

41 FAR 155 | 8/11/2015 | 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-2.007

TITLE Public Information and Inspection and Copying of Documents

RULEMAKING AUTHORITY 760.06(12) FS.

LAW IMPLEMENTED 119.07, 120.54, 760.06, 760.11(12) FS.

CONTACT Cheyanne Costilla

EMAIL Cheyanne.Costilla@FCHR.MyFlorida.com

PHONE (850) 488-7082

ORIGINATOR Cheyanne Costilla

APPROVER Michelle Wilson

PROPOSAL DATE 6/5/2015

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Purpose

The proposed rule amendment seeks to delete outdated and incorrect information from the rule while clarifying and updating other phrases within the rule.

Summary

The rule chapter language is amended to delete any requirement that a person requesting public records must make a written request, in accordance with Section 119.07, F.S. Additionally, all outdated charges for copies of public records is deleted, while designating that the Commission only accepts payment by check, money order, or Journal Transfer. Finally, the location of the Commission's final orders online is updated. All of Section 119.07, F.S. applies to this rule, and Section 760.10(14), F.S. does not exist, therefore, the law implemented section is updated to include Section 760.11(12), F.S. instead.

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-2.007, 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-2.007 Public Information and Inspection and Copying of Documents.

(1) All public records within the meaning of Chapter 119, F.S., and not otherwise restricted by law, are available for personal inspection and copying by any person ~~may be inspected upon approval of a written request. Any written request must specifically identify the requested material.~~ Requests for information may be directed to the Commission's Records Management Liaison Officer (RMLO) ~~Office of Customer Service.~~

(2) All complaints filed pursuant to Rule 60Y-5.001, F.A.C., and all related records and documents in the custody of the Commission which relate to and identify a person shall be confidential, unless the record or document is made part of the record of any hearing or court proceeding. Access to confidential records and documents, by the parties to a complaint or proceeding, is provided in subsections ~~60Y-5.001(9)~~, 60Y-5.003(9) and 60Y-5.004(6)~~(7)~~, F.A.C.

(3) Copies of public records maintained by the Commission are available on the following basis:

~~(a) Two dollars (\$2.00) per instrument for preparation and transmittal of original records on appeal with no charge for postage or certification;~~

~~(b) One dollar (\$1.00) for the first page copied and certified from a Commission file; fifteen cents (\$0.15) per page for any additional page from the same file;~~

(a)(c) Actual postage costs are charged for mailing copies other than original records on appeal; provided that no charge will be made for mailing one ounce by first class mail;

(b)(d) Transcripts of Commission proceedings may be obtained by independent contract of a court reporter at the ordering party's expense;

(c)(e) Payment must be made in advance by cash, check or money order made payable to the Florida Commission on Human Relations; state agencies may pay by Journal Transfer; and

(d)(e) The Commission's final Commission orders are available for viewing on the Commission's website, <http://fchr.state.fl.us>, and the website of the Division of Administrative Hearings, www.doah.state.fl.us and subject matter indices thereto are published by Florida

~~Administrative Law Reports and by The Florida Bar, Labor
and Employment Law Section.~~

Rulemaking ~~Specific~~ Authority 760.06(132) FS. Law Implemented
119.07(1)(a), 120.54, 760.06, 760.101(142) FS. History-New 11-2-
78, Amended 2-10-80, 8-12-85, Formerly 22T-6.07, Amended 4-20-87,
Formerly 22T-6.007, Amended 12-31-03, xx-xx-xx.