

42 FAR 212 | 10/31/2016 | 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-2.004

TITLE General Description of Organization and
Functions of Commission Staff

**RULEMAKING
AUTHORITY** 760.06(12), 760.11(14), 760.31(5) F.S.

**LAW
IMPLEMENTED** 120.54, 760.03(7), 760.05, 760.06, 760.11,
760.30 FS.

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APPROVER Michelle Wilson, Executive Director

PROPOSAL DATE 1/11/2016

PUBLISH DATE 10/28/2016

Purpose

The proposed rule amendment seeks to delete outdated information from the rule while clarifying and updating other phrases within the rule.

Summary

The rule chapter language is amended to delete unnecessary information and to clarify and update the rest of the rule.

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-2.004, 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-2.004 General Description of Organization and Functions of Commission Staff.

(1) The following staff units of the Commission are authorized to exist ~~consist of~~:

- (a) Office of Executive Director;
- (b) Office of General Counsel;
- (c) Office of Employment Investigations;
- (d) Office of Community Relations;

- (e) Office of Housing Investigations;
- (f) Office of Intake and Customer Service; and
- (g) Office of Management and Information Technology; ~~Processing.~~
- (h) Office of Budget;
- (i) Office of Communications; and,
- (j) Office of Human Resources.

It is intended that the Office of Executive Director and Office of General Counsel permanently exist. The remaining Offices exist at the discretion of the Executive Director and duties enumerated in this Chapter may be assigned within the agency by the Executive Director in a manner that takes into account the existing resources of the Commission.

(2) No change

(3) The Office of General Counsel represents the agency in all legal proceedings before administrative, state and federal courts, and agencies, except those in which the Executive Director has arranged for alternative counsel. 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 Rule 60Y-5.004, F.A.C.;
- (d) Prosecute Commission complaints;
- (e) Provide voluntary mediation services; an
- (f) Perform such other functions as the Commission or Executive Director may assign.

(g)-(f) 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;~~

~~6.7.~~ Certify and issue orders by the Commission or a Panel of Commissioners; and,

~~7.8.~~ Transmit ~~Prepare and maintain a topical index of~~ Commission or Panel decisions and orders electronically to the Division of Administrative Hearings for publication on the Division's website in order to comply with the order indexing requirements of Section 120.53, FS.

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

(4) The Office of Employment Investigations, if it exists, investigates and ~~seeks to conciliate~~ complaints of discriminatory practices in employment, public accommodations and state employee whistle-blower retaliation. The Office of Employment Investigations has the following additional duties:

~~(a) Seek to encourage settlement between parties;~~

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

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

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

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

(6) The Office of Housing Investigations, if it exists, investigates and seeks to conciliate complaints of discriminatory practices in housing.

(7) The Office of Intake and Customer Service, if it exists, provides information and support, receives and docket complaints, provides counseling for potential complainants, and assists in framing ~~frames~~ and perfecting ~~perfects~~ complaint allegations, ~~provides Commission record-keeping and responds to requests for information.~~

(8) The Office of ~~Management and~~ Information Technology, if it exists, Processing provides all the Commission's technology needs, assesses technological requirements, purchases requisite equipment, deploys new technology, provides hardware and software support, and trains Commission staff on the use of supplied equipment ~~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 Budget, if it exists, has the responsibility of assuring that the Commission is in compliance with Chapters 216, 255, 283, and 287, FS., which address fiscal responsibilities.

(10) The Office of Communications, if it exists, provides accurate, transparent, and timely information about the Commission to inquiring members of the media and citizens, assists news media in Florida and the nation in understanding the Commission's mission, and facilitates media engagements, as approved by the Executive Director.

(11) The Office of Human Resources, if it exists, performs administrative and consultative work involving identification, resolution, and administration of human resource operational and management problems for the Commission.

Rulemaking 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, 12-31-03, xx-xx-xx.