
**FLORIDA ADMINISTRATIVE CODES FROM THE FCHR
[CHAPTER 60Y-2]**

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FLORIDA ADMINISTRATIVE CODES | FCHR | GENERAL

CODES: 60Y-2.001 through 60Y-2.012

AS OF: 6/22/2017

60Y-2.001 | GENERAL

The Florida Commission on Human Relations is established pursuant to the Human Rights Act of 1977, as amended by the Florida Civil Rights Act of 1992, Chapter 760, F.S., to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, disability, or marital status and thereby to protect their interests in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individuals within the state.

Specific Authority 760.06(12) FS. Law Implemented 760.01(2), 760.03, 760.05 FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-6.01, 22T-6.001, Amended 12-31-03.

60Y-2.002 | THE AGENCY

The Agency is composed of the Commission and staff. The Agency Head is the Commission.

Specific Authority 760.06(12) FS. Law Implemented 760.03 FS. History—New 11-2-78, Formerly 22T-6.02, 22T-6.002.

60Y-2.003 | GENERAL DESCRIPTION OF THE COMMISSION

(1) The Commission is comprised of 12 members appointed by the Governor, subject to confirmation by the Senate.

(2) Commissioners are appointed to staggered terms of 4 years, except for appointments described in subsection (3).

(3) A Commissioner appointed to fill a vacancy other than by expiration of a term is appointed for the unexpired term of the member whom such appointee is to succeed.

(4) A Commissioner is eligible for reappointment.

(5) In every odd-numbered year, the Commission shall hold an organizational meeting to elect from its membership a Chairperson and a Vice-chairperson. The biennial organizational meeting shall be held as soon as practical after the new Commissioners for that year have been appointed.

(6) The Chairperson of the Commission serves for a term of 2 years and has the following duties:

(a) Call Commission meetings and set the agenda for same;

(b) Preside at Commission meetings;

(c) Appoint one or more Panels of not less than 3 Commissioners to exercise, as provided in Chapters 60Y-4 and 60Y-5, F.A.C., Commission powers under Section 760.06, F.S.;

(d) Appoint and define the role of such committees as are necessary or expedient to advise the Commission or its Executive Director;

(e) Perform such other functions as the Commission may assign by rule or order.

(7) In the event the office of the Chairperson becomes vacant, the Vice-chairperson shall temporarily assume all responsibilities and perform all duties of the Chairperson until such time as an election for filling the office of Chairperson can be held. Such election shall be held within ninety (90) days from the date that the Chairperson's vacancy occurs. In the event that there is no Vice-chairperson serving at the time of the Chairperson's vacancy, the Commissioner whose current term has been in effect for the longest period of time shall temporarily serve as Chairperson until elections for filling both the office of Chairperson and Vice-chairperson can be held, as long as such elections are held within ninety (90) days from the date the Chairperson's vacancy occurs.

(8) The Vice-chairperson serves for a term of 2 years, the term to run concurrently with that of the Chairperson. The Vice-chairperson performs the duties of the Chairperson in the Chairperson's absence and performs such other duties as the Chairperson may assign.

(9) If a vacancy occurs in the office of the Chairperson, the Vice-chairperson shall temporarily assume all responsibilities and perform all duties of the Chairperson until such time as an election can be held, as detailed in subsection 60Y-2.003(7), F.A.C. If a vacancy occurs in the office of the Vice-chairperson, the Commission will select another member to fill the unexpired term of the Vice-chairperson.

(10) A special meeting of the Commission shall be called by the Chairperson, or by the Executive Director upon the written request of not fewer than 5 Commissioners.

(11) Seven members shall constitute a quorum for the conduct of Commission business.

(12) A majority of the members of a Panel shall constitute a quorum for the conduct of business assigned to a Panel.

(13) In the presence of a quorum, Commission or Panel business shall be conducted by majority vote.

Rulemaking Authority 760.06(12) FS. Law Implemented 760.03 FS. History—New 11-2-78, Formerly 22T-6.03, 22T-6.003, Amended 12-31-03, 1-8-15.

60Y-2.004 | GENERAL DESCRIPTION OF ORGANIZATION AND FUNCTIONS OF COMMISSION STAFF

(1) The staff units of the Commission consist of:

- (a) Office of Executive Director;
- (b) Office of General Counsel;
- (c) Office of Employment Investigations;
- (d) Office of Community Relations;
- (e) Office of Housing Investigations;
- (f) Office of Customer Service; and
- (g) Office of Management and Information Processing.

(2) The Executive Director is the chief administrative officer of the Commission and is responsible for implementing policy of the Commission. The Executive Director is appointed by the Commission and may be removed by the Commission for cause. The Executive Director has the following duties:

- (a) Employ staff;
- (b) Prepare, defend and manage agency budget;
- (c) Negotiate and execute contracts and agreements on behalf of the Commission, except as limited by Rule 60Y-5.002, F.A.C.;
- (d) Issue subpoenas necessary for investigations pursuant to subsection 760.06(6), F.S.;
- (e) Make determinations as provided by Rule 60Y-5.004, F.A.C.;
- (f) Dismiss complaints, as provided by Rule 60Y-5.006, F.A.C.;
- (g) Promote favorable public and community relations;
- (h) Administer the day-to-day business of the Commission;
- (i) Perform such other functions as the Commission may assign by rule or order.

(3) The Office of General Counsel represents the agency in all legal proceedings before state and federal courts and agencies. The Office of General Counsel has the following additional duties:

- (a) Advise the Commission and Executive Director on legal matters;
- (b) Make such legal reports and recommendations, written and oral, as are requested by the Commission, a Commissioner or the Executive Director;

(c) Make recommendations concerning determinations, as provided by Rule 60Y-5.004, F.A.C.;

(d) Prosecute Commission complaints;

(e) Provide voluntary mediation services;

(f) Within the Office of General Counsel shall be the Clerk to the Commission who shall:

1. Maintain all complaints, petitions, pleadings and other legal documents filed with the Commission;

2. Maintain all forms and instructions used by the Commission;

3. Maintain all petitions for variances and waivers of agency rules pursuant to Chapter 28-104, F.A.C.;

4. Assemble, certify and transmit records on appeal to appellate courts for review;

5. Respond to requests for information or copies of documents relevant to Commission cases;

6. Bill and collect monies for records on appeal and reproduced documents;

7. Certify and issue orders by the Commission or a Panel of Commissioners; and

8. Prepare and maintain a topical index of Commission or Panel decisions.

(g) Perform such other functions as the Commission or Executive Director may direct.

(4) The Office of Employment Investigations investigates and seeks to conciliate complaints of discriminatory practices in employment, public accommodations and whistleblower retaliation. The Office of Employment Investigations has the following additional duties:

(a) Seek to encourage settlement between parties;

(b) Make reports and recommendations as provided by Rule 60Y-5.004, F.A.C.;

(c) Provide fact-finding at the direction of the Executive Director; and

(d) Perform such other functions as the Executive Director may direct.

(5) The Office of Community Relations provides technical assistance to local commissions on human relations, local governments and to other persons to facilitate progress in human relations and the amelioration of intergroup tensions.

(6) The Office of Housing Investigations investigates and seeks to conciliate complaints of discriminatory practices in housing.

(7) The Office of Customer Service receives and docket complaints, provides counseling for potential complainants, frames and perfects complaint allegations, provides Commission record-keeping and responds to requests for information.

(8) The Office of Management and Information Processing provides electronic word and data processing services to the Commission, including strategic planning, budget reports, complaint tracking, performance analysis, statistical reports and complaint investigation correspondence.

Specific Authority 760.06(12), 760.11(14), 760.31(5) FS. Law Implemented 120.54, 760.03(7), 760.05, 760.06, 760.11, 760.30 FS. History—New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-6.04, Amended 4-20-87, Formerly 22T-6.004, Amended 4-20-00, 12-31-03.

60Y-2.005 | GENERAL INFORMATION

(1) The location of the principal office of the Commission is: 4075 Esplanade Way, Room 110, Tallahassee, Florida 32399-7020.

(2) The office is open from 8:00 a.m. to 5:00 p.m. (Eastern Time) of each working day.

(3) All requests for specific forms, information, or answers to any questions may be directed to the Office of Customer Service at the above address. Telephonic inquires may be made at (850)488-7082, and requests may also be e-mailed to fchrinfo@fchr.myflorida.com.

(4) Applications for employment may be completed and submitted online at <https://peoplefirst.myflorida.com>.

(5) All complaints, petitions for relief, and appeals from final Commission action may be mailed, sent by facsimile to (850)488-5291, or e-mailed to fchrinfo@fchr.myflorida.com. The party who elects to file a document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and must accept full risk that the document may not be properly filed with the Commission as a result. The filing date for an electronically transmitted document shall be the date the Commission receives the complete document. 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.

Rulemaking Authority 760.06(12) FS. Law Implemented 120.54, 760.06 FS. History—New 11-2-78, Formerly 22T-6.05, 22T-6.005, Amended 12-31-03, 3-7-13, 7-12-15.

60Y-2.006 | STATUTORY CHAPTER AND RULES

The mission and duties of the Commission are carried out pursuant to statutory authority delineated in Chapter 760, F.S. The following additional statutory chapters and rule chapters directly affect and govern the operations of the Commission:

- (1) Chapter 120, F.S.
- (2) Sections 112.3187-112.31895, inclusive, F.S.
- (3) Section 509.092, F.S.
- (4) Chapters 60Y-2 through 60Y-11, and 60Y-25, F.A.C.
- (5) Chapters 28-101 through 28-106, 28-108, 28-109, F.A.C.

Rulemaking Authority 760.06(12), 760.11(14), 760.31(5) FS. Law Implemented 120, 509.092, 760 FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-6.06, 22T-6.006, Amended 7-26-00, 12-31-03, 6-22-17.

60Y-2.007 | PUBLIC INFORMATION AND INSPECTION AND COPYING OF DOCUMENTS

(1) All public records within the meaning of Chapter 119, F.S., and not otherwise restricted by law, are available for personal inspection and copying by any person. Requests for information may be directed to the Commission's Records Management Liaison Officer (RMLO).

(2) All complaints filed pursuant to Rule 60Y-5.001, F.A.C., and all related records and documents in the custody of the Commission which relate to and identify a person shall be confidential, unless the record or document is made part of the record of any hearing or court proceeding. Access to confidential records and documents, by the parties to a complaint or proceeding, is provided in subsections 60Y-5.003(9) and 60Y-5.004(6), F.A.C.

(3) Copies of public records maintained by the Commission are available on the following basis:

(a) Actual postage costs are charged for mailing copies other than original records on appeal; provided that no charge will be made for mailing one ounce by first class mail;

(b) Transcripts of Commission proceedings may be obtained by independent contract of a court reporter at the ordering party's expense;

(c) Payment must be made in advance by check or money order made payable to the Florida Commission on Human Relations; state agencies may pay by Journal Transfer; and,

(d) The Commission's final orders are available for viewing on the Commission's website, <http://fchr.state.fl.us>, and the website of the Division of Administrative Hearings, www.doah.state.fl.us.

Rulemaking Authority 760.06(12) FS. Law Implemented 119.07, 120.54, 760.06, 760.11(12) FS.

History—New 11-2-78, Amended 2-10-80, 8-12-85, Formerly 22T-6.07, Amended 4-20-87, Formerly 22T-6.007, Amended 12-31-03, 11-12-15.

60Y-2.008 | PUBLIC ACCESS TO COMMISSION PROCEEDINGS

All meetings and hearings conducted by the Commission are open to the public.

Rulemaking Authority 13.251(13) FS. Law Implemented 760.06 FS. History—New 11-2-78, Formerly 22T-6.08, 22T-6.008.

60Y-2.009 | LIST OF FORMS AND INSTRUCTIONS

The following listed forms and instructions are hereby incorporated by reference, are used by the Commission and are furnished without charge. Copies may be obtained from the Commission's website <http://fchr.state.fl.us> or by writing or calling the Clerk to the Commission or the Office of Customer Service at the address listed in Rule 60Y-2.005, F.A.C., making reference to the desired form by form number or title.

FORM NUMBER	TITLE OR DESCRIPTION
FCHR Form 1	Technical Assistance Questionnaire for discrimination complaints
FCHR Form 2	Complaint of Employment Discrimination
FCHR Form 3	Complaint of Public Accommodation Discrimination
FCHR Form 4	Complaint of Housing Discrimination
FCHR Form 5	Complaint of Whistle-blower's Act Retaliation Discrimination
FCHR Form 6	Petition for Relief from an Unlawful Employment Practice, a Housing Discriminatory Practice or a Public Accommodations Discriminatory Practice
FCHR Form 7A	Election of Rights for Employment and Public Accommodations Discrimination Complaints
FCHR Form 7B	Election of Rights for Housing Discrimination Complaints
FCHR Form 8	Registration of Housing for Older Persons

Use of the FCHR forms described in this section is not obligatory, and any complaint or Petition for Relief from an Unlawful Employment Practice, a Housing Discriminatory Practice, a Public Accommodations Discriminatory Practice or a Whistle-blower's Act Retaliatory Discriminatory Practice which meets the requirements of the rules of the Commission will be accepted. The requirements for a complaint are set forth in subsections 60Y-3.001(4), 60Y-6.001(17), Rules 60Y-10.003 and 60Y-5.001, F.A.C. The requirements for a Petition for Relief are set forth in Rules 28-106.201, 28-106.301, 60Y-5.008, subsection 60Y-6.001(48) and Rule 60Y-8.001, F.A.C.

Specific Authority 120.52, 760.06(13) FS. Law Implemented 23.167, 120.52, 120.54, 760.06 FS. History—New 11-2-78, Formerly 22T-6.09, 22T-6.009, Amended 12-31-03.

60Y-2.010 | NOTICES; CONTENTS; POSTING

The Commission may, from time to time, provide a notice stating the general provisions of the Act concerning unlawful employment practices and stating how and where complaints may be filed. When so provided by the Commission, employers, employment agencies and labor organizations must keep the notice posted in conspicuous places upon their premises.

Rulemaking Authority 760.06(13) FS. Law Implemented 760.06, 23.167 FS. History—New 11-2-78, Formerly 22T-6.10, 22T-6.010.

60Y-2.011 | PETITIONS FOR VARIANCES OR WAIVERS FROM RULES

The Commission shall follow and conform to Chapter 28-104, F.A.C., with respect to variances and waivers from its Rules. Petitions conforming to Rule 28-104.102, F.A.C., shall be filed with the Clerk to the Commission.

Specific Authority 120.54, 760.06(13) FS. Law Implemented 120.542 FS. History—New 12-31-03.

60Y-2.012 | COMMISSION ORDERS; NUMBERING; INDEXING; AND MAINTENANCE

(1) All orders issued by the Commission shall be numbered and indexed.

(2) The orders shall be sequentially numbered and rendered using a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with the number 001 each new calendar year. The assigned agency designation prefix, FCHR, shall precede the two-part number.

(3) The agency clerk shall index orders which shall be cumulative, updated and made accessible to the public at least each calendar year.

(4) Orders that comprise official agency action and that must be indexed pursuant to this rule shall be permanently maintained by the agency pursuant to the retention schedule approved by the Department of State.

(5) These rules regarding the indexing, management and availability of orders are issued pursuant to Section 120.533, F.S., and Chapter 1S-6, F.A.C., and have been approved by the Department of State pursuant to Section 120.53(3)(c), F.S. The purpose of this Rule is to provide public access to, and availability of, Commission Orders. The agency clerk shall assist the public in obtaining information pertaining to Commission Orders. The agency maintains and stores such orders and subject matter index in the main offices of the agency located in Tallahassee, Florida at the address set forth in Rule 60Y-2.005, F.A.C.

*Rulemaking Authority 760.06(12) FS. Law Implemented 120.533, 760.06, 760.10(14) FS. History—
New 12-31-03.*

APPENDIX

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ORIGINAL SOURCE

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