

**47 FAR 51 | 3/16/2021 | NOTICE OF PROPOSED RULES**

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**DEPARTMENT** DEPARTMENT OF MANAGEMENT SERVICES

**AGENCY** FLORIDA COMMISSION ON HUMAN RELATIONS

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**MEETING DATE**

**MEETING TIME**

**RULE NO** 60Y-5.006

**TITLE** Administrative Dismissal of a Complaint

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

**LAW  
IMPLEMENTED** 760.03(7), 760.06, 760.10, 760.11, FS.

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**ORIGINATOR** Cheyanne Costilla, General Counsel

**APPROVER** Florida Commission on Human Relations' board

**PROPOSAL DATE** 1/31/2020

**PUBLISH DATE** 3/12/2021

**Purpose**

The proposed rule amendments seek to clarify and delete obsolete, unnecessary, or redundant rules.

**Summary**

The proposed rule amendments are in response to recent amendments to section 760.11, FS.

**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-5.

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.

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## FULL TEXT OF THE PROPOSED RULE

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### 60Y-5.006 Administrative Dismissal of a Complaint.

The Executive Director, on behalf of the Commission, shall dismiss a complaint upon one or more of the following grounds:

- (1) The complainant has failed or refused to cooperate or has failed to appear at or fails or refuses to participate in a duly noticed fact-finding conference and after notice pursuant to subsection 60Y-5.003(5), F.A.C., has failed to duly respond or show good cause for such nonappearance or nonparticipation;

(2) The complaint has been resolved by negotiated settlement pursuant to subsection 60Y-5.003(10), F.A.C.;  
 (3) The complaint has not been timely filed with the Commission;

~~(4) After service of Notice of Determination of Reasonable Cause, No Reasonable Cause, or No Jurisdiction, the complainant has failed to file a Petition for Relief pursuant to Rule 60Y-5.008, F.A.C.;~~

(4)~~(5)~~ Anytime after the expiration of 180 days from the date of filing the complaint when a Determination of Reasonable Cause or No Reasonable Cause has not been issued by the Commission and the complainant has failed to file a Petition for Relief pursuant to Rule 60Y-5.008(1)(b), F.A.C. after the Complainant files notice of a planned, or files a, civil action in a court of competent jurisdiction;

~~(5)(6)~~ The complainant cannot be located after reasonable efforts to locate have been made and there is no response from the complainant within 30 days after notice was sent by certified mail to the complainant's last known address;

~~(6)(7)~~ An agreement to submit to arbitration has been filed pursuant to Rule 60Y-5.009, F.A.C.;

~~(7)(8)~~ The complainant has voluntarily dismissed the petition for relief pursuant to subsection 60Y-5.008(7), F.A.C.;

~~(8)(9)~~ The complainant has voluntarily withdrawn the complaint; or

~~(9)(10)~~ There is no jurisdiction over the respondent or subject matter of the complaint.

Rulemaking Authority 760.06(12) ~~(13)~~ FS. Law Implemented ~~20-05~~, 760.06, 760.11 FS. History-New 11-2-78, Amended 6-16-83, 8-29-84, 8-12-85, Formerly 22T-9.06, Amended 8-11-86, Formerly 22T-9.006, Amended 2-5-04, \_\_\_\_\_.