department of Insurance. She is a member of Who's Who in Government Service and Leadership Tallahassee Chamber of Commerce. She has been honored as one of 100 Outstanding Black Citizens by United Negro College Fund, has served as President of the Delta Sigma Theta Sorority/Tallahassee, is a board member of Goodwill Industries, and has served many other public and private organizations. Elsie served on the search committee for the president of Florida State University.

Marilyn J. Dewey of St. Petersburg

Marilyn is a lifelong student of the human condition. If pressed, she would admit to being a sociologist. She has had a career as a small community planner, acquiring and implementing development grants primarily for Tribal Communities throughout the United States. She has worked for the Department of Interior in Washington, D.C., was the NOW lobbyist for two legislative terms in Tallahassee, has been a candidate for two consecutive legislative races, and has held leadership

positions with numerous groups and organizations. Marilyn is self-employed as an investor and publisher from her home in St. Petersburg.

Barbara Effman of Sunrise

Barbara Effman has served as the Director of Planned Parenthood of South Florida and has a background in public health and business administration. She has served on the Broward Commission on the Status of Women and is a board member of the American Cancer Society. Barbara helped her husband, Stephen, win election as Mayor of Sunrise. Barbara chairs the Resources Committee.

Susan Gilbert of Miami

Susan Gilbert has her own consulting firm in marketing and public relations. She served as Senior Vice President/Marketing for SunBank in Florida. Susan has a long history of political advocacy and public relations. She is a trustee of United Way, board of trustees of Florida International University, board of trustees of Greater Miami Chamber of Commerce, a member of Who's Who and Why of Successful Florida Women, named Outstanding Young Woman in America in 1983, '84, and '85, and been named to Who's Who in America 1995. She has won many awards for her advertising abilities. Susan chairs the Employment Committee.

Kate Gooderham of Fort Myers

Kate Gooderham has her own consulting firm in Fort Myers, specializing in issues management, grassroots organizing, lobbying and monitoring, coastal permitting and strategic planning. She is Immediate Past President of the Florida Women's Political Caucus, Co-Chair of the National Women's Political Caucus' Site-Selection Committee, and a member of the National Steering Committee of NWPC. She serves as Chair of her church's Committee on the Status and Role of Women. Kate chairs the Family Committee.

Honorable Sally Heyman of North Miami Beach

Sally Heyman is a Florida State Representative serving District 105 in North Miami Beach. She served as a Councilwoman in North Miami Beach for many years. She has her own consulting firm, specializing in crime/loss prevention, is a certified crime prevention practitioner, and holds an M.S. in criminal justice and juvenile delinquency. She was inducted into the Florida Bar in 1994. She is liaison to the North Miami Beach Commission on the Status of Women, chairs Public Issues for the American Cancer Society/Dade County, and is active in issues and organizations focusing on women, cancer, public safety, A.D.A., and politics.

Mohinder "Mona" Jain, M.D., Ph.D. of Bradenton

Mona Jain serves as Family Health/Disability Services Coordinator for Manatee County Head Start, and she holds both M.D. and Ph.D. degrees along with four other degrees in education and science. Her affiliations include: board member of Women's Resource Center of Manatee, past Chair of Manatee Commission on the Status of Women, board member of the United Nations Association, President's Council, Life Member of the University of South Florida, Who's Who in American Education, Fulbright and National Science Foundation scholarship recipient, and she holds leadership positions in many other organizations. Mona chairs the Health Care Committee.

Navita Cummings James, Ph.D. of Tampa

Navita James serves as Director of African American Studies at the University of South Florida. She is an educator and served on the search committee for the University of South Florida President. Navita represented the Commission at the U.S. Department of Labor's Southeastern Regional

Preparatory Meeting for the United Nations World Conference on Women to be held in Beijing, China in 1995. Navita is Vice Chair of the Commission.

Robert M. Levy of Miami

Bob Levy has his own public and governmental relations firm, Robert M. Levy & Associates, with offices in Miami and Tallahassee. He is active in political campaigns and campaign management. Bob is a veteran of the Vietnam War, where he was awarded the Vietnamese Cross of Gallantry, the Silver Star, the Bronze Star, and three Purple Hearts. He chairs the Commission's Legislative Committee.

Martha "Marty" Pinkston, Ed.D. of Fort Lauderdale

Marty Pinkston is Assistant to the North Campus President at Miami Dade Community College. She is an educator and has worked in anti-poverty government programs. Her affiliations include Coalition of 100 Black Women, A.A.U.W., and National Association of Media Women.

Judith Byrne Riley of Fort Walton Beach

Judy Byrne Riley serves as Senior Vice President of Valparaiso Realty Company. She is presently President of the Economic Development Council of Okaloosa County. She is a national board member of the National Association of Private Industry Councils and a local member of her region's Private Industry Council. She is Vice Chair of the Florida Job Training Coordinating Council, and she is a member of the Enterprise Florida Jobs and Education Partnership.

Marsha Griffin Rydberg of Tampa

Marsha Rydberg is an attorney focusing in real estate, commercial litigation, and bankruptcy law. She has been awarded an AV rating from Martindale-Hubbell, its highest. She serves on the Florida Bar of Governors, is admitted to practice before the U.S. Supreme Court, and has received many awards for her expertise. Marsha chairs the Education Committee.

Laura Ward of Fort Lauderdale

Laura Ward is Grants Administrator for the Museum of Art in Fort Lauderdale. She serves on the Florida Historic Preservation Advisory Council as well as numerous community boards. She is enrolled in Florida Atlantic University's Masters in Urban and Regional Planning Program.

Doris Weatherford of Seffner

Doris Weatherford is an historian, with several books published. She is self-employed as an author and political consultant. She serves as the Commission's Historian, and chairs the Women's History/Women's Hall of Fame Committee.

Judy Wilson, Ph.D. of Ocala

Dr. Judy Wilson is a psychotherapist who specializes in survivors of physical and sexual abuse. She is the Executive Director and original founder of the 18-year-old Ocala Rape Crisis-Spouse Abuse Center. Her expertise includes expert witnessing in sexual battery and battered women trials. She has private counseling practice for victims, offenders, and other types of mental health problems. She also serves as an adjunct professor at Central Florida Community College in Women's Studies and for law enforcement training. Judy chairs the Justice/Human Rights Committee.

Susan D. Wilson of Alachua

Susan Wilson served several terms as Treasurer of the Florida A.F.L.-C.I.O.-CIO (the first female to do so), managing a \$1 million annual budget. She is actively involved in state politics and is experienced in labor/management relations. She has taught "Personal Empowerment" courses for women and is interested in health care issues. Susan was selected for the Civil Rights Advocacy Award in Business and Industry by the Florida Commission on Human Relations in 1993.

Karen Woodall of Tallahassee

Karen Woodall is a legislative consultant, with clients including farm workers, AFDC recipients, social workers, homeless, and housing advocates. She is experienced in poverty-related, health care, and budget issues. She has served on many state task forces dealing with children, homeless, tax reform, and other social issues.

Sandi Beare/Executive Director of Tallahassee

Sandi Beare has been an advocate of women's rights since her teens. She has a long history of involvement in public relations, public and governmental affairs, media interaction, lobbying, and non-traditional experience in international trade and international affairs. She has produced a 12-part television series about the Miami River, written for magazines and newspapers, and is affiliated with many environmental and civil rights organizations.

Michele Manning/Administrative Assistant of Tallahassee

Michele Manning has worked with state government for twelve years and recently joined the Commission staff. She is serving as office manager for the Commission.

FCSW Executive Committee 1994–1995

Elsie B. Crowell, Chair
Navita Cummings James, Vice Chair
Barbara Effman, Secretary
Susan D. Wilson, Treasurer
Marsha Griffin Rydberg, Member-at-Large
Karen Woodall, Member-at-Large
Doris Weatherford, Historian
Marilyn J. Dewey, Parliamentarian

FLORIDA WOMEN'S HALL OF FAME

1982

Mary McCleod Bethune*
Helene Coleman
Elaine Gordon
Wilhelmina Harvey
Paula Mae Milton*
Barbara Palmer

1984

Roxcy Bolton
Barbara Landstreet Frye*
Lena Smithers Hughes
Zora Neale Hurston*
Sybil Mobley
Helen Muir
Gladys P. Soler*
Julia DeForest Sturdevant Tuttle*

1986

Annie Ackerman*
Rosemary Barkett
Gwendolyn Cherry*
Dorothy Dodd*
Marjory Stoneman Douglas
Elsie Jones Hare*
Elizabeth McCullough Johnson*
Francis Bartlett Kinne
Arva Moore Parks
Marjorie Kinnan Rawlings*
Florence Barbara Seibert
Marilyn K. Smith*
Eartha Mary Magdalene White*

1992

Jacqueline Cochran*
Carrie P. Meek
Ruth Bryan Owen*

1993

Betty Skelton Frankman
Paulina Pedroso*
Janet Reno

1994
Nikki Beare
Gladys D. Milton
Betty Mae Jumper

Nominations may be made to the Florida Women's Hall of Fame by sending a nomination to FCSW at:

Office of the Attorney General
The Capitol
Tallahassee, FL 32399-1050

Nominations annually open on April 15 and close on July 15. Call (904) 922-0252 to request a nomination form.

*deceased

JUSTICE AND HUMAN RIGHTS HOW THEY APPLY TO WOMEN

A Status Report

**Justice and Human Rights Committee
of the
Florida Commission on the Status of Women**

Judy K. Wilson, Ph.D., Chair

Karen Amlong

Rosemary Barkett

Barbara Carey del Castillo

Elsie B. Crowell

Sally Heyman

Navita Cummings James

Laura Ward

Sandi Beare (ex officio)

January 1, 1995

Greetings!

I am pleased to present this 1994 Annual Report of the **Florida Commission on the Status of Women**. We endeavored to research issues on justice and human rights currently relevant to women living in Florida. Many women still believe politics, legislation, and our court system have no immediate impact on their own personal lives. Politics, legislation, and the justice system are endemic to anyone's ability to do, act, or to accomplish anything. In the past, women for the most part have had to respond to someone else's agenda. The time has come for women to share the responsibilities of these important areas.

The subjects covered in this report will influence your personal life, your family, your career and education, your leisure time, your investments, and your consumer habits. They cover areas and subjects in which you can become actively involved. Your personal actions on these issues can positively affect the lives of many other Florida Citizens.

Both parents of girls and young women must be informed on modern topics which affect our children's lives. Such problems as domestic violence, sexual harassment in the workplace or school, rape, problems with education, child care, teen pregnancy, and other health problems were once called "women's issues." Now they affect everyone.

I hope you will use the information and insights contained in this report for the betterment of all people in Florida.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judy K. Wilson".

Judy K. Wilson, Ph.D., Chair

Justice and Human Rights Committee

JUSTICE AND HUMAN RIGHTS HOW THEY APPLY TO WOMEN

A Status Report

Underlying the theme of justice and human rights are the sub-themes of violence against and inequity toward women. The Florida Commission on the Status of Women has reviewed numerous writings and has researched these issues. Many conclusions may be made from the materials enclosed, but the most compelling is that, until women are free to live without violence in the home, workplace, and environment, and are treated equally under the law, women will not enjoy the full life, liberty, and the pursuit of happiness that is afforded to men.

RECOMMENDATIONS

- 1. Stalking: Use a technological means of personal alarm system to enable victims of stalking to more easily alert law enforcement when stalking occurs.**

Stalking robs an individual of the feeling of safety in the home, on the street, everywhere she or he goes. A stalker willingly and maliciously follows or harasses another person, often making threats with the intent to cause fear of death or bodily injury. The Florida Commission on the Status of Women encourages the use and/or expansion of existing technology, such as personal pendant alarms and cellular phones, to assist a victim of stalking in getting help and support quickly.

- 2. Hate Crimes: Include gender in the definition of hate crimes.**

The need to expand the definition of hate crimes is urgent. The 1993 Attorney General's report, "Hate Crimes in Florida," challenges the Legislature to send the message that *prejudiced acts of violence are not acceptable forms of social control*. "Indeed, all of society loses when women are intimidated to the point of restricting their behavior and suffering continuing mental anguish."

The Florida Commission on the Status of Women believes that we should never have to settle for a society of humiliation and shame. The Commission urges the Florida Legislature to seize the opportunity to help combat this roaring, deadly tide of violence against women. It is dangerously past the time to *recognize gender as the target of hate that it so often is*. The Florida Commission on the Status of Women strongly recommends that gender be included in the definition of hate crimes.

- 3. Sexual Battery: Increase reporting of rape cases through public education, expansion of counseling, and voluntary or involuntary prohibition of disclosure of names of victims.**

97% of rape service agencies found that victims were more willing to report sexual assault where there was public education about rape, expanded counseling and advocacy services for victims, and laws protecting victims' confidentiality by prohibiting disclosure of their names by the news media.

- 4. Domestic Violence: Standardize arrest procedures to hold anyone arrested for domestic violence for 24 hours so that victims may safely return home for children's clothes and medicine before going to a shelter.**

Victims of domestic violence often flee their home in fear for their lives and for the lives of their children. Some judges routinely require high enough bail to ensure that batterers will be held for 24 hours so that victims will have an opportunity to collect necessary items, such as children's clothing or medicine, before going to a shelter. FCSW encourages this practice statewide and suggests that arrest procedures be standardized to include this practice.

- 5. Sexual Harassment: Remove caps on damages in sexual harassment cases and expand the "Rape Shield Barrier," which disallows court testimony on previous sexual experiences in cases of sexual assault, to cases of sexual harassment.**

Victims of sexual harassment face situations which are manifested in behavior ranging from offensive jokes and demeaning statements to outright propositions demanding sexual favors as a condition of continued employment. Some victims endure outright workplace rape. Awards for damages based on these cases should not be limited. Furthermore, previous sexual activity or experiences should not be allowed as testimony in these cases.

- 6. Welfare Reform: The Commission has formed a Welfare Reform Task Force. Through research and public hearings, the Commission expects to propose workable solutions to the welfare dilemma. Welfare reform will be the focus of the 1995-1996 FCSW annual report.**

The public perception is that most welfare recipients: are lazy and unwilling to work, have babies just to collect additional benefits, live sexually promiscuous lives, and receive government benefits for a long time. In fact, most Aid to Families with Dependent Children recipients (over two-thirds) are children. The majority (70%) of all people entering the welfare system leave within two years and 50% leave within one year. Families receiving AFDC are as likely to be white as black.

- 7. Women in Prison: Provide women equal access to alternatives to incarceration and programs designed for treatment and rehabilitation. In addition, equal access to law libraries and educational and vocational technology should be provided to female prisoners. Female offenders should have the same prison conditions as male offenders.**

Far fewer women than men are incarcerated (5% vs. 95%). Most of the women in prison were convicted for economically motivated, non-violent crimes such as embezzlement, forgery, counterfeiting, and issuance of worthless checks. Few women are incarcerated after murder convictions; indeed, less than 10% of all violent crimes are committed by women. That fact has remained constant over the past ten years. In addition, between 50 to 70% of female prisoners are battered women.

VIOLENCE AGAINST WOMEN/HATE CRIMES

Stalking and Hate Crimes

*"We need look no further than Oklahoma City to see the harvest of the dehumanization that is hate."*¹

Definitions

Stalking: "Willingly, maliciously and repeatedly following or harassing another person; making a credible threat with the intent to cause fear of death or bodily injury, directed at a specific person causing substantial emotional distress and serving no legitimate purpose." (784.048, *Florida Statutes*)

"To pursue prey." (*Webster's Ninth New Collegiate Dictionary*)

Hate Crime: "A committed or attempted act by any person or group of persons against a person or the property of any other person or group which in any way constitutes an expression of hatred toward the victim because of her/his personal characteristics of color, religion, or ethnicity/ancestry/sexual orientation and/or national origin." (Florida Department of Law Enforcement "Hate Crime Report Manual")

The Florida Commission on the Status of Women strongly recommends that gender must be included in the definition of hate crimes.

Perhaps the single most compelling argument for statutorily recognizing gender as a hate crime category is this statistic: *the number of reported hate crime incidents in Florida has decreased by an encouraging 20.8% since the law was enacted.*

By excluding gender from the list of prejudices constituting a hate crime, the 1989 Legislature ignored the opportunity to *prevent* a significant number of hate-motivated violent acts.

Crimes motivated by gender bias are rampant in Florida. Further, the United States has the highest rate of sexual assault in the world, and it is increasing four times faster than overall crime.² (The hate crime of sexual assault is addressed in more detail elsewhere in this report.)

Attorney General Bob Butterworth reminds us, "Public awareness is one of our most important weapons in the fight against hate crime."

The Laws and the Courts

- The United States Supreme Court said, "Motive is a constitutionally valid criterion upon which to base enhanced penalties." (June 11, 1993)

1 Linda Vaughn, April 24, 1995.

2 "Coalition Commentary"/Illinois Coalition Against Sexual Assault/Summer, 1993.

- The Florida Supreme Court ruled that free speech protection does not apply when crimes are committed because of the victim's race, ethnicity, religion, or sexual orientation. (January 27, 1994)
- All five Florida District Courts of Appeal have declared Florida's stalking law to be constitutional.
- In 1989, Florida enacted laws that increased the penalties for hate crime, trebled damages in civil suits,³ and required an annual report on the subject from the Attorney General.⁴
- The 1995 Florida Legislature passed several stalking bills:
 - punishment for aggravated stalking under new sentencing guidelines was significantly increased;
 - stalking with a firearm is now subject to a three-year mandatory sentence;
 - stalking is now included in the violent habitual offenders statutes.⁵

The Effect

"Fear is a dark room where negatives get developed."

Fear: Women simply do not feel safe — and for good reason. As astonishing as it may seem, most women and girls have experienced some form of physical or sexual violence in their lives.⁶

Gender discrimination: Violence motivated by gender bias "is not merely an individual crime or a personal injury, but is a form of discrimination." The *Violence Against Women Act* recognizes that gender discrimination not only is manifested in loss of pay raise or promotion, but also in violent criminal attack.⁷

Feeding a continuing cycle of violence: Victims of prejudice-motivated criminal acts (hate crimes) suffer serious emotional trauma as individuals. That is obvious. Not so readily recognized is the insidious threat that hate crimes impose on the democratic structure of our society. This prejudiced behavior certainly incites retaliation and potential for escalating violence.

Retaliation: The U.S. Supreme Court has recognized that "bias crimes are more likely to *provoke retaliatory crimes*, inflict distinct emotional harms on their victims, and *incite community unrest*."

3 §775.085, *Florida Statutes*.

4 §877.19, *Florida Statutes*.

5 CS/SB 172 Sentencing Guidelines and SB 168 "Evelyn Gort Bill" was signed into law by Governor Lawton Chiles in 1995.

6 "Coalition Commentary"/Illinois Coalition Against Sexual Assault/Summer, 1993.

7 *Violence Against Women Act*, Sens. Biden/Hatch, p. 44 and 47–51.

Quoting Blackstone, "it is but reasonable that among crimes of different natures those should be most severely punished which are the most destructive of the public safety and happiness."⁸

Prevention: There is a growing national awareness that specifically focused law enforcement programs and data collection methods will greatly help to decrease the numbers of prejudice-motivated criminal acts. Florida law requires the Florida Department of Law Enforcement (FDLE) to collect and disseminate data on incidents of criminal acts that evidence prejudice based on the personal characteristics of the victim (i.e., race, religion, ethnicity/national origin/sexual orientation) and requires the Attorney General to publish an annual summary of the data.⁹

Conclusion

"Over a century ago society declared that it would not tolerate attacks against persons because of their race, religion, or national origin."

Although Congress passed civil rights laws barring discrimination as early as 1871, traditional civil remedies against violent discrimination have been largely unavailable to victims of gender bias attacks. Although most states have increased penalties for hate crimes, less than a dozen cover gender bias, nor is it reported in the *Hate Crimes Statistics Act*.¹⁰

The victims of bias-motivated violence are reduced to symbols of hatred — not individuals. "The violence not only wounds physically, it degrades and terrorizes, instilling fear and inhibiting the lives of all those similarly situated." In his testimony before the U.S. Senate Judiciary Committee, Illinois Attorney General Roland Burris declared, "Until women as a class have the same protection offered others who are objects of irrational, hate-motivated abuse and assault, we as a society should feel humiliated and ashamed."¹¹

Recommendations

The need to expand the definition of hate crimes to include gender is urgent. The 1993 Attorney General's report, "Hate Crimes in Florida," challenges the legislature to send the message that *prejudiced acts of violence are not acceptable forms of social control*. "Indeed, all of society loses when women are intimidated to the point of restricting their behavior and suffering continuing mental anguish."

The Florida Commission on the Status of Women believes that we should never have to settle for a society of humiliation and shame. The Commission urges the Florida Legislature to seize the opportunity to help combat this roaring, deadly tide of violence against women. It is dangerously past the time to **recognize gender as the target of hate that it so often is, and include gender in the definition of hate crimes.**

8 *Violence Against Women Act*, Sens. Biden/Hatch, p. 44 and 47–51.

9 F.S. 877.19 and "Hate Crimes in Florida," January 1, 1992–December 31, 1992, Attorney General's Office.

10 *Violence Against Women's Act*, Sens. Biden/Hatch, p. 44 and 47–51.

11 *Violence Against Women Act*, Sens. Biden/Hatch, p. 49.

Sexual Battery

Pervasive misunderstanding surrounds the issue of sexual assault. Consider these basic facts that dispel some of the age-old myths.

Rape is an act of violence, not an act of sex.

The Florida Attorney General's Report, "Sexual Assault — A Crime that Affects the Entire Family," reports:

- In 87% of reported rapes, the rapist carries a weapon or threatens death.
- Only 2% of rape reports are false.
- One out of 8 men will be sexually assaulted in his lifetime, mostly by men (and men are more reluctant to report rape).
- Victims/survivors of rape are children, women, and men who range in age from two weeks to 97 years.

According to Emergency Medical Services¹²:

- 71% of all rapes are planned.
- Half of sexual assaults are committed in a *residence* at all times of the day and night.
- In 65% of adult rapes, victims and rapist know each other.
- In 93% of all reported cases, the man and woman are of the same race and ethnic background.
- In most cases, the rapists are in touch with reality, know that what they are doing is unaccepted, but see no alternative to their action.
 - Vulnerability and opportunity are the factors that result in women of all ages being potential victims.
 - There were 7,214 sexual assaults reported in Florida in 1994,¹³ and experts estimate that *four to ten times that number went unreported.*¹⁴

12 Emergency Medical Services (EMS), Volume 15, Number 6, July, 1986.

13 1994 FDLE "Crimes in Florida Report."

14 Florida Attorney General Report, "Sexual Assault — A Crime that Affects the Entire Family," 1990.

Profile of a Rapist

Most frequently the rapist is an emotionally unstable man, who deals with life on a day-to-day basis in a reasonably normal and competent manner. He often appears normal but has trouble relating to others in a permanent or lasting way. He is often a friend, co-worker, or casual acquaintance. He usually has no empathy for his victims because he is most likely a victim of abuse himself, and therefore, relates to the power of the abuser.

He does not rape for sexual gratification. He uses force to transfer his negative feelings toward his target, and it is the force — not the sex — that relieves the tension within the rapist. His goal is to degrade and humiliate because he often sees women as being or thinking they are better, and through sexual assault he is “cutting them down to size.”

“It is important to remember that exhibitionists and ‘peeping Toms’ should be considered potentially dangerous since these acts may be part of a fantasy which includes rape.”¹⁵

We're your new best friend, or an old-time pal,
Or someone you know not at all.
We take you to churches, flea markets and films,
And sometimes fancy balls.
We lay in wait, our revenge to take,
You must pay the pain of our debt.
We too were abused, no help for the used.
You're silent. They've not caught us yet.
When they say you're to blame, more power we claim.
We have no cause for regret,
You are the target of our hate,
Our goal, your soul to humiliate.¹⁶

Profile of the Victim/Survivor

Profile: A set of data that describes the significant features of something; *characteristics that set one thing apart from another.*¹⁷

By definition, the profile of a rape victim is that there is no profile. *There is virtually no characteristic that eliminates a person from the list of potential rape victims.*

We are your nieces, your daughters, your grandmothers.
The girl next door.

We teach your children, set your broken bones,
And collect stars down by the shore.

15 Florida Attorney General Report, “Sexual Assault — A Crime that Affects the Entire Family.”

16 Linda Vaughn.

17 Webster's Ninth New Collegiate Dictionary.

We go to garage sales on Saturday afternoons,
And write poetry when it rains.
We are the ones that you ask,
To silently suffer the pain.¹⁸

Criminalizing the Victim

Society's treatment of rape victims is like stabbing someone and then criticizing them for bleeding.

Is it any wonder that over 84%¹⁹ of people who are sexually assaulted in this country choose to let the rapist go free? The shameful and frightening truth is that in our society, the victim is more often treated like the criminal. Sadly, in the past 10 years, the treatment of rape survivors has deteriorated, in spite of untiring efforts to educate law enforcement and communities.²⁰

Every act of persecution of the rape victim is a validation to the rapist for his acts. Treating the victim like a criminal encourages the rapist — not only from the satisfaction that he got away with it — but that the target of his hate is suffering continuing humiliation. Does this not further gratify his hunger for power?

Let's look at the mentality of "criminalizing" the victim. If a woman is acting in a provocative way, scantily clad, or in an area of town that is known to be dangerous, she is accused of "asking for it." In addition to the contorted double standard this kind of thinking perpetuates, this is a colossal insult to men. The premise of this kind of thinking is that it is the woman's job to see to it that men maintain the most rudimentary level of civilized behavior. This axiom is indefensibly offensive to both genders.

There simply is no validity in blaming the victim.

- Rape victims range in ages from two weeks to 97 years. Studies do not indicate any age preference by rapist — a relatively large number of reported victims are between 13 and 25, but this is probably because of higher vulnerability and increased reporting by this age group.²¹
- There is no correlation between rape and dress, appearance, and age.²²

18 Linda Vaughn.

19 "Rape in America, At a Glance"/National Victim Center, April 23, 1992.

20 Judy Wilson, Creative Services, Inc., Ocala.

21 Ibid. and Florida Attorney General Report, "Sexual Assault — A Crime that Affects the Entire Family."

22 Emergency Medical Services (EMS), Volume 15, Number 6, July 1986.

- It is a myth that nice women do not get raped. The rapist often looks for a vulnerable, non-aggressive person.²³

Most of the time, the victim's crime was simply that she was alone — not in dark alleys or sleazy bars — but alone in her own home or baby sitting, or walking or in a car or at a bus stop.²⁴

Judy Wilson of Creative Services, Inc. in Ocala reports: "In Florida, we are starting to clean up on spouse abuse, but we are backsliding on rape." She says that the percentage of cases being prosecuted is *less* than it was 15 years ago. Rape victims are made to feel that they are at fault. Prosecutors are back to interrogating victims as defendants. One explanation could be a backlash from the William Kennedy Smith and Mike Tyson trials.

Children

- In 75–95% of child rape cases, the rapist is known and may be related to the child.²⁵
- The number of sexual assaults on men and children is on the rise.²⁶
- Child sexual assault occurs in all socioeconomic-economic backgrounds, at all educational levels, and in all areas. The common variable is a dysfunction in family dynamics.²⁷
- The "non-offending" parent is not always aware of the abuse.²⁸
- 61% of rapes occur before victims reach the age of 18; 29% under age eleven; 32% between 11 and 17.²⁹

Children in court: "Officers and child protection teams try to intervene in the home or outside the home but often there is no way to pay for the child to be examined to determine whether abuse has

23 Ibid.

24 Florida Attorney General Report, "Sexual Assault — A Crime that Affect the Entire Family", which lists the greatest number of reported incidents from women who were home alone.

25 Emergency Medical Services (EMS), Volume 15, Number 6, July 1986.

26 Ibid.

27 Ibid.

28 Ibid.

29 "Rape at a Glance," Crime Victims Research and Treatment Center, April 12, 1992.

occurred. Sometimes there is a little money, but pediatricians are not always trained to examine or interview for abuse. It is also very difficult to prosecute hearsay testimony."³⁰

Reporting the Rape/Confidentiality

- In late 1994, the Florida Supreme Court ruled that state law against reporting the names of rape victims was unconstitutional on the grounds that it violated "the free speech and free press provisions of both the United States and Florida Constitutions."³¹
- 97% of rape service agencies believe that protecting confidentiality of victims' names would be effective in increasing survivors' willingness to report sexual assaults.³²
- Men are more reluctant to report rape.³³
- Half of the rape victims said they would "be much more likely" to report rapes if they could maintain their confidentiality, and another 16% said they would be "somewhat more likely" to report.³⁴
- In 1990, 6,000 sexual assaults were reported in Florida but experts estimate that *four to ten times* that number went unreported.³⁵
- It is more likely that the rape will be reported if the rapist is a stranger.³⁶

Throughout this report, keep in mind that 84% of rapes go unreported. Of rapes reported in Florida, one out of five are reported to hot lines, and one out of ten to law enforcement. In areas where rape services are available, rape victims are more likely to report the rape.³⁷ Should we not be asking "why"? Should we not be weighing the consequence to society? *Every door slammed in the face of a rape victim is another opened to the rapist.*

30 Judy Wilson.

31 *Tallahassee Democrat*, 12/9/94.

32 "Rape in America, At a Glance"/National Victim Center, April 23, 1992.

33 Ibid.

34 Ibid.

35 Florida Attorney General Report, "Sexual Assault — A Crime that Affects the Entire Family."

36 Ibid.

37 "Rape in America, At a Glance"/National Victim Center, April 23, 1992.

How can we improve reporting?

97% of rape service agencies found that victims were more willing to report sexual assault where there was public education about rape, expanded counseling and advocacy services for sexual assault victims, and laws protecting survivors' confidentiality by prohibiting disclosure of their names by the news media.³⁸

Reporting names in the media: If the media has a "right" to reveal the names of rape victims, they also have the *responsibility* for public education.³⁹ The community must be taught that the survivors should never suffer ridicule from a society that believes rape victims invite the violence against them. Until we live in such a society, the identity of the rape survivor (who has already shown great courage in reporting the crime) should be kept confidential.

Confidentiality: Most state laws allow a judge to review rape counseling records that may be relevant to the defense and may affect the defendant's rights to a fair trial.

The Massachusetts Supreme Court demanded that the Western Massachusetts YWCA turn over files to use in rape cases. (The YWCA counsels over one million rape and domestic violence victims nationwide each year.) This can have a devastating effect on a woman's decision to seek counseling after sexual assault.

This has not happened yet in Florida but it certainly could.⁴⁰

Some Consequences of Rape

Studies released in May of 1994 suggest that sexual abuse in childhood can impair the brain's physical development and leave victims with permanently weakened immune function. Dr. Frank Putnam of the National Institute of Mental Health reports that "abuse seems to be a biology-altering experience. It changes the brain's stress-response system."

Dr. Putnam and Dr. Martin Teicher of Harvard Medical School reported their findings to the American Psychiatric Association in May of 1994.

- Abused girls (6–15 years of age):
 - Have abnormally high stress hormones, which can kill neurons in brain areas crucial for thinking and memory;
 - Have high levels of an antibody that weakens the human immune system.
- Abuse in both children and adults:

38 Ibid.

39 American Counseling Association, *Guidepost*, Volume 37, Number 2, August, 1994 (article: "Nowhere to run, no one to talk to").

40 Beth Knake, Florida Council of Sexual Abuse Services, Inc.

- Goes along with arrested growth of the left hemisphere, which can hamper development of language and logic;
- Is linked to growth of the right hemisphere at an abnormally early age. "This is the site for emotion, particularly negative emotion."⁴¹
- Brain wave differences between the abused and non-abused are as significant as "between normal people and those who have Alzheimer's disease or schizophrenia."⁴²
- Rape has a devastating impact on the mental health of victims. At some time in their lives, nearly a third of all rape victims develop Rape-related Post-Traumatic Stress Disorder (RR-PTSD). Those who suffer from RR-PTSD are 13 times more likely to have two or more major alcohol problems and 26 times more likely to have two or more major drug abuse problems.⁴³
- About 1.3 million women currently suffer from this disorder. Nearly 3.8 million have previously had it, and some 211,000 women will develop RR-PTSD each year.⁴⁴

Karen Meiselman, author of two books on incest, urges abuse survivors not to feel doomed. "They can compensate by learning new ways of positive behavior and gaining comfort."

The Florida Commission on the Status of Women believes that as a society *we should do everything in our power to create a community that feeds the courage of the survivor, not the power of the rapist.*

Prevention

Self-defense in public high schools: One solution to violence against women, whether rape or domestic violence, is self-defense. An innovative approach to stopping violence against women has been successfully instituted in New Jersey, where a five-week self-defense training class is offered in high schools as part of the physical education curriculum. The pilot program, which took place at North Arlington High School, was designed and taught by a tenth-degree black belt martial arts instructor, assisted by a group of martial arts students previously trained in self-defense techniques. The female students practiced the techniques in gym class under the supervision of their physical education teachers. Male students assisted in the class by serving as "attackers."

State funding to assist in incorporating a structured self-defense segment into women's physical education classes in public high schools offers the potential to promote the development of skills useful in the protection of women against both domestic and non-domestic violence. It also

41 *USA/Today*, 5/24/94, "Sexual abuse can weaken victims' immune system."

42 *Ibid.*

43 "Rape in America, At a Glance"/National Victim Center, April 23, 1992.

44 *Ibid.*

encourages physical fitness, boosts self-confidence, and provides an interesting change from the more traditional physical education curriculum.

Treatment

The Elaine Gordon Treatment Center for Juvenile Sex Offenders in Pembroke Pines is the only one of its kind in the state. This is disturbing in the face of the fact that *half of all sexual offenders are juveniles — some are not even in their teens.*

The Florida Department of Health and Rehabilitative Services expects to receive over 13,000 cases of child-on-child sex abuse annually. With just one facility that treats only 22 youngsters and an expectation that 4,000 will need help, the computation equals a formula for disaster.

Of course, economics is a big part of the problem. This is not a popular area to spend tax money. Additionally, there are not enough counselors who are specially trained to stop the problem.

Sexual molestation can only be stopped by very direct and strong professional intervention. Unless the offenders learn to control sexual aggression, they will continue to act out a lifetime of mayhem on countless victims.

Dr. John Shaw, Director of the Elaine Gordon Treatment Center for Juvenile Sex Offenders, says that many adult offenders who begin as juveniles commit about 500 sex offenses. Many go free because there is a reluctance to stigmatize children with a sexual abuse record by officially charging them or reporting them to child abuse hot lines.

Here are some more eye-opening facts.

- The National Resource Center on Child Abuse and Neglect estimates that 130,000 children were sexually abused in the United States in 1991. Juveniles were responsible for more than half of the molestation of boys and 15–20% of girls.
 - 80% of offenders were molested as children
- Victims suffer:
 - Loss of self-esteem, they question, “what’s wrong with me” (instead of what’s wrong with the attacker);
 - Loss of innocence;
 - An overall feeling of helplessness, vulnerability;
 - Difficulty with trust and relationships (particularly among boys) and exhibit problems with sexual aggression.

At a time when the national statistics show a rapid rise in the number of juvenile sexual offenses, “afternoon basketball programs don’t begin to address these deep problems.”*

Information in this section on treatment is based on testimony presented by Rep. Shirley Brown of Sarasota at the workshop, “Crimes Against Women, Women Against Crime.”

Domestic Violence/Insurance Against Abuse

During the spring of 1994, the practice of some insurance companies which denied coverage to women who were or had been victims of domestic violence gained national attention.

This practice was discovered by the Pennsylvania Coalition Against Domestic Violence when a policyholder shared a letter of denial from State Farm Insurance Companies. The Coalition shared this information with New York Congressman Charles Schumer, Chair of the Crime and Criminal Justice Sub-Committee, who aggressively pursued the extent of such practice by conducting a survey of 16 of the country's largest insurance companies.

Based on that survey, eight (8) out of 16 companies admitted that they deny battered women health, life, and mortgage disability insurance solely because these women have incidents of domestic violence documented in their medical records. Coverage was denied regardless of whether the women had separated from their batterers.

Obviously, admission of such practices created a "firestorm" of controversy with advocacy groups for women and insurance companies. Many of the reasons behind such denials were flimsy at best. One "reason" was women may be encouraged to stay in such abusive relationship if coverage were provided. Another was that women who choose to stay in abusive relationships are unacceptable insurance risks. One insurance spokesperson even compared women who once were victims of domestic violence to diabetics who wouldn't take insulin. These reasons reflect the gross lack of knowledge of domestic violence and blatant discrimination of its victims.

Research and experience has shown that women often find themselves bound to abusive relationships by forces such as lack of financial independence, genuine concern for their children's welfare, and emotional attachment to their families and marriages. According to the National Coalition Against Domestic Violence, a woman is at 75% greater risk of being killed by her tormentor if she tries to leave an abusive relationship than if she stays. Thus, the denial of insurance because she stays is contradictory in terms of risk.

To reflect the discriminatory practices of some companies further, several admitted before a House subcommittee that they provided coverage to a skier, but not to a battered woman suffering the same injuries. Congressman Schemer pointed out in his press conferee on this issue that the largest single threat of injury to men is traffic accidents, but no evidence exists that men were denied coverage because of their higher risk.

While accurate information is not available to determine the full extent of this problem, either because of non-reporting by consumers or failure to provide reasons for denial by insurers, it is largely believed that, because of the large number of cases that go undocumented or unreported, companies have insured battered women as clients.

In addition, numerous self-employers' plans show no evidence that would help identify the extent of this problem.

Battered Women Who Kill

"Battering is the leading cause of injury to women in our country...there are three times as many animal shelters as battered women's shelters."⁴⁵

- An estimated 1.7 million to 4 million women are beaten each year.⁴⁶
- The American Medical Association reports that 37% of all obstetric patients are battered during pregnancy.⁴⁷
- Domestic violence figures in one quarter of all suicide attempts by women, one half of all suicide attempts by black women.⁴⁸
- Family-related violence accounted for only 5% of all violent victimizations against men between 1987 and 1991.⁴⁹
- 75% of women killed by their domestic partners are killed after they leave or when they are trying to leave.⁵⁰

Domestic violence is a pattern of behavior which establishes power and control over another person through fear, intimidation, violence, or the threat of violence.

Battering happens when:

1. Batterers believe they are entitled to control their partners;
2. Violence is perceived as permissible;
3. Violence will produce the desired effect or prevent a worse one;
4. The benefits outweigh the consequences.

45 Ellen Goodman, *The Tallahassee Democrat*, 3/18/94.

46 Anne Jones, "Crimes Against Women," *USA Today*, 3/10/94.

47 Id.

48 Id.

49 U.S. Department of Justice, "Report on Domestic Violence Against Women," January 1994.

50 National Coalition Against Domestic Violence.

Victims are usually (although not always) female. After a woman has been abused time and again, she begins to believe that no matter how she alters her behavior, the abuse is inescapable. Her mate makes repeated apologies and promises to stop, but he does not stop.

Battered women feel defeated and no longer can conceive of alternatives to their present situation. When a battered woman finally fights back and kills her abuser, it is as a last resort because she believes that her abuser will carry out his repeated threats to kill her.

Not all battering is physical. Battering includes emotional abuse, economic abuse, sexual abuse, using the children, threats, intimidation, isolation, and a variety of other behaviors used to maintain power. Battering usually escalates in intensity as time goes on.

Abuse takes place in all types of relationships, regardless of marital or financial status. Abusers seem to have certain common personality traits. Generally, the abuser is likely to have traditional views of the appropriate roles for men and women and may have been raised in an abusive household. Further, abusers are extremely jealous. In discussing the abuse suffered at the hands of her husband, Maggie Mulvihill of Massachusetts was quoted as saying, "He used to tell me that it was his right as my husband to beat me."⁵¹

The victim also is likely to hold traditional views of male and female roles and to suffer from low self-esteem. The female's problems are not the source of the conflict in the relationship, however. Abusers almost always are the source of the problem, since it is they who act out violently. Family-related violence accounted for only 5% of all violent victimizations against men between 1986 and 1991.⁵²

Because of the imbalance of power and unremitting violence, the battered woman constantly is in a life-and-death situation. Fighting back is the result of the woman's instinctive survival response to violence or threatened violence that becomes more brutal as time passes. The woman is keenly aware of escalation in the violence and becomes hyper-vigilant. Some women describe the experience as "walking on eggshells."

Despite the woman's "learned helplessness," her decision to fight back under these intensified circumstances is more understandable.

Defending battered women who kill should include expert testimony about the behavior of a battered woman in the context of the abuse she suffers. Depending upon the details, her defense may be different from traditional self-defense. Traditionally, self-defense only justifies a defendant's use of force when that person reasonably believes that she is in imminent danger of unlawful bodily harm, and the force is necessary to avoid that danger. A battered woman who kills her abuser may use this defense if the homicide occurs during a violent beating. In many cases, however, abused women do not resist during the actual physical attack; instead, she acts later. The use of self-defense

51 Maggie Mulvihill, "Revere Man Faces Rights Suit for Alleged Domestic Abuses," *The Boston Herald*, February 26, 1994.

52 U.S. Department of Justice Report, "Violence Against Women," July 1994.

in such circumstances becomes more difficult to prove as an appropriate legal justification for her actions.

If the abuser was not physically attacking the woman when she killed him, counsel still must prove that she was reacting to a reasonable belief of imminent violence. The expert may be required to explain why she did not simply leave if she was not under any threat of danger. Finally, counsel must demonstrate what made her believe, after surviving a series of beatings, that this time her life was being threatened.

Psychological theories play an important role here. As mentioned before, the "battered woman's defense" requires expert testimony regarding the battered woman's behavior in light of the repeated violence she suffers. The defense attorney must use this testimony to help the jury understand the battered woman's state of mind at the time she fought back against her abuser and the circumstances leading to her decision to use deadly force. In the process, the expert will explain the characteristics of a battering relationship and the escalating pattern of abuse.

In discussing the circumstances, the expert should highlight for the jury the numerous *real* hurdles a woman faces when attempting to leave an abusive relationship:

- The fear of or experience with poor police protection. Police are more likely to respond to a report of violence on a female victim if the offender is a stranger than if the offender is known to the female victim.⁵³
- Lack of room at the women's shelters. Fifty percent of homeless women and children across America are fleeing from male violence.⁵⁴

Additionally, financial hardships, fear of retaliation by the abuser, and other fears contribute to the battered woman's paralyzed state of mind.

Ultimately, expert testimony must establish that the woman's actions were reasonable in light of the abuse. The woman's realistic belief that she will be killed must be interpreted to justify any force necessary to gain freedom.

Although no one can predict how many battered women will kill their abuser, defending them in court continues to post many challenges. Only a small percentage of the millions of battered women will kill in self defense. Many others are able to achieve safety with courage and heroic effort. The battered women's movement has focused attention on the dramatic impact of homicide, hoping to portray the potential lethality of abuse.

Homicides occur because the community has failed to listen when battered women cry for help. Clearly, prevention is our greatest hope.

53 U.S. Department of Justice, Report on Violence Against Women," January 1994.

54 Anne Jones, "Crimes Against Women," *USA Today*, March 10, 1994.

Clemency and Battered Women Who Kill

In recognition of the inability of the criminal justice system to meet the needs of survivors of domestic violence, the Florida Cabinet, sitting as the Board of Executive Clemency, formally recognized domestic violence as a "factor requiring consideration when making clemency determinations about incarcerated women who have been convicted of murdering their abusers."

Procedures were created to provide that a woman who is incarcerated in Florida for murdering an abuser who was related by blood or marriage or who was residing with her as if married may apply for special clemency consideration.

The Governor's Task Force on Domestic Violence recognizes that:

"Among other things, systemic gender bias can manifest in general insensitivity toward or ignorance of the domestic violence dynamic and its implications. This factor may play an important role in the judicial process.

"When clemency is granted, the inmate may have to complete a remaining period of incarceration and should be subjected to probation, or any other conditions the Board deems appropriate. Counseling is almost always required."

Recommendations

- 1. Periodic training on issues relating to domestic violence should be mandatory for parole commissioners, examiners, and other field staff.**
- 2. Clemency procedures should be updated with less reliance upon the traditional concept of "Battered Woman Syndrome."**
- 3. Develop more reliable institutional means to identify, inform, and provide access to the prison inmate population who are eligible for special clemency consideration.⁵⁵**

⁵⁵ Governor's Task Force on Domestic Violence, January 31, 1994, p.79-80.

The rise in female incarceration parallels the feminization of poverty.⁵⁶ Most of the women in prison were convicted for economically motivated, non-violated crimes like embezzlement, forgery, counterfeiting, and writing worthless checks. Between 300–400 (of the 5,000 women in Florida prisons) were convicted of murder.⁵⁷ The greatest number of female inmates in Florida's prison population are:

- Black (58.6%),
- Between 25–39 years of age (67%), and
- Serving time for drugs (26.4%), theft/forgery (19.9%), or weapons escape (17.6%).

In addition, they:

- Are serving 25–69 month sentences (49.6%),
- Have no disciplinary reports (72.6%), and
- Have some high school education (66.1%).⁵⁸

A very large percentage of the women tested were so deficient in basic skills that *no vocational training was feasible*.⁵⁹ Of the women tested, 75% could not perform simple arithmetic and a large number lacked the basic skills necessary for vocational training.

- Of the women tested, nearly 33% performed below a first grade equivalent:⁶⁰
 - Language skills:** 26% at or below a third grade level;
 - Math skills are especially weak:** 75% performed at or below a third grade level; 31% tested at less than a first grade level.⁶¹

56 Florida Law Review, p. 8.

57 "Battered Women in Prison: Casualties of Domestic Violence," report by the Women in Prison Committee, December 1993.

58 Issues...Ed, CESA, 3/29/95. For more detailed statistics, see their Appendix Tables p. 18–20.

59 Id.

60 Id.

61 Id.

- Nearly 75% of incarcerated women were unemployed prior to their arrest.⁶²
- The Florida inmate population is almost exclusively male, about 75%.⁶³

When women commit violent crimes, which is far less frequently than men, two factors are consistent: (1) a man is engaged in the crime with her, or (2) the act is against a man who has abused her or her children. Women almost never kill other women.⁶⁴

- 46% of the women currently in prison have previously served a prison term, compared to 33% in 1990.⁶⁵
- Funding for corrections education, on a per-inmate basis, has fallen each year since 1988–1989.⁶⁶ Florida ranks 31 out of 40 states in education spending in prisons — spending less than half the average for the responding states.⁶⁷
- The number of women in prisons has increased at a faster rate than men. During 1993–94, 9.2% of all admissions to Florida prisons were women.⁶⁸

There are three major women's correctional institutions in Florida: Jefferson (JCI) at Monticello, Florida (FCI) at Lowell, and Broward (BCI) at Pembroke Pines, which is the only maximum security facility.

Sentencing

In 1993–94, male offenders received slightly longer sentences than female offenders and served more of their sentences. During that time, 67% of women were given 5 or fewer years while the majority of men were serving over 5 years.

62 An assessment of Vocational Education Needs in Florida Women's Prisons, February 1995/Economic and Demographic Research Division, Joint Legislative Management Committee, The Florida Legislature, p. iii.

63 Florida Law Review, University of Florida College of Law, Volume 42, Number 5, December 1990, p. 840, and Issues...Ed, CESA, 3/29/95, p. 18.

64 Ibid., p. iv

65 Id.

66 Id., p. iv

67 Id., p. v

68 Florida Department of Corrections, 1994.

In calendar year 1994, male inmates in Florida served an average of 44.5% (25.1 months) of their sentence, while women served 39.8% (less than 2 years).⁶⁹

Education, Job Training, and Life Management Skills

The post-release employment prospects of Florida's female inmates are sparse. Since nearly two-thirds of Florida's female inmates are under 35 years of age and are serving sentences of less than five years, they will have to earn a living for decades after their release. Given their historical lack of employment success, worsened by their felony convictions and incarcerations, their job prospects are poor.

These circumstances lead to high recidivism. Lack of success in the job market, together with a cultivated habit of earning a living through crime, means these women will pose a continuing threat to society even after they are released. Their best hope lies in education, job preparation, and life management training.⁷⁰

The Corrections Equality Act of 1991 provided for equal opportunity for women in all correctional programs, including vocational training. In 1994, a study was commissioned by the Florida Legislature to determine the most appropriate vocational training for women, based on their interests, aptitudes and abilities, job availability, and the cost of training. The study found that less than half of the vocations for which the women were trained provided opportunities for employment; moreover, these vocations did not pay a living wage.

Further exacerbating the problem is the lack of life management skills. The Life Skills Foundation, Vital Issues Project⁷¹ has found that failures stem from a deficiency in motivation, cognitive training, and life skills training. Offenders need help to improve their attitudes, habits, motivation, emotional control, anger control, stress management, problem solving, understanding of what causes their problems, goal setting, decision making, financial stability, family life cohesiveness, inter-personal communications, and other skills.⁷²

Recommendations

- 1. Reallocate funds for education, especially mathematics, and new vocation programs that provide for available jobs at a living wage.**
- 2. Increase funding for women's education in correctional institutions to help reduce recidivism and to improve public safety.**

69 Issues...Ed, CESA, 3/29/95, p. 2.

70 An Assessment of Vocational Education Needs in Florida's Women's Prisons; February 1995/Economic and Demographic Research Division, Joint Legislative Management Committee, The Florida Legislature.

71 Life Skills Foundation, 4320 W. Kennedy Boulevard, Tampa, FL 36609.

72 Id.

3. Use programs like Life Skills Foundation to help promote better life management skills that could help offenders to take positive control of their lives.

Parenting and Child Care Needs

Because fewer women's prisons exist, they are spread further apart, and mothers are more likely than fathers to be housed in institutions far away from the homes of their children. Therefore, many children have rare opportunities to visit their mothers in prison. Women also do not have information regarding their legal rights and responsibilities concerning their children that have been placed in foster care upon their commitment to penal institutions.

Health Care

Correctional institutions traditionally have not been equipped to handle the unique health care needs of women, most notable obstetrics and gynecology. Even today they are largely lacking in financial resources and administrative support to provide the care required in this area.

Correctional institutions also have to accommodate pregnant women and their babies. On February 28, 1995, 24 women, in Florida's minimum and medium security institutions (which hold 85% of the total female inmate population) were pregnant.⁷³

AIDS is a growing problem in Florida, especially for women. AIDS is now the leading cause of death for Florida women between the ages of 15 and 44.⁷⁴ The growing problem is evident in the Florida prison system where death from AIDS is increasing.^{75 76}

Recommendations

These special needs require a new look at the counseling and drug treatment these women receive as well as the need for health, AIDS, and parenting education.

According to the National Clearinghouse for the Defense of Battered Women, somewhere *between 50-70% of female prisoners are battered women*. In another study conducted by Louise Bauschard (1986), 80% of women in prison have been victims of incest, sexual abuse, and physical battery.

The Women in Prison (WIP) Committee Report, 1993 relates the following facts and conclusions:

"In addressing the response of the criminal justice system to domestic violence, it would be inappropriate to overlook the prison system. Programs for women in prison are practically non-existent. Women spend their time working at a menial prison job, or meeting with their classification officers or health related professionals. Little (if any) time is spent on such issues as incest, rape, substance abuse, or other problems.

73 Florida Department of Corrections.

74 Florida Department of Health and Rehabilitative Services, 1992.

75 Florida Department of Corrections, 1994.

76 Issues...Ed, CESA, 3/29/95, p. 9.

"The volunteers that make up WIP continue to be impressed by the tremendous compassion that the women serving time in prison have for other survivors of abuse, and each other. It has become painfully clear that any woman, regardless of her standing in the community, could be in prison if she is abused and trapped by domestic violence.

"WIP has come to one overriding conclusion: by studying the women WIP met in prison, it is obvious that efforts to end domestic violence and its consequences are not have a significant impact on ending the violence. Society continues the historically rooted tendency to treat domestic violence as a family matter rather than a crime.

"Women will not be able to escape without killing or being killed until they are seen as victims who must be provided with understanding and assistance. There must be coordinated community response to domestic violence. The response must be that a crime has been committed and the crime must stop. The criminal behavior must stop. Every segment of society including neighbors, employers, health care providers, clergy, educators, and all members of the criminal justice system must be educated and taught how to respond to this crisis."

Many women are in prison as a result of drug problems — 31.3% of the women incarcerated in Florida on June 30, 1994 were incarcerated for drug offenses, compared to 17.0% of the men.⁷⁷

- Many of these women have been physically and/or sexually abused. Research on pregnant teenage girls showed a higher rate of drug abuse and lower self-esteem among those had been abused than those who had not.⁷⁸
- Physical and sexual abuse also is an important factor in women's violent offending. A Florida Supreme Court study found that women involved in violent crime usually either committed the crime with a male counterpart, or against a male who had physically or sexually abused them in the past.⁷⁹

Needs and Recommendations

Speaking to the Department of Corrections Women's Task Force (May 16, 1994), Corrections Secretary Harry Singletary said: "We must find ways to ensure women will not be dependent on people who will get them involved in the criminal justice system in the first place." He added that he "is not interested in building the most or the biggest prisons; instead, we should be building the best prisons and returning constructive citizens to our streets."

In talking to the Broward County Commission on the Status of Women, the Broward Correctional Institute (BCI) staff, which has been assessing the needs of inmates at BCI, identified several critical areas of need:

- the aged and aging,

77 Florida Department of Corrections, 1994.

78 Boyer and Fine, 1992.

79 Florida Supreme Court, 1990 and Issues...E, CESA, 3/29/95, P. 8-9.

- transitory care patients,
- the chronically mentally ill and inmates in need of drug treatment have no treatment facility,
- terminally ill and AIDS patients.

While some basic programs are offered, a disparity continues in those programs available to men and women. At BCI, a request for data entry training was denied due to lack of funding, while at the same time, data entry was being offered to male inmates at Martin Correctional Institute.

The Florida Department of Corrections Women's Task Force (July 11, 1994 meeting) made the following recommendations:

- Medical summaries should include a section on domestic violence and appropriate referrals to psychological counseling should be made for female offenders. Male offenders also should be questioned regarding involvement in domestic violence and should receive counseling on abuse and coping with anger and frustration. Offenders who have lived in an abusive relationship should be required to participate in such counseling programs.
- Upon release, inmates should go immediately into assistance programs, with adequate screening for appropriate referral.
- Programs should be monitored to determine effectiveness.
- Additional computer-related programs should be established since individuals with computer skills have the highest rate of employment.
- Inmates should receive all relevant information regarding programs for female offenders.
- More grant-writing seminars should be established for those in the field who want to initiate their own ideas.
- An Arts in Corrections program, possibly using California's program as a model, should be considered.
- Girl Scout Troops in high risk neighborhoods should be expanded and Boy Scout Troops for fathers and sons should be established.
- Volunteer training efforts should be encouraged.
- Exit physical exams for females and a 90-day supply of birth control should be provided.
- Males should receive birth control information upon leaving prison.
- Training for males and females should be provided on nutrition, exercise, and physical and mental health care.
- Staff should be trained to deal with female offenders and inmates should be trained on the realities of incarceration.

- Rehabilitative programs should be expanded and education programs should be increased to accommodate at least 50% of male and female inmates, and staff and volunteers should offer night and weekend programs in:
 - Self-worth, personal image, cultural appreciation,
 - Decision-making skills,
 - Ending domestic violence and abusive relationships,
 - Career development,
 - Non-traditional job skills,
 - Parenting skills,
 - Substance-abuse counseling,
 - Communications skills (verbal and non-verbal).

Additionally, a conscientious effort must be made to ensure that inmates are allowed to complete their programs before they are transferred to another facility.

Supreme court recommendation: Equal access to alternatives to incarceration and programs designed for treatment and rehabilitation should be mandated by the Florida Legislature.⁸⁰

"It is not unreasonable to wonder whether the byproduct of the system's favoritism to men makes women more resentful and hostile. Are they not receiving the message that men are more valuable? Does this not thwart the woman's picture of herself — her worth and what she is capable of accomplishing? Is the lack of that self worth usually a big part of what sends her to prison in the first place? Doesn't the bias perpetuate the same feelings of hopelessness (with no goals or dreams) that caused her to put up with abuse, break the law, and lose connection any sense of control over her own life?"

"...prejudices are always sustained with the greatest amount of violence."⁸¹

80 Gender Bias Study Commission, 1990 Report.

81 Lord Francis Jeffery.

SEXUAL HARASSMENT

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." 29 C.F.R. 1604.11(a) Regulations relating to Labor Equal Employment Opportunity, Commission Guidelines on Discrimination Because of Sex.

There can be no doubt at this point in time that both the State of Florida and the Federal Government have committed themselves strongly to outlawing and eliminating sexual discrimination in the workplace, including the related evil of sexual harassment. The statutes, case law, and administrative regulations condemn sexual harassment in the strongest possible terms.

Byrd v. Richardson Greenshields Securities, Inc., 552 So.2d 1099, 1102 (Fla. 1989)

Notwithstanding a public policy against sexual harassment in the workplace that the Florida Supreme Court has characterized as "overwhelming,"⁸² extensive media attention, and an occasional million dollar-plus verdict for a working woman,⁸³ sexual harassment continues to be a pervasive problem facing Florida women.

Its manifestations range from offensive jokes and demeaning statements to outright rape. It takes place in offices, at police stations and fire houses, and in the military. Its perpetrators include lawyers and judges, entrepreneurs and middle managers, construction workers, and public safety officers. Its victims include lifeguards, police officers, waitresses, cooks, secretaries, sales executives, office managers, corporate vice presidents, physicians, stock brokerage employees, human resource managers, judicial employees, and lawyers. Most, but not all, of its victims are women. During 1994, the ubiquitous nature of sexual harassment in the workplace was illustrated by:

- the Navy Tailhook scandal;
- a sexual harassment lawsuit against President Clinton;
- the firing of NAACP executive director Benjamin Chavis and allegations of sexual harassment;

82 *Byrd v. Richardson Greenshields Securities, Inc., 552 So.2d at 1103 (Fla. 1989).*

83 See, e.g. *Stockett v. Tolin*, 791 F.Supp. 1536 (S.D. Fla. 1992) (\$1.3 million award to production assistant employed at a Miami movie and video production facility) and *Weeks v. Baker & McKenzie*, 86 FEP Cases 583 (Cal. sup. Ct. 1994) (reducing \$6.9 million jury verdict in favor of a California employee of a national law firm to \$3.5 million, but approving \$225,000 award against perpetrator).

- best-selling Michael Crichton's novel and box office draw, *Disclosure*, turning the tables and featuring a male victimized by a female boss's sexual demands; and
- high profile sexual harassment accusations, lawsuits, and settlements involving departments of Florida government, Florida universities, and members of the Florida judiciary.

By law, persons who seek redress from sexual harassment in the workplace must begin by filing a Charge of Discrimination either with the Equal Employment Opportunity Commission (EEOC) to invoke federal remedies or with the Florida Commission of Human Relations (FCHR) to have the benefit of the protection of state laws.⁸⁴ Under Federal law, remedies for sexual harassment include back pay and pre judgment interest, front pay, reinstatement and injunctive relief, compensatory and punitive damages of up to \$300,000 and attorneys' fees. State law affords similar remedies, with punitive damages capped at \$100,000, but no ceiling on compensatory damages. Both state and federal laws apply only to employers who have 15 or more employees during each working day in 20 or more calendar weeks of the current or preceding year. A victim of sexual harassment must file a Charge of Discrimination within 300 days of the last act of sexual harassment to be within the protection of the federal law; she must file within 365 days of the last act of harassment to be covered by the state law. Local ordinances may also prohibit sexual harassment and may cover employers with fewer employees,⁸⁵ but provide only for "make whole" remedies such as back pay, front pay and reinstatement. Both the EEOC and the FCHR have up to 180 days within which to investigate the charge to determine whether sexual harassment may have occurred. At the end of that period of time, a complainant is entitled under federal law, *whether or not* the EEOC finds "reasonable cause" to believe the respondent has violated the prohibition against workplace sexual harassment. A complainant can sue under state law *unless* the FCHR determines, within the 180 day time period, that "no cause" exists to believe a violation of Florida law has taken place, in which case further administrative remedies must be exhausted before a lawsuit may be filed.

The EEOC reports that it received 695 complaints of sexual harassment in its two Florida offices during the 1993-94 fiscal year, as compared to 597 during the 1992-93 period. This represents an increase of approximately 16 percent.⁸⁶ Of these, 621 were made by women.⁸⁷ In 1993-94, in the

84 These agencies may be accessed through local deferral agencies such as the Broward County Human Relations Division and the Metro Dade Fair Housing and Employment Board of Appeals.

85 For example, Dade County's Fair Housing and Employment ordinance only requires that an employer have 5 or more employees for four or more calendar weeks of the current or proceeding year.

86 Florida State Sexual Harassment Statistics from the Miami District Office of the EEOC.

87 *Id.*

Miami District Office, only 68 — approximately 10% — resulted in a “cause” finding.⁸⁸ Of these, 62 were settled at the administrative level, generating \$1,243,210 in monetary benefits to complainants, or an average of \$20,052 for each claim settled.⁸⁹ The FCHR reports an increase in intake contacts concerning sexual harassment from 264 in the 1992–93 fiscal year to 291 in the 1993–94.⁹⁰ The number of complaints actually filed increased from 81 in fiscal year 1992–93, when the average settlement amount was \$1,115, to 148 in 1993–94.⁹¹

In light of the statistics reported by the AC and FCHR, continued vigilance by the Florida Commission on the Status of Women as to the prevention and remediation of sexual harassment in Florida is underscored. The following facts are important in that regard:

- In an update of its study on gender bias, the Florida Bar reported that only 25% of the 1,469 Florida lawyers responding to its survey had written sexual harassment policies in their offices. 30% of the women lawyers reported having been sexually harassed. 40% of the women and 20% of the men responding indicated that they had witnessed sexual harassment. 16% of the women recounted that they had left at least one job because of sexual harassment or gender discrimination.⁹²

- In a survey of women in non-traditional occupations, e.g., firefighter, 70% of those responding said they had been sexually harassed, 22% did not report the harassment to their supervisor because it was the supervisor who was doing the harassing.⁹³

88 Sexual Harassment Charges Miami Office Only, Charge Resolutions (Closures and Benefits) from the Miami District Office of the AC.

89 Id.

90 Florida Commission on Human Relations, Intake Contacts by Basis — F.Y. 1993–94.

91 Ron McElrath, Director, Florida Commission on Human Relations. Settlement amount statistics were not available for fiscal year 1993–94.

92 *1993 Gender Equality in the Profession Survey Results*, final report published by Florida (1994).

93 “Defining Sexual Harassment,” by Kate Santich, *The Orlando Sentinel*, November 27, 1994, reporting on survey results of Kathy Johnston-Miller, a District Chief with the Orlando Fire Department.

- ❑ 90% of women veterans younger than 50 years of age said they were sexually harassed while in the military; one-fourth of the women veterans reported having been raped or nearly having been raped by a co-worker or supervisor.⁹⁴
- ❑ In 1993, Florida ranked first in the country with sexual harassment complaints to the "9 to 5 National Job Problem Hotline."⁹⁵

Among the steps needed to eliminate sexual harassment is the education of employers as to their duty in regard to the prevention, investigation, and remediation of sexual harassment complaints.⁹⁶

Although the number of complaints being filed and processed with the AC and FCHR still is relatively small in light of the number of women who report sexual harassment, the impact on employers of the cases that reach the court system is substantial. A recent article in the *Corporate Legal Times*,⁹⁷ a national journal for management attorneys, reported that sexual harassment claims increased 200% last year and judgments, excluding attorneys' fees, averaged \$200,000. Sexual harassment also costs in lack of productivity, absenteeism, employee turnover, low morale and increased use of employee assistance plans.⁹⁸ Employers need to be taught that:

- ❑ Prevention of sexual harassment is worth a pound of cure;

94 "Ninety Percent of Female Veterans Report Sexual Harassment in Military," Associated Press, *Palm Beach Post*, May 12, 1995, reporting the results of a study reported in the May 1995 issue of the Archives of Family Medicine.

95 "Sexual Harassment — Dangerous Shades of Grey," P.M. French, Coordinator 9 to 5 Florida Chapter.

96 29 C.F.R. 1604.11(f), Regulations Relating to Labor, Equal Employment Opportunity Commission Guidelines on Discrimination Because of Sex, provide:

"Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned."

97 "Sexual Harassment Complaints: How to Handle a Hot Potato; Specialized Training Necessary for Investigators," by S. Beville May, March 1995.

98 "Sexual Harassment Refuses to Go Away," Joyce Lin Kennedy, *Fort Lauderdale News and Sun Sentinel*, April 10, 1995.

- Quick action to stop the harassment and to recognize the impact on the victim is good business and is necessary for damage control when sexual harassment does occur; and
- In-house responsiveness to complaints often will keep potential lawsuits, with their attendant tangible and intangible costs, from ever being filed.

Support for changes in charge processing and the implementation of alternate dispute resolution

The administrative agencies charged with investigating and remediating discrimination, including sexual harassment, lack sufficient personnel and funds to handle the flood of complaints they receive.

The AC and FCHR also handle other discrimination claims, including those based on race and disability. Nationwide, the Equal Employment Opportunity Commission reports that it received 91,189 charges during FY 1994, compared to 63,898 charges in FY 1993. Of the additional 27,291 charges filed, 18,827 were filed under the Americans with Disabilities Act (A.D.A.). At the same time, the Commission's backlog has increased from 45,717 charges in FY 1991 to 96,945 charges in FY 1994. The AC has 735 investigators, and, at the FY 1994 rate of charge-filings, each investigator has 124 charges to handle per year. Taking into account available workdays and intake time, investigators have only 9.6 hours to investigate each charge, with *no time* allowed for reducing the backlog.⁹⁹ A similar situation exists in Florida, where sexual harassment complaints accounted for only 291 of a total of 7,746 complaints filed during FY 1993-94.¹⁰⁰ Further, the FCHR may ask the AC to investigate any complaint that it cannot handle, thereby increasing the burden on the AC.¹⁰¹

During the 1980s, the AC adopted a policy that all charges must be investigated; it also rated performance on the number of charges processed, with additional points being given for resolutions "on the merits." These policies not only have spread the investigative staff too thin, but also have produced, "no cause" findings even though an adequate investigation would have produced a finding that the charge was meritorious.¹⁰² This phenomenon often is exacerbated by the fact that it's often easier for the agency to rule against the employee, who is frequently underrepresented at the agency level, than against the employer, which responds through a cadre of lawyers.¹⁰³ And, although both state and federal laws were intended to encourage alternate dispute resolution and

99 "AC Changes in Charge-Processing and Alternate Dispute Resolution..." *Civil Rights Act and EEO News*, Issue Number 19, May 8, 1995.

100 Florida Commission on Human Relations, Intake Contacts by Basis — FY 1993/94.

101 "Backlog Creates Flood of Lawsuits; Agencies OK Right to Sue without Probing Complaints," by Vicki Vaughan, *The Orlando Sentinel*, July 11, 1994.

102 *Id.*

103 "Backlog Creates Flood of Lawsuits; Agencies OK Right to Sue without Probing Complaints," by Vaughan, *ante*, quoting Orlando employment lawyer, Jim Turner.

to discourage lawsuits, in reality they do neither, because statutory conciliation takes place only *after* a "reasonable cause" finding.

The backlog of cases and the seemingly interminable wait for justice that results, the rarity of "cause" findings and the ineffectiveness of the overall remedial scheme by anything short of a lawsuit has led to a lack of confidence in the administrative system and frustration on the part of charging parties and their advocacy groups.¹⁰⁴ To remedy these problems changes must be made either in the charge processing procedure, the enabling legislation, or both:

- to permit either the *prompt and effective* investigation of charges or the *immediate* access by aggrieved sexual harassment victims to the court system; and
- to afford a viable opportunity to resolve charges by agreement early in the administrative process by alternate dispute resolution.

Support for legislation that removes the caps on damages recoverable for sexual harassment

Under both Title VII and its Florida counterpart, Chapter 760, Florida Statutes, economic damages that have occurred at the time a lawsuit is filed are fully compensable regardless of the amount or the size of the employer. However, under federal law, *future* economic damages (e.g., the salary and benefits that a sexual harassment victim would have received in the future or the cost of future psychological care), *non-economic* damages (e.g., emotional distress, humiliation, loss of the capability to enjoy life) and *punitive damages* (intended not to compensate the victim, but to punish the wrongdoer and to deter similar conduct in the future) are capped at levels ranging from \$50,000 to \$300,000 depending on the size of the employer.¹⁰⁵ Under Florida law, while there is no cap on compensatory damages, punitive damages are limited to \$100,000.¹⁰⁶

Sexual harassment is a form of intentional discrimination. Removal of caps on compensatory damages will enable courts fully to compensate victims of sexual harassment. Victims of severe discrimination often suffer prolonged emotional and psychological harm.¹⁰⁷ Removal of the cap on compensatory damages under federal law will permit full compensation to a victim of sexual harassment. Lifting the cap on punitive damages under both statutory schemes will strengthen the message that intentional,

104 See, e.g., "A Report on Sexual Harassment in Florida for the Florida Commission on the Status of Women," dated February 17, 1995, and supporting materials provided by Pat French, 9 to 5 Florida Coordinator.

105 The Civil Rights Act of 1991, at 102(b)(3).

106 760.11, *Florida Statutes*.

107 See, e.g., Fran Sealer, *Sexual Harassment from Protective Response to Proactive Prevention*, 11 HEMLINE J. PUB. L & POLY. 61, 67-68 (1990) ("victims of sexual harassment...face serious emotional and psychological problems"). Studies have found the effects of harassment to include stress, headaches, vomiting, insomnia, damage to self esteem, personal safety, and reputation. *Id.*, at 67.

malicious discrimination, including sexual harassment, has no place in society; it will tell employers that sexual harassment in the work place is prohibited, not simply what the price will be if they permit objectionable conduct to continue.

Protect and reward the victims of sexual harassment who are “private attorney generals”

In *Stacked*, 791 F. Sup. at 1650, the court cited the following factor in support of its \$1 million punitive award.¹⁰⁸

“The cost to Stacked of performing the role of a “private attorney general” is real...[A]sexual harassment plaintiff, more so than perhaps any litigant besides a rape victim, is herself on trial. No corner of Ms. Stacked life or psyche was beyond the attempted reach of the Defendants’ inquiry. She pursued this action knowing that the most embarrassing and intimate details of her life likely would be discussed in a public courtroom. If sexual harassment is to be eradicated...the sacrifice called for in terms of the victim’s privacy and dignity must be recognized and her service rewarded for bringing the wrong-doer to account.”

Removal of the caps on punitive damages encourages victims of sexual harassment to bring their own suits, in the role of “private attorney generals,” and help to rid the workplace of sexual harassment. Protection against some of the indignities to which the court in *Stacked* referred has recently been added to the rules that govern the type of evidence that will be admissible at trial.

Federal Rule of Civil Procedure 412 strictly limits the circumstances under which a victim’s past sexual behavior may be used in a case involving sexual misconduct, including sexual harassment. It provides a procedure for determining admissibility that limits invasive questioning and inquiry both before and at federal sexual harassment trials. Although rape victims are afforded such protection in state trials, sexual harassment victims are not similarly shielded. The Florida Legislature should adopt a rule of evidence modeled after Federal Rule of Civil Procedure 412.

Education of women as to their legal rights and remedies and the availability of legal services

Women, often without the money to hire private attorneys, seldom know what to do or where to go when sexual harassment occurs. Because the laws against sexual harassment provide for an award of attorneys’ fees to prevailing party, many lawyers are willing to take sexual harassment claims on a partial or total contingency fee basis. Women need to be made aware that they need not be bogged down in the quagmire of the administrative process and that an effective and affordable remedy can be found in the legal system.

¹⁰⁸ The \$1 million punitive damage award rendered by the *Stacked* court case occurred because additional legal theories that do not limit the maximum amount of damages were raised. None of the theories provided for an award of attorneys’ fees to the prevailing party, a factor that makes such suits less attractive to lawyers who work on a contingency fee basis and to plaintiffs who then must pay a percentage of their recovery to their attorneys.

WELFARE REFORM MYTH vs. REALITY/PERSPECTIVE AND POLITICS

Attack Poverty, Not Women and Children

"The success of welfare reform — in particular, the viability of term limits — is in part predicated on the ability of labor markets to generate higher levels of employment at better wages, yet the trends...show this goal to be unrealistic in the current economic climate." Jared Bernstein and Lawrence Mishel, Economic Policies Institute, February 1994

"I think it can be said that we all agree with the notion that the current welfare system needs to be reformed. However, there is a big difference between getting people out of a system and getting people out of poverty. There is also a difference between using a two-year time frame as a guideline for review as to why someone is still in the welfare system and then working with that individual to figure out what isn't working and the notion of a two-year time limit which totally disregards individual circumstances and system failures." Deborah Sims, Executive Director, Single Mothers in a Learning Environment, Center for Women (Apopka), April 1994

The current debate around welfare reform is premised on the belief that most welfare recipients are: lazy and unwilling to work; having babies just to collect additional benefits; sexually promiscuous; collecting multiple benefits; long-time recipients. Stereotypes such as these have fueled recent proposals to place time limits on welfare benefits and to impose additional requirements on welfare recipients while establishing punitive measures against those who fail to perform. To have meaningful welfare reform, the myths and the realities and the cause and effect of the current welfare system of both the state and national levels must be distinguished.

The Realities

- Most AFDC recipients are children (over two-thirds).
- The typical family receiving AFDC has the same number of children as the typical non-welfare family.
- The vast majority (70%) of all people entering the welfare system leave within two years; 50% leave within one year.
- The most powerful predictor of welfare receipt is a change in marital status.
- The vast majority of the adults who received AFDC are single parents who face multiple obstacles to employment, but a significant number are employed at some point during the year.
- Families receiving AFDC are about as likely to be white as black.
- The value of AFDC benefits has been falling for over 20 years.
- The average monthly benefits per AFDC family was \$388 in fiscal year 1992, or a total of \$4,656 per year.

- ❑ Not all AFDC families receive benefits under other poverty programs; approximately 15% of AFDC families do not receive food stamps and 63% live in private rental housing for which they receive no housing assistance.
- ❑ Federal expenditures for AFDC in fiscal year 1991 represented less than 1% of the total federal budget (\$12.5 billion).
- ❑ While out-of-wedlock teen births have been increasing, out-of-wedlock births to women in their twenties have been increasing much faster.
- ❑ Only 30% of teen mothers go on welfare within three years of the birth of their children, compared to 20% of all women who become single mothers through divorce or widowhood.

The current debate is an attack on poor women and their children, and it is very important to keep this in mind as advocates for *real reform* move forward. First and foremost, true reform is about jobs that pay a living wage and have benefits. According to the Center for Law and Social Policy, for many welfare reformers and economists, availability of jobs for AFDC recipients is only part of the question. The other is how available jobs could impact poverty. Current wage trends indicate that jobs for low-skilled workers today do not pay enough to keep a family out of poverty. Economists are not optimistic that these trends will reverse with an influx of AFDC recipients into the labor force, despite substantial projected growth in jobs for low-skilled workers. Rebecca Blank (Northwestern University) asserts that "there is little prospect that women with low skill levels will be able to work their way into middle-income employment opportunities. At best, they face a labor market...with low-paid jobs, relatively high unemployment and turnover, and few fringe benefits."

Again, according to the Center for Law and Social Policy, "many economists are doubtful that jobs for low-skilled workers will be sufficient to deliver people out of poverty. For example, Gary Burtless of the Brookings Institution has found that women who work full-time, year-round have trouble meeting even the poverty line." In 1993, the poverty line for a family of three was \$11,522; for a family of four, it was \$14,763. A full-time minimum wage worker today only earns about two-thirds of the poverty level set by the Federal Government.

According to a report issued by the Center on Budget and Policy Priorities (October 1994), "Even though the economic recovery shifted into higher gear in 1993 and the unemployment rate fell, the annual poverty and income data released by the Census Bureau were discouraging. In 1993, the poverty rate remained exceptionally high, and the number of poor people continued to rise. The income of the typical middle-income household dropped, and income disparities between the wealthy and other Americans reached their widest point in more than a quarter century. These dynamics are important to understand as we examine the growing animosity of the "middle class" towards those with lower incomes who receive public assistance.

And what about Florida? How does Florida fare on the treatment of the poorest citizens? Not much differently than the rest of the country! In fact given the state's high per capita income, Florida's performance could be called a disgrace.

Recent figures provided by the Department of Health and Rehabilitative Services (HRS) indicate that approximately 238,900 families receive AFDC. This translates into approximately 660,000 individuals. About 49% are African-Americans, 32% are non-Hispanic whites and 16% are Hispanic. The average length of stay on AFDC is 20 months (less than two years). However, many people do go off and return. The average AFDC profile is a mother and 2 children. The maximum benefit level for a family of three is \$303, the average benefit is \$273; however, the standard of need, based

on the federal poverty level, is approximately \$970. This means that Florida pays 31% of need in AFDC. More than 7,000 families are in the AFDC Unemployment Parent program, which serves two-parent families. Florida's benefit level has not been increased in the last four years. Only 13 other states have lower benefit levels, most of them in the South.

More than 1.5 million people receive Food Stamps, approximately 611,290 households. The maximum allotment for a family of three is \$304. The gross monthly income eligibility standard, at 30% of poverty for that family, is \$1,335. If a family were receiving the maximum in AFDC and Food Stamps, a total of \$607, they still fall short of the Federal Poverty Level by several hundred dollars a month.

And what about other benefits? More than 25,000 children are on waiting lists for subsidized child care. Most localities do not even accept people on the waiting lists for subsidized housing. An average wait is five years in many places.

What about jobs in Florida? According to an October 1992 demographic profile of the Southeast prepared by the Center for Demographic Policy Institute for Educational Leadership, the fastest growing jobs in Florida through 1995 are in the following areas: sales clerks, waiters/waitresses, office clerks, fast food workers, guards/doorkeepers, elementary teachers, store managers, nurses' aides, kitchen helpers and truck drivers. According to the profile, for every new job created for a computer programmer, Florida will generate 13 jobs for clerks. "With all the talk about a 'high-tech economy' emerging, it is more likely that we will continue the development of two work forces, one fed by college graduates and working in the professions, the other fed by high school dropouts and working in the low end of the service occupations."

In addition to low wage jobs, other factors contributing to child poverty and dependence on the welfare system are lack of health care coverage outside of Medicaid, which is provided through the AFDC program; lack of available transportation; and weak enforcement of child support provisions. According to the Center for Law and Social Policy, "in every state, unmarried mothers have an obligation to support their children. Unmarried fathers, on the other hand, have no such responsibility until their paternity is legally established. Once paternity is determined, the father has an obligation to provide both cash support and health insurance if such insurance is available at reasonable cost.

Unfortunately, only 33% of all children born to unmarried parents have had their paternity established. Among children who receive AFDC, whose parents were not married, the number is even lower — 18%. In Florida in 1992, approximately 139,000 children received AFDC benefits without having paternity established. Collection of child support from parents where paternity is not in question, is weak to non-existent; Florida recently has stepped up efforts to improve in this area. Last year, responsibility for enforcement was transferred to the Department of Revenue.

According to the Center on Budget and Policy Priorities, "a weaker safety net also has contributed to the rise in poverty. In 1993, fewer than one in every seven children who were poor before receipt of government benefits were lifted from poverty by these benefits. The AFDC program, the primary cash assistance program for poor families with children, has been cut especially dramatically. Between 1970 and 1994, the AFDC benefit for a family of three without other income fell 47% in the typical state, after adjusting for inflation. AFDC benefits for the working poor have also eroded."

Federal expenditure for AFDC in fiscal year 1991 represented less than 1% of the total federal budget. The 1% figure has remained basically unchanged for the past 10 years. In 1991, the average state spent 2% of its revenue on AFDC.

Another reason for the increased AFDC caseloads during the 90s recession is the failure of the Unemployment Compensation system to protect against unemployment as effectively as in the past. According to the Center on Budget and Policy Priorities, only 37% of the unemployed received unemployment compensation benefits in 1990; this compares to 50% in 1980. In some states, only about one in five of the unemployed receive benefits. Often this is due to restrictive unemployment compensation rules which are particularly harmful to poor workers. A study by the Congressional Research Service found that workers with lower monthly earnings or lower hourly wages were less likely to receive benefits. When unemployment insurance fails, families have to fall back on welfare. The CARS study found that over one-third of unemployed family heads not receiving unemployment insurance relied on cash welfare. In 1990, Florida ranked third from the bottom in the percentage of unemployed receiving benefits; only 20.6% of those eligible got help.

Business As Usual

And what about the AFDC program, Aid for Dependent Corporations? In 1994, taxpayers paid an estimated \$51 billion in direct subsidies to business and another \$53.3 billion will be lost in tax breaks for corporations, according to the Office of Management and Budget and the Congressional Joint Committee on Taxation.

According to an article written by James P. Donahue, a researcher with Essential Information (a non-profit, corporate accountability research group), "the most costly form of corporate welfare in 1994 will be subsidies for Agribusiness, costing an estimated 29.2 billion. By contrast, the federal government spend \$25 billion for Aid to Families with Dependent Children."

The rationale offered for this corporate welfare assistance is based on the premise that they will generate jobs, which in turn puts money back into the economy. Agribusiness is Florida's second or third largest industry, a multi-billion dollar enterprise. Yet virtually its entire labor force lives in poverty. Moreover, millions of taxpayer dollars are being spent to clean up the environment because of damage caused by pesticides. Accordingly, taxpayer dollars are being used to subsidize a multi-billion dollar industry with a labor force that must rely on taxpayer dollars to subsidize their employment with food stamps, daycare, health care, housing assistance, and unemployment benefits.

Where is the public outcry for a two-year time limit for these multi-billion dollar industries to be self-sufficient? As Donahue says in his article, "Given that corporate welfare represents only a tiny fraction of the overall net worth of corporate America, shouldn't its societal benefit be scrutinized at least as closely and as widely as AFDC?"

The national debate is about power and perspective. If it were truly about reform, this country's notion of welfare would have to be addressed in its entirety. Poverty, not women and their children, should be attacked!

COMMITTEE REPORTS

FLORIDA COMMISSION ON THE STATUS OF WOMEN

Committee List

1. Annual Report Committee

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Kate Gooderham
Mona Jain
Bob Levy
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Marsha Griffin Rydberg
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5. Employment

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Susan D. Wilson, Treasurer
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15. Women's Hall of Fame/Women's History

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Karen Woodall
Elsie B. Crowell
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16. Welfare Reform Task Force

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Judy Byrne Riley
Marty Pinkston

**Public Hearing
by Karen Woodall, Coordinator**

**Dade City, Florida
December 17, 1994**

The Commission held the first of what will become a series of public hearings in December in Dade City, Florida at the Pasco/Hernando Community College. Farmworker's Self-Help worked with the Commission to organize the meeting which was held on a Saturday so as to enable working people's participation. Dr. Mike Rom, Provost of the College, welcomed the members and staff of the Commission and introduced Margarita Romo, Director of Farmworker's Self-Help, Inc.

Seven Commissioners were present and approximately 50 people from the Pasco County area attended. Many of those who testified were involved in agricultural labor. Women spoke of problems within the school system relating to discrimination and racism, concerns around wages, and health care concerns. Several young people testified as to their experiences in school and the community. Dade City has no community recreation center or organized activities for young people, so young people feel detached from the community and get into trouble. Although most of the testimony came from women, there were also two young men who spoke.

Commissioners were surprised to learn that a farmworker could work all day picking oranges, with as many as 2,000 oranges in a tub, and get paid only \$7.50 a tub. Other concerns raised included the practice of landlords charging high rents for places with leaky roofs, no day care for children who often follow their mothers into the fields, and a communal lack of self-esteem.

The testimony was very moving, and the dialogue that ensued between Commissioners and community representatives was very meaningful for everyone involved. In addition to people from Dade City, there was a Pasco County Commissioner and a professor from the New Port Richey Campus of the Community College. The hearing helped to facilitate some networking within the county. Hearing participants were very appreciative of the fact that the Commission was asking for their input. They shared that they often feel "left out" because they are in a rural, poor community. They want to continue to be involved in the activities of the Commission.

**Communications Committee,
Judy Byrne Riley, Chair**

The Communications Committee was established to create public relations products highlighting events or issues of importance to Florida women, including public service announcements, speeches, and media packages for events such as Women's History Month, the 75th Anniversary of Suffrage (also known as Women's Equality Day), and the Women's Hall of Fame.

Suggestions have been made to request that public service companies, like utilities and cable television, include information regarding women's history in their March bills. Other suggestions include developing a women history curricula for schools. These suggestions will be implemented as the Commission's time and resources allow.

In conjunction with the Women's Hall of Fame/Women's History Committee and the Intern Program, one intern's research paper will be reproduced for distribution on August 26, Women's Equality Day.

Education Committee
Marsha Griffin Rydberg, Chair

The Education Committee spent its year assimilating valuable data and adjusting to changes resulting from the November election. The American Association of University Women has a wealth of information which the Committee did not want to duplicate. Ultimately, the Committee thought that it might provide a service by spotlighting various programs throughout the state that were particularly helpful to women and girls. As this project was being developed, the elections brought change to the Department of Education.

While the Committee was preparing to renew its efforts in coordination with Commissioner Brogan, an opportunity arose to participate in a program with the Departments of Education, Labor, and HRS, on a task force entitled: School-to-Work Initiative. The task force comprises 13 representatives, who will serve one year, and its mission is to determine how all Florida students will benefit from this program, if funded. There are three components of the program: (1) work (career shadowing), (2) school (relevance of school/job relationship by age nine), and (3) transition from school to work (counseling). Former Senator Helen Gordon Davis has agreed to serve on this task force as the FCSW representative. The task force will establish policies and guidelines to implement the program and determine marketing strategies to ensure that all children are reached.

Employment Committee
Susan Gilbert, Chair

The Florida Commission on the Status of Women has conducted its second survey on Women in the Workplace. This survey is a follow-up to our report last year, which highlighted the top ten women-friendly companies in Florida.

This year we surveyed over 700 employers, an expansion of our first survey of 300. The employers were asked to submit extensive documents about their human resources and training methods. The questionnaire sought specific information about each employers' experience in recruiting, retaining, developing, and advancing women in the state of Florida as well as information about any programs and policies they have in place to address these issues.

Additionally, we conducted on-site and telephone interviews with women who work in each company identified as a finalist. From the results of this extensive research, we were able to identify Florida's Top Ten "Women-Friendly" Employers by rank. Encompassing newspapers, government agencies, health care providers, transportation, one university, and a bank system, the ten represent Florida's largest employers, with 800 employees or more.

The top ten are:

- Barnett Banks, Inc., Jacksonville
- Ryder System, Miami
- Baptist Hospital, Miami

- The Miami Herald*, Miami
- Bayfront Medical, St. Petersburg
- St. Petersburg Times*, St. Petersburg
- AvMed/Santa Fe, Gainesville
- University of Central Florida, Orlando
- Tachachale Florida State Development Services Institution, Gainesville
- Florida Department of Environmental Protection, Tallahassee

FCSW submitted its "Women in the Workplace" employment survey for national recognition by the National Association of Commissions for Women for a special projects award. Our commission received this award at the annual convention of the NACW in Baltimore, Maryland on July 21. FCSW tied with the Hawaii CSW for the 1995 Outstanding Achievement Award, which "recognizes the winning commission(s) as a source of inspiration and model of excellence for others to follow as we all work for equality for women." (NACW nomination form).

In addition, the survey has been sent to the U.S. Department of Labor's Women's Bureau for their potential use as a model for a nationwide effort. The Commission remains committed to recognizing Florida's employers who have women-friendly and family-friendly programs in place.

The Commission takes special time to thank and recognize Dr. Deborah Johnson of Associates in Organizational and Health Psychology, Inc. for dedication and efforts on behalf of FCSW.

Family Committee **Kate Gooderham, Chair**

Many issues that impact the status of women are family issues. Until this year, the Florida Commission on the Status of Women has not looked at these issues from the viewpoint of the family. This will be an ongoing process that will provide the Commission, the Legislature, and the people of Florida with a new perspective.

Numerous definitions of "family" have been used; however, the politicization of the word keeps definitions from being helpful. As a result, the committee has determined that "family" should be self-defined for the purposes of this discussion.

Until the Industrial Revolution took men from home-based businesses and family farms to factories, women worked alongside their husbands. The Industrial Revolution began the first major disruption of the family. While many women also left their homes for factory jobs (albeit segregated factory jobs), the shift to large numbers of women working outside the home began in World War II and accelerated during the 1960s. At the same time, society became more transient. Grandparents and other relatives no longer lived in the same house or same community. They could no longer provide an economic or emotional safety net.

In the meantime, children became less critical economic components to the family. In fact, by the middle of the 20th century, children cost the family money rather than earned any. Before the Industrial Revolution, even small children helped on the family farms and businesses; the necessity

of education for the new jobs and the reduced availability of work sent children to school for longer and longer periods of time. Today, one-half of all children live in non-traditional families.

Clearly, these changes have caused economic disruption. More than one-third of all two-parent families would be poor if both parents did not work. The economy's shift to lower-paying jobs has disproportionately fallen on young families. During the Depression, per-capita income fell by 27%. Between 1973 and 1986, the median income of families headed by a person age 30 fell by exactly the same amount.

In order to strengthen families, the Committee needs first to address characteristics of strong families:

- Clear, open, frequent and honest communication
- Mutual support and respect for family members
- Mutual feeling of being valued and having a sense of being part of a team
- Sense of delight, liking, warmth, and humor
- Church or synagogue attendance or adherence to a belief system
- Ability to cope with stress and changing circumstances
- Clear roles that are flexible but well-defined
- Time together
- A support network — family, friends, neighbors, and community organizations

At the same time, the Committee will investigate issues that weaken both the family and the status of women:

Teen pregnancy: Today's perceived teen pregnancy crisis is essentially a fallacy; the teenage pregnancy rate hit its peak in the 1950s. The difference then and now is that those teens were older and they were married. The numbers of pregnant teens giving their children up for adoption has dramatically dropped. The impact of teen pregnancy on the family is economic. Only 5% of teen mothers get college degrees. One-third of the daughters of teen mothers go on to become teen mothers themselves. Because mothers are the determining factor in how much children value education, these teen mothers perpetuate a disinterest in education — thereby losing a proven asset in breaking the cycle of poverty.

Although many blame the welfare system for encouraging teen pregnancy, statistics belie that notion. The unmarried teenage pregnancy rate increased at the same time that welfare benefits decreased. The key to this issue is to help those young women find a focus and, if they have had one child, to break the cycle before they have another.

In addition, further study of the societal impacts that increase teenage motherhood should occur. For example, the overwhelming majority of babies born to teenage mothers (including those mothers under the age of 15) are fathered by *adult* men. The majority of teen mothers conceive at home, in the afternoon, during the week, while their parents were at work.

Domestic violence: One of the primary foci in this report is domestic violence. Domestic violence impacts women specifically, since 95% of domestic violence involves women. Over 100,000 incidents of domestic violence were reported in Florida in 1991–92. Domestic violence causes more injuries to women each year than car accidents, rapes, and muggings combined.

Nearly one-third of women who are murdered will be killed by a husband or boyfriend; nearly one-third of all women who arrive at emergency rooms seeking treatment will have injuries caused by domestic violence. Domestic violence cost about \$2.5 billion last year in health claims.

Domestic violence not only is a crime, but it strikes at the heart of the family. Other silent victims, the children that witness that violence, also must be considered. Studies reflect that the vast majority of male prison inmates either witnessed violence in the home or were abused themselves. Girls learn that it's okay to be hit and boys learn that it's okay to hit. Research indicates that most women who have killed a husband or lover have been abused by the man. The children then have lost both of their parents.

Women working outside the home: More than one-third of all two-parent families would be poor if both parents did not work. Single parents must work. As a result, the workplace must become more "family friendly." Arrangements must be made for men and women to combine work and family life.

Working Women magazine included five Florida-based companies in their top 100 companies having programs to support women: Barnett Bank, Baptist Hospital, the *Miami Herald*, Bayfront Medical Center, and the *St. Petersburg Times*.

While firms are making some progress in making the workplace more "mother friendly," little is occurring to make the workplace "father friendly." More active and committed fathers ease poverty, crime, and delinquency, as well as easing the burden on working mothers. Men are as likely as women to worry about family problems at the office.

Health Committee **Mohinder (Mona) Jain, M.D., Ph.D., Chair**

The mission of the Health Care Committee of the Florida Commission on the Status of Women is a long-standing commitment to improve the health status of Florida women and their families through research, legislation, and communication. To achieve the mission of healthy women in Florida, the first Women and Health Care Report was initiated to create a dialogue among individuals and organizations, both public and private. The Committee's strategy has been to focus on the most significant health issues faced by women at every stage of their lives.

In the Women and Health Report, promotion of health, prevention of diseases, early intervention, diagnosis, and treatment were listed as important factors in women's health care. Universal, comprehensive, accessible, affordable, quality, continuous care not only is a gender issue but also a human concern for all Floridians.

The Committee reviewed a variety of data from national, state, and local levels to study the main issues relative to women's health. The major diseases affecting Florida women were highlighted with key recommendations for improvement. A total of nine key recommendations were made. The Committee is concentrating on some of them as a starting point to increase the visibility of women's health issues.

All of the Florida medical schools and the two key Florida health care-related agencies, Agency for Health Care Administration and the Department of Health of Rehabilitative Services, have been advised regarding course requirements for women's health. Contact individuals in these agencies have been identified to assist in data collection and to serve as a conduit for the Commission to obtain essential research developed by the State of Florida.

Some of the input from the schools has proved beneficial. Most of the schools appear to be sensitive to the area of women's health in light of recent publicity. The Universities of Florida and Miami actively are involved in research as well as clinical trials on health concerns for older women. The Commission also has received information about a proposed Institute for Women's Health at the University of Florida. In addition, the Committee has been active by participating with other organizations in their ongoing efforts to address women's health issues. It has:

- Participated in a Women's Health Panel with the University of Florida (Dr. Marian Limacher) at the Women's Studies Conference held at Florida State University.
- Co-sponsored a Women's Health Conference with Zonta International of Tallahassee.
- Assisted the Breast Cancer Task Force through their network to inform women of preventative measures to save lives.
- Joined efforts with the Governor's Domestic Violence Task Force and the Office of the Attorney General to highlight incidents of domestic violence and to inform the public of this critical health issue.
- Educated the public through the FCSW annual report and by the support of legislation to prevent insurers from denying insurance coverage to women who are victims of domestic violence.
- Participated in several forums of mini-discussions to share the research contained in our 1993 Women and Health Report.

The committee's goal is to continue working on the recommendations set forth during the previous year and to remain active with other groups to educate and to inform girls and women about health issues. The need for accurate information on women's health has never been greater.

The Commission must continue to push for universal health coverage as women are more adversely affected. The need for monitoring health care initiatives and for funding of women's research is a priority as the present Congress seems set on slashing publicly-funded budgets.

Internship Program
Elsie B. Crowell, Coordinator

FCSW has an active formal internal program with Florida State University and the University of Florida. The Commission is pursuing establishment of formal intern programs with other state universities. To assist, a profile of Women's Studies programs has been requested from the Board of Regents. This profile provided program descriptions, degree offerings, and other pertinent data on all programs in each of the nine state universities. Letters were sent to each university inquiring about their interest in participating in the program with FCSW. Varying responses were received with requests for more detailed information. Policies and Procedures were prepared and were distributed to interested universities in an effort to assist them in obtaining approval for course offerings and grading through respective departments.

Profile of FCSW Interns

Florida State University

1. Paige Murphy — worked as an office assistant.
2. Hugo Rodrigues — researched Women in Prison issues.
3. Heidi Schumacher — researched Health Care issues and worked with the Health Care Committee.
4. Cherri Stratton — Research Paper: *Women and the Vote: The Suffrage Movement in Florida*.

University of Florida

1. Shea McIntosh — Research paper comparing jobs for women and men in Florida during World Wars I and II.
2. Brandi Scollins — Research paper: *Women's Early Political History in Florida*.
3. Jennifer Graff — Research paper: *Women in Medical Schools/Florida*.

No interns have been recruited this semester but continued interest in this program is expected in the future.

Recommendations

1. **Continue to refine the Internship Program.**
2. **Publicize the research done by the students.**
3. **Provide a forum for students to present their work at a Women's Studies Conference or Women's History Month activities.**
4. **Seek input from Commissioners on research they desire or need.**
5. **Increase participation of interns from other schools with active women's studies programs.**

Legislative Committee Robert M. Levy, Chair

In 1994 and 1995, we had two issues that directly impacted the commission. The Commission needs to establish a Direct Support Organization to underwrite research projects. The DSO died not on the virtue of the issue but rather because our issue is simply not of enough significance to warrant its own legislation in the House with a six-bill per member limit, and our amendment to accomplish this died when the legislation on which it was amended died. We will continue our endeavor to establish a DSO.

Our annual appropriation was the only other issue that directly impacted us. In 1994, we received our requested budget, which has grown proportionately with the Commission — not with our needs and direct services, but proportionately with other similar commissions. 1995 was a very different story, as

several minority commissions were zero budgeted. FCSW was one of the few that survived legislative zero basing to continue with governmental support.

The Florida Legislative Session lasts sixty days, including weekends and holidays. Every Friday, our Legislative Committee met by telephone conference wherein we discussed not only the aforementioned two issues, but a broad panoply of issues impacting women. This is a very effecting networking experience, and we will continue that experience. It affords us an opportunity to have questions asked by people who understand the issues — and they take the responses into an outreach network that transcends so many different levels. We are communicating effectively what is happening during the session on issues of importance to us all.

While some of the following information is dated, as it applies to the 1994 Legislative Session, it is important for historical purposes to reflect what happened during that session. Some of the issues we confronted in 1994 include the following.

Adoption: Legislation *failed* that would have allowed men who have intercourse outside marriage to register their name, addresses, and the women with whom they have sex with the state. If the woman has a child and she wants to put up for adoption, the man would be notified. This would cut to six months the period in which a challenge to an adoption could be made.

Castration for Repeat Rapists: This has been reintroduced in 1995 and would allow a sentence of chemical castration for men after the second conviction for rape; death after the third.

Contraception for Welfare Recipients: Legislation to pay women on welfare \$100 a quarter for 10 years if they use long-term contraception and to offer young, low-income men a free vasectomy and \$500, has been introduced.

Diversity on College Boards: Legislation assuring that committees selecting community college presidents must have members that reflect the gender and ethnic diversity of the area has been suggested.

Pregnancy Benefits: Senator Grogan and Representative Brennan introduced legislation that would have expanded the coverage of the pregnancy discrimination laws to cover those employers with more than one employee, as opposed to the current state and federal law, which only covers those with 15 or more employees. The Senate bill was killed in Judiciary.

Clinic Blockade: HB 3 introduced by Representative Gordon, and SB 132, filed by Senator Silver, and SB 316 sponsored by Senator Boczar all failed. They attempted to clarify the balance between the expressive free speech rights of protesters at medical facilities and the rights of clinic staff and patients not to be the subjects of criminal activity.

Corporal Punishment: HB 127 filed by Representative Rayson and SB 32 sponsored by Senator Johnson would have prohibited corporal punishment in public schools; currently this is a "logical option." The SB passed committee, but the bill was never brought up in the House.

Suing Parents: HB 399 introduced by Representative Brown and others and Senate Bill 1260 filed by Senator Boczar would have allowed children to sue their parents for damages resulting from intentional physical abuse or incest. Florida law currently does not permit children to sue their parents. This bill never reached final passage.

AIDS: Nothing passed in the area of AIDS privacy preventative legislation. HB 121 sponsored by Representative Gordon and Senate Bill 2070 introduced by Senator Foley would have clarified that insurance companies may not reveal any information concerning whether a person has taken a test for HIV. A clean needle exchange program was established and professional health care providers' offices were prohibited from discrimination because of HIV. They also provided for greater availability of condoms and required universities and community colleges to have AIDS awareness programs. These bills were combined with SB 362 (Senator Myers) and SB 2782 (Senator Wexler) and HB 615 (Representative Benson) and HB 729 (Representative Jacobs) all of which failed. These bills would have required name reporting to county public health units of all people who are HIV positive and would change the requirement that AIDS tests could not be done without separate consent and counseling.

One of the most controversial areas monitored was that of the health care legislation and women's right to choose. The prohibition on abortion coverage in the state health care plan passed the Senate; and it was stopped in the House.

Notable legislation which **PASSED** included the following.

Equality, SB 340 by Senator Bozcar and HB 653 by Representative Wasserman Schultz: This is the so-called "gender balance bill" which provides for equity on the basis of sex and minority status in appointments to government boards and commissions; in consultation with the Governor, the wording was changed to avoid a veto.

Rape, HB 21 by Representative Gay and SB 356 by Senator Burt: This legislation clarified the rules of evidence to state that a rape victim's request that the perpetrator wear a condom is not, without more, relevant to prove consent.

Professional Conduct, HB 1981 by Representative Shepard and SB 2564 by Senator Bozcar: The law prohibits professionals, who are being disciplined administratively for improper sexual conduct with clients or patients, from defending the action by bringing in irrelevant evidence of the victim's prior sexual history.

Domestic violence, SB 1022 by Senator Diaz-Balart and HB 525 by Representatives Villalobos and Wasserman Schultz: This law makes it easier for law enforcement to serve orders protecting people from domestic violence and to enforce them across county lines. Filing fees for divorces were increased by \$18 to go directly to domestic violence shelters.

Divorce, HB 581 by Representative Feren and SB 1726 by Senator Siegel: This legislation allows an award of attorney's fees on appeals of a domestic case including support and property division matters. Female spouses often are prevented from challenging defective trial orders because they cannot afford to pay counsel. Attorney's fees already are allowed at the trial stage; this law expands to the appellate level.

A handful of legislators who filed most of this legislation are to be commended. Many of these issues will be back. It is a challenge — especially without fighters like Representatives Elaine Gordon, Senator Helen Gordon Davis, and Representative Carol Hanson (*Mayor of Boca Raton now!*).

Women's History/Hall of Fame Doris Weatherford, Chair

In 1994 the Florida Women's Hall of Fame finally reached visible, permanent form.

The Hall previously existed largely on paper. It was begun by the Governor's Commission on the Status of Women that was in place during the administration of Governor Bob Graham. Varying numbers of women were selected for this honor in 1982, 1984, and 1986. The records were misplaced, however, and the Hall fell dormant.

After Governor Lawton Chiles took office, the 1992 Legislature passed a bill creating a permanent Florida Women's Hall of Fame. It provided for display space outside of the Department of Education on the Plaza Level of the Capitol, but because no funding was attached to the bill, the Commission's work was slowed. The bill mandated the inclusion of the women who were selected in the previous decade, but because records had been lost, many of these biographies had to be re-researched.

All was finally accomplished, and individual plaques, with biographies and photographs, were hung for the 27 women of the early Hall, plus the six (three per year) who were chosen in 1992 and 1993. On August 26 — the anniversary of the Nineteenth Amendment which granted women the right to vote — Governor Chiles led a Capitol ceremony to dedicate the Women's Hall of Fame to reestablish the history of some of Florida's most famous women.

A second ceremony was held at the Governor's Mansion on November 21, in conjunction with the organizational session of the Legislature. During that time, the 1994 members of the Hall of Fame were inducted. As in the past, the Commission solicited nominations from the public. Women from all parts of the state were nominated by individuals and organizations. In keeping with the legislation's guidelines, the Commission forwarded ten finalists to the Governor, who selected three honorees. The ten nominees forwarded to the Governor were:

Alicia Baro (1918 –) of Miami, founder of the National Conference of Puerto Rican Women and other civil rights groups.

Nikki Beare (1928 –) of Miami and Havana, who, among many other accomplishments, challenged airline employment and newspaper advertising policies that adversely affected women.

Betty Castor (1941 –) of Tampa and Tallahassee, who was the first woman elected to the Florida Cabinet and the first female Senate President Pro Tempore.

Carita Doggett Corse (1891–1978) of Jacksonville, who headed the Federal Writers' Project in Florida during the Great Depression and was state director of Planned Parenthood during World War II.

Helen Gordon Davis of Tampa, who sponsored many bills on behalf of women during eighteen years in the Legislature, as well as funding comparable worth study and Tampa's Centre for Women.

Betty Mae Jumper (1923 –) of Hollywood, the first woman elected Chair of the Seminole Tribe of Florida.

Gladys Milton (1924 –) a Walton County mid-wife, who delivered more than 2,000 babies and successfully fought for the right of midwives to practice.

JoAnn H. Morgan (1940 –) of Brevard County, who was the lead engineer on NASA's Apollo program and the Kennedy Space Center's first female senior executive.

Sara Francis Pryor (1877–1972) of Fort Walton Beach, who was appointed postmaster in 1918 and founded the area's first Woman's Club.

Ivy Cromartie Stranahan of Fort Lauderdale (1881–1971), Broward County's first teacher, who moved there in 1899 to teach Seminoles, and was also president of the state's suffrage league.

Of these ten nominees, Governor Chiles chose **Nikki Beare, Betty Mae Jumper, and Gladys Milton** as the 1994 inductees to the Florida Women's Hall of Fame.

1995 is both the 150th anniversary of Florida statehood and the 75th anniversary of women's right to vote under the Federal Constitution. Resolutions have been sponsored by the Cabinet and the Legislature, and the Commission will be supporting various commemorations on the anniversary date, August 26.

ACKNOWLEDGMENTS

Thanks to the following for their efforts and support on behalf of FCSW and/or its issues:

Governor Lawton Chiles and Lt. Governor Buddy MacKay for their support, and to our other appointing officials: Secretary of State Sandy Mortham, Attorney General Bob Butterworth, Comptroller Bob Milligan, Insurance Commissioner/Treasurer Bill Nelson, Education Commissioner Frank Brogan, Commissioner of Agriculture Bob Crawford, President of the Senate Jim Scott, and Speaker of the House of Representatives Peter Rudy Wallace and their predecessors;

Attorney General Bob Butterworth for his support and assistance, and to Pete Antonacci, Karen Weaver, Carlos McDonald, Kent Perez, Jerry McDaniel, FCSW General Counsel Pat Gleason — who serves as General Counsel to the AG and to FCSW for her advice, Glenys Smith, Linda Dodson — Art Director — and all other AG staff, Sandi Beare — FCSW Executive Director, and Michele Manning — FCSW Administrative Assistant;

Robin Hassler, Director of the Governor's Task Force on Domestic Violence, members of the Task Force, and staff; Doris Reeve-Lipscomb — Lt. Governor Buddy MacKay's office;

Senator Patsy Kurth and Representative Shirley Brown, co-chairs of the Women's Legislative Caucus, and Senators Ginny Brown-Waite, Katherine Harris, Betty Holzendorf, Toni Jennings, Karen Johnson; Representatives Annie Betancourt, Elaine Bloom, Mary Brennan, Larcenia Bullard, Lisa Carlton, Cynthia Chestnut, Faye Culp, Mandy Dawson, Willye Dennis, Lori Edwards, Lois Frankel, Addie Greene, Sally Heyman, Debbie Horan, Suzanne Jacobs, Evelyn Lynn, Anne McKenzie, Sharon Merchant, Debra Prewitt, Beryl Robert-Burke, Debby Sanderson, Debbie Wasserman-Schultz, Helen Spivey, and Marjorie Turnbull; all members of the WLC; other members of the Florida Cabinet and Legislature;

Public Service Commissioners Julia Johnson and Jose Garcia, for their help with telecommunications and minority issues;

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