
**FLORIDA ADMINISTRATIVE CODES FROM THE FCHR
[ALL 'GENERAL' CODES]**

June 22, 2017

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FLORIDA ADMINISTRATIVE CODES | FCHR | GENERAL

CODES: 60Y-1.002 through 60Y-4.031

AS OF: 6/22/2017

60Y-1.002 | CONDUCTING PROCEEDINGS BY COMMUNICATIONS MEDIA TECHNOLOGY

The Commission shall follow and conform to Chapter 28-109, F.A.C., with respect to conducting proceedings by communications media technology.

Rulemaking Authority 760.06(12) FS. Law Implemented 120.54(5) FS. History—New 2-5-04, Repealed 3-26-17.

REPEALED

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.*

60Y-3.001 | DEFINITIONS

As used in the rules of the Commission:

(1) "Act" means the Florida Civil Rights Act of 1992, as amended; Chapter 760, F.S.

(2) "Chairperson" or "Chair" means the Chairperson of the Commission or Chairperson of a Panel, as the context may indicate.

(3) "Clerk" means the person designated by the Executive Director as heading the Office of the Clerk.

(4) "Complaint" means a written statement which alleges the occurrence of an unlawful employment practice, and includes an amended complaint.

(5) "Complainant" means a person filing a complaint.

(6) "Commission" means Florida Commission on Human Relations.

(7) "Commissioner" or "member" means a member of the Commission.

(8) "Division of Administrative Hearings" means the Division of Administrative Hearings of the Department of Management Services.

(9) "Document" means data compilations from which information can be obtained and be included, for example: writings, e-mail, drawings, charts, photographs, and phone records.

(10) "Employer" means any person employing 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

(11) "Employment Agency" means any person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunity to work for an employer, and includes an agent of such a person.

(12) "Executive Director" means the Executive Director of the Commission.

(13) "Disability" means a condition that is an impairment that substantially limits one or more of the major life activities as interpreted by 42 U.S.C. § 12102(2) in the Americans with Disabilities Act of 1990.

(14) "General Counsel" means the General Counsel of the Commission.

(15) "Hearing Officer" or "Administrative Law Judge" means the person assigned to conduct a hearing upon a petition filed with the Commission.

(16) "Intervenor" means any person permitted by the Commission, a Panel, or a hearing officer to intervene in a proceeding upon a petition.

(17) "Marital Status" does not include the identity of the spouse and the relationship to the aggrieved person, but rather the fact that the aggrieved person is married, single, divorced, separated, widowed, etc.

(18) "Labor Organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

(19) "Panel" means a panel of three or more Commissioners appointed pursuant to subsection 760.03(5), F.S., and paragraph 60Y-2.003(6)(c), F.A.C.

(20) "Party" means any person designated as a party to a proceeding before the Commission, pursuant to rule of the Commission.

(21) "Person" includes an individual, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, any other legal or commercial entity, the state or any governmental entity or agency.

(22) "Petition" means a writing, other than a written motion, filed with the Commission pursuant to rule of the Commission asking that specified action be taken by the Commission or a Panel.

(23) "Petitioner" means the person filing a petition with the Commission pursuant to rule of the Commission.

(24) "Respondent" means:

(a) In the case of a complaint, the employer, employment agency, labor organization, joint labor-management committee, or person designated in the complaint as responsible for the alleged unlawful employment practice; or

(b) In the case of a petition, the person against whom relief is requested.

(25) "Registered Mail" includes certified mail with return receipt requested.

(26) "Unlawful Employment Practice" means any practice so designated by Section 760.10, F.S.

(27) "Verified" means under oath or affirmation or by the signing of the written declaration prescribed by Section 92.525(2), F.S.

(28) "Date of determination" means the date the Determination was signed by the Executive Director or his or her designee.

(29) "Date of filing" means a completed complaint is received by the Commission prior to 5:00 p.m. (Eastern time) as provided by Rule 28-106.104, F.A.C.

(30) "Electronic filing" pursuant to subsection 60Y-2.005(5), F.A.C., means filing by facsimile or at the Commission's website found at <http://fchr.state.fl.us>.

(31) "Familial status" means whether or not children under the age of 18 are living with the Complainant, whether the Complainant is pregnant, or whether the Complainant has a pending adoption.

Specific Authority 760.06(12) FS. Law Implemented 92.525, 760.02, 760.03, 760.04, 760.05, 760.06, 760.10, 760.11 FS. History—New 11-2-78, Amended 8-12-85, Formerly 22T-7.01, 22T-7.001, Amended 9-1-93, 4-17-01, 12-31-03.

60Y-3.002 | SINGULAR TO INCLUDE PLURAL

All singular terms used in a rule of the Commission shall include the plural.

Specific Authority 760.06(12), 760.11(14) FS. Law Implemented 760.01, 760.02, 760.03, 760.04, 760.05, 760.06, 760.07, 760.10, 760.11 FS. History—New 11-2-78, Formerly 22T-7.02, 22T-7.002.

60Y-3.003 | CONSTRUCTION OF RULES

The rules of the Commission are intended to promote the purposes of the Act, the efficient operation of the Commission and the orderly administration of the Act. They are to be liberally construed to insure the accomplishment of these purposes. The rules set forth in Chapters 60Y-1, 60Y-2, 60Y-3, 60Y-4 and 60Y-5, F.A.C., may in specific instances be waived, by the Commission, in its discretion, for good cause shown.

Specific Authority 760.06(12), 760.11(14) FS. Law Implemented 760.01, 760.02, 760.03, 760.04, 760.05, 760.06, 760.07, 760.10, 760.11 FS. History—New 11-2-78, Amended 5-3-79, Formerly 22T-7.03, 22T-7.003.

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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