

60Y-5.002 Agreements of Referral of Complaints.

(1) The Executive Director is authorized to negotiate agreements of referral with other public agencies having authority and resources to investigate allegations of unlawful employment practices.

(2) The Executive Director shall consider the following factors in negotiating agreements of referral:

(a) The agency's legal authority to investigate;

(b) The agency's staff resources;

(c) The agency's performance record;

(d) The agency's ability to conduct an independent investigation, considering the potential respondents;

(e) The agency's willingness to adhere to Commission standards of investigation.

(3) An agreement of referral shall specify:

(a) The categories of complaints to be referred;

(b) The number of complaints to be referred, which may be all complaints within the referral agency's jurisdiction;

(c) The standards and procedures governing referrals;

(d) The period of time covered by the agreement, which shall not be greater than one year.

(4) Upon fulfillment of the criteria set forth in subsections 60Y-5.002(2) and (3), F.A.C., the Commission shall approve the negotiated agreement of referral. When an agreement has been approved by the Commission, all complaints filed with the Commission which are subject to the agreement shall be referred to the referral agency. The referral agency shall report its action on the complaint to the Executive Director. Substantial weight shall be accorded to any final findings and orders of the referral agency.

(5) If the referral of the complaint does not result in settlement or withdrawal of the complaint, the Executive Director shall assign the complaint, with the report of the referral agency for investigation, determination of reasonable cause or conciliation, as may be appropriate.

Specific Authority 760.06(13), 760.11(14) FS. Law Implemented 760.03(7), 760.06, 760.10(11), 760.11(2), (12) FS. History-New 11-2-78, Amended 8-12-85, Formerly 22T-9.02, 22T-9.002.