

47 FAR 60 | 3/29/2021 | 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-11.004

TITLE Investigatory Process

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

**LAW
IMPLEMENTED** 112.3187-.31895. FS.

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APPROVER Florida Commission on Human Relations' board

PROPOSAL DATE 7/31/2020

PUBLISH DATE 3/26/2021

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-11.

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-11.004 Investigatory Process.

(1) Within five ~~three (3)~~ working days of a complaint being filed, the Commission shall acknowledge receipt of the complaint and send a copy of the complaint and any other preliminary information available concerning the disclosure of information under Section 112.3187, F.S., to the other parties named in Section 112.31895(1)(a), F.S. The other party shall also acknowledge receipt of such copies to the complainant ~~within 15 days~~.

(2) Within 15 days of the date the complaint was received, the Commission shall review the information and determine whether temporary reinstatement is appropriate under Section 112.3187(9)(f), F.S. If it so determines, the Commission shall apply for an expedited order from the appropriate agency or circuit court for reinstatement pending issuance of the final order on the complaint.

(3) If the Commission determines that reasonable grounds exist to believe that a prohibited action has occurred, is occurring, or is to be taken, it may request the agency or circuit court to order a stay of any personnel action for 45 days which, upon request, may be extended for appropriate periods of time. The Commission shall further report its determination together with any findings or recommendations, including corrective action to be taken, to the agency head and may report such to the Governor and Comptroller. If, after 35 ~~20~~ days, the agency does not implement the recommended corrective action, the Commission shall terminate the investigation. If the Commission finds, in consultation with the complainant, that the agency has implemented the corrective action, the Commission shall file such finding with the agency head, together with any written comments that the complainant provides, and terminate the investigation.

(4) Within 180 ~~90~~ days of the date the complaint was received, the Commission shall provide the agency head and the Complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The Commission shall then proceed to attempt to conciliate the complaint.

(5) If the Commission is unable to conciliate a complaint within 35 ~~60~~ days of the issuance of the fact-finding report ~~and its receipt by the parties~~, or if the Commission finds there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring or is to be taken, the Commission shall terminate the investigation.

Rulemaking Specific Authority ~~120.54~~, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History-New 1-1-04, Amended xx-xx-xx.