

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2001

CORDETTE WOODHAM,	**	
Appellant,	**	
vs.	**	CASE NO. 3D00-2277
BLUE CROSS AND BLUE SHIELD	**	LOWER
OF FLORIDA, INC.,	**	TRIBUNAL NO. 99-21174
Appellee.	**	

Opinion filed September 12, 2001.

An Appeal from the Circuit Court for Miami-Dade County,
Michael Genden, Judge.

Lisa Fletcher-Kemp; Gary L. Printy (Tallahassee), for
appellant.

Coffman, Coleman, Andrews & Grogan and Patrick Coleman, for
appellee.

Before LEVY, SHEVIN and RAMIREZ, JJ.

On Motion for Rehearing and Certification

PER CURIAM.

We deny appellant's motion for rehearing and grant the
motion for certification. We certify conflict with Cisko v.
Phoenix Medical Prod., 26 Fla. L. Weekly D1851 (Fla. 2d DCA July

27, 2001) and certify the following question of great public importance:¹

WHETHER A CLAIMANT MUST PURSUE THE ADMINISTRATIVE REMEDIES PROVIDED IN SECTION 760.11(7), FLORIDA STATUTES, WHEN THE CLAIMANT HAS FILED A COMPLAINT UNDER THE FLORIDA CIVIL RIGHTS ACT WITH THE FLORIDA COMMISSION ON HUMAN RELATIONS AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION JOINTLY, AND HAS RECEIVED AN EEOC "DISMISSAL AND NOTICE OF RIGHTS" STATING: "BASED UPON ITS INVESTIGATION, THE EEOC IS UNABLE TO CONCLUDE THAT THE INFORMATION OBTAINED ESTABLISHES VIOLATIONS OF THE STATUTES. THIS DOES NOT CERTIFY THAT THE RESPONDENT IS IN COMPLIANCE WITH THE STATUTES. NO FINDING IS MADE AS TO ANY OTHER ISSUES THAT MIGHT BE CONSTRUED AS HAVING BEEN RAISED BY THIS CHARGE."?

LEVY and SHEVIN, JJ., concur.

¹ See also Bach v. United Parcel Serv., Inc., No. 4D01-252 (Fla. 4th DCA Aug. 29, 2001)

Before SCHWARTZ, C.J., and JORGENSEN, COPE, LEVY, GERSTEN,
GODERICH, GREEN, FLETCHER, SHEVIN, SORONDO and RAMIREZ, JJ.

On Motion for Rehearing En Banc

PER CURIAM.

The motion for rehearing en banc is denied.

SCHWARTZ, C.J., and JORGENSEN, LEVY, FLETCHER, SHEVIN and
SORONDO, JJ., concur.

GODERICH and GREEN, JJ., dissent.

Woodham v. Blue Cross and Blue Shield of Florida, Inc.
Case No. 3D00-2277

RAMIREZ, J. (concurring in part and dissenting in part).

I concur with the granting of the motion for certification, but for the reasons stated in my original dissent, and the reasons set forth in Cisko v. Phoenix Medical Prods., 26 Fla. L. Weekly D1851 (Fla. 2d DCA July 27, 2001), I would grant appellant's motions for rehearing and rehearing en banc.

COPE and GERSTEN, JJ., concur.