

47 FAR 49 | 3/12/2021 | NOTICE OF NEGOTIATED RULEMAKING

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

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MEETING DATE

MEETING TIME

RULE NO 60Y-5.006

TITLE Administrative Dismissal of a Complaint

**RULEMAKING
AUTHORITY** 760.06(12), FS.

**LAW
IMPLEMENTED** 760.03(7), 760.06, 760.10, 760.11, FS.

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ORIGINATOR

APPROVER

PROPOSAL DATE

PUBLISH DATE



Purpose

The proposed rule amendments seek to clarify and delete obsolete, unnecessary, or redundant rules.

Subject Area to be Addressed

The proposed rules clarify proceedings upon complaints of unlawful employment practice.

Notification

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT

60Y-5.006 Administrative Dismissal of a Complaint.

The Executive Director, on behalf of the Commission, shall dismiss a complaint upon one or more of the following grounds:

(1) The complainant has failed or refused to cooperate or has failed to appear at or fails or refuses to participate in a duly noticed fact-finding conference and after notice pursuant to subsection 60Y-5.003(5), F.A.C., has failed to duly respond or show good cause for such nonappearance or nonparticipation;

(2) The complaint has been resolved by negotiated settlement pursuant to subsection 60Y-5.003(10), F.A.C.;

(3) The complaint has not been timely filed with the Commission;

~~(4) After service of Notice of Determination of Reasonable Cause, No Reasonable Cause, or No Jurisdiction, the complainant has failed to file a Petition for Relief pursuant to Rule 60Y-5.008, F.A.C.;~~

~~(4)(5) Anytime after the expiration of 180 days from the date of filing the complaint when a Determination of Reasonable Cause or No Reasonable Cause has not been issued by the Commission, and the complainant has failed to file a Petition for Relief pursuant to Rule 60Y-5.008(1)(b), F.A.C. after the complainant files notice of a planned, or files a, civil action in a court of competent jurisdiction;~~

~~(5)(6) The complainant cannot be located after reasonable efforts to locate have been made and there is no response from the complainant within 30 days after~~

notice was sent by certified mail to the complainant's last known address;

(6)~~(7)~~ An agreement to submit to arbitration has been filed pursuant to Rule 60Y-5.009, F.A.C.;

(7)~~(8)~~ The complainant has voluntarily dismissed the petition for relief pursuant to subsection 60Y-5.008(7), F.A.C.;

(8)~~(9)~~ The complainant has voluntarily withdrawn the complaint; or

(9)~~(10)~~ There is no jurisdiction over the respondent or subject matter of the complaint.

Rulemaking Authority 760.06(132) FS. Law Implemented ~~20-05~~, 760.06, 760.11 FS. History-New 11-2-78, Amended 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.06, Amended 8-11-86, Formerly 22T-9.006, Amended 2-5-04, Amended xx-xx-xx.

