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**FLORIDA ADMINISTRATIVE CODES FROM THE FCHR  
[CHAPTER 60Y-11]**

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**FLORIDA ADMINISTRATIVE CODES | FCHR | WHISTLEBLOWER'S COMPLAINTS**

**CODES:** 60Y-11.001 through 60Y-11.005

**AS OF:** 1/1/2004

**60Y-11.001 | PURPOSE**

These rules implement the statutory provisions which make it unlawful for any agency or independent contractor to take retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor under Sections 112.3187-.31895, F.S., inclusive; also known as the "Whistle-blower's Act." The Florida Whistle-blower's Act authorizes the Commission on Human Relations to investigate complaints of retaliation against state employees who disclosed information pursuant to the "Whistle-blower's Act" and provides for relief by administrative proceeding or civil action in court.

*Specific Authority 120.54, 760.06(12), 760.11 FS. Law Implemented 112.3187-.31895 FS. History–  
New 1-1-04.*

**60Y-11.002 | COVERED ENTITIES AND EMPLOYEES**

State agencies, as defined in Section 216.011, F.S., or an independent contractor under contract to a state agency, and their employees.

*Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New 1-1-04.*

**60Y-11.003 | WHO MAY FILE A COMPLAINT; CONFIDENTIALITY**

(1) Any person aggrieved by a violation of Section 112.3187, F.S., may file a complaint with the Commission within 60 days of the alleged violation.

(2) All complaints filed with the Commission and all records and documents in the custody of the Commission which relate to and identify a particular person shall be confidential and shall not be disclosed by the Commission, except to the parties or in the course of a hearing or proceeding under Section 112.3187, F.S. Disclosure is authorized to any other agency of the state or any other unit of government of the state that has jurisdiction of the subject matter of the complaint or that has legal authority to investigate the complaint.

*Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New 1-1-04.*

## **60Y-11.004 | INVESTIGATORY PROCESS**

(1) Within 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 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 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 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.

*Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New 1-1-04.*

**60Y-11.005 | RELATIONSHIP OF OTHER RULES**

Other rules adopted by the Commission, namely Chapters 60Y-3, 60Y-4 and 60Y-5, F.A.C., shall be the rules governing a proceeding under this chapter to the extent that such other rules do not contradict a specific provision herein.

*Specific Authority 120.54, 760.06(12) FS. Law Implemented 112.3187-.31895 FS. History–New 1-1-04.*



APPENDIX

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