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**FLORIDA ADMINISTRATIVE CODES FROM THE FCHR  
[CHAPTER 60Y-4]**

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**FLORIDA ADMINISTRATIVE CODES | FCHR | GENERAL**

**CODES:** 60Y-4.001 through 60Y-4.031

**AS OF:** 6/22/2017

### **60Y-4.001 | APPLICABILITY**

(1) The rules set forth in this chapter shall apply to all proceedings, except as provided in subsection (2), described in the rules of the Commission, unless specifically provided in the context of an individual rule.

(2) This chapter shall not apply to Complaints (Rule 60Y-5.001, F.A.C.); Agreements for Referral of Complaints (Rule 60Y-5.002, F.A.C.); Investigation of Complaints (Rule 60Y-5.003, F.A.C.); Conciliation (Rule 60Y-5.005, F.A.C.); Administrative Dismissal (Rule 60Y-5.006, F.A.C.).

(3) When a proceeding pursuant to Chapter 60Y-5, F.A.C., of the rules of the Commission is before a Panel, the term "Commission," when it appears in this chapter, shall include that Panel, if the context so requires.

*Rulemaking Authority 760.06(12), 760.11(14) FS. Law Implemented 760.02, 760.03, 760.05, 760.06, 760.07, 760.10, 760.11 FS. History–New 11-2-78, Formerly 9D-8.01, Amended 6-16-83, Formerly 22T-8.01, 22T-8.001, Amended 8-22-00, 5-7-17.*

**60Y-4.002 | EX PARTE COMMUNICATIONS**

No ex parte communication relative to any pending case before the Commission shall be made to any Commissioner, or hearing officer, at any stage of a proceeding after the filing of a petition, by any party to the proceeding, by any person who has a direct or indirect interest in the proceeding, by any authorized representative or counsel. Any violation of this section shall be reported, in writing, by the Commissioner or hearing officer affected, and the report, which shall include a description of the substance of the communication, any response, and a copy of any written communication, shall be part of the record.

*Specific Authority 760.06(12), 760.11(14) FS. Law Implemented 120.66, 760.03, 760.06 760.11 FS.  
History–New 11-2-78, Formerly 22T-8.02, 22T-8.002.*

**60Y-4.015 | FRIEND OF THE COMMISSION**

A person who does not have party status but who wishes to participate in a proceeding may, by motion, request permission to participate as a friend of the Commission. An order granting such a motion shall specify the degree of participation permitted.

*Rulemaking Authority 760.06(13) FS. Law Implemented 760.06 FS. History—New 11-2-78, Formerly 22T-8.15, 22T-8.015.*

#### **60Y-4.016 | ASSIGNMENT OF HEARINGS**

(1) A hearing upon a Petition for Relief from an Unlawful Employment Practice, a Housing Discriminatory Practice or a Public Accommodation Practice, pursuant to Rules 60Y-5.008, 60Y-8.001 and 60Y-10.005, F.A.C., respectively shall be conducted by an Administrative Law Judge designated by the Division of Administrative Hearings unless, prior to service of the Notice of Hearing pursuant to Rule 60Y-4.021, F.A.C., the Chairperson or Chair of the Panel designates a Commissioner as the hearing officer or directs that the hearing be conducted by the Commission or Panel.

(2) A hearing upon a petition not described in subsection (1), shall be conducted by a hearing officer designated by the Chairperson or Chair of the Panel unless the Chairperson or Chair of the Panel directs that the hearing be conducted by the Commission or Panel.

(3) A hearing upon a petition not described in subsection (1) or (2), shall be conducted by a hearing officer designated by the Chairperson or Chair of the Panel unless the Chairperson or Chair of the Panel directs that the hearing be conducted by the Commission or Panel.

*Rulemaking Authority 760.06(13) FS. Law Implemented 760.03(5), 760.06 FS. History—New 11-2-78, Formerly 9D-8.16, Amended 2-4-82, 6-16-83, Formerly 22T-8.16, 22T-8.016, Amended 2-5-04.*

**60Y-4.023 | WITNESS FEES**

(1) Witness fees necessary and incident to a hearing shall be paid by the party at whose instance the witness is summoned. If the Commission or the Executive Director directs that a witness be summoned as a Commission witness, that witness' fees shall be paid by the Commission. Witness fees shall be tendered, or a voucher submitted at the time of attendance. The fees allowed shall be the same as those allowed by the circuit courts of this state.

(2) Witness fees for Commission employees shall be paid in accordance with Section 92.142(2), F.S.

*Rulemaking Authority 760.06 FS. Law Implemented 92.142, 120.57, 760.06, 760.10 FS. History—  
New 11-2-78, Amended 2-10-80, Formerly 22T-8.23, 22T-8.023, Amended 2-5-04.*



**60Y-4.028 | ORAL ARGUMENT**

(1) When a recommended order is before the Commission, a party filing an exception or brief may also request oral argument.

(2) A request for oral argument shall be by motion, filed simultaneously with the moving party's exception or brief.

(3) If oral argument is permitted, each party will be allowed 15 minutes. The Commission may require, limit, expand or dispense with oral argument.

*Rulemaking Authority 760.06(12) FS. Law Implemented 120.57, 760.06 FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-8.28, 22T-8.028, Amended 5-7-17.*

**60Y-4.029 | DETERMINATION BY COMMISSION**

After the issuance of the hearing officer's recommended order, if any, and following the filing of exceptions, briefs and presentation of oral argument, if any, the Commission or Panel shall consider the record and issue a written decision resolving the issues before it.

*Rulemaking Authority 760.06(13) FS. Law Implemented 120.59, 760.06, 760.10 FS. History—New 11-2-78, Formerly 9D-8.29, Amended 2-4-82, Formerly 22T-8.29, 22T-8.029.*

**60Y-4.030 | APPEALS**

Appeals from final Commission action shall be in accordance with Section 120.68, F.S., and the Florida Rules of Appellate Procedure.

*Rulemaking Authority 760.06(13) FS. Law Implemented 120.68 FS. History—New 11-2-78, Formerly 22T-8.30, 22T-8.030.*

**60Y-4.031 | NOTICE OF APPEALS**

When an appeal is filed in a District Court of Appeal from final Commission action or from the administrative dismissal of a complaint pursuant to Rule 60Y-4.006, F.A.C., all persons named in the original complaint, who are not named in the appeal, shall be notified of the appeal by the Clerk.

*Rulemaking Authority 760.06(13) FS. Law Implemented 760.06, 760.10 FS. History—New 11-2-78, Formerly 22T-8.31, 22T-8.031.*

APPENDIX

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