

39 FAR 40 | 2/27/2013 | NOTICE OF PROPOSED RULES

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

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MEETING DATE

MEETING TIME

RULE NO 60Y-7.001

TITLE Complaints

**RULEMAKING
AUTHORITY** 760.31(5) FS.

**LAW
IMPLEMENTED** 760.34 FS.

CONTACT Cheyanne Costilla

EMAIL Cheyanne.Costilla@FCHR.MyFlorida.com

PHONE (850) 488-7082

ORIGINATOR Cheyanne Costilla

APPROVER Michelle Wilson

PROPOSAL DATE 1/22/2013

PUBLISH DATE 2/26/2013

Purpose

The proposed rule amendment seeks to clarify that a person need not exhaust their administrative remedies before commencing a civil action alleging housing discrimination.

Summary

The rule chapter language is amended to clarify the fact that a person need not exhaust their administrative remedies before commencing a civil action alleging housing discrimination.

Regulatory Costs

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule change is to a procedural rule and will have no economic impact and, therefore, will not require legislative ratification. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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 SCHEDULED AND ANNOUNCED IN THE FAR.

FULL TEXT OF THE PROPOSED RULE

60Y-7.001 Complaints.

(1) Who may file. An aggrieved person may, but is not required to, file a complaint with the Commission alleging a discriminatory housing practice. Whether or not a complaint has been filed with the Commission, an aggrieved person may commence a civil action in court under Section 760.35, F.S. ~~A complaint may be filed by any person who claims to have been injured by a discriminatory housing practice or any person who believes that he will be injured by a discriminatory housing practice that is about to occur.~~

(2) Time for Filing. A complaint may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, be filed with the Commission. at any time within one year of the occurrence of the alleged discriminatory housing practice. ~~If the alleged discriminatory housing practice is of a continuing nature, the date of the occurrence may be any date subsequent to the commencement of the discriminatory housing practice up to and including the date on which it shall have ceased.~~

(3) through (9) No change.

Rulemaking Specific ~~Authority~~ 760.31(5) FS. Law Implemented 760.34 FS. History-New 1-25-90, Amended 11-20-91, Formerly 22T-21.001, Amended 9-17-98, 12-31-03,_____.