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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; reenacting  
8           s. 20.22, F.S., relating to the creation and organization  
9           of the Department of Management Services; repealing s.  
10          110.113, F.S., relating to pay periods for state officers  
11          and employees and salary payments by direct deposit;  
12          repealing s. 110.123(13), F.S., relating to creation and  
13          duties of the Florida State Employee Wellness Council;  
14          amending s. 111.045, F.S.; providing that the salary of  
15          specified officers may be payable monthly under certain  
16          conditions; amending s. 120.54, F.S.; requiring a  
17          petitioner requesting an administrative hearing to include  
18          the petitioner's e-mail address; requiring the request for  
19          administrative hearing by a respondent to include the e-  
20          mail address of the party's counsel or qualified  
21          representative; creating s. 120.585, F.S.; requiring the  
22          filing of documents with the Division of Administrative  
23          Hearings by electronic means under certain circumstances;  
24          amending ss. 57.111, 120.56, 120.569, 120.57, 553.73, and  
25          961.03, F.S.; providing for electronic filing and  
26          transmission procedures for certain actions, proceedings,  
27          and petitions; conforming provisions to changes made by  
28          the act; amending s. 287.05721, F.S.; deleting the

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29 | definition of the term "council"; repealing s. 287.0573,  
 30 | F.S., relating to the Council on Efficient Government;  
 31 | amending s. 287.0574, F.S.; conforming provisions to  
 32 | changes made by this act; amending s. 287.0943, F.S.;  
 33 | deleting provisions establishing the Minority Business  
 34 | Certification Task Force, requiring that criteria for the  
 35 | certification of minority business enterprises be approved  
 36 | by the task force, and authorizing the task force to amend  
 37 | the statewide and interlocal agreement for the  
 38 | certification of minority business enterprises; amending  
 39 | s. 287.0947, F.S.; authorizing the Secretary of Management  
 40 | Services to establish the Florida Advisory Council on  
 41 | Small and Minority Business Development for certain  
 42 | purposes; amending s. 440.192 and 440.25, F.S.; providing  
 43 | and revising procedures for filing petitions for benefits  
 44 | and other documents in workers' compensation benefits  
 45 | proceedings to provide for electronic filing and  
 46 | transmission under certain circumstances; amending s.  
 47 | 440.29 and 440.45, F.S.; authorizing the Office of the  
 48 | Judges of Compensation Claims to adopt rules for certain  
 49 | purposes; reenacting s. 760.03(1), F.S., relating to  
 50 | creation of the Commission on Human Relations; amending s.  
 51 | 760.11, F.S.; increasing for a specified period the time  
 52 | within which the commission must determine if there is  
 53 | reasonable cause to believe that certain discriminatory  
 54 | practices have occurred; providing a filing fee for an  
 55 | administrative hearing; providing for waiver or recovery  
 56 | of the fee under certain circumstances; amending s.

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57 | 766.305, F.S.; revising service and notice requirements  
 58 | for petitions seeking compensation for a birth-related  
 59 | neurological injury to provide for electronic  
 60 | notification; amending s. 766.309, F.S.; providing and  
 61 | revising procedures for determinations of such injury  
 62 | claims to provide for electronic notification; amending s.  
 63 | 766.31, F.S.; providing and revising procedures for  
 64 | notification of awards of compensation for such injuries  
 65 | to provide for electronic notification; providing an  
 66 | effective date.

67 |  
 68 | Be It Enacted by the Legislature of the State of Florida:

69 |  
 70 | Section 1. Paragraph (a) of subsection (1) of section  
 71 | 11.13, Florida Statutes, is amended to read:

72 | 11.13 Compensation of members.—

73 | (1) (a) The annual salaries of members of the Senate and  
 74 | House of Representatives, payable in accordance with s. 17.28 ~~±2~~  
 75 | ~~equal monthly installments~~, shall be:

76 | 1. The President of the Senate and Speaker of the House of  
 77 | Representatives, \$25,000 each.

78 | 2. All other members of the Senate and House of  
 79 | Representatives, \$18,000 each.

80 | Section 2. Section 17.28, Florida Statutes, is amended to  
 81 | read:

82 | 17.28 Pay periods for state officers, employees, and other  
 83 | personal services staff; salary payments by direct deposit ~~Chief~~  
 84 | ~~Financial Officer may authorize biweekly salary payments.—~~

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

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

101           Section 3. Section 20.22, Florida Statutes, is reenacted.

102           Section 4. Section 26.51, Florida Statutes, is amended to  
 103 read:

104           26.51 Salaries of circuit judges; payment.—The salaries of  
 105 circuit judges to be paid by the state shall be paid in  
 106 accordance with s. 17.28 ~~equal monthly installments.~~

107           Section 5. Subsections (1) and (3) of section 27.5301,  
 108 Florida Statutes, are amended to read:

109           27.5301 Salaries of public defenders, assistant public  
 110 defenders, criminal conflict and civil regional counsel, and  
 111 assistant regional counsel.—

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

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

119 Section 6. Subsection (1) of section 27.705, Florida  
 120 Statutes, is amended to read:

121 27.705 Salaries of capital collateral regional counsel and  
 122 assistant capital collateral counsel.—

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

127 Section 7. Paragraph (b) of subsection (4) of section  
 128 57.111, Florida Statutes, is amended to read:

129 57.111 Civil actions and administrative proceedings  
 130 initiated by state agencies; attorneys' fees and costs.—

131 (4)

132 (b)1. To apply for an award under this section, the  
 133 attorney for the prevailing small business party must submit an  
 134 itemized affidavit to the court which first conducted the  
 135 adversarial proceeding in the underlying action, or by  
 136 electronic means through the division's website to the Division  
 137 of Administrative Hearings, which shall assign an administrative  
 138 law judge, in the case of a proceeding pursuant to chapter 120,  
 139 which affidavit shall reveal the nature and extent of the

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140 services rendered by the attorney as well as the costs incurred  
 141 in preparations, motions, hearings, and appeals in the  
 142 proceeding.

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

146 Section 8. Subsections (6) and (7) of section 110.107,  
 147 Florida Statutes, are amended to read:

148 110.107 Definitions.—As used in this chapter, the term:

149 (6) "Full-time position" means a position authorized for  
 150 the entire normally established work period in accordance with  
 151 s. 17.28, daily, weekly, monthly, or annually.

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

155 Section 9. Section 110.113, Florida Statutes, is repealed.

156 Section 10. Subsection (13) of section 110.123, Florida  
 157 Statutes, is repealed.

158 Section 11. Section 111.045, Florida Statutes, is amended,  
 159 to read:

160 111.045 Salaries of officers payable upon requisition.—The  
 161 salary of every officer holding a county, municipal, or school  
 162 or other district office or position shall be payable monthly  
 163 upon his or her own requisition.

164 Section 12. Paragraph (b) of subsection (5) of section  
 165 120.54, Florida Statutes, is amended to read:

166 120.54 Rulemaking.—

167 (5) UNIFORM RULES.—

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

171 1. Uniform rules for the scheduling of public meetings,  
 172 hearings, and workshops.

173 2. Uniform rules for use by each state agency that provide  
 174 procedures for conducting public meetings, hearings, and  
 175 workshops, and for taking evidence, testimony, and argument at  
 176 such public meetings, hearings, and workshops, in person and by  
 177 means of communications media technology. The rules shall  
 178 provide that all evidence, testimony, and argument presented  
 179 shall be afforded equal consideration, regardless of the method  
 180 of communication. If a public meeting, hearing, or workshop is  
 181 to be conducted by means of communications media technology, or  
 182 if attendance may be provided by such means, the notice shall so  
 183 state. The notice for public meetings, hearings, and workshops  
 184 utilizing communications media technology shall state how  
 185 persons interested in attending may do so and shall name  
 186 locations, if any, where communications media technology  
 187 facilities will be available. Nothing in this paragraph shall be  
 188 construed to diminish the right to inspect public records under  
 189 chapter 119. Limiting points of access to public meetings,  
 190 hearings, and workshops subject to the provisions of s. 286.011  
 191 to places not normally open to the public shall be presumed to  
 192 violate the right of access of the public, and any official  
 193 action taken under such circumstances is void and of no effect.  
 194 Other laws relating to public meetings, hearings, and workshops,  
 195 including penal and remedial provisions, shall apply to public

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196 meetings, hearings, and workshops conducted by means of  
 197 communications media technology, and shall be liberally  
 198 construed in their application to such public meetings,  
 199 hearings, and workshops. As used in this subparagraph,  
 200 "communications media technology" means the electronic  
 201 transmission of printed matter, audio, full-motion video,  
 202 freeze-frame video, compressed video, and digital video by any  
 203 method available.

204 3. Uniform rules of procedure for the filing of notice of  
 205 protests and formal written protests. The Administration  
 206 Commission may prescribe the form and substantive provisions of  
 207 a required bond.

208 4. Uniform rules of procedure for the filing of petitions  
 209 for administrative hearings pursuant to s. 120.569 or s. 120.57.  
 210 Such rules shall require the petition to include:

211 a. The identification of the petitioner, including the  
 212 petitioner's e-mail address, if any, for the transmittal of  
 213 subsequent documents by electronic means.

214 b. A statement of when and how the petitioner received  
 215 notice of the agency's action or proposed action.

216 c. An explanation of how the petitioner's substantial  
 217 interests are or will be affected by the action or proposed  
 218 action.

219 d. A statement of all material facts disputed by the  
 220 petitioner or a statement that there are no disputed facts.

221 e. A statement of the ultimate facts alleged, including a  
 222 statement of the specific facts the petitioner contends warrant  
 223 reversal or modification of the agency's proposed action.



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224 f. A statement of the specific rules or statutes that the  
 225 petitioner contends require reversal or modification of the  
 226 agency's proposed action, including an explanation of how the  
 227 alleged facts relate to the specific rules or statutes.

228 g. A statement of the relief sought by the petitioner,  
 229 stating precisely the action petitioner wishes the agency to  
 230 take with respect to the proposed action.

231 5. Uniform rules for the filing of request for  
 232 administrative hearing by a respondent in agency enforcement and  
 233 disciplinary actions. Such rules shall require a request to  
 234 include:

235 a. The name, address, e-mail address, and telephone number  
 236 of the party making the request and the name, address, e-mail  
 237 address, and telephone number of the party's counsel or  
 238 qualified representative upon whom service of pleadings and  
 239 other papers shall be made;

240 b. A statement that the respondent is requesting an  
 241 administrative hearing and disputes the material facts alleged  
 242 by the petitioner, in which case the respondent shall identify  
 243 those material facts that are in dispute, or that the respondent  
 244 is requesting an administrative hearing and does not dispute the  
 245 material facts alleged by the petitioner; and

246 c. A reference by file number to the administrative  
 247 complaint that the party has received from the agency and the  
 248 date on which the agency pleading was received.

249  
 250 The agency may provide an election-of-rights form for the  
 251 respondent's use in requesting a hearing, so long as any form

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252 provided by the agency calls for the information in sub-  
 253 subparagraphs a. through c. and does not impose any additional  
 254 requirements on a respondent in order to request a hearing,  
 255 unless such requirements are specifically authorized by law.

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

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

268 8. Uniform rules establishing procedures for granting or  
 269 denying petitions for variances and waivers pursuant to s.  
 270 120.542.

271 Section 13. Paragraphs (c) and (d) of subsection (1) of  
 272 section 120.56, Florida Statutes, are amended to read:

273 120.56 Challenges to rules.—

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

276 (c) The petition shall be filed by electronic means with  
 277 the division, which shall, immediately upon filing, forward by  
 278 electronic means copies to the agency whose rule is challenged,  
 279 the Department of State, and the committee. Within 10 days after

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

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

300 Section 14. Paragraph (a) of subsection (2) of section  
 301 120.569, Florida Statutes, is amended to read:

302 120.569 Decisions which affect substantial interests.—

303 (2) (a) Except for any proceeding conducted as prescribed  
 304 in s. 120.56, a petition or request for a hearing under this  
 305 section shall be filed with the agency. If the agency requests  
 306 an administrative law judge from the division, it shall so  
 307 notify the division by electronic means through the division's

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308 website within 15 days after receipt of the petition or request.  
 309 A request for a hearing shall be granted or denied within 15  
 310 days after receipt. On the request of any agency, the division  
 311 shall assign an administrative law judge with due regard to the  
 312 expertise required for the particular matter. The referring  
 313 agency shall take no further action with respect to a proceeding  
 314 under s. 120.57(1), except as a party litigant, as long as the  
 315 division has jurisdiction over the proceeding under s.  
 316 120.57(1). Any party may request the disqualification of the  
 317 administrative law judge by filing an affidavit with the  
 318 division prior to the taking of evidence at a hearing, stating  
 319 the grounds with particularity.

320 Section 15. Paragraph (d) of subsection (3) of section  
 321 120.57, Florida Statutes, is amended to read:

322 120.57 Additional procedures for particular cases.—

323 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO  
 324 CONTRACT SOLICITATION OR AWARD.—Agencies subject to this chapter  
 325 shall use the uniform rules of procedure, which provide  
 326 procedures for the resolution of protests arising from the  
 327 contract solicitation or award process. Such rules shall at  
 328 least provide that:

329 (d)1. The agency shall provide an opportunity to resolve  
 330 the protest by mutual agreement between the parties within 7  
 331 days, excluding Saturdays, Sundays, and state holidays, after  
 332 receipt of a formal written protest.

333 2. If the subject of a protest is not resolved by mutual  
 334 agreement within 7 days, excluding Saturdays, Sundays, and state  
 335 holidays, after receipt of the formal written protest, and if

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336 | there is no disputed issue of material fact, an informal  
 337 | proceeding shall be conducted pursuant to subsection (2) and  
 338 | applicable agency rules before a person whose qualifications  
 339 | have been prescribed by rules of the agency.

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

346 |         Section 16. Section 120.585, Florida Statutes, is created  
 347 | to read:

348 |             120.585 Electronic filing.—All documents filed with the  
 349 | division by a party represented by an attorney must be filed by  
 350 | electronic means through the division's website. All documents  
 351 | filed with the division by a party not represented by an  
 352 | attorney shall, whenever possible, be filed by electronic means  
 353 | through the division's website.

354 |         Section 17. Section 287.05721, Florida Statutes, is  
 355 | amended to read:

356 |             287.05721 Definitions.—As used in ss. 287.0571–287.0574,  
 357 | the term÷

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

359 |             ~~(2) "outsource" means the process of contracting with a~~  
 360 | vendor to provide a service as defined in s. 216.011(1)(f), in  
 361 | whole or in part, or an activity as defined in s.  
 362 | 216.011(1)(rr), while a state agency retains the responsibility  
 363 | and accountability for the service or activity and there is a

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364 transfer of management responsibility for the delivery of  
 365 resources and the performance of those resources.

366 Section 18. Section 287.0573, Florida Statutes, is  
 367 repealed.

368 Section 19. Section 287.0574, Florida Statutes, is amended  
 369 to read:

370 287.0574 Business cases to outsource; review and analysis;  
 371 requirements.—

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

374 (a) An initial business case analysis conducted by the  
 375 state agency and submitted to ~~the council,~~ the Governor, the  
 376 President of the Senate, and the Speaker of the House of  
 377 Representatives at least 60 days before a solicitation is  
 378 issued. ~~The council shall evaluate the business case analysis~~  
 379 ~~and submit an advisory report to the state agency, the Governor,~~  
 380 ~~the President of the Senate, and the Speaker of the House of~~  
 381 ~~Representatives when the advisory report is completed, but at~~  
 382 ~~least 30 days before the agency issues the solicitation.~~

383 (b) A final business case analysis conducted by the state  
 384 agency and submitted after the conclusion of any negotiations,  
 385 at least 30 days before execution of a contract, to ~~the council,~~  
 386 the Governor, the President of the Senate, and the Speaker of  
 387 the House of Representatives.

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

391 (a) An initial business case analysis conducted by the

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392 state agency and submission of the business case, at least 30  
 393 days before issuing a solicitation, to ~~the council,~~ the  
 394 Governor, the President of the Senate, and the Speaker of the  
 395 House of Representatives.

396 (b) A final business case analysis conducted by the state  
 397 agency and submitted after the conclusion of any negotiations,  
 398 at least 30 days before execution of a contract, to ~~the council,~~  
 399 the Governor, the President of the Senate, and the Speaker of  
 400 the House of Representatives.

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

408 (4) For any proposed outsourcing, the state agency shall  
 409 develop a business case that justifies the proposal to  
 410 outsource. In order to reduce any administrative burden, ~~the~~  
 411 ~~council may allow~~ a state agency may ~~to~~ submit the business case  
 412 in the form required by the budget instructions issued pursuant  
 413 to s. 216.023(4)(a)7., augmented with additional information if  
 414 necessary, to ensure that the requirements of this section are  
 415 met. The business case is not subject to challenge or protest  
 416 pursuant to chapter 120. The business case must include, but  
 417 need not be limited to:

418 (a) A detailed description of the service or activity for  
 419 which the outsourcing is proposed.

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420 (b) A description and analysis of the state agency's  
 421 current performance, based on existing performance metrics if  
 422 the state agency is currently performing the service or  
 423 activity.

424 (c) The goals desired to be achieved through the proposed  
 425 outsourcing and the rationale for such goals.

426 (d) A citation to the existing or proposed legal authority  
 427 for outsourcing the service or activity.

428 (e) A description of available options for achieving the  
 429 goals. If state employees are currently performing the service  
 430 or activity, at least one option involving maintaining state  
 431 provision of the service or activity shall be included.

432 (f) An analysis of the advantages and disadvantages of  
 433 each option, including, at a minimum, potential performance  
 434 improvements and risks.

435 (g) A description of the current market for the  
 436 contractual services that are under consideration for  
 437 outsourcing.

438 (h) A cost-benefit analysis documenting the direct and  
 439 indirect specific baseline costs, savings, and qualitative and  
 440 quantitative benefits involved in or resulting from the  
 441 implementation of the recommended option or options. Such  
 442 analysis must specify the schedule that, at a minimum, must be  
 443 adhered to in order to achieve the estimated savings. All  
 444 elements of cost must be clearly identified in the cost-benefit  
 445 analysis, described in the business case, and supported by  
 446 applicable records and reports. The state agency head shall  
 447 attest that, based on the data and information underlying the



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448 business case, to the best of his or her knowledge, all  
 449 projected costs, savings, and benefits are valid and achievable.  
 450 As used in this section, the term "cost" means the reasonable,  
 451 relevant, and verifiable cost, which may include, but is not  
 452 limited to, elements such as personnel, materials and supplies,  
 453 services, equipment, capital depreciation, rent, maintenance and  
 454 repairs, utilities, insurance, personnel travel, overhead, and  
 455 interim and final payments. The appropriate elements shall  
 456 depend on the nature of the specific initiative. As used in this  
 457 section, the term "savings" means the difference between the  
 458 direct and indirect actual annual baseline costs compared to the  
 459 projected annual cost for the contracted functions or  
 460 responsibilities in any succeeding state fiscal year during the  
 461 term of the contract.

462 (i) A description of differences among current state  
 463 agency policies and processes and, as appropriate, a discussion  
 464 of options for or a plan to standardize, consolidate, or revise  
 465 current policies and processes, if any, to reduce the  
 466 customization of any proposed solution that would otherwise be  
 467 required.

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

470 (k) The projected timeframe for key events from the  
 471 beginning of the procurement process through the expiration of a  
 472 contract.

473 (l) A plan to ensure compliance with the public records  
 474 law.

475 (m) A specific and feasible contingency plan addressing

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476 contractor nonperformance and a description of the tasks  
 477 involved in and costs required for its implementation.

478 (n) A state agency's transition plan for addressing  
 479 changes in the number of agency personnel, affected business  
 480 processes, employee transition issues, and communication with  
 481 affected stakeholders, such as agency clients and the public.  
 482 The transition plan must contain a reemployment and retraining  
 483 assistance plan for employees who are not retained by the state  
 484 agency or employed by the contractor.

485 (o) A plan for ensuring access by persons with  
 486 disabilities in compliance with applicable state and federal  
 487 law.

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

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

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

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504 (b) A service-level-agreement provision describing all  
 505 services to be provided under the terms of the agreement, the  
 506 state agency's service requirements and performance objectives,  
 507 specific responsibilities of the state agency and the  
 508 contractor, and the process for amending any portion of the  
 509 service-level agreement. Each service-level agreement must  
 510 contain an exclusivity clause that allows the state agency to  
 511 retain the right to perform the service or activity, directly or  
 512 with another contractor, if service levels are not being  
 513 achieved.

514 (c) A provision that identifies all associated costs,  
 515 specific payment terms, and payment schedules, including  
 516 provisions governing incentives and financial disincentives and  
 517 criteria governing payment.

518 (d) A provision that identifies a clear and specific  
 519 transition plan that will be implemented in order to complete  
 520 all required activities needed to transfer the service or  
 521 activity from the state agency to the contractor and operate the  
 522 service or activity successfully.

523 (e) A performance-standards provision that identifies all  
 524 required performance standards, which must include, at a  
 525 minimum:

526 1. Detailed and measurable acceptance criteria for each  
 527 deliverable and service to be provided to the state agency under  
 528 the terms of the contract which document the required  
 529 performance level.

530 2. A method for monitoring and reporting progress in  
 531 achieving specified performance standards and levels.

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

534 (f) A provision that requires the contractor and its  
 535 subcontractors to maintain adequate accounting records that  
 536 comply with all applicable federal and state laws and generally  
 537 accepted accounting principles.

538 (g) A provision that authorizes the state agency to have  
 539 access to and to audit all records related to the contract and  
 540 subcontracts, or any responsibilities or functions under the  
 541 contract and subcontracts, for purposes of legislative  
 542 oversight, and a requirement for audits by a service  
 543 organization in accordance with professional auditing standards,  
 544 if appropriate.

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

548 (i) A contingency-plan provision that describes the  
 549 mechanism for continuing the operation of the service or  
 550 activity, including transferring the service or activity back to  
 551 the state agency or successor contractor if the contractor fails  
 552 to perform and comply with the performance standards and levels  
 553 of the contract and the contract is terminated.

554 (j) A provision that requires the contractor and its  
 555 subcontractors to comply with public records laws, specifically  
 556 to:

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

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

564           3. Ensure that records that are exempt or records that are  
565 confidential and exempt are not disclosed except as authorized  
566 by law.

567           4. Meet all requirements for retaining records and  
568 transfer to the state agency, at no cost, all public records in  
569 possession of the contractor upon termination of the contract  
570 and destroy any duplicate public records that are exempt or  
571 confidential and exempt. All records stored electronically must  
572 be provided to the state agency in a format that is compatible  
573 with the information technology systems of the state agency.

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

577           (l) If applicable, a provision that allows the agency to  
578 purchase from the contractor, at its depreciated value, assets  
579 used by the contractor in the performance of the contract. If  
580 assets have not depreciated, the agency shall retain the right  
581 to negotiate to purchase at an agreed-upon cost.

582           Section 20. Subsection (2) and paragraph (e) of subsection  
583 (3) of section 287.0943, Florida Statutes, are amended to read:

584           287.0943 Certification of minority business enterprises.—

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

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588 | ~~annually.~~

589 |       ~~(b) The task force shall be regionally balanced and~~

590 | ~~comprised of officials representing the department, counties,~~

591 | ~~municipalities, school boards, special districts, and other~~

592 | ~~political subdivisions of the state who administer programs to~~

593 | ~~assist minority businesses in procurement or development in~~

594 | ~~government sponsored programs. The following organizations may~~

595 | ~~appoint two members each of the task force who fit the~~

596 | ~~description above:~~

597 |       ~~1. The Florida League of Cities, Inc.~~

598 |       ~~2. The Florida Association of Counties.~~

599 |       ~~3. The Florida School Boards Association, Inc.~~

600 |       ~~4. The Association of Special Districts.~~

601 |       ~~5. The Florida Association of Minority Business Enterprise~~

602 | ~~Officials.~~

603 |       ~~6. The Florida Association of Government Purchasing~~

604 | ~~Officials.~~

605 |

606 | ~~In addition, the Office of Supplier Diversity shall appoint~~

607 | ~~seven members consisting of three representatives of minority~~

608 | ~~business enterprises, one of whom should be a woman business~~

609 | ~~owner, two officials of the office, and two at-large members to~~

610 | ~~ensure balance. The chairperson of the Legislative Committee on~~

611 | ~~Intergovernmental Relations or a designee shall be a member of~~

612 | ~~the task force, ex officio. A quorum shall consist of one-third~~

613 | ~~of the current members, and the task force may take action by~~

614 | ~~majority vote. Any vacancy may only be filled by the~~

615 | ~~organization or agency originally authorized to appoint the~~

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616 ~~position.~~

617 ~~(c) The purpose of the task force will be to propose~~  
 618 ~~uniform criteria and procedures by which participating entities~~  
 619 ~~and organizations can qualify businesses to participate in~~  
 620 ~~procurement or contracting programs as certified minority~~  
 621 ~~business enterprises in accordance with the certification~~  
 622 ~~criteria established by law.~~

623 ~~(d) A final list of the criteria and procedures proposed~~  
 624 ~~by the task force shall be considered by the secretary. The task~~  
 625 ~~force may seek technical assistance from qualified providers of~~  
 626 ~~technical, business, and managerial expertise to ensure the~~  
 627 ~~reliability of the certification criteria developed.~~

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

630 1. Link ownership by a minority person, as defined in s.  
 631 288.703(3), or as dictated by the legal obligations of a  
 632 certifying organization, to day-to-day control and financial  
 633 risk by the qualifying minority owner, and to demonstrated  
 634 expertise or licensure of a minority owner in any trade or  
 635 profession that the minority business enterprise will offer to  
 636 the state when certified. Businesses must comply with all state  
 637 licensing requirements prior to becoming certified as a minority  
 638 business enterprise.

639 2. If present ownership was obtained by transfer, require  
 640 the minority person on whom eligibility is based to have owned  
 641 at least 51 percent of the applicant firm for a minimum of 2  
 642 years, when any previous majority ownership interest in the firm  
 643 was by a nonminority who is or was a relative, former employer,

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

660 3. Require that prospective certified minority business  
 661 enterprises be currently performing or seeking to perform a  
 662 useful business function. A "useful business function" is  
 663 defined as a business function which results in the provision of  
 664 materials, supplies, equipment, or services to customers. Acting  
 665 as a conduit to transfer funds to a nonminority business does  
 666 not constitute a useful business function unless it is done so  
 667 in a normal industry practice. As used in this section, the term  
 668 "acting as a conduit" means, in part, not acting as a regular  
 669 dealer by making sales of material, goods, or supplies from  
 670 items bought, kept in stock, and regularly sold to the public in  
 671 the usual course of business. Brokers, manufacturer's



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672 representatives, sales representatives, and nonstocking  
 673 distributors are considered as conduits that do not perform a  
 674 useful business function, unless normal industry practice  
 675 dictates.

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

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

686 (d)~~(h)~~ The certification procedures should allow an  
 687 applicant seeking certification to designate on the application  
 688 form the information the applicant considers to be proprietary,  
 689 confidential business information. As used in this paragraph,  
 690 "proprietary, confidential business information" includes, but  
 691 is not limited to, any information that would be exempt from  
 692 public inspection pursuant to the provisions of chapter 119;  
 693 trade secrets; internal auditing controls and reports; contract  
 694 costs; or other information the disclosure of which would injure  
 695 the affected party in the marketplace or otherwise violate s.  
 696 286.041. The executor in receipt of the application shall issue  
 697 written and final notice of any information for which  
 698 noninspection is requested but not provided for by law.

699 (e)~~(i)~~ A business that is certified under the provisions

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700 of the statewide and interlocal agreement shall be deemed a  
 701 certified minority enterprise in all jurisdictions or  
 702 organizations where the agreement is in effect, and that  
 703 business is deemed available to do business as such within any  
 704 such jurisdiction or with any such organization statewide. All  
 705 state agencies must accept minority business enterprises  
 706 certified in accordance with the statewide and interlocal  
 707 agreement of s. 287.09431, and that business shall also be  
 708 deemed a "certified minority business enterprise" as defined in  
 709 s. 288.703. However, any governmental jurisdiction or  
 710 organization that administers a minority business purchasing  
 711 program may reserve the right to establish further certification  
 712 procedures necessary to comply with federal law.

713 ~~(j) The statewide and interlocal agreement shall be guided~~  
 714 ~~by the terms and conditions found therein and may be amended at~~  
 715 ~~any meeting of the task force and subsequently adopted by the~~  
 716 ~~secretary of the Department of Management Services. The amended~~  
 717 ~~agreement must be enacted, initialed, and legally executed by at~~  
 718 ~~least two thirds of the certifying entities party to the~~  
 719 ~~existing agreement and adopted by the state as originally~~  
 720 ~~executed in order to bind the certifying entity.~~

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

723 (3)

724 (e) Any participating program receiving three or more  
 725 challenges to its certification decisions pursuant to subsection  
 726 (4) from other organizations that are executors to the statewide  
 727 and interlocal agreement, shall be subject to a review by the

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728 office, as provided in paragraphs (a) and (b), of the  
 729 organization's capacity to perform under such agreement and in  
 730 accordance with the certification core criteria ~~established by~~  
 731 ~~the task force~~. The office shall submit a report to the  
 732 secretary of the Department of Management Services regarding the  
 733 results of the review.

734 Section 21. Subsection (1) of section 287.0947, Florida  
 735 Statutes, is amended to read:

736 287.0947 Florida Advisory Council on Small and Minority  
 737 Business Development; creation; membership; duties.—

738 (1) On or after October 1, 2010 ~~1996~~, the secretary of the  
 739 Department of Management Services ~~Labor and Employment Security~~  
 740 may create the Florida Advisory Council on Small and Minority  
 741 Business Development with the purpose of advising and assisting  
 742 the Office of Supplier Diversity ~~secretary~~ in carrying out the  
 743 office's ~~secretary's~~ duties with respect to minority businesses  
 744 and economic and business development. It is the intent of the  
 745 Legislature that the membership of such council include  
 746 practitioners, laypersons, financiers, and others with business  
 747 development experience who can provide invaluable insight and  
 748 expertise for this state in the diversification of its markets  
 749 and networking of business opportunities. The council shall  
 750 initially consist of 19 persons, each of whom is or has been  
 751 actively engaged in small and minority business development,  
 752 either in private industry, in governmental service, or as a  
 753 scholar of recognized achievement in the study of such matters.  
 754 Initially, the council shall consist of members representing all  
 755 regions of the state and shall include at least one member from

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756 each group identified within the definition of "minority person"  
 757 in s. 288.703(3), considering also gender and nationality  
 758 subgroups, and shall consist of the following:

759 (a) Four members consisting of representatives of local  
 760 and federal small and minority business assistance programs or  
 761 community development programs.

762 (b) Eight members composed of representatives of the  
 763 minority private business sector, including certified minority  
 764 business enterprises and minority supplier development councils,  
 765 among whom at least two shall be women and at least four shall  
 766 be minority persons.

767 (c) Two representatives of local government, one of whom  
 768 shall be a representative of a large local government, and one  
 769 of whom shall be a representative of a small local government.

770 (d) Two representatives from the banking and insurance  
 771 industry.

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

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

776  
 777 A candidate for appointment may be considered if eligible to be  
 778 certified as an owner of a minority business enterprise, or if  
 779 otherwise qualified under the criteria above. Vacancies may be  
 780 filled by appointment of the secretary, in the manner of the  
 781 original appointment.

782 Section 22. Subsections (1) and (8) of section 440.192,  
 783 Florida Statutes, are amended to read:

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784 440.192 Procedure for resolving benefit disputes.—  
 785 (1) Any employee may, for any benefit that is ripe, due,  
 786 and owing, file by ~~certified mail, or by~~ electronic means  
 787 ~~approved by the Deputy Chief Judge,~~ with the Office of the  
 788 Judges of Compensation Claims a petition for benefits which  
 789 meets the requirements of this section and the definition of  
 790 specificity in s. 440.02. An employee represented by an attorney  
 791 shall file by electronic means approved by the Deputy Chief  
 792 Judge. An employee not represented by an attorney may file by  
 793 certified mail or by electronic means approved by the Deputy  
 794 Chief Judge. The department shall inform employees of the  
 795 location of the Office of the Judges of Compensation Claims and  
 796 the office's website address for purposes of filing a petition  
 797 for benefits. The employee shall also serve copies of the  
 798 petition for benefits by certified mail, or by electronic means  
 799 approved by the Deputy Chief Judge, upon the employer and the  
 800 employer's carrier. The Deputy Chief Judge shall refer the  
 801 petitions to the judges of compensation claims.  
 802 (8) Within 14 days after receipt of a petition for  
 803 benefits by certified mail or by approved electronic means, the  
 804 carrier must either pay the requested benefits without prejudice  
 805 to its right to deny within 120 days from receipt of the  
 806 petition or file a response to petition with the Office of the  
 807 Judges of Compensation Claims. The response shall be filed by  
 808 electronic means approved by the Deputy Chief Judge. The carrier  
 809 must list all benefits requested but not paid and explain its  
 810 justification for nonpayment in the response to petition. A  
 811 carrier that does not deny compensability in accordance with s.

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812 440.20(4) is deemed to have accepted the employee's injuries as  
 813 compensable, unless it can establish material facts relevant to  
 814 the issue of compensability that could not have been discovered  
 815 through reasonable investigation within the 120-day period. The  
 816 carrier shall provide copies of the response to the filing  
 817 party, employer, and claimant by certified mail or by electronic  
 818 means approved by the Deputy Chief Judge.

819 Section 23. Subsection (1) and paragraphs (a), (c), and  
 820 (e) of subsection (4) of section 440.25, Florida Statutes, are  
 821 amended to read:

822 440.25 Procedures for mediation and hearings.—

823 (1) Forty days after a petition for benefits is filed  
 824 under s. 440.192, the judge of compensation claims shall notify  
 825 the interested parties by order that a mediation conference  
 826 concerning such petition has been scheduled unless the parties  
 827 have notified the judge of compensation claims that a private  
 828 mediation has been held or is scheduled to be held. A mediation,  
 829 whether private or public, shall be held within 130 days after  
 830 the filing of the petition. Such order must give the date the  
 831 mediation conference is to be held. Such order may be served  
 832 personally upon the interested parties or may be sent to the  
 833 interested parties by mail or by electronic means approved by  
 834 the Deputy Chief Judge. If multiple petitions are pending, or if  
 835 additional petitions are filed after the scheduling of a  
 836 mediation, the judge of compensation claims shall consolidate  
 837 all petitions into one mediation. The claimant or the adjuster  
 838 of the employer or carrier may, at the mediator's discretion,  
 839 attend the mediation conference by telephone or, if agreed to by

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840 the parties, other electronic means. A continuance may be  
 841 granted upon the agreement of the parties or if the requesting  
 842 party demonstrates to the judge of compensation claims that the  
 843 reason for requesting the continuance arises from circumstances  
 844 beyond the party's control. Any order granting a continuance  
 845 must set forth the date of the rescheduled mediation conference.  
 846 A mediation conference may not be used solely for the purpose of  
 847 mediating attorney's fees.

848 (4) (a) If the parties fail to agree to written submission  
 849 of pretrial stipulations, the judge of compensation claims shall  
 850 conduct a live pretrial hearing. The judge of compensation  
 851 claims shall give the interested parties at least 14 days'  
 852 advance notice of the pretrial hearing by mail or by electronic  
 853 means approved by the Deputy Chief Judge.

854 (c) The judge of compensation claims shall give the  
 855 interested parties at least 14 days' advance notice of the final  
 856 hearing, served upon the interested parties by mail or by  
 857 electronic means approved by the Deputy Chief Judge.

858 (e) The order making an award or rejecting the claim,  
 859 referred to in this chapter as a "compensation order," shall set  
 860 forth the findings of ultimate facts and the mandate; and the  
 861 order need not include any other reason or justification for  
 862 such mandate. The compensation order shall be filed in the  
 863 Office of the Judges of Compensation Claims at Tallahassee. A  
 864 copy of such compensation order shall be sent by mail or by  
 865 electronic means approved by the Deputy Chief Judge to the  
 866 parties and attorneys of record and any parties not represented  
 867 by an attorney at the last known address of each, with the date

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868 of mailing noted thereon.

869 Section 24. Subsection (3) of section 440.29, Florida  
870 Statutes, is amended to read:

871 440.29 Procedure before the judge of compensation claims.—

872 (3) The practice and procedure before the judges of  
873 compensation claims shall be governed by rules adopted by the  
874 Office of the Judges of Compensation Claims ~~Supreme Court~~,  
875 except to the extent that such rules conflict with the  
876 provisions of this chapter.

877 Section 25. Subsection (4) of section 440.45, Florida  
878 Statutes, is amended to read:

879 440.45 Office of the Judges of Compensation Claims.—

880 (4) The Office of the Judges of Compensation Claims shall  
881 adopt rules to effectuate ~~effect~~ the purposes of this section.  
882 Such rules shall include procedural rules applicable to workers'  
883 compensation claim resolution, including rules requiring  
884 electronic filing and service where deemed appropriate by the  
885 Deputy Chief Judge, and uniform criteria for measuring the  
886 performance of the office, including, but not limited to, the  
887 number of cases assigned and resolved ~~disposed~~, the age of  
888 pending and resolved ~~disposed~~ cases, timeliness of decisions  
889 ~~decisionmaking~~, extraordinary fee awards, and other data  
890 necessary for the judicial nominating commission to review the  
891 performance of judges as required in paragraph (2) (c). ~~The~~  
892 ~~workers' compensation rules of procedure approved by the Supreme~~  
893 ~~Court apply until the rules adopted by the Office of the Judges~~  
894 ~~of Compensation Claims pursuant to this section become~~  
895 ~~effective.~~



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896 Section 26. Paragraph (b) of subsection (4) of section  
897 553.73, Florida Statutes, is amended to read:

898 553.73 Florida Building Code.—

899 (4)

900 (b) Local governments may, subject to the limitations of  
901 this section, adopt amendments to the technical provisions of  
902 the Florida Building Code which apply solely within the  
903 jurisdiction of such government and which provide for more  
904 stringent requirements than those specified in the Florida  
905 Building Code, not more than once every 6 months. A local  
906 government may adopt technical amendments that address local  
907 needs if:

908 1. The local governing body determines, following a public  
909 hearing which has been advertised in a newspaper of general  
910 circulation at least 10 days before the hearing, that there is a  
911 need to strengthen the requirements of the Florida Building  
912 Code. The determination must be based upon a review of local  
913 conditions by the local governing body, which review  
914 demonstrates by evidence or data that the geographical  
915 jurisdiction governed by the local governing body exhibits a  
916 local need to strengthen the Florida Building Code beyond the  
917 needs or regional variation addressed by the Florida Building  
918 Code, that the local need is addressed by the proposed local  
919 amendment, and that the amendment is no more stringent than  
920 necessary to address the local need.

921 2. Such additional requirements are not discriminatory  
922 against materials, products, or construction techniques of  
923 demonstrated capabilities.

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

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

928           5. Any amendment to the Florida Building Code shall be  
929 transmitted within 30 days by the adopting local government to  
930 the commission. The commission shall maintain copies of all such  
931 amendments in a format that is usable and obtainable by the  
932 public. Local technical amendments shall not become effective  
933 until 30 days after the amendment has been received and  
934 published by the commission.

935           6. Any amendment to the Florida Building Code adopted by a  
936 local government pursuant to this paragraph shall be effective  
937 only until the adoption by the commission of the new edition of  
938 the Florida Building Code every third year. At such time, the  
939 commission shall review such amendment for consistency with the  
940 criteria in paragraph (8) (a) and adopt such amendment as part of  
941 the Florida Building Code or rescind the amendment. The  
942 commission shall immediately notify the respective local  
943 government of the rescission of any amendment. After receiving  
944 such notice, the respective local government may readopt the  
945 rescinded amendment pursuant to the provisions of this  
946 paragraph.

947           7. Each county and municipality desiring to make local  
948 technical amendments to the Florida Building Code shall by  
949 interlocal agreement establish a countywide compliance review  
950 board to review any amendment to the Florida Building Code,  
951 adopted by a local government within the county pursuant to this

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952 paragraph, that is challenged by any substantially affected  
 953 party for purposes of determining the amendment's compliance  
 954 with this paragraph. If challenged, the local technical  
 955 amendments shall not become effective until time for filing an  
 956 appeal pursuant to subparagraph 8. has expired or, if there is  
 957 an appeal, until the commission issues its final order  
 958 determining the adopted amendment is in compliance with this  
 959 subsection.

960 8. If the compliance review board determines such  
 961 amendment is not in compliance with this paragraph, the  
 962 compliance review board shall notify such local government of  
 963 the noncompliance and that the amendment is invalid and  
 964 unenforceable until the local government corrects the amendment  
 965 to bring it into compliance. The local government may appeal the  
 966 decision of the compliance review board to the commission. If  
 967 the compliance review board determines such amendment to be in  
 968 compliance with this paragraph, any substantially affected party  
 969 may appeal such determination to the commission. Any such appeal  
 970 shall be filed with the commission within 14 days of the board's  
 971 written determination. The commission shall promptly refer the  
 972 appeal to the Division of Administrative Hearings by electronic  
 973 means through the division's website for the assignment of an  
 974 administrative law judge. The administrative law judge shall  
 975 conduct the required hearing within 30 days, and shall enter a  
 976 recommended order within 30 days of the conclusion of such  
 977 hearing. The commission shall enter a final order within 30 days  
 978 thereafter. The provisions of chapter 120 and the uniform rules  
 979 of procedure shall apply to such proceedings. The local

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980 government adopting the amendment that is subject to challenge  
 981 has the burden of proving that the amendment complies with this  
 982 paragraph in proceedings before the compliance review board and  
 983 the commission, as applicable. Actions of the commission are  
 984 subject to judicial review pursuant to s. 120.68. The compliance  
 985 review board shall determine whether its decisions apply to a  
 986 respective local jurisdiction or apply countywide.

987 9. An amendment adopted under this paragraph shall include  
 988 a fiscal impact statement which documents the costs and benefits  
 989 of the proposed amendment. Criteria for the fiscal impact  
 990 statement shall include the impact to local government relative  
 991 to enforcement, the impact to property and building owners, as  
 992 well as to industry, relative to the cost of compliance. The  
 993 fiscal impact statement may not be used as a basis for  
 994 challenging the amendment for compliance.

995 10. In addition to subparagraphs 7. and 9., the commission  
 996 may review any amendments adopted pursuant to this subsection  
 997 and make nonbinding recommendations related to compliance of  
 998 such amendments with this subsection.

999 Section 27. Subsection (1) of section 760.03, Florida  
 1000 Statutes, is reenacted.

1001 Section 28. Subsections (3), (7), and (8) of section  
 1002 760.11, Florida Statutes, are amended to read:

1003 760.11 Administrative and civil remedies; construction.—

1004 (3) Except as provided in subsection (2), the commission  
 1005 shall investigate the allegations in the complaint. Within 240  
 1006 ~~180~~ days after ~~of~~ the filing of the complaint or, effective July  
 1007 1, 2013, within 180 days after the filing of the complaint, the

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1008 | commission shall determine if there is reasonable cause to  
 1009 | believe that discriminatory practice has occurred in violation  
 1010 | of the Florida Civil Rights Act of 1992. When the commission  
 1011 | determines whether ~~or not~~ there is reasonable cause, the  
 1012 | commission by registered mail shall promptly notify the  
 1013 | aggrieved person and the respondent of the reasonable cause  
 1014 | determination, the date of such determination, and the options  
 1015 | available under this section.

1016 |         (7) If the commission determines that there is not  
 1017 | reasonable cause to believe that a violation of the Florida  
 1018 | Civil Rights Act of 1992 has occurred, the commission shall  
 1019 | dismiss the complaint. The aggrieved person may request an  
 1020 | administrative hearing under ss. 120.569 and 120.57, but any  
 1021 | such request must be made within 35 days after ~~of~~ the date of  
 1022 | determination of reasonable cause and any such hearing shall be  
 1023 | heard by an administrative law judge and not by the commission  
 1024 | or a commissioner. The commission shall charge and collect from  
 1025 | the aggrieved person a filing fee of \$200 for such hearing,  
 1026 | which the commission may waive upon finding that the aggrieved  
 1027 | person is indigent. The commission, in its discretion, may  
 1028 | provide for the recovery of the filing fee if the aggrieved  
 1029 | person prevails at the hearing. If the aggrieved person does not  
 1030 | request an administrative hearing within the 35-day period ~~35~~  
 1031 | ~~days~~, the claim will be barred. If the administrative law judge  
 1032 | finds that a violation of the Florida Civil Rights Act of 1992  
 1033 | has occurred, he or she shall issue an appropriate recommended  
 1034 | order to the commission prohibiting the practice and  
 1035 | recommending affirmative relief from the effects of the

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1036 practice, including back pay. Within 90 days after ~~of~~ the date  
 1037 the recommended order is rendered, the commission shall issue a  
 1038 final order by adopting, rejecting, or modifying the recommended  
 1039 order as provided under ss. 120.569 and 120.57. The 90-day  
 1040 period may be extended with the consent of all the parties. In  
 1041 any action or proceeding under this subsection, the commission,  
 1042 in its discretion, may allow the prevailing party a reasonable  
 1043 attorney's fee as part of the costs. It is the intent of the  
 1044 Legislature that this provision for attorney's fees be  
 1045 interpreted in a manner consistent with federal case law  
 1046 involving a Title VII action. If ~~In the event~~ the final order  
 1047 issued by the commission determines that a violation of the  
 1048 Florida Civil Rights Act of 1992 has occurred, the aggrieved  
 1049 person may bring, within 1 year after ~~of~~ the date of the final  
 1050 order, a civil action under subsection (5) as if there has been  
 1051 a reasonable cause determination or accept the affirmative  
 1052 relief offered by the commission, but not both.

1053 (8) If ~~In the event that~~ the commission fails to  
 1054 conciliate or determine whether there is reasonable cause on any  
 1055 complaint under this section within 240 ~~180~~ days after ~~of~~ the  
 1056 filing of the complaint or, effective July 1, 2013, within 180  
 1057 days after the filing of the complaint, an aggrieved person may  
 1058 proceed under subsection (4)~~7~~ as if the commission determined  
 1059 that there was reasonable cause.

1060 Section 29. Subsection (2) of section 766.305, Florida  
 1061 Statutes, is amended to read:

1062 766.305 Filing of claims and responses; medical  
 1063 disciplinary review.—

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1064           (2) The claimant shall furnish the division with as many  
 1065 copies of the petition as required for service upon the  
 1066 association, any physician and hospital named in the petition,  
 1067 and the Division of Medical Quality Assurance, along with a ~~\$15~~  
 1068 filing fee of \$15 payable to the Division of Administrative  
 1069 Hearings. Upon receipt of the petition, the division shall  
 1070 immediately ~~serve the association, by service upon the agent~~  
 1071 ~~designated to accept service on behalf of the association, by~~  
 1072 ~~registered or certified mail, and shall~~ mail copies of the  
 1073 petition, by registered or certified mail, to any physician,  
 1074 health care provider, and hospital named in the petition, and  
 1075 shall furnish a copy by electronic means through the division's  
 1076 website or regular mail to the Division of Medical Quality  
 1077 Assurance, ~~and~~ the Agency for Health Care Administration, ~~and~~  
 1078 the association by service upon the agent designated to accept  
 1079 service on behalf of the association.

1080           Section 30. Subsection (2) of section 766.309, Florida  
 1081 Statutes, is amended to read:

1082           766.309 Determination of claims; presumption; findings of  
 1083 administrative law judge binding on participants.—

1084           (2) If the administrative law judge determines that the  
 1085 injury alleged is not a birth-related neurological injury or  
 1086 that obstetrical services were not delivered by a participating  
 1087 physician at the birth, she or he shall enter an order and shall  
 1088 cause a copy of such order to be sent immediately to the parties  
 1089 by electronic means through the division's website or by regular  
 1090 ~~registered or certified mail.~~

1091           Section 31. Subsection (3) of section 766.31, Florida

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1092 Statutes, is amended to read:  
 1093       766.31 Administrative law judge awards for birth-related  
 1094 neurological injuries; notice of award.—

1095       (3) A copy of the award shall be sent immediately by  
 1096 electronic means through the division's website or by regular  
 1097 ~~registered or certified~~ mail to each person served with a copy  
 1098 of the petition under s. 766.305(2).

1099       Section 32. Paragraph (b) of subsection (4) of section  
 1100 961.03, Florida Statutes, is amended to read:

1101       961.03 Determination of status as a wrongfully  
 1102 incarcerated person; determination of eligibility for  
 1103 compensation.—

1104       (4)

1105       (b) If the prosecuting authority responds as set forth in  
 1106 paragraph (2)(b), and the court determines that the petitioner  
 1107 is eligible under the provisions of s. 961.04, but the  
 1108 prosecuting authority contests the nature, significance or  
 1109 effect of the evidence of actual innocence, or the facts related  
 1110 to the petitioner's alleged wrongful incarceration, the court  
 1111 shall set forth its findings and transfer the petition by  
 1112 electronic means through the division's website to the division  
 1113 for findings of fact and a recommended determination of whether  
 1114 the petitioner has established that he or she is a wrongfully  
 1115 incarcerated person who is eligible for compensation under this  
 1116 act.

1117       Section 33. This act shall take effect July 1, 2010.