

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 17-319 (Preventing Sexual Harassment in State Agencies)

WHEREAS, it is the policy of the State of Florida that sexual harassment is a form of discrimination that is not to be tolerated within the workplace; and

WHEREAS, both state and federal laws prohibit sexual harassment in the workplace; and

WHEREAS, sexual harassment undermines the integrity of the workplace and the personal dignity of the individual; and

WHEREAS, I strongly believe that sexual harassment or misconduct of any kind has no place in state government; and

WHEREAS, I am committed to providing a working environment at state agencies that is free from sexual harassment for state employees, for all citizens participating in state programs, and for others who interact with state agencies; and

WHEREAS, on June 14, 2017, I signed into law new protections for victims of sexual harassment to encourage reporting of instances of harassment and to avoid further harassment or retaliation against victims of harassment; and

WHEREAS, the implementation of uniform sexual harassment reporting and investigation practices across all state agencies will further promote the goal of eradicating sexual harassment and misconduct from state government;

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, in order to ensure a work environment free from sexual harassment, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. I hereby direct all agencies headed by an official serving at the pleasure of the Governor to adopt and implement the following practices regarding sexual harassment:

1. **Training**—Each agency shall provide training addressing sexual harassment for all new employees no later than 30 days after the start of employment. Agencies shall provide additional training addressing sexual harassment for all employees in a management or supervisory position. Documented evidence of each employee’s participation in training shall be retained in the employee’s personnel file.
2. **Procedures for Investigating and Resolving Complaints**—Each agency’s procedures for investigating and resolving complaints of sexual harassment shall address the following:
 - a. **Complaint Procedure:** Each agency shall designate a person or persons other than an employee’s immediate supervisor to receive complaints of sexual harassment. Those designated shall include, but are not limited to, the agency’s Director of Human Resources (or equivalent position) and Office of the General Counsel.
 - b. **Investigation Procedure:** Each agency shall initiate a prompt review of all complaints of sexual harassment. In accordance with state and federal law, retaliation against anyone who has reported possible sexual harassment is strictly prohibited. Each agency shall take steps to protect the privacy of those involved during its review and any related investigation and to protect against the disclosure of personal identifying information of a victim in an allegation of sexual harassment. To the extent practicable, each agency should take action to eliminate further contact between the complainant and the subject of the complaint until the conclusion of the investigation. Each agency shall consult with its Office of Inspector General as necessary in conducting investigations of complaints of sexual harassment.

c. **Post-Investigation Procedure:** Following an investigation and any disciplinary or other corrective action, each agency shall confer with the person filing the sexual harassment complaint to address any steps that have been taken by the agency and to offer any resources available from the state's employee assistance program. Each agency shall maintain the confidentiality of personal identifying information of an alleged victim in accordance with state law.

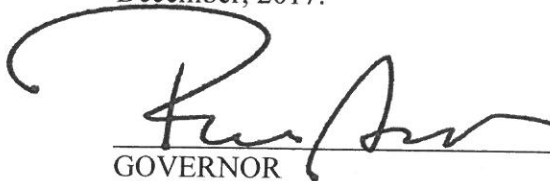
3. **Notification to Employees**—Each agency shall make available to all employees a copy of the agency's procedures for investigating and resolving complaints of sexual harassment. Documented evidence of each employee's acknowledgement of the agency's procedures shall be retained in the employee's personnel file.

Section 2. This Executive Order supplements existing state and federal laws governing sexual harassment and shall not be construed to supersede those laws or to provide any independent cause of action for their violation, nor shall it be construed to abridge the rights of any person under the Constitution or laws of the United States or of the State of Florida.

Section 3. All state agencies not headed by an official serving at the pleasure of the Governor, and all other components of state and local government, are encouraged to adopt similar practices to address sexual harassment and misconduct.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 12th day of December, 2017.


GOVERNOR

ATTEST:


SECRETARY OF STATE

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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA