

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-4833

DEARRELL WILLIAMS,

Appellant,

v.

FLORIDA DEPARTMENT OF
CORRECTIONS,

Appellee.

On appeal from the Florida Commission on Human Relations.
Michelle Wilson, Executive Director.

May 25, 2018

PER CURIAM.

Appellant, Dearrell Williams, appeals a Notice of Dismissal of her charge of discrimination filed under Florida's Whistleblower's Act. We agree with Appellant that the Florida Commission on Human Relations erred in dismissing her charge as being untimely when it was filed on Monday, July 3, 2017, the first weekday following the Saturday on which the pertinent sixty-day filing period ended. *See Fla. Admin. Code R. 60Y-2.006* ("The mission and duties of the Commission [on Human Relations] 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: . . . (5) Chapters 28-101 through 28-106, 28-108, 28-109, F.A.C."); Fla.

Admin. Code. R. 28-106.103 (“In computing any period of time allowed by this chapter, by order of a presiding officer, or by any applicable statute, the day of the act from which the period of time begins to run shall not be included. *The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.*” (Emphasis added)). In agreeing with Appellant, we find the reliance Appellee, the Department of Corrections, places upon Florida Administrative Code Rule 60Y-5.001(3) to be misplaced. That rule, which provides in part that any document received by the clerk or other agent of the Commission after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day, does not address a situation where the last day of the pertinent filing period falls on a Saturday, Sunday, or holiday.

Accordingly, we REVERSE the Notice of Dismissal and REMAND for further proceedings.

LEWIS, MAKAR, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Marie A. Mattox, Tallahassee, for Appellant.

Kenneth S. Steely, General Counsel, M. Lilja Dandelake, Assistant General Counsel, Department of Corrections, Tallahassee, for Appellee.