

48 FAR 180 | 9/15/2022 | 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-5.001

TITLE Complaints

**SPECIFIC
AUTHORITY** 760.06(12) and 760.11(14), F.S.

**LAW
IMPLEMENTED** 760.06, 760.10, 760.11(1), F.S.

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ORIGINATOR Cheyanne Costilla, Executive Director

APPROVER Florida Commission on Human Relations' board

PROPOSAL DATE July 29, 2021

PUBLISH DATE September 14, 2022

Purpose

The rule amendments seek to clarify the Florida Commission on Human Relations' amendment process.

Summary

The amendments specify a more streamlined process that will no longer allow an amendment due to a missing signature.

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-5.001.

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-5.001 Complaints.

(1) through (2) No change.

(3) Place and Date of Filing. A written complaint may be filed at the office of the Commission. The date of filing shall be the date of actual receipt of the signed and verified complaint by the Clerk or other agent of the Commission. Any

document received by the Clerk or other agent of the Commission after 5:00 p.m. (Eastern Time) shall be filed as of 8:00 a.m. on the next regular business day.

(4) through (6) No change.

(7) Amendments.

(a) A complaint may be reasonably and fairly amended within 60 days after filing and, thereafter, for good cause with the consent of the Executive Director upon discovery of new facts or upon a finding that information previously provided by the respondent was misrepresented.

(b) A complaint may be amended to cure technical defects, or omissions, other than a missing signature or including verification, or to clarify and amplify allegations made therein. Such amendments ~~and amendments~~ which describe an additional unlawful employment practice related to or growing out of the subject matter of the original complaint will relate back to the date the complaint was first received.

(c) An amendment adding or changing a respondent will relate back to the date the complaint was first received if, within the period provided by subsection (2), the new respondent (i) has received such notice of the filing of the complaint as is sufficient to avoid prejudice in a defense on the merits, and (ii) knew or should have known that, but for a mistake concerning identity of the proper respondent, the complaint would have been filed against the new respondent.

(8) through (10) No change.

Rulemaking Authority 760.06(12), 760.11(14) FS. Law Implemented 760.06, 760.10, 760.11(1) FS.

History-New 11-2-78, Amended 10-4-82, Formerly 22T-9.01, 22T-9.001, Amended 1-28-99, 2-23-00, 2-5-04, xx-xx-xx.