

40 FAR 200 | 10/14/2014 | NOTICE OF PROPOSED RULES

DEPARTMENT DEPARTMENT OF MANAGEMENT SERVICES

AGENCY FLORIDA COMMISSION ON HUMAN RELATIONS

FILENAME F001715_20141014.pdf

TBD PAGE 20141014_01.html

MEETING DATE

MEETING TIME

RULE NO 60Y-2.003

TITLE General Description of the Commission

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

**LAW
IMPLEMENTED** 760.03 FS.

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PROPOSAL DATE 9/29/2014

PUBLISH DATE 10/13/2014

Purpose

The proposed rule amendment seeks to specify how a vacancy in the positions of Chairperson and Vice-chairperson will be addressed.

Summary

The rule chapter language is amended to clarify what will occur upon a vacancy in the office of the Chairperson or the Vice-chairperson.

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 amendment is to a procedural rule and will have no economic impact and, therefore, will not require ratification. There are no applicable federal standards that relate to Rule 60Y-2.003, F.A.C. 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-2.003 General Description of the Commission.

- (1) through (5) No change.
- (6) The Chairperson of the Commission serves for a term of 2 years and has the following duties:
- (a) Call Commission meetings and set the agenda for same;
 - (b) Preside at Commission meetings;
 - (c) Appoint one or more Panels of not less than 3 Commissioners to exercise, as provided in Chapters 60Y-4 and 60Y-5, F.A.C., Commission powers under subsection 760.06, F.S.;
 - (d) Appoint and define the role of such committees as are necessary or expedient to advise the Commission or its Executive Director;
 - (e) Perform such other functions as the Commission may assign by rule or order.
- (7) In the event the office of the Chairperson becomes vacant, the Vice-chairperson shall temporarily assume all responsibilities and perform all duties of the Chairperson until such time as an election for filling the office of Chairperson can be held. Such election shall be held within ninety (90) days from the date that the Chairperson's vacancy occurs. In the event that there is no Vice-chairperson serving at the time of the Chairperson's vacancy, the Commissioner whose current term has been in effect for the longest period of time shall temporarily serve as Chairperson until elections for filling both the office of Chairperson and Vice-chairperson can be held, as long as such elections are held within ninety (90) days from the date the Chairperson's vacancy occurs.
- (8)~~(7)~~ The Vice-chairperson serves for a term of 2 years, the term to run concurrently with that of the Chairperson. The Vice-chairperson performs the duties of the Chairperson in the Chairperson's absence and performs such other duties as the Chairperson may assign.
- ~~(8) If a vacancy occurs in the Office of Chairperson, the Vice-chairperson shall become the Chairperson for the unexpired term of the Chairperson. If a vacancy occurs in the Office of Vice-chairperson, the Commission will select another member to fill the unexpired term of the Vice-chairperson.~~

(9) If a vacancy occurs in the office of the Chairperson, the Vice-chairperson shall temporarily assume all responsibilities and perform all duties of the Chairperson until such time as an election can be held, as detailed in subsection 60Y-2.003(7), F.A.C. If a vacancy occurs in the office of the Vice-chairperson, the Commission will select another member to fill the unexpired term of the Vice-chairperson.

(10)~~(9)~~ A special meeting of the Commission shall be called by the Chairperson, or by the Executive Director upon the written request of not fewer than 5 Commissioners.

(11)~~(10)~~ Seven members shall constitute a quorum for the conduct of Commission business.

(12)~~(11)~~ A majority of the members of a Panel shall constitute a quorum for the conduct of business assigned to a Panel.

(13)~~(12)~~ In the presence of a quorum, Commission or Panel business shall be conducted by majority vote.

Rulemaking ~~Specific~~ Authority 760.06(12) FS. Law Implemented 760.03 FS. History-New 11-2-78, Formerly 22T-6.03, 22T-6.003, Amended 12-31-03, _____.