

29 FAR 35 | 8/29/2003 | NOTICE OF PROPOSED RULES

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

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MEETING DATE Wednesday, September 24, 2003

MEETING TIME 9:00:00

RULE NO 60Y-2.004

TITLE General Description of Organization and
Functions of Commission Staff

SPECIFIC 120.52, 120.53, 120.54, 760.06(12), 760.11(14),
AUTHORITY 760.32(5) FS.

LAW 120.52, 120.53, 120.533, 120.54, 120.542,
IMPLEMENTED 509.092, 23.167, 119, 760.01, 760.03, 760.05,
760.06, 760.10, 760.11, 760.30 FS.

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ORIGINATOR William James Tait, Jr., General Counsel

APPROVER Cecil Howard, Executive Director

PROPOSAL DATE 8/18/2003

PUBLISH DATE 8/1/2003

Purpose

The rule chapter provides for the commission organization and general information.

Summary

Amendments have updated commission information, new address and personnel, current organizational patterns and forms, provision for electronic filing and new sections relating to variances or waivers from rules and commission orders, numbering, indexing and maintenance in accordance with the Uniform Rules of Procedure and statutory guidance.

Regulatory Costs

None. Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

Notification

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

FULL TEXT OF THE PROPOSED RULE

60Y-2.004 General Description of Organization and Functions of Commission Staff.

- (1) The staff units of the Commission consist of:
 - (a) Office of Executive Director;
 - (b) Office of General Counsel;
 - (c) Office of Employment Investigations;
 - (d) Office of Community Relations and Housing Investigations;
 - (e) Office of Housing Investigations the Clerk;
 - (f) Office of Customer Service Intake;
 - (g) Office of Management and Information Processing; and
 - (h) Office of Mediation.
- (2) The Executive Director is the chief administrative officer of the Commission and is responsible for implementing policy of the Commission. The Executive Director is appointed by the Commission and may be removed by the Commission for cause. The Executive Director has the following duties:
 - (a) Employ staff;

- (b) Prepare, defend and manage agency budget;
 - (c) Negotiate and execute contracts and agreements on behalf of the Commission, except as limited by Rule 60Y-5.002, F.A.C.;
 - (d) Issue subpoenas necessary for investigations pursuant to subsection 760.06(6), F.S.;
 - (e) Make determinations as provided by Rule 60Y-5.004, F.A.C.;
 - (f) Dismiss complaints, as provided by Rule 60Y-5.006, F.A.C.;
 - (g) Promote favorable public and community relations;
 - (h) Administer the day-to-day business of the Commission;
 - (i) Perform such other functions as the Commission may assign by rule or order.
- (3) The Office of General Counsel represents the agency in all legal proceedings before state and federal courts and agencies. The Office of General Counsel has the following additional duties:
- (a) Advise the Commission and Executive Director on legal matters;
 - (b) Make such legal reports and recommendations, written and oral, as are requested by the Commission, a Commissioner or the Executive Director;
 - (c) Make recommendations concerning determinations, as provided by Rules 60Y-5.004, F.A.C.;
 - (d) Prosecute Commission complaints;
 - (e) Within the Office of General Counsel shall be the Clerk to the Commission who shall:
 - 1. Maintain all complaints, petitions, pleadings and other legal documents filed with the Commission;
 - 2. Maintain all forms and instructions used by the Commission;
 - 3. Maintain all petitions for variances and waivers of agency rules pursuant to Chapter 28-104, F.A.C.;
 - 4. Assemble, certify and transmit records on appeal to appellate courts for review;
 - 5. Respond to requests for information or copies of documents relevant to Commission cases;
 - 6. Bill and collect monies for records on appeal and reproduced documents;
 - 7. Certify and issue orders by the Commission or a Panel of Commissioners; and
 - 8. Prepare and maintain a topical index of Commission or Panel decisions;

~~(f)-(e)~~ Perform such other functions as the Commission or Executive Director may direct.

(4) The Office of Employment Investigations investigates and seeks to conciliate complaints of discriminatory practices in employment, public accommodations and whistleblower retaliation. The Office of Employment Investigations has the following additional duties:

(a) Seek to encourage settlement between parties;

(b) Make reports and recommendations as provided by Rule 60Y-5.004, F.A.C.;

(c) Provide fact-finding at the direction of the Executive Director; and

~~(d)-(e)~~ Perform such other functions as the Executive Director may direct.

(5) The Office of Community Relations and ~~Housing Investigations~~ provides technical assistance to local commissions on human relations, local governments and to other persons to facilitate progress in human relations and the amelioration of intergroup tensions.

(6) ~~The This~~ Office of Housing Investigations investigates and seeks to conciliate complaints of discriminatory practices in housing.

~~(6) The Office of the Clerk has the following duties:~~

~~(a) Maintain all complaints, petitions, pleadings and other legal documents filed with the Commission;~~

~~(b) Assemble, certify and transmit records on appeal to appellate courts for review;~~

~~(c) Respond to requests for information or copies of documents relative to Commission cases;~~

~~(d) Bill and collect monies for records on appeal and reproduced documents;~~

~~(e) Certify and issue orders by the Commission or Panel;~~

~~(f) Prepare and maintain a topical index of Commission or Panel decisions;~~

~~(g) Perform such other functions as the Commission or the Executive Director may direct.~~

(7) The Office of Customer Service Intake receives and docket complaints, provides counseling for potential complainants, frames and perfects complaint allegations, provides Commission record-keeping and responds to requests for information.

(8) The Office of Management and Information Processing provides electronic word and data processing services to the Commission, including strategic planning, budget reports, complaint tracking, performance analysis, statistical reports and complaint investigation correspondence.

(9) The Office of Mediation provides voluntary mediation services.

Specific Authority 760.06(12), 760.11(14), 760.31(5) FS. Law Implemented 120.54, 760.03(7), 760.05, 760.06, 760.11, 760.30 FS. History-New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-6.04, Amended 4-20-87, Formerly 22T-6.004, Amended 4-20-00, _____.