

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Hays offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(1) The head of the Department of Management Services is the Governor and Cabinet. The executive director of the department ~~Secretary of Management Services,~~ who shall be appointed by the Governor with the approval of each member of the Cabinet and, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor and Cabinet.

Section 2. Paragraph (b) of subsection (4) of section 57.111, Florida Statutes, is amended to read:

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

17 57.111 Civil actions and administrative proceedings  
18 initiated by state agencies; attorneys' fees and costs.—

19 (4)

20 (b)1. To apply for an award under this section, the  
21 attorney for the prevailing small business party must submit an  
22 itemized affidavit to the court which first conducted the  
23 adversarial proceeding in the underlying action, or by  
24 electronic means through the division's website to the Division  
25 of Administrative Hearings, which shall assign an administrative  
26 law judge, in the case of a proceeding pursuant to chapter 120,  
27 which affidavit shall reveal the nature and extent of the  
28 services rendered by the attorney as well as the costs incurred  
29 in preparations, motions, hearings, and appeals in the  
30 proceeding.

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

34 Section 3. Subsection (13) of section 110.123, Florida  
35 Statutes, is repealed.

36 Section 4. Paragraph (b) of subsection (5) of section  
37 120.54, Florida Statutes, is amended to read:

38 120.54 Rulemaking.—

39 (5) UNIFORM RULES.—

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

43 1. Uniform rules for the scheduling of public meetings,  
44 hearings, and workshops.

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

45 2. Uniform rules for use by each state agency that provide  
46 procedures for conducting public meetings, hearings, and  
47 workshops, and for taking evidence, testimony, and argument at  
48 such public meetings, hearings, and workshops, in person and by  
49 means of communications media technology. The rules shall  
50 provide that all evidence, testimony, and argument presented  
51 shall be afforded equal consideration, regardless of the method  
52 of communication. If a public meeting, hearing, or workshop is  
53 to be conducted by means of communications media technology, or  
54 if attendance may be provided by such means, the notice shall so  
55 state. The notice for public meetings, hearings, and workshops  
56 utilizing communications media technology shall state how  
57 persons interested in attending may do so and shall name  
58 locations, if any, where communications media technology  
59 facilities will be available. Nothing in this paragraph shall be  
60 construed to diminish the right to inspect public records under  
61 chapter 119. Limiting points of access to public meetings,  
62 hearings, and workshops subject to the provisions of s. 286.011  
63 to places not normally open to the public shall be presumed to  
64 violate the right of access of the public, and any official  
65 action taken under such circumstances is void and of no effect.  
66 Other laws relating to public meetings, hearings, and workshops,  
67 including penal and remedial provisions, shall apply to public  
68 meetings, hearings, and workshops conducted by means of  
69 communications media technology, and shall be liberally  
70 construed in their application to such public meetings,  
71 hearings, and workshops. As used in this subparagraph,  
72 "communications media technology" means the electronic

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

73 transmission of printed matter, audio, full-motion video,  
74 freeze-frame video, compressed video, and digital video by any  
75 method available.

76 3. Uniform rules of procedure for the filing of notice of  
77 protests and formal written protests. The Administration  
78 Commission may prescribe the form and substantive provisions of  
79 a required bond.

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

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

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

88 c. An explanation of how the petitioner's substantial  
89 interests are or will be affected by the action or proposed  
90 action.

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

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

96 f. A statement of the specific rules or statutes that the  
97 petitioner contends require reversal or modification of the  
98 agency's proposed action, including an explanation of how the  
99 alleged facts relate to the specific rules or statutes.

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

100 g. A statement of the relief sought by the petitioner,  
101 stating precisely the action petitioner wishes the agency to  
102 take with respect to the proposed action.

103 5. Uniform rules for the filing of request for  
104 administrative hearing by a respondent in agency enforcement and  
105 disciplinary actions. Such rules shall require a request to  
106 include:

107 a. The name, address, e-mail address, and telephone number  
108 of the party making the request and the name, address, e-mail  
109 address, and telephone number of the party's counsel or  
110 qualified representative upon whom service of pleadings and  
111 other papers shall be made;

112 b. A statement that the respondent is requesting an  
113 administrative hearing and disputes the material facts alleged  
114 by the petitioner, in which case the respondent shall identify  
115 those material facts that are in dispute, or that the respondent  
116 is requesting an administrative hearing and does not dispute the  
117 material facts alleged by the petitioner; and

118 c. A reference by file number to the administrative  
119 complaint that the party has received from the agency and the  
120 date on which the agency pleading was received.

121  
122 The agency may provide an election-of-rights form for the  
123 respondent's use in requesting a hearing, so long as any form  
124 provided by the agency calls for the information in sub-  
125 subparagraphs a. through c. and does not impose any additional  
126 requirements on a respondent in order to request a hearing,  
127 unless such requirements are specifically authorized by law.

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

128 6. Uniform rules of procedure for the filing and prompt  
129 disposition of petitions for declaratory statements. The rules  
130 shall also describe the contents of the notices that must be  
131 published in the Florida Administrative Weekly under s. 120.565,  
132 including any applicable time limit for the filing of petitions  
133 to intervene or petitions for administrative hearing by persons  
134 whose substantial interests may be affected.

135 7. Provision of a method by which each agency head shall  
136 provide a description of the agency's organization and general  
137 course of its operations. The rules shall require that the  
138 statement concerning the agency's organization and operations be  
139 published on the agency's website.

140 8. Uniform rules establishing procedures for granting or  
141 denying petitions for variances and waivers pursuant to s.  
142 120.542.

143 Section 5. Paragraphs (c) and (d) of subsection (1) of  
144 section 120.56, Florida Statutes, are amended to read:

145 120.56 Challenges to rules.—

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

148 (c) The petition shall be filed by electronic means with  
149 the division, which shall, immediately upon filing, forward by  
150 electronic means copies to the agency whose rule is challenged,  
151 the Department of State, and the committee. Within 10 days after  
152 receiving the petition, the division director shall, if the  
153 petition complies with the requirements of paragraph (b), assign  
154 an administrative law judge who shall conduct a hearing within  
155 30 days thereafter, unless the petition is withdrawn or a

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

156 continuance is granted by agreement of the parties or for good  
157 cause shown. Evidence of good cause includes, but is not limited  
158 to, written notice of an agency's decision to modify or withdraw  
159 the proposed rule or a written notice from the chair of the  
160 committee stating that the committee will consider an objection  
161 to the rule at its next scheduled meeting. The failure of an  
162 agency to follow the applicable rulemaking procedures or  
163 requirements set forth in this chapter shall be presumed to be  
164 material; however, the agency may rebut this presumption by  
165 showing that the substantial interests of the petitioner and the  
166 fairness of the proceedings have not been impaired.

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

172 Section 6. Paragraph (a) of subsection (2) of section  
173 120.569, Florida Statutes, is amended to read:

174 120.569 Decisions which affect substantial interests.—

175 (2) (a) Except for any proceeding conducted as prescribed  
176 in s. 120.56, a petition or request for a hearing under this  
177 section shall be filed with the agency. If the agency requests  
178 an administrative law judge from the division, it shall so  
179 notify the division by electronic means through the division's  
180 website within 15 days after receipt of the petition or request.

181 A request for a hearing shall be granted or denied within 15  
182 days after receipt. On the request of any agency, the division  
183 shall assign an administrative law judge with due regard to the  
441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

184 expertise required for the particular matter. The referring  
185 agency shall take no further action with respect to a proceeding  
186 under s. 120.57(1), except as a party litigant, as long as the  
187 division has jurisdiction over the proceeding under s.  
188 120.57(1). Any party may request the disqualification of the  
189 administrative law judge by filing an affidavit with the  
190 division prior to the taking of evidence at a hearing, stating  
191 the grounds with particularity.

192 Section 7. Paragraph (d) of subsection (3) of section  
193 120.57, Florida Statutes, is amended to read:

194 120.57 Additional procedures for particular cases.—

195 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO  
196 CONTRACT SOLICITATION OR AWARD.—Agencies subject to this chapter  
197 shall use the uniform rules of procedure, which provide  
198 procedures for the resolution of protests arising from the  
199 contract solicitation or award process. Such rules shall at  
200 least provide that:

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

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

441057

Approved For Filing: 4/5/2010 11:00:47 AM



Amendment No.

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

218 Section 8. Section 120.585, Florida Statutes, is created  
219 to read:

220 120.585 Electronic filing.—Any document filed with the  
221 division by a party represented by an attorney must be filed by  
222 electronic means through the division's website. Any document  
223 filed with the division by a party who is not represented by an  
224 attorney shall, whenever possible, be filed by electronic means  
225 through the division's website.

226 Section 9. Subsections (6) through (9) of section 216.023,  
227 Florida Statutes, are renumbered as subsections (7) through  
228 (10), respectively, and a new subsection (6) is added to that  
229 section to read:

230 216.023 Legislative budget requests to be furnished to  
231 Legislature by agencies.—

232 (6) As part of the legislative budget request, the head of  
233 each agency shall include an annual inventory of all wireless  
234 devices and expenditures, including the number of wireless  
235 devices by type, expenditures by type of device, total  
236 expenditures, a list of job classifications assigned a wireless  
237 device, and the steps taken to promote productivity and contain  
238 costs.

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

239 Section 10. Section 282.712, Florida Statutes, is created  
240 to read:

241 282.712 Statewide wireless communication utilization.-

242 (1) It is the intent of the Legislature that the  
243 expenditure of public funds on wireless communication devices  
244 shall be used to increase efficiency, accessibility, and  
245 productivity.

246 (2) In furtherance of the goal of increasing efficiency,  
247 accessibility, and productivity, agencies shall only assign  
248 cellular telephones, personal digital assistants, and other  
249 wireless communication devices to those employees who, as part  
250 of their official assigned duties, routinely must:

251 (a) Be immediately available to citizens, supervisors, or  
252 subordinates;

253 (b) Be available to respond to emergency situations;

254 (c) Be available to receive calls outside of regular  
255 working hours;

256 (d) Have access to the technology in order to productively  
257 perform job duties in the field; or

258 (e) Have limited or no access to a telephone, or have no  
259 ability to use a cellular phone, if needed.

260 (3) Agencies shall procure wireless communication devices  
261 and services using SUNCOM Network Services unless otherwise  
262 approved by the Department of Management Services. Agencies  
263 shall obtain an exemption from the use of SUNCOM Network  
264 Services prior to seeking approval to use a state term contract,  
265 an alternate source contract, or other procurement method. In  
266 seeking approval for an exemption, agencies shall provide a side

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

267 by side comparison of costs and benefits and the reasons for  
268 deviating from SUNCOM Network Services. The department shall  
269 approve such requests only upon a finding that an exemption from  
270 the use of SUNCOM Network Services has been obtained pursuant to  
271 s. 282.703(3) and upon a finding that the cost-benefit analysis  
272 or agency justification supports the use of another procurement  
273 method.

274 (4) Agencies shall review wireless communication device  
275 expenditures to confirm that costs are associated with business  
276 purposes. Any costs associated with personal use of a wireless  
277 communication device by an employee shall be reimbursed to the  
278 agency by that employee.

279 Section 11. Centralized fleet management.-

280 (1) The Department of Management Services is directed to  
281 create, administer, and maintain a centralized fleet of state-  
282 owned motor vehicles.

283 (2) The department shall prepare a plan to centralize all  
284 state-owned motor vehicles that provides a method for:

285 (a) Assigning and administering motor vehicles to state  
286 agencies and employees.

287 (b) Managing a fleet of motor vehicles for short-term use.

288 (c) Charging state agencies for the use of a motor  
289 vehicle, including costs associated with vehicle replacement and  
290 operating costs.

291 (d) Purchasing motor vehicles necessary for the operation  
292 of the centralized fleet.

293 (e) Repairing and maintaining motor vehicles.

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

294 (f) Monitoring the use of motor vehicles and enforcing  
295 regulations regarding proper use.

296 (g) Maintaining records related to the operation and  
297 maintenance of motor vehicles and the administration of the  
298 fleet.

299 (h) Disposing of motor vehicles that are no longer  
300 necessary to maintain the fleet or for vehicles that are not  
301 used effectively as to establish motor cost savings.

302 (i) Determining when it would be cost-efficient to lease a  
303 motor vehicle from a third-party vendor instead of using a  
304 state-owned vehicle.

305 (3) In developing the plan, the department shall evaluate  
306 the costs and benefits of operating a centralized motor vehicle  
307 fleet compared to the costs and benefits of contracting with a  
308 third-party vendor for the operation of a centralized motor  
309 vehicle fleet.

310 (4) By November 1, 2010, the department shall submit the  
311 plan to the President of the Senate, the Speaker of the House of  
312 Representatives, and the Governor and Cabinet.

313 Section 12. Subsections (1) and (8) of section 440.192,  
314 Florida Statutes, are amended to read:

315 440.192 Procedure for resolving benefit disputes.—

316 (1) Any employee may, for any benefit that is ripe, due,  
317 and owing, file ~~by certified mail, or by electronic means~~  
318 ~~approved by the Deputy Chief Judge,~~ with the Office of the  
319 Judges of Compensation Claims a petition for benefits which  
320 meets the requirements of this section and the definition of  
321 specificity in s. 440.02. An employee represented by an attorney  
441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

322 shall file by electronic means approved by the Deputy Chief  
323 Judge. An employee not represented by an attorney may file by  
324 certified mail or by electronic means approved by the Deputy  
325 Chief Judge. The department shall inform employees of the  
326 location of the Office of the Judges of Compensation Claims and  
327 the office's website address for purposes of filing a petition  
328 for benefits. The employee shall also serve copies of the  
329 petition for benefits by certified mail, or by electronic means  
330 approved by the Deputy Chief Judge, upon the employer and the  
331 employer's carrier. The Deputy Chief Judge shall refer the  
332 petitions to the judges of compensation claims.

333 (8) Within 14 days after receipt of a petition for  
334 benefits by certified mail or by approved electronic means, the  
335 carrier must either pay the requested benefits without prejudice  
336 to its right to deny within 120 days from receipt of the  
337 petition or file a response to petition with the Office of the  
338 Judges of Compensation Claims. The response shall be filed by  
339 electronic means approved by the Deputy Chief Judge. The carrier  
340 must list all benefits requested but not paid and explain its  
341 justification for nonpayment in the response to petition. A  
342 carrier that does not deny compensability in accordance with s.  
343 440.20(4) is deemed to have accepted the employee's injuries as  
344 compensable, unless it can establish material facts relevant to  
345 the issue of compensability that could not have been discovered  
346 through reasonable investigation within the 120-day period. The  
347 carrier shall provide copies of the response to the filing  
348 party, employer, and claimant by certified mail or by electronic  
349 means approved by the Deputy Chief Judge.

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

350 Section 13. Subsection (1) and paragraphs (a), (c), and  
351 (e) of subsection (4) of section 440.25, Florida Statutes, are  
352 amended to read:

353 440.25 Procedures for mediation and hearings.—

354 (1) Forty days after a petition for benefits is filed  
355 under s. 440.192, the judge of compensation claims shall notify  
356 the interested parties by order that a mediation conference  
357 concerning such petition has been scheduled unless the parties  
358 have notified the judge of compensation claims that a private  
359 mediation has been held or is scheduled to be held. A mediation,  
360 whether private or public, shall be held within 130 days after  
361 the filing of the petition. Such order must give the date the  
362 mediation conference is to be held. Such order may be served  
363 personally upon the interested parties or may be sent to the  
364 interested parties by mail or by electronic means approved by  
365 the Deputy Chief Judge. If multiple petitions are pending, or if  
366 additional petitions are filed after the scheduling of a  
367 mediation, the judge of compensation claims shall consolidate  
368 all petitions into one mediation. The claimant or the adjuster  
369 of the employer or carrier may, at the mediator's discretion,  
370 attend the mediation conference by telephone or, if agreed to by  
371 the parties, other electronic means. A continuance may be  
372 granted upon the agreement of the parties or if the requesting  
373 party demonstrates to the judge of compensation claims that the  
374 reason for requesting the continuance arises from circumstances  
375 beyond the party's control. Any order granting a continuance  
376 must set forth the date of the rescheduled mediation conference.

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

377 A mediation conference may not be used solely for the purpose of  
378 mediating attorney's fees.

379 (4) (a) If the parties fail to agree to written submission  
380 of pretrial stipulations, the judge of compensation claims shall  
381 conduct a live pretrial hearing. The judge of compensation  
382 claims shall give the interested parties at least 14 days'  
383 advance notice of the pretrial hearing by mail or by electronic  
384 means approved by the Deputy Chief Judge.

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

389 (e) The order making an award or rejecting the claim,  
390 referred to in this chapter as a "compensation order," shall set  
391 forth the findings of ultimate facts and the mandate; and the  
392 order need not include any other reason or justification for  
393 such mandate. The compensation order shall be filed in the  
394 Office of the Judges of Compensation Claims at Tallahassee. A  
395 copy of such compensation order shall be sent by mail or by  
396 electronic means approved by the Deputy Chief Judge to the  
397 parties and attorneys of record and any parties not represented  
398 by an attorney at the last known address of each, with the date  
399 of mailing noted thereon.

400 Section 14. Subsection (3) of section 440.29, Florida  
401 Statutes, is amended to read:

402 440.29 Procedure before the judge of compensation claims.-

403 (3) The practice and procedure before the judges of  
404 compensation claims shall be governed by rules adopted by the  
441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

405 Office of the Judges of Compensation Claims ~~Supreme Court,~~  
406 except to the extent that such rules conflict with the  
407 provisions of this chapter.

408 Section 15. Subsection (4) of section 440.45, Florida  
409 Statutes, is amended to read:

410 440.45 Office of the Judges of Compensation Claims.-

411 (4) The Office of the Judges of Compensation Claims shall  
412 adopt rules to effectuate ~~effect~~ the purposes of this section.  
413 Such rules shall include procedural rules applicable to workers'  
414 compensation claim resolution, including rules requiring  
415 electronic filing and service where deemed appropriate by the  
416 Deputy Chief Judge, and uniform criteria for measuring the  
417 performance of the office, including, but not limited to, the  
418 number of cases assigned and resolved ~~disposed~~, the age of  
419 pending and resolved ~~disposed~~ cases, timeliness of decisions  
420 ~~decisionmaking~~, extraordinary fee awards, and other data  
421 necessary for the judicial nominating commission to review the  
422 performance of judges as required in paragraph (2) (c). ~~The~~  
423 ~~workers' compensation rules of procedure approved by the Supreme~~  
424 ~~Court apply until the rules adopted by the Office of the Judges~~  
425 ~~of Compensation Claims pursuant to this section become~~  
426 ~~effective.~~

427 Section 16. Subsection (1) of section 552.40, Florida  
428 Statutes, is amended to read:

429 552.40 Administrative remedy for alleged damage due to the  
430 use of explosives in connection with construction materials  
431 mining activities.-

441057

Approved For Filing: 4/5/2010 11:00:47 AM



Amendment No.

432 (1) A person may initiate an administrative proceeding to  
433 recover damages resulting from the use of explosives in  
434 connection with construction materials mining activities by  
435 filing a petition with the Division of Administrative Hearings  
436 by electronic means through the division's website on a form  
437 provided by it and accompanied by a filing fee of \$100 within  
438 180 days after the occurrence of the alleged damage. If the  
439 petitioner submits an affidavit stating that the petitioner's  
440 annual income is less than 150 percent of the applicable federal  
441 poverty guideline published in the Federal Register by the  
442 United States Department of Health and Human Services, the \$100  
443 filing fee must be waived.

444 Section 17. Paragraph (b) of subsection (4) of section  
445 553.73, Florida Statutes, is amended to read:

446 553.73 Florida Building Code.—

447 (4)

448 (b) Local governments may, subject to the limitations of  
449 this section, adopt amendments to the technical provisions of  
450 the Florida Building Code which apply solely within the  
451 jurisdiction of such government and which provide for more  
452 stringent requirements than those specified in the Florida  
453 Building Code, not more than once every 6 months. A local  
454 government may adopt technical amendments that address local  
455 needs if:

456 1. The local governing body determines, following a public  
457 hearing which has been advertised in a newspaper of general  
458 circulation at least 10 days before the hearing, that there is a  
459 need to strengthen the requirements of the Florida Building

441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

460 Code. The determination must be based upon a review of local  
461 conditions by the local governing body, which review  
462 demonstrates by evidence or data that the geographical  
463 jurisdiction governed by the local governing body exhibits a  
464 local need to strengthen the Florida Building Code beyond the  
465 needs or regional variation addressed by the Florida Building  
466 Code, that the local need is addressed by the proposed local  
467 amendment, and that the amendment is no more stringent than  
468 necessary to address the local need.

469 2. Such additional requirements are not discriminatory  
470 against materials, products, or construction techniques of  
471 demonstrated capabilities.

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

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

476 5. Any amendment to the Florida Building Code shall be  
477 transmitted within 30 days by the adopting local government to  
478 the commission. The commission shall maintain copies of all such  
479 amendments in a format that is usable and obtainable by the  
480 public. Local technical amendments shall not become effective  
481 until 30 days after the amendment has been received and  
482 published by the commission.

483 6. Any amendment to the Florida Building Code adopted by a  
484 local government pursuant to this paragraph shall be effective  
485 only until the adoption by the commission of the new edition of  
486 the Florida Building Code every third year. At such time, the  
487 commission shall review such amendment for consistency with the  
441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

488 criteria in paragraph (8) (a) and adopt such amendment as part of  
489 the Florida Building Code or rescind the amendment. The  
490 commission shall immediately notify the respective local  
491 government of the rescission of any amendment. After receiving  
492 such notice, the respective local government may readopt the  
493 rescinded amendment pursuant to the provisions of this  
494 paragraph.

495 7. Each county and municipality desiring to make local  
496 technical amendments to the Florida Building Code shall by  
497 interlocal agreement establish a countywide compliance review  
498 board to review any amendment to the Florida Building Code,  
499 adopted by a local government within the county pursuant to this  
500 paragraph, that is challenged by any substantially affected  
501 party for purposes of determining the amendment's compliance  
502 with this paragraph. If challenged, the local technical  
503 amendments shall not become effective until time for filing an  
504 appeal pursuant to subparagraph 8. has expired or, if there is  
505 an appeal, until the commission issues its final order  
506 determining the adopted amendment is in compliance with this  
507 subsection.

508 8. If the compliance review board determines such  
509 amendment is not in compliance with this paragraph, the  
510 compliance review board shall notify such local government of  
511 the noncompliance and that the amendment is invalid and  
512 unenforceable until the local government corrects the amendment  
513 to bring it into compliance. The local government may appeal the  
514 decision of the compliance review board to the commission. If  
515 the compliance review board determines such amendment to be in  
441057

Approved For Filing: 4/5/2010 11:00:47 AM

Amendment No.

516 compliance with this paragraph, any substantially affected party  
517 may appeal such determination to the commission. Any such appeal  
518 shall be filed with the commission within 14 days of the board's  
519 written determination. The commission shall promptly refer the  
520 appeal to the Division of Administrative Hearings by electronic  
521 means through the division's website for the assignment of an  
522 administrative law judge. The administrative law judge shall  
523 conduct the required hearing within 30 days, and shall enter a  
524 recommended order within 30 days of the conclusion of such  
525 hearing. The commission shall enter a final order within 30 days  
526 thereafter. The provisions of chapter 120 and the uniform rules  
527 of procedure shall apply to such proceedings. The local  
528 government adopting the amendment that is subject to challenge  
529 has the burden of proving that the amendment complies with this  
530 paragraph in proceedings before the compliance review board and  
531 the commission, as applicable. Actions of the commission are  
532 subject to judicial review pursuant to s. 120.68. The compliance  
533 review board shall determine whether its decisions apply to a  
534 respective local jurisdiction or apply countywide.

535 9. An amendment adopted under this paragraph shall include  
536 a fiscal impact statement which documents the costs and benefits  
537 of the proposed amendment. Criteria for the fiscal impact  
538 statement shall include the impact to local government relative  
539 to enforcement, the impact to property and building owners, as  
540 well as to industry, relative to the cost of compliance. The  
541 fiscal impact statement may not be used as a basis for  
542 challenging the amendment for compliance.

441057

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Amendment No.

543 10. In addition to subparagraphs 7. and 9., the commission  
544 may review any amendments adopted pursuant to this subsection  
545 and make nonbinding recommendations related to compliance of  
546 such amendments with this subsection.

547 Section 18. Paragraph (b) of subsection (4) of section  
548 961.03, Florida Statutes, is amended to read:

549 961.03 Determination of status as a wrongfully  
550 incarcerated person; determination of eligibility for  
551 compensation.-

552 (4)

553 (b) If the prosecuting authority responds as set forth in  
554 paragraph (2)(b), and the court determines that the petitioner  
555 is eligible under the provisions of s. 961.04, but the  
556 prosecuting authority contests the nature, significance or  
557 effect of the evidence of actual innocence, or the facts related  
558 to the petitioner's alleged wrongful incarceration, the court  
559 shall set forth its findings and transfer the petition by  
560 electronic means through the division's website to the division  
561 for findings of fact and a recommended determination of whether  
562 the petitioner has established that he or she is a wrongfully  
563 incarcerated person who is eligible for compensation under this  
564 act.

565 Section 19. This act shall take effect July 1, 2010.

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**T I T L E A M E N D M E N T**

570 Remove the entire title and insert:

441057

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Amendment No.

571                                   A bill to be entitled  
572           An act relating to review of the Department of Management  
573           Services under the Florida Government Accountability Act;  
574           amending s. 20.22, F.S.; revising the governance of the  
575           Department of Management Services; amending ss. 57.111,  
576           120.56, 120.569, 120.57, 552.40, 553.73, and 961.03, F.S.;  
577           providing for electronic filing and transmission  
578           procedures for certain actions, proceedings, and  
579           petitions; conforming provisions to changes made by the  
580           act; repealing s. 110.123(13), F.S., relating to creation  
581           and duties of the Florida State Employee Wellness Council;  
582           amending s. 120.54, F.S.; requiring a petitioner  
583           requesting an administrative hearing to include the  
584           petitioner's e-mail address; requiring the request for  
585           administrative hearing by a respondent to include the e-  
586           mail address of the party's counsel or qualified  
587           representative; creating s. 120.585, F.S.; requiring an  
588           attorney to use electronic means when filing a document  
589           with the Division of Administrative Hearings; encouraging  
590           a party not represented by an attorney to file documents  
591           whenever possible by electronic means through the  
592           division's website; amending s. 216.023, F.S.; requiring  
593           each agency head to provide an annual inventory of all  
594           wireless devices and expenditures containing specified  
595           information; creating s. 282.712, F.S.; providing  
596           legislative intent; providing requirements for the use of  
597           wireless communication devices by agency employees;  
598           providing requirements for the procurement of wireless

441057

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Amendment No.

599 communication devices and services by agencies; requiring  
600 the agency to conduct a review of wireless communication  
601 device expenditures; requiring reimbursement of costs  
602 associated with certain personal use of wireless  
603 communication devices by employees; requiring the  
604 department to create, administer, and maintain a  
605 centralized fleet of state-owned motor vehicles; requiring  
606 the department to prepare a plan to centralize the fleet;  
607 requiring the department to submit the plan to the  
608 Governor and the Legislature by a specified date; amending  
609 ss. 440.192 and 440.25, F.S.; providing and revising  
610 procedures for filing petitions for benefits and other  
611 documents in workers' compensation benefits proceedings to  
612 provide for electronic filing and transmission under  
613 certain circumstances; amending ss. 440.29 and 440.45,  
614 F.S.; authorizing the Office of the Judges of Compensation  
615 Claims to adopt rules for certain purposes; providing an  
616 effective date.

441057

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Page 23 of 23