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1                                   A bill to be entitled  
 2           An act relating to the review of the Department of  
 3           Management Services under the Florida Government  
 4           Accountability Act; amending ss. 11.13, 17.28, 26.51,  
 5           27.5301, 27.705, and 110.107, F.S.; establishing a single  
 6           pay period for state officers, employees, and other  
 7           personal services staff; conforming provisions; amending  
 8           s. 14.204, F.S.; amending a cross-reference; reenacting s.  
 9           20.22, F.S., relating to the creation and organization of  
 10          the Department of Management Services; repealing s.  
 11          110.113, F.S., relating to pay periods for state officers  
 12          and employees and salary payments by direct deposit;  
 13          repealing s. 110.123(13), F.S., relating to creation and  
 14          duties of the Florida State Employee Wellness Council;  
 15          amending s. 111.045, F.S.; providing that the salary of  
 16          specified officers may be payable monthly under certain  
 17          conditions; amending s. 120.54, F.S.; requiring a  
 18          petitioner requesting an administrative hearing to include  
 19          the petitioner's e-mail address; requiring the request for  
 20          administrative hearing by a respondent to include the e-  
 21          mail address of the party's counsel or qualified  
 22          representative; creating s. 120.585, F.S.; requiring the  
 23          filing of documents with the Division of Administrative  
 24          Hearings by electronic means; providing an exception under  
 25          certain conditions; amending ss. 57.111, 120.56, 120.569,  
 26          120.57, 553.73, and 961.03, F.S.; providing for electronic  
 27          filing and transmission procedures for certain actions,  
 28          proceedings, and petitions; conforming provisions to

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29 | changes made by the act; amending s. 287.05721, F.S.;  
 30 | deleting the definition of the term "council"; repealing  
 31 | s. 287.0573, F.S., relating to the Council on Efficient  
 32 | Government; amending s. 287.0574, F.S.; conforming  
 33 | provisions to changes made by this act; amending s.  
 34 | 287.0943, F.S.; deleting provisions establishing the  
 35 | Minority Business Certification Task Force, requiring that  
 36 | criteria for the certification of minority business  
 37 | enterprises be approved by the task force, and authorizing  
 38 | the task force to amend the statewide and interlocal  
 39 | agreement for the certification of minority business  
 40 | enterprises; amending s. 287.0947, F.S.; authorizing the  
 41 | Secretary of Management Services to establish the Florida  
 42 | Advisory Council on Small and Minority Business  
 43 | Development for certain purposes; amending s. 440.192 and  
 44 | 440.25, F.S.; providing and revising procedures for filing  
 45 | petitions for benefits and other documents in workers'  
 46 | compensation benefits proceedings to provide for  
 47 | electronic filing and transmission; amending s. 440.29 and  
 48 | 440.45, F.S.; authorizing the Office of the Judges of  
 49 | Compensation Claims to adopt rules for certain purposes;  
 50 | reenacting s. 760.03(1), F.S., relating to creation of the  
 51 | Commission on Human Relations; providing an effective  
 52 | date.

54 | Be It Enacted by the Legislature of the State of Florida:

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56 Section 1. Paragraph (a) of subsection (1) of section  
 57 11.13, Florida Statutes, is amended to read:

58 11.13 Compensation of members.—

59 (1)(a) The annual salaries of members of the Senate and  
 60 House of Representatives, payable in accordance with s. 17.28 ~~12~~  
 61 ~~equal monthly installments~~, shall be:

62 1. The President of the Senate and Speaker of the House of  
 63 Representatives, \$25,000 each.

64 2. All other members of the Senate and House of  
 65 Representatives, \$18,000 each.

66 Section 2. Paragraph (d) of subsection (4) of section  
 67 14.204, Florida Statutes, is amended to read:

68 14.204 Agency for Enterprise Information Technology.—The  
 69 Agency for Enterprise Information Technology is created within  
 70 the Executive Office of the Governor.

71 (4) The agency shall have the following duties and  
 72 responsibilities:

73 (d) Plan and establish policies for managing proposed  
 74 statutorily authorized enterprise information technology  
 75 services, which includes:

76 1. Developing business cases ~~that, when applicable,~~  
 77 ~~include the components identified in s. 287.0574;~~

78 2. Establishing and coordinating project-management teams;

79 3. Establishing formal risk-assessment and mitigation  
 80 processes; and

81 4. Providing for independent monitoring of projects for  
 82 recommended corrective actions.

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83 Section 3. Section 17.28, Florida Statutes, is amended to  
 84 read:

85 17.28 Pay periods for state officers, employees, and other  
 86 personal services staff; salary payments by direct deposit ~~Chief~~  
 87 ~~Financial Officer may authorize biweekly salary payments.-~~

88 (1) The pay period for salaries of state officers,  
 89 employees, and other personal services staff shall be monthly.  
 90 All state officers, employees, and other personal services staff  
 91 shall be compensated based on the same pay period dates. The  
 92 Department of Financial Services shall issue monthly salary  
 93 payments by state warrants or by direct deposit pursuant to s.  
 94 17.076.

95 (2) As a condition of employment, a person appointed to a  
 96 position in state government is required to participate in the  
 97 direct deposit program pursuant to s. 17.076. An employee may  
 98 request an exemption from the provisions of this subsection when  
 99 such employee or other personal services staff member can  
 100 demonstrate a hardship. ~~The Chief Financial Officer may permit~~  
 101 ~~biweekly salary payments to personnel upon written request by a~~  
 102 ~~specific state agency. The Chief Financial Officer shall adopt~~  
 103 ~~reasonable rules to carry out the intent of this section.~~

104 Section 4. Section 20.22, Florida Statutes, is reenacted.

105 Section 5. Section 26.51, Florida Statutes, is amended to  
 106 read:

107 26.51 Salaries of circuit judges; payment.-The salaries of  
 108 circuit judges to be paid by the state shall be paid in  
 109 accordance with s. 17.28 ~~equal monthly installments.~~

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110 Section 6. Subsections (1) and (3) of section 27.5301,  
 111 Florida Statutes, are amended to read:

112 27.5301 Salaries of public defenders, assistant public  
 113 defenders, criminal conflict and civil regional counsel, and  
 114 assistant regional counsel.—

115 (1) The salaries of public defenders shall be as provided  
 116 in the General Appropriations Act and shall be paid in  
 117 accordance with s. 17.28 ~~equal monthly installments~~.

118 (3) The salary of the criminal conflict and civil regional  
 119 counsel shall be as provided in the General Appropriations Act  
 120 and shall be paid in accordance with s. 17.28 ~~equal monthly~~  
 121 ~~installments~~.

122 Section 7. Subsection (1) of section 27.705, Florida  
 123 Statutes, is amended to read:

124 27.705 Salaries of capital collateral regional counsel and  
 125 assistant capital collateral counsel.—

126 (1) Each capital collateral regional counsel shall be paid  
 127 a salary by the state, which shall be as provided in the General  
 128 Appropriations Act and shall be paid in accordance with s. 17.28  
 129 ~~equal monthly installments~~.

130 Section 8. Paragraph (b) of subsection (4) of section  
 131 57.111, Florida Statutes, is amended to read:

132 57.111 Civil actions and administrative proceedings  
 133 initiated by state agencies; attorneys' fees and costs.—

134 (4)

135 (b)1. To apply for an award under this section, the  
 136 attorney for the prevailing small business party must submit an  
 137 itemized affidavit to the court which first conducted the

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138 | adversarial proceeding in the underlying action, or by  
 139 | electronic means through the division's website to the Division  
 140 | of Administrative Hearings, which shall assign an administrative  
 141 | law judge, in the case of a proceeding pursuant to chapter 120,  
 142 | which affidavit shall reveal the nature and extent of the  
 143 | services rendered by the attorney as well as the costs incurred  
 144 | in preparations, motions, hearings, and appeals in the  
 145 | proceeding.

146 |         2. The application for an award of attorney's fees must be  
 147 | made within 60 days after the date that the small business party  
 148 | becomes a prevailing small business party.

149 |         Section 9. Subsections (6) and (7) of section 110.107,  
 150 | Florida Statutes, are amended to read:

151 |             110.107 Definitions.—As used in this chapter, the term:

152 |             (6) "Full-time position" means a position authorized for  
 153 | the entire normally established work period in accordance with  
 154 | s. 17.28, ~~daily, weekly, monthly, or annually.~~

155 |             (7) "Part-time position" means a position authorized for  
 156 | less than the entire normally established work period in  
 157 | accordance with s. 17.28, ~~daily, weekly, monthly, or annually.~~

158 |         Section 10. Section 110.113, Florida Statutes, is  
 159 | repealed.

160 |         Section 11. Subsection (13) of section 110.123, Florida  
 161 | Statutes, is repealed.

162 |         Section 12. Section 111.045, Florida Statutes, is amended,  
 163 | to read:

164 |             111.045 Salaries of officers payable upon requisition.—The  
 165 | salary of every officer holding a county, municipal, or school

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166 or other district office or position shall be payable monthly  
 167 upon his or her own requisition.

168 Section 13. Paragraph (b) of subsection (5) of section  
 169 120.54, Florida Statutes, is amended to read:

170 120.54 Rulemaking.—

171 (5) UNIFORM RULES.—

172 (b) The uniform rules of procedure adopted by the  
 173 commission pursuant to this subsection shall include, but are  
 174 not limited to:

175 1. Uniform rules for the scheduling of public meetings,  
 176 hearings, and workshops.

177 2. Uniform rules for use by each state agency that provide  
 178 procedures for conducting public meetings, hearings, and  
 179 workshops, and for taking evidence, testimony, and argument at  
 180 such public meetings, hearings, and workshops, in person and by  
 181 means of communications media technology. The rules shall  
 182 provide that all evidence, testimony, and argument presented  
 183 shall be afforded equal consideration, regardless of the method  
 184 of communication. If a public meeting, hearing, or workshop is  
 185 to be conducted by means of communications media technology, or  
 186 if attendance may be provided by such means, the notice shall so  
 187 state. The notice for public meetings, hearings, and workshops  
 188 utilizing communications media technology shall state how  
 189 persons interested in attending may do so and shall name  
 190 locations, if any, where communications media technology  
 191 facilities will be available. Nothing in this paragraph shall be  
 192 construed to diminish the right to inspect public records under  
 193 chapter 119. Limiting points of access to public meetings,

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194 | hearings, and workshops subject to the provisions of s. 286.011  
 195 | to places not normally open to the public shall be presumed to  
 196 | violate the right of access of the public, and any official  
 197 | action taken under such circumstances is void and of no effect.  
 198 | Other laws relating to public meetings, hearings, and workshops,  
 199 | including penal and remedial provisions, shall apply to public  
 200 | meetings, hearings, and workshops conducted by means of  
 201 | communications media technology, and shall be liberally  
 202 | construed in their application to such public meetings,  
 203 | hearings, and workshops. As used in this subparagraph,  
 204 | "communications media technology" means the electronic  
 205 | transmission of printed matter, audio, full-motion video,  
 206 | freeze-frame video, compressed video, and digital video by any  
 207 | method available.

208 |         3. Uniform rules of procedure for the filing of notice of  
 209 | protests and formal written protests. The Administration  
 210 | Commission may prescribe the form and substantive provisions of  
 211 | a required bond.

212 |         4. Uniform rules of procedure for the filing of petitions  
 213 | for administrative hearings pursuant to s. 120.569 or s. 120.57.  
 214 | Such rules shall require the petition to include:

215 |             a. The identification of the petitioner, including the  
 216 | petitioner's e-mail address, if any, for the transmittal of  
 217 | subsequent documents by electronic means.

218 |             b. A statement of when and how the petitioner received  
 219 | notice of the agency's action or proposed action.

220 |             c. An explanation of how the petitioner's substantial  
 221 | interests are or will be affected by the action or proposed



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222 | action.

223 |         d. A statement of all material facts disputed by the

224 | petitioner or a statement that there are no disputed facts.

225 |         e. A statement of the ultimate facts alleged, including a

226 | statement of the specific facts the petitioner contends warrant

227 | reversal or modification of the agency's proposed action.

228 |         f. A statement of the specific rules or statutes that the

229 | petitioner contends require reversal or modification of the

230 | agency's proposed action, including an explanation of how the

231 | alleged facts relate to the specific rules or statutes.

232 |         g. A statement of the relief sought by the petitioner,

233 | stating precisely the action petitioner wishes the agency to

234 | take with respect to the proposed action.

235 |         5. Uniform rules for the filing of request for

236 | administrative hearing by a respondent in agency enforcement and

237 | disciplinary actions. Such rules shall require a request to

238 | include:

239 |         a. The name, address, e-mail address, and telephone number

240 | of the party making the request and the name, address, e-mail

241 | address, and telephone number of the party's counsel or

242 | qualified representative upon whom service of pleadings and

243 | other papers shall be made;

244 |         b. A statement that the respondent is requesting an

245 | administrative hearing and disputes the material facts alleged

246 | by the petitioner, in which case the respondent shall identify

247 | those material facts that are in dispute, or that the respondent

248 | is requesting an administrative hearing and does not dispute the

249 | material facts alleged by the petitioner; and

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250 c. A reference by file number to the administrative  
 251 complaint that the party has received from the agency and the  
 252 date on which the agency pleading was received.

253  
 254 The agency may provide an election-of-rights form for the  
 255 respondent's use in requesting a hearing, so long as any form  
 256 provided by the agency calls for the information in sub-  
 257 subparagraphs a. through c. and does not impose any additional  
 258 requirements on a respondent in order to request a hearing,  
 259 unless such requirements are specifically authorized by law.

260 6. Uniform rules of procedure for the filing and prompt  
 261 disposition of petitions for declaratory statements. The rules  
 262 shall also describe the contents of the notices that must be  
 263 published in the Florida Administrative Weekly under s. 120.565,  
 264 including any applicable time limit for the filing of petitions  
 265 to intervene or petitions for administrative hearing by persons  
 266 whose substantial interests may be affected.

267 7. Provision of a method by which each agency head shall  
 268 provide a description of the agency's organization and general  
 269 course of its operations. The rules shall require that the  
 270 statement concerning the agency's organization and operations be  
 271 published on the agency's website.

272 8. Uniform rules establishing procedures for granting or  
 273 denying petitions for variances and waivers pursuant to s.  
 274 120.542.

275 Section 14. Paragraphs (c) and (d) of subsection (1) of  
 276 section 120.56, Florida Statutes, are amended to read:

277 120.56 Challenges to rules.—

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278 (1) GENERAL PROCEDURES FOR CHALLENGING THE VALIDITY OF A  
 279 RULE OR A PROPOSED RULE.—

280 (c) The petition shall be filed by electronic means with  
 281 the division, which shall, immediately upon filing, forward by  
 282 electronic means copies to the agency whose rule is challenged,  
 283 the Department of State, and the committee. Within 10 days after  
 284 receiving the petition, the division director shall, if the  
 285 petition complies with the requirements of paragraph (b), assign  
 286 an administrative law judge who shall conduct a hearing within  
 287 30 days thereafter, unless the petition is withdrawn or a  
 288 continuance is granted by agreement of the parties or for good  
 289 cause shown. Evidence of good cause includes, but is not limited  
 290 to, written notice of an agency's decision to modify or withdraw  
 291 the proposed rule or a written notice from the chair of the  
 292 committee stating that the committee will consider an objection  
 293 to the rule at its next scheduled meeting. The failure of an  
 294 agency to follow the applicable rulemaking procedures or  
 295 requirements set forth in this chapter shall be presumed to be  
 296 material; however, the agency may rebut this presumption by  
 297 showing that the substantial interests of the petitioner and the  
 298 fairness of the proceedings have not been impaired.

299 (d) Within 30 days after the hearing, the administrative  
 300 law judge shall render a decision and state the reasons therefor  
 301 in writing. The division shall forthwith transmit by electronic  
 302 means copies of the administrative law judge's decision to the  
 303 agency, the Department of State, and the committee.

304 Section 15. Paragraph (a) of subsection (2) of section  
 305 120.569, Florida Statutes, is amended to read:

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306 120.569 Decisions which affect substantial interests.—  
 307 (2) (a) Except for any proceeding conducted as prescribed  
 308 in s. 120.56, a petition or request for a hearing under this  
 309 section shall be filed with the agency. If the agency requests  
 310 an administrative law judge from the division, it shall so  
 311 notify the division by electronic means through the division's  
 312 website within 15 days after receipt of the petition or request.  
 313 A request for a hearing shall be granted or denied within 15  
 314 days after receipt. On the request of any agency, the division  
 315 shall assign an administrative law judge with due regard to the  
 316 expertise required for the particular matter. The referring  
 317 agency shall take no further action with respect to a proceeding  
 318 under s. 120.57(1), except as a party litigant, as long as the  
 319 division has jurisdiction over the proceeding under s.  
 320 120.57(1). Any party may request the disqualification of the  
 321 administrative law judge by filing an affidavit with the  
 322 division prior to the taking of evidence at a hearing, stating  
 323 the grounds with particularity.  
 324 Section 16. Paragraph (d) of subsection (3) of section  
 325 120.57, Florida Statutes, is amended to read:  
 326 120.57 Additional procedures for particular cases.—  
 327 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO  
 328 CONTRACT SOLICITATION OR AWARD.—Agencies subject to this chapter  
 329 shall use the uniform rules of procedure, which provide  
 330 procedures for the resolution of protests arising from the  
 331 contract solicitation or award process. Such rules shall at  
 332 least provide that:  
 333 (d)1. The agency shall provide an opportunity to resolve

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334 the protest by mutual agreement between the parties within 7  
 335 days, excluding Saturdays, Sundays, and state holidays, after  
 336 receipt of a formal written protest.

337 2. If the subject of a protest is not resolved by mutual  
 338 agreement within 7 days, excluding Saturdays, Sundays, and state  
 339 holidays, after receipt of the formal written protest, and if  
 340 there is no disputed issue of material fact, an informal  
 341 proceeding shall be conducted pursuant to subsection (2) and  
 342 applicable agency rules before a person whose qualifications  
 343 have been prescribed by rules of the agency.

344 3. If the subject of a protest is not resolved by mutual  
 345 agreement within 7 days, excluding Saturdays, Sundays, and state  
 346 holidays, after receipt of the formal written protest, and if  
 347 there is a disputed issue of material fact, the agency shall  
 348 refer the protest to the division by electronic means through  
 349 the division's website for proceedings under subsection (1).

350 Section 17. Section 120.585, Florida Statutes, is created  
 351 to read:

352 120.585 Electronic filing.—All documents filed with the  
 353 division must be filed by electronic means through the  
 354 division's website. However, an exception to this electronic  
 355 filing requirement shall be granted to any party upon the  
 356 delivery of a written request to the chief judge by certified  
 357 mail. The chief judge may decline the written request for an  
 358 exception if, within 10 days after receipt of the written  
 359 request, the chief judge sufficiently demonstrates that  
 360 electronic filing is not a hardship on the party requesting the  
 361 exception.

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362 Section 18. Section 287.05721, Florida Statutes, is  
 363 amended to read:

364 287.05721 Definitions.—As used in ss. 287.0571–287.0574,  
 365 the term:

366 ~~(1) "Council" means the Council on Efficient Government.~~

367 ~~(2) "outsource" means the process of contracting with a~~  
 368 vendor to provide a service as defined in s. 216.011(1)(f), in  
 369 whole or in part, or an activity as defined in s.  
 370 216.011(1)(rr), while a state agency retains the responsibility  
 371 and accountability for the service or activity and there is a  
 372 transfer of management responsibility for the delivery of  
 373 resources and the performance of those resources.

374 Section 19. Section 287.0573, Florida Statutes, is  
 375 repealed.

376 Section 20. Section 287.0574, Florida Statutes, is amended  
 377 to read:

378 287.0574 Business cases to outsource; review and analysis;  
 379 requirements.—

380 (1) A business case to outsource having a projected cost  
 381 exceeding \$10 million in any fiscal year shall require:

382 (a) An initial business case analysis conducted by the  
 383 state agency and submitted to ~~the council,~~ the Governor, the  
 384 President of the Senate, and the Speaker of the House of  
 385 Representatives at least 60 days before a solicitation is  
 386 issued. ~~The council shall evaluate the business case analysis~~  
 387 ~~and submit an advisory report to the state agency, the Governor,~~  
 388 ~~the President of the Senate, and the Speaker of the House of~~  
 389 ~~Representatives when the advisory report is completed, but at~~

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390 ~~least 30 days before the agency issues the solicitation.~~

391 (b) A final business case analysis conducted by the state  
 392 agency and submitted after the conclusion of any negotiations,  
 393 at least 30 days before execution of a contract, to ~~the council,~~  
 394 the Governor, the President of the Senate, and the Speaker of  
 395 the House of Representatives.

396 (2) A proposal to outsource having a projected cost that  
 397 ranges from \$1 million to \$10 million in any fiscal year shall  
 398 require:

399 (a) An initial business case analysis conducted by the  
 400 state agency and submission of the business case, at least 30  
 401 days before issuing a solicitation, to ~~the council,~~ the  
 402 Governor, the President of the Senate, and the Speaker of the  
 403 House of Representatives.

404 (b) A final business case analysis conducted by the state  
 405 agency and submitted after the conclusion of any negotiations,  
 406 at least 30 days before execution of a contract, to ~~the council,~~  
 407 the Governor, the President of the Senate, and the Speaker of  
 408 the House of Representatives.

409 (3) A business case to outsource having a projected cost  
 410 that is less than \$1 million in any fiscal year shall require a  
 411 final business case analysis conducted by the state agency after  
 412 the conclusion of any negotiations and provided at least 30 days  
 413 before execution of a contract to the department ~~council~~. ~~The~~  
 414 ~~council shall provide such business cases in its annual report~~  
 415 ~~to the Legislature.~~

416 (4) For any proposed outsourcing, the state agency shall  
 417 develop a business case that justifies the proposal to

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418 | outsource. In order to reduce any administrative burden, ~~the~~  
 419 | ~~council may allow~~ a state agency may ~~to~~ submit the business case  
 420 | in the form required by the budget instructions issued pursuant  
 421 | to s. 216.023(4)(a)7., augmented with additional information if  
 422 | necessary, to ensure that the requirements of this section are  
 423 | met. The business case is not subject to challenge or protest  
 424 | pursuant to chapter 120. The business case must include, but  
 425 | need not be limited to:

426 |       (a) A detailed description of the service or activity for  
 427 | which the outsourcing is proposed.

428 |       (b) A description and analysis of the state agency's  
 429 | current performance, based on existing performance metrics if  
 430 | the state agency is currently performing the service or  
 431 | activity.

432 |       (c) The goals desired to be achieved through the proposed  
 433 | outsourcing and the rationale for such goals.

434 |       (d) A citation to the existing or proposed legal authority  
 435 | for outsourcing the service or activity.

436 |       (e) A description of available options for achieving the  
 437 | goals. If state employees are currently performing the service  
 438 | or activity, at least one option involving maintaining state  
 439 | provision of the service or activity shall be included.

440 |       (f) An analysis of the advantages and disadvantages of  
 441 | each option, including, at a minimum, potential performance  
 442 | improvements and risks.

443 |       (g) A description of the current market for the  
 444 | contractual services that are under consideration for  
 445 | outsourcing.



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446 (h) A cost-benefit analysis documenting the direct and  
 447 indirect specific baseline costs, savings, and qualitative and  
 448 quantitative benefits involved in or resulting from the  
 449 implementation of the recommended option or options. Such  
 450 analysis must specify the schedule that, at a minimum, must be  
 451 adhered to in order to achieve the estimated savings. All  
 452 elements of cost must be clearly identified in the cost-benefit  
 453 analysis, described in the business case, and supported by  
 454 applicable records and reports. The state agency head shall  
 455 attest that, based on the data and information underlying the  
 456 business case, to the best of his or her knowledge, all  
 457 projected costs, savings, and benefits are valid and achievable.  
 458 As used in this section, the term "cost" means the reasonable,  
 459 relevant, and verifiable cost, which may include, but is not  
 460 limited to, elements such as personnel, materials and supplies,  
 461 services, equipment, capital depreciation, rent, maintenance and  
 462 repairs, utilities, insurance, personnel travel, overhead, and  
 463 interim and final payments. The appropriate elements shall  
 464 depend on the nature of the specific initiative. As used in this  
 465 section, the term "savings" means the difference between the  
 466 direct and indirect actual annual baseline costs compared to the  
 467 projected annual cost for the contracted functions or  
 468 responsibilities in any succeeding state fiscal year during the  
 469 term of the contract.

470 (i) A description of differences among current state  
 471 agency policies and processes and, as appropriate, a discussion  
 472 of options for or a plan to standardize, consolidate, or revise  
 473 current policies and processes, if any, to reduce the

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474 customization of any proposed solution that would otherwise be  
475 required.

476 (j) A description of the specific performance standards  
477 that must, at a minimum, be met to ensure adequate performance.

478 (k) The projected timeframe for key events from the  
479 beginning of the procurement process through the expiration of a  
480 contract.

481 (l) A plan to ensure compliance with the public records  
482 law.

483 (m) A specific and feasible contingency plan addressing  
484 contractor nonperformance and a description of the tasks  
485 involved in and costs required for its implementation.

486 (n) A state agency's transition plan for addressing  
487 changes in the number of agency personnel, affected business  
488 processes, employee transition issues, and communication with  
489 affected stakeholders, such as agency clients and the public.  
490 The transition plan must contain a reemployment and retraining  
491 assistance plan for employees who are not retained by the state  
492 agency or employed by the contractor.

493 (o) A plan for ensuring access by persons with  
494 disabilities in compliance with applicable state and federal  
495 law.

496 (p) A description of legislative and budgetary actions  
497 necessary to accomplish the proposed outsourcing.

498 (5) In addition to the contract requirements provided in  
499 s. 287.058, each contract for a proposed outsourcing, pursuant  
500 to this section, must include, but need not be limited to, the  
501 following contractual provisions:

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502 (a) A scope-of-work provision that clearly specifies each  
 503 service or deliverable to be provided, including a description  
 504 of each deliverable or activity that is quantifiable,  
 505 measurable, and verifiable. This provision must include a clause  
 506 that states if a particular service or deliverable is  
 507 inadvertently omitted or not clearly specified but determined to  
 508 be operationally necessary and verified to have been performed  
 509 by the agency within the 12 months before the execution of the  
 510 contract, such service or deliverable will be provided by the  
 511 contractor through the identified contract-amendment process.

512 (b) A service-level-agreement provision describing all  
 513 services to be provided under the terms of the agreement, the  
 514 state agency's service requirements and performance objectives,  
 515 specific responsibilities of the state agency and the  
 516 contractor, and the process for amending any portion of the  
 517 service-level agreement. Each service-level agreement must  
 518 contain an exclusivity clause that allows the state agency to  
 519 retain the right to perform the service or activity, directly or  
 520 with another contractor, if service levels are not being  
 521 achieved.

522 (c) A provision that identifies all associated costs,  
 523 specific payment terms, and payment schedules, including  
 524 provisions governing incentives and financial disincentives and  
 525 criteria governing payment.

526 (d) A provision that identifies a clear and specific  
 527 transition plan that will be implemented in order to complete  
 528 all required activities needed to transfer the service or  
 529 activity from the state agency to the contractor and operate the

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530 service or activity successfully.

531 (e) A performance-standards provision that identifies all  
 532 required performance standards, which must include, at a  
 533 minimum:

534 1. Detailed and measurable acceptance criteria for each  
 535 deliverable and service to be provided to the state agency under  
 536 the terms of the contract which document the required  
 537 performance level.

538 2. A method for monitoring and reporting progress in  
 539 achieving specified performance standards and levels.

540 3. The sanctions or disincentives that shall be imposed  
 541 for nonperformance by the contractor or state agency.

542 (f) A provision that requires the contractor and its  
 543 subcontractors to maintain adequate accounting records that  
 544 comply with all applicable federal and state laws and generally  
 545 accepted accounting principles.

546 (g) A provision that authorizes the state agency to have  
 547 access to and to audit all records related to the contract and  
 548 subcontracts, or any responsibilities or functions under the  
 549 contract and subcontracts, for purposes of legislative  
 550 oversight, and a requirement for audits by a service  
 551 organization in accordance with professional auditing standards,  
 552 if appropriate.

553 (h) A provision that requires the contractor to interview  
 554 and consider for employment with the contractor each displaced  
 555 state employee who is interested in such employment.

556 (i) A contingency-plan provision that describes the  
 557 mechanism for continuing the operation of the service or

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558 activity, including transferring the service or activity back to  
 559 the state agency or successor contractor if the contractor fails  
 560 to perform and comply with the performance standards and levels  
 561 of the contract and the contract is terminated.

562 (j) A provision that requires the contractor and its  
 563 subcontractors to comply with public records laws, specifically  
 564 to:

565 1. Keep and maintain the public records that ordinarily  
 566 and necessarily would be required by the state agency in order  
 567 to perform the service or activity.

568 2. Provide the public with access to such public records  
 569 on the same terms and conditions that the state agency would  
 570 provide the records and at a cost that does not exceed that  
 571 provided in chapter 119 or as otherwise provided by law.

572 3. Ensure that records that are exempt or records that are  
 573 confidential and exempt are not disclosed except as authorized  
 574 by law.

575 4. Meet all requirements for retaining records and  
 576 transfer to the state agency, at no cost, all public records in  
 577 possession of the contractor upon termination of the contract  
 578 and destroy any duplicate public records that are exempt or  
 579 confidential and exempt. All records stored electronically must  
 580 be provided to the state agency in a format that is compatible  
 581 with the information technology systems of the state agency.

582 (k) A provision that addresses ownership of intellectual  
 583 property. This paragraph does not provide the specific authority  
 584 needed by an agency to obtain a copyright or trademark.

585 (l) If applicable, a provision that allows the agency to

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586 purchase from the contractor, at its depreciated value, assets  
 587 used by the contractor in the performance of the contract. If  
 588 assets have not depreciated, the agency shall retain the right  
 589 to negotiate to purchase at an agreed-upon cost.

590 Section 21. Subsection (2) and paragraph (e) of subsection  
 591 (3) of section 287.0943, Florida Statutes, are amended to read:

592 287.0943 Certification of minority business enterprises.-

593 ~~(2)(a) The office is hereby directed to convene a~~  
 594 ~~"Minority Business Certification Task Force." The task force~~  
 595 ~~shall meet as often as necessary, but no less frequently than~~  
 596 ~~annually.~~

597 ~~(b) The task force shall be regionally balanced and~~  
 598 ~~comprised of officials representing the department, counties,~~  
 599 ~~municipalities, school boards, special districts, and other~~  
 600 ~~political subdivisions of the state who administer programs to~~  
 601 ~~assist minority businesses in procurement or development in~~  
 602 ~~government sponsored programs. The following organizations may~~  
 603 ~~appoint two members each of the task force who fit the~~  
 604 ~~description above:~~

- 605 1. ~~The Florida League of Cities, Inc.~~
- 606 2. ~~The Florida Association of Counties.~~
- 607 3. ~~The Florida School Boards Association, Inc.~~
- 608 4. ~~The Association of Special Districts.~~
- 609 5. ~~The Florida Association of Minority Business Enterprise~~  
 610 ~~Officials.~~
- 611 6. ~~The Florida Association of Government Purchasing~~  
 612 ~~Officials.~~

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614 ~~In addition, the Office of Supplier Diversity shall appoint~~  
 615 ~~seven members consisting of three representatives of minority~~  
 616 ~~business enterprises, one of whom should be a woman business~~  
 617 ~~owner, two officials of the office, and two at-large members to~~  
 618 ~~ensure balance. The chairperson of the Legislative Committee on~~  
 619 ~~Intergovernmental Relations or a designee shall be a member of~~  
 620 ~~the task force, ex officio. A quorum shall consist of one-third~~  
 621 ~~of the current members, and the task force may take action by~~  
 622 ~~majority vote. Any vacancy may only be filled by the~~  
 623 ~~organization or agency originally authorized to appoint the~~  
 624 ~~position.~~

625 ~~(c) The purpose of the task force will be to propose~~  
 626 ~~uniform criteria and procedures by which participating entities~~  
 627 ~~and organizations can qualify businesses to participate in~~  
 628 ~~procurement or contracting programs as certified minority~~  
 629 ~~business enterprises in accordance with the certification~~  
 630 ~~criteria established by law.~~

631 ~~(d) A final list of the criteria and procedures proposed~~  
 632 ~~by the task force shall be considered by the secretary. The task~~  
 633 ~~force may seek technical assistance from qualified providers of~~  
 634 ~~technical, business, and managerial expertise to ensure the~~  
 635 ~~reliability of the certification criteria developed.~~

636 (a)~~(e)~~ In assessing the status of ownership and control,  
 637 certification criteria shall, at a minimum:

638 1. Link ownership by a minority person, as defined in s.  
 639 288.703(3), or as dictated by the legal obligations of a  
 640 certifying organization, to day-to-day control and financial  
 641 risk by the qualifying minority owner, and to demonstrated

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642 expertise or licensure of a minority owner in any trade or  
 643 profession that the minority business enterprise will offer to  
 644 the state when certified. Businesses must comply with all state  
 645 licensing requirements prior to becoming certified as a minority  
 646 business enterprise.

647 2. If present ownership was obtained by transfer, require  
 648 the minority person on whom eligibility is based to have owned  
 649 at least 51 percent of the applicant firm for a minimum of 2  
 650 years, when any previous majority ownership interest in the firm  
 651 was by a nonminority who is or was a relative, former employer,  
 652 or current employer of the minority person on whom eligibility  
 653 is based. This requirement shall not apply to minority persons  
 654 who are otherwise eligible who take a 51-percent-or-greater  
 655 interest in a firm that requires professional licensure to  
 656 operate and who will be the qualifying licenseholder for the  
 657 firm when certified. A transfer made within a related immediate  
 658 family group from a nonminority person to a minority person in  
 659 order to establish ownership by a minority person shall be  
 660 deemed to have been made solely for purposes of satisfying  
 661 certification criteria and shall render such ownership invalid  
 662 for purposes of qualifying for such certification if the  
 663 combined total net asset value of all members of such family  
 664 group exceeds \$1 million. For purposes of this subparagraph, the  
 665 term "related immediate family group" means one or more children  
 666 under 16 years of age and a parent of such children or the  
 667 spouse of such parent residing in the same house or living unit.

668 3. Require that prospective certified minority business  
 669 enterprises be currently performing or seeking to perform a



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670 useful business function. A "useful business function" is  
 671 defined as a business function which results in the provision of  
 672 materials, supplies, equipment, or services to customers. Acting  
 673 as a conduit to transfer funds to a nonminority business does  
 674 not constitute a useful business function unless it is done so  
 675 in a normal industry practice. As used in this section, the term  
 676 "acting as a conduit" means, in part, not acting as a regular  
 677 dealer by making sales of material, goods, or supplies from  
 678 items bought, kept in stock, and regularly sold to the public in  
 679 the usual course of business. Brokers, manufacturer's  
 680 representatives, sales representatives, and nonstocking  
 681 distributors are considered as conduits that do not perform a  
 682 useful business function, unless normal industry practice  
 683 dictates.

684 (b)~~(f)~~ When a business receives payments or awards  
 685 exceeding \$100,000 in one fiscal year, a review of its  
 686 certification status or an audit will be conducted within 2  
 687 years. In addition, random reviews or audits will be conducted  
 688 as deemed appropriate by the Office of Supplier Diversity.

689 (c)~~(g)~~ The certification criteria ~~approved by the task~~  
 690 ~~force and~~ adopted by the Department of Management Services shall  
 691 be included in a statewide and interlocal agreement as defined  
 692 in s. 287.09431 and, in accordance with s. 163.01, shall be  
 693 executed according to the terms included therein.

694 (d)~~(h)~~ The certification procedures should allow an  
 695 applicant seeking certification to designate on the application  
 696 form the information the applicant considers to be proprietary,  
 697 confidential business information. As used in this paragraph,

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698 "proprietary, confidential business information" includes, but  
 699 is not limited to, any information that would be exempt from  
 700 public inspection pursuant to the provisions of chapter 119;  
 701 trade secrets; internal auditing controls and reports; contract  
 702 costs; or other information the disclosure of which would injure  
 703 the affected party in the marketplace or otherwise violate s.  
 704 286.041. The executor in receipt of the application shall issue  
 705 written and final notice of any information for which  
 706 noninspection is requested but not provided for by law.

707 (e)~~(i)~~ A business that is certified under the provisions  
 708 of the statewide and interlocal agreement shall be deemed a  
 709 certified minority enterprise in all jurisdictions or  
 710 organizations where the agreement is in effect, and that  
 711 business is deemed available to do business as such within any  
 712 such jurisdiction or with any such organization statewide. All  
 713 state agencies must accept minority business enterprises  
 714 certified in accordance with the statewide and interlocal  
 715 agreement of s. 287.09431, and that business shall also be  
 716 deemed a "certified minority business enterprise" as defined in  
 717 s. 288.703. However, any governmental jurisdiction or  
 718 organization that administers a minority business purchasing  
 719 program may reserve the right to establish further certification  
 720 procedures necessary to comply with federal law.

721 ~~(j) The statewide and interlocal agreement shall be guided~~  
 722 ~~by the terms and conditions found therein and may be amended at~~  
 723 ~~any meeting of the task force and subsequently adopted by the~~  
 724 ~~secretary of the Department of Management Services. The amended~~  
 725 ~~agreement must be enacted, initialed, and legally executed by at~~

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726 ~~least two thirds of the certifying entities party to the~~  
 727 ~~existing agreement and adopted by the state as originally~~  
 728 ~~executed in order to bind the certifying entity.~~

729 ~~(k) The task force shall meet for the first time no later~~  
 730 ~~than 45 days after the effective date of this act.~~

731 (3)

732 (e) Any participating program receiving three or more  
 733 challenges to its certification decisions pursuant to subsection  
 734 (4) from other organizations that are executors to the statewide  
 735 and interlocal agreement, shall be subject to a review by the  
 736 office, as provided in paragraphs (a) and (b), of the  
 737 organization's capacity to perform under such agreement and in  
 738 accordance with the certification core criteria ~~established by~~  
 739 ~~the task force~~. The office shall submit a report to the  
 740 secretary of the Department of Management Services regarding the  
 741 results of the review.

742 Section 22. Subsection (1) of section 287.0947, Florida  
 743 Statutes, is amended to read:

744 287.0947 Florida Advisory Council on Small and Minority  
 745 Business Development; creation; membership; duties.—

746 (1) On or after October 1, 2010 ~~1996~~, the secretary of the  
 747 Department of Management Services ~~Labor and Employment Security~~  
 748 may create the Florida Advisory Council on Small and Minority  
 749 Business Development with the purpose of advising and assisting  
 750 the Office of Supplier Diversity ~~secretary~~ in carrying out the  
 751 office's ~~secretary's~~ duties with respect to minority businesses  
 752 and economic and business development. It is the intent of the  
 753 Legislature that the membership of such council include

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754 practitioners, laypersons, financiers, and others with business  
 755 development experience who can provide invaluable insight and  
 756 expertise for this state in the diversification of its markets  
 757 and networking of business opportunities. The council shall  
 758 initially consist of 19 persons, each of whom is or has been  
 759 actively engaged in small and minority business development,  
 760 either in private industry, in governmental service, or as a  
 761 scholar of recognized achievement in the study of such matters.  
 762 Initially, the council shall consist of members representing all  
 763 regions of the state and shall include at least one member from  
 764 each group identified within the definition of "minority person"  
 765 in s. 288.703(3), considering also gender and nationality  
 766 subgroups, and shall consist of the following:

767 (a) Four members consisting of representatives of local  
 768 and federal small and minority business assistance programs or  
 769 community development programs.

770 (b) Eight members composed of representatives of the  
 771 minority private business sector, including certified minority  
 772 business enterprises and minority supplier development councils,  
 773 among whom at least two shall be women and at least four shall  
 774 be minority persons.

775 (c) Two representatives of local government, one of whom  
 776 shall be a representative of a large local government, and one  
 777 of whom shall be a representative of a small local government.

778 (d) Two representatives from the banking and insurance  
 779 industry.

780 (e) Two members from the private business sector,  
 781 representing the construction and commodities industries.

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782 (f) The chairperson of the Florida Black Business  
 783 Investment Board or the chairperson's designee.

784  
 785 A candidate for appointment may be considered if eligible to be  
 786 certified as an owner of a minority business enterprise, or if  
 787 otherwise qualified under the criteria above. Vacancies may be  
 788 filled by appointment of the secretary, in the manner of the  
 789 original appointment.

790 Section 23. Subsections (1) and (8) of section 440.192,  
 791 Florida Statutes, are amended to read:

792 440.192 Procedure for resolving benefit disputes.—

793 (1) Any employee may, for any benefit that is ripe, due,  
 794 and owing, file by ~~certified mail, or by~~ electronic means  
 795 ~~approved by the Deputy Chief Judge,~~ with the Office of the  
 796 Judges of Compensation Claims a petition for benefits which  
 797 meets the requirements of this section and the definition of  
 798 specificity in s. 440.02. An employee may request an exception  
 799 to the electronic filing requirement upon the employee  
 800 delivering a written request to the Chief Judge by certified  
 801 mail. However, the Chief Judge may decline such request if,  
 802 within 10 days after receipt of the written request, the Chief  
 803 Judge sufficiently demonstrates that electronic filing is not a  
 804 hardship on the party requesting the exception. The department  
 805 shall inform employees of the location of the Office of the  
 806 Judges of Compensation Claims and the office's website address  
 807 for purposes of filing a petition for benefits. The employee  
 808 shall also serve copies of the petition for benefits by  
 809 certified mail, or by electronic means approved by the Deputy

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810 Chief Judge, upon the employer and the employer's carrier. The  
 811 Deputy Chief Judge shall refer the petitions to the judges of  
 812 compensation claims.

813 (8) Within 14 days after receipt of a petition for  
 814 benefits by certified mail or by approved electronic means, the  
 815 carrier must either pay the requested benefits without prejudice  
 816 to its right to deny within 120 days from receipt of the  
 817 petition or file a response to petition with the Office of the  
 818 Judges of Compensation Claims. The response shall be filed by  
 819 electronic means approved by the Deputy Chief Judge. The carrier  
 820 must list all benefits requested but not paid and explain its  
 821 justification for nonpayment in the response to petition. A  
 822 carrier that does not deny compensability in accordance with s.  
 823 440.20(4) is deemed to have accepted the employee's injuries as  
 824 compensable, unless it can establish material facts relevant to  
 825 the issue of compensability that could not have been discovered  
 826 through reasonable investigation within the 120-day period. The  
 827 carrier shall provide copies of the response to the filing  
 828 party, employer, and claimant by certified mail or by electronic  
 829 means approved by the Deputy Chief Judge.

830 Section 24. Subsection (1) and paragraphs (a), (c), and  
 831 (e) of subsection (4) of section 440.25, Florida Statutes, are  
 832 amended to read:

833 440.25 Procedures for mediation and hearings.—

834 (1) Forty days after a petition for benefits is filed  
 835 under s. 440.192, the judge of compensation claims shall notify  
 836 the interested parties by order that a mediation conference  
 837 concerning such petition has been scheduled unless the parties

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838 have notified the judge of compensation claims that a private  
 839 mediation has been held or is scheduled to be held. A mediation,  
 840 whether private or public, shall be held within 130 days after  
 841 the filing of the petition. Such order must give the date the  
 842 mediation conference is to be held. Such order may be served  
 843 personally upon the interested parties or may be sent to the  
 844 interested parties by mail or by electronic means approved by  
 845 the Deputy Chief Judge. If multiple petitions are pending, or if  
 846 additional petitions are filed after the scheduling of a  
 847 mediation, the judge of compensation claims shall consolidate  
 848 all petitions into one mediation. The claimant or the adjuster  
 849 of the employer or carrier may, at the mediator's discretion,  
 850 attend the mediation conference by telephone or, if agreed to by  
 851 the parties, other electronic means. A continuance may be  
 852 granted upon the agreement of the parties or if the requesting  
 853 party demonstrates to the judge of compensation claims that the  
 854 reason for requesting the continuance arises from circumstances  
 855 beyond the party's control. Any order granting a continuance  
 856 must set forth the date of the rescheduled mediation conference.  
 857 A mediation conference may not be used solely for the purpose of  
 858 mediating attorney's fees.

859 (4) (a) If the parties fail to agree to written submission  
 860 of pretrial stipulations, the judge of compensation claims shall  
 861 conduct a live pretrial hearing. The judge of compensation  
 862 claims shall give the interested parties at least 14 days'  
 863 advance notice of the pretrial hearing by mail or by electronic  
 864 means approved by the Deputy Chief Judge.

865 (c) The judge of compensation claims shall give the

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866 interested parties at least 14 days' advance notice of the final  
 867 hearing, served upon the interested parties by mail or by  
 868 electronic means approved by the Deputy Chief Judge.

869 (e) The order making an award or rejecting the claim,  
 870 referred to in this chapter as a "compensation order," shall set  
 871 forth the findings of ultimate facts and the mandate; and the  
 872 order need not include any other reason or justification for  
 873 such mandate. The compensation order shall be filed in the  
 874 Office of the Judges of Compensation Claims at Tallahassee. A  
 875 copy of such compensation order shall be sent by mail or by  
 876 electronic means approved by the Deputy Chief Judge to the  
 877 parties and attorneys of record and any parties not represented  
 878 by an attorney at the last known address of each, with the date  
 879 of mailing noted thereon.

880 Section 25. Subsection (3) of section 440.29, Florida  
 881 Statutes, is amended to read:

882 440.29 Procedure before the judge of compensation claims.—

883 (3) The practice and procedure before the judges of  
 884 compensation claims shall be governed by rules adopted by the  
 885 Office of the Judges of Compensation Claims ~~Supreme Court~~,  
 886 except to the extent that such rules conflict with the  
 887 provisions of this chapter.

888 Section 26. Subsection (4) of section 440.45, Florida  
 889 Statutes, is amended to read:

890 440.45 Office of the Judges of Compensation Claims.—

891 (4) The Office of the Judges of Compensation Claims shall  
 892 adopt rules to effectuate ~~effect~~ the purposes of this section.  
 893 Such rules shall include procedural rules applicable to workers'



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894 compensation claim resolution, including rules requiring  
 895 electronic filing and service where deemed appropriate by the  
 896 Deputy Chief Judge, and uniform criteria for measuring the  
 897 performance of the office, including, but not limited to, the  
 898 number of cases assigned and resolved ~~disposed~~, the age of  
 899 pending and resolved ~~disposed~~ cases, timeliness of decisions  
 900 ~~decisionmaking~~, extraordinary fee awards, and other data  
 901 necessary for the judicial nominating commission to review the  
 902 performance of judges as required in paragraph (2) (c). ~~The~~  
 903 ~~workers' compensation rules of procedure approved by the Supreme~~  
 904 ~~Court apply until the rules adopted by the Office of the Judges~~  
 905 ~~of Compensation Claims pursuant to this section become~~  
 906 ~~effective.~~

907 Section 27. Paragraph (b) of subsection (4) of section  
 908 553.73, Florida Statutes, is amended to read:

909 553.73 Florida Building Code.—

910 (4)

911 (b) Local governments may, subject to the limitations of  
 912 this section, adopt amendments to the technical provisions of  
 913 the Florida Building Code which apply solely within the  
 914 jurisdiction of such government and which provide for more  
 915 stringent requirements than those specified in the Florida  
 916 Building Code, not more than once every 6 months. A local  
 917 government may adopt technical amendments that address local  
 918 needs if:

919 1. The local governing body determines, following a public  
 920 hearing which has been advertised in a newspaper of general  
 921 circulation at least 10 days before the hearing, that there is a

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922 need to strengthen the requirements of the Florida Building  
 923 Code. The determination must be based upon a review of local  
 924 conditions by the local governing body, which review  
 925 demonstrates by evidence or data that the geographical  
 926 jurisdiction governed by the local governing body exhibits a  
 927 local need to strengthen the Florida Building Code beyond the  
 928 needs or regional variation addressed by the Florida Building  
 929 Code, that the local need is addressed by the proposed local  
 930 amendment, and that the amendment is no more stringent than  
 931 necessary to address the local need.

932 2. Such additional requirements are not discriminatory  
 933 against materials, products, or construction techniques of  
 934 demonstrated capabilities.

935 3. Such additional requirements may not introduce a new  
 936 subject not addressed in the Florida Building Code.

937 4. The enforcing agency shall make readily available, in a  
 938 usable format, all amendments adopted pursuant to this section.

939 5. Any amendment to the Florida Building Code shall be  
 940 transmitted within 30 days by the adopting local government to  
 941 the commission. The commission shall maintain copies of all such  
 942 amendments in a format that is usable and obtainable by the  
 943 public. Local technical amendments shall not become effective  
 944 until 30 days after the amendment has been received and  
 945 published by the commission.

946 6. Any amendment to the Florida Building Code adopted by a  
 947 local government pursuant to this paragraph shall be effective  
 948 only until the adoption by the commission of the new edition of  
 949 the Florida Building Code every third year. At such time, the

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950 | commission shall review such amendment for consistency with the  
 951 | criteria in paragraph (8) (a) and adopt such amendment as part of  
 952 | the Florida Building Code or rescind the amendment. The  
 953 | commission shall immediately notify the respective local  
 954 | government of the rescission of any amendment. After receiving  
 955 | such notice, the respective local government may readopt the  
 956 | rescinded amendment pursuant to the provisions of this  
 957 | paragraph.

958 |         7. Each county and municipality desiring to make local  
 959 | technical amendments to the Florida Building Code shall by  
 960 | interlocal agreement establish a countywide compliance review  
 961 | board to review any amendment to the Florida Building Code,  
 962 | adopted by a local government within the county pursuant to this  
 963 | paragraph, that is challenged by any substantially affected  
 964 | party for purposes of determining the amendment's compliance  
 965 | with this paragraph. If challenged, the local technical  
 966 | amendments shall not become effective until time for filing an  
 967 | appeal pursuant to subparagraph 8. has expired or, if there is  
 968 | an appeal, until the commission issues its final order  
 969 | determining the adopted amendment is in compliance with this  
 970 | subsection.

971 |         8. If the compliance review board determines such  
 972 | amendment is not in compliance with this paragraph, the  
 973 | compliance review board shall notify such local government of  
 974 | the noncompliance and that the amendment is invalid and  
 975 | unenforceable until the local government corrects the amendment  
 976 | to bring it into compliance. The local government may appeal the  
 977 | decision of the compliance review board to the commission. If

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978 | the compliance review board determines such amendment to be in  
 979 | compliance with this paragraph, any substantially affected party  
 980 | may appeal such determination to the commission. Any such appeal  
 981 | shall be filed with the commission within 14 days of the board's  
 982 | written determination. The commission shall promptly refer the  
 983 | appeal to the Division of Administrative Hearings by electronic  
 984 | means through the division's website for the assignment of an  
 985 | administrative law judge. The administrative law judge shall  
 986 | conduct the required hearing within 30 days, and shall enter a  
 987 | recommended order within 30 days of the conclusion of such  
 988 | hearing. The commission shall enter a final order within 30 days  
 989 | thereafter. The provisions of chapter 120 and the uniform rules  
 990 | of procedure shall apply to such proceedings. The local  
 991 | government adopting the amendment that is subject to challenge  
 992 | has the burden of proving that the amendment complies with this  
 993 | paragraph in proceedings before the compliance review board and  
 994 | the commission, as applicable. Actions of the commission are  
 995 | subject to judicial review pursuant to s. 120.68. The compliance  
 996 | review board shall determine whether its decisions apply to a  
 997 | respective local jurisdiction or apply countywide.

998 |         9. An amendment adopted under this paragraph shall include  
 999 | a fiscal impact statement which documents the costs and benefits  
 1000 | of the proposed amendment. Criteria for the fiscal impact  
 1001 | statement shall include the impact to local government relative  
 1002 | to enforcement, the impact to property and building owners, as  
 1003 | well as to industry, relative to the cost of compliance. The  
 1004 | fiscal impact statement may not be used as a basis for  
 1005 | challenging the amendment for compliance.

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1006           10. In addition to subparagraphs 7. and 9., the commission  
 1007 may review any amendments adopted pursuant to this subsection  
 1008 and make nonbinding recommendations related to compliance of  
 1009 such amendments with this subsection.

1010           Section 28. Subsection (1) of section 760.03, Florida  
 1011 Statutes, is reenacted.

1012           Section 29. Paragraph (b) of subsection (4) of section  
 1013 961.03, Florida Statutes, is amended to read:

1014           961.03 Determination of status as a wrongfully  
 1015 incarcerated person; determination of eligibility for  
 1016 compensation.—

1017           (4)

1018           (b) If the prosecuting authority responds as set forth in  
 1019 paragraph (2)(b), and the court determines that the petitioner  
 1020 is eligible under the provisions of s. 961.04, but the  
 1021 prosecuting authority contests the nature, significance or  
 1022 effect of the evidence of actual innocence, or the facts related  
 1023 to the petitioner's alleged wrongful incarceration, the court  
 1024 shall set forth its findings and transfer the petition by  
 1025 electronic means through the division's website to the division  
 1026 for findings of fact and a recommended determination of whether  
 1027 the petitioner has established that he or she is a wrongfully  
 1028 incarcerated person who is eligible for compensation under this  
 1029 act.

1030           Section 30. This act shall take effect July 1, 2010.