

1                                   A bill to be entitled  
 2           An act relating to human relations proceedings and  
 3           regulations; amending s. 120.57, F.S.; authorizing an  
 4           administrative hearing officer to complete and submit  
 5           to the agency and all parties a recommended order that  
 6           includes actual or compensatory damages in cases under  
 7           ch. 760, F.S., where appropriate; creating s. 760.12,  
 8           F.S.; requiring an aggrieved person requesting an  
 9           administrative hearing pursuant to certain civil  
 10          rights provisions to pay a specified filing fee;  
 11          providing for relief from payment of the fee upon a  
 12          determination of indigency; providing for such a  
 13          determination; providing for taxation of costs in such  
 14          an action; amending s. 760.29, F.S.; revising  
 15          requirements for communities seeking an exemption as  
 16          housing for older persons from certain civil rights  
 17          provisions; revising provisions relating to a fee for  
 18          such registration and administrative fines relating to  
 19          such registrations; providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Paragraph (k) of subsection (1) of section  
 24           120.57, Florida Statutes, is amended to read:

25           120.57 Additional procedures for particular cases.—

26           (1) ADDITIONAL PROCEDURES APPLICABLE TO HEARINGS INVOLVING  
 27           DISPUTED ISSUES OF MATERIAL FACT.—

28           (k) The presiding officer shall complete and submit to the

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29 agency and all parties a recommended order consisting of  
30 findings of fact, conclusions of law, and recommended  
31 disposition or penalty, if applicable, actual or compensatory  
32 damages in cases filed under chapter 760, where appropriate, and  
33 any other information required by law to be contained in the  
34 final order. All proceedings conducted under this subsection  
35 shall be de novo. The agency shall allow each party 15 days in  
36 which to submit written exceptions to the recommended order. The  
37 final order shall include an explicit ruling on each exception,  
38 but an agency need not rule on an exception that does not  
39 clearly identify the disputed portion of the recommended order  
40 by page number or paragraph, that does not identify the legal  
41 basis for the exception, or that does not include appropriate  
42 and specific citations to the record.

43 Section 2. Section 760.12, Florida Statutes, is created to  
44 read:

45 760.12 Filing fees for administrative hearings.—

46 (1) Any aggrieved person requesting an administrative  
47 hearing pursuant to this chapter shall remit a filing fee of  
48 \$200 to the clerk of the Division of Administrative Hearings at  
49 the time the action is filed.

50 (2) A person seeking relief from payment of a filing fee  
51 and prepayment of costs under s. 57.081 based upon an inability  
52 to pay must apply to the clerk of the Division of Administrative  
53 Hearings for a determination of civil indigent status using an  
54 application form developed by the Florida Clerks of Court  
55 Operations Corporation and approved by the Supreme Court. Any  
56 such determination shall be made in accordance with the

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57 provisions contained in s. 57.082. If the applicant prevails in  
58 such action, costs shall be taxed in his or her favor as  
59 provided by law and, when collected, shall be applied to pay  
60 filing fees or costs that have not been paid.

61 Section 3. Paragraph (e) of subsection (4) of section  
62 760.29, Florida Statutes, is amended to read:

63 760.29 Exemptions.—

64 (4)

65 (e) A facility or community claiming an exemption under  
66 this subsection shall register with the commission by submitting  
67 a copy of its recorded documents establishing the facility or  
68 community as housing for older persons and ~~submit~~ a letter ~~to~~  
69 ~~the commission~~ stating that the facility or community complies  
70 with the requirements of paragraph (b) ~~subparagraph (b)1.,~~  
71 ~~subparagraph (b)2., or subparagraph (b)3.~~ The letter shall be  
72 submitted on the letterhead of the facility or community and  
73 ~~shall be~~ signed by the president of the facility or community.  
74 This registration and documentation must ~~shall~~ be renewed  
75 biennially following ~~from~~ the date of original filing. The  
76 information in the registry shall be made available to the  
77 public, and the commission shall include this information on an  
78 Internet website. The commission may charge ~~establish~~ a  
79 ~~reasonable~~ registration fee of, ~~not to exceed~~ \$20, which ~~that~~  
80 shall be deposited into the commission's trust fund to defray  
81 the administrative costs associated with maintaining the  
82 registry. The commission may impose an administrative fine, not  
83 to exceed \$500, on a facility or community that fails to  
84 register or renew its registration with the commission or that

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85 knowingly submits false information in the documentation  
86 required by this paragraph. Such fines shall be deposited in the  
87 commission's trust fund. The registration and documentation  
88 required by this paragraph does ~~shall~~ not substitute for proof  
89 of compliance with the requirements of this subsection. However,  
90 ~~Failure to comply does with the requirements of this paragraph~~  
91 ~~shall~~ not disqualify a facility or community that otherwise  
92 qualifies for the exemption provided in this subsection.

93

94 A county or municipal ordinance regarding housing for older  
95 persons may not contravene the provisions of this subsection.

96 Section 4. This act shall take effect July 1, 2012.