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1 A bill to be entitled
2 An act relating to electronic filing and receipt of
3 court and other legal documents; creating ss. 27.341
4 and 27.5112, F.S.; requiring each state attorney and
5 public defender to electronically file court documents
6 with the clerk of the court and receive court
7 documents from the clerk of the court; defining the
8 term "court documents"; providing legislative
9 expectations that the state attorneys and public
10 defenders consult with specified entities; requiring
11 the Florida Prosecuting Attorneys Association and the
12 Florida Public Defender Association report to the
13 President of the Senate and the Speaker of the House
14 of Representatives by a specified date on the progress
15 made to use the Florida Courts E-Portal system or the
16 clerks' offices portals to electronically file and
17 receive court documents; amending ss. 440.192 and
18 440.25, F.S.; providing for electronic procedures for
19 filing documents and resolving benefit disputes in
20 workers' compensation proceedings; requiring a
21 response to a petition for workers' compensation
22 benefits to be filed by approved electronic means;
23 amending ss. 440.29 and 440.45, F.S.; requiring that
24 the practice and procedure before the judges of
25 compensation claims be governed by the Office of the
26 Judges of Compensation Claims instead of the Supreme
27 Court; authorizing the Office of the Judges of
28 Compensation Claims to adopt rules to implement
29 electronic procedures; amending s. 120.52, F.S.;

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30 requiring use of electronic procedures by those
31 represented by an attorney; amending s. 120.54, F.S.;
32 requiring a petitioner requesting an administrative
33 hearing to include the petitioner's e-mail address;
34 amending ss. 57.111, 120.56, 120.569, 120.57, 552.40,
35 553.73, and 961.03, F.S.; providing for electronic
36 procedures in administrative proceedings; providing an
37 effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Section 27.341, Florida Statutes, is created to
42 read:

43 27.341 Electronic filing and receipt of court documents.-

44 (1) (a) Each office of the state attorney shall
45 electronically file court documents with the clerk of the court
46 and receive court documents from the clerk of the court. It is
47 the expectation of the Legislature that the electronic filing
48 and receipt of court documents will reduce costs for the office
49 of the state attorney, the clerk of the court, and the
50 judiciary; will increase timeliness in the processing of cases;
51 and will provide the judiciary and the clerk of the court with
52 case-related information to allow for improved judicial case
53 management.

54 (b) As used in this section, the term "court documents"
55 includes, but is not limited to, pleadings, motions, briefs, and
56 their respective attachments, orders, judgments, opinions,
57 decrees, and transcripts.

58 (2) It is further the expectation of the Legislature that

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59 each office of the state attorney consult with the office of the
60 public defender for the same circuit served by the office of the
61 state attorney, the clerks of court for the circuit, the Florida
62 Court Technology Commission, and any authority that governs the
63 operation of a statewide portal for the electronic filing and
64 receipt of court documents.

65 (3) The Florida Prosecuting Attorneys Association shall
66 file a report with the President of the Senate and the Speaker
67 of the House of Representatives by March 1, 2012, describing the
68 progress that each office of the state attorney has made to use
69 the Florida Courts E-Portal or, if the case type is not approved
70 for the Florida Courts E-Portal, separate clerks' offices
71 portals for purposes of electronic filing and documenting
72 receipt of court documents. For any office of the state attorney
73 that has not fully implemented an electronic filing and receipt
74 system by March 1, 2012, the report must also include a
75 description of the additional activities that are needed to
76 complete the system for that office and the projected time
77 necessary to complete the additional activities.

78 Section 2. Section 27.5112, Florida Statutes, is created to
79 read:

80 27.5112 Electronic filing and receipt of court documents.-

81 (1) (a) Each office of the public defender shall
82 electronically file court documents with the clerk of the court
83 and receive court documents from the clerk of the court. It is
84 the expectation of the Legislature that the electronic filing
85 and receipt of court documents will reduce costs for the office
86 of the public defender, the clerk of the court, and the
87 judiciary; will increase timeliness in the processing of cases;

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88 and will provide the judiciary and the clerk of the court with
89 case-related information to allow for improved judicial case
90 management.

91 (b) As used in this section, the term "court documents"
92 includes, but is not limited to, pleadings, motions, briefs, and
93 their respective attachments, orders, judgments, opinions,
94 decrees, and transcripts.

95 (2) It is further the expectation of the Legislature that,
96 in developing the capability and implementing the process, each
97 office of the public defender consult with the office of the
98 state attorney for the same circuit served by the office of the
99 public defender, the clerks of court for the circuit, the
100 Florida Court Technology Commission, and any authority that
101 governs the operation of a statewide portal for the electronic
102 filing and receipt of court documents.

103 (3) The Florida Public Defender Association shall file a
104 report with the President of the Senate and the Speaker of the
105 House of Representatives by March 1, 2012, describing the
106 progress that each office of the public defender has made to use
107 the Florida Courts E-Portal or, if the case type is not approved
108 for the Florida Courts E-Portal, separate clerks' offices
109 portals for purposes of electronic filing and documenting
110 receipt of court documents. For any office of the public
111 defender that has not fully implemented an electronic filing and
112 receipt system by March 1, 2012, the report must also include a
113 description of the additional activities that are needed to
114 complete the system for that office and the projected time
115 necessary to complete the additional activities.

116 Section 3. Subsections (1) and (8) of section 440.192,

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117 Florida Statutes, are amended to read:

118 440.192 Procedure for resolving benefit disputes.—

119 (1) Any employee may, for any benefit that is ripe, due,
120 and owing, file ~~by certified mail, or by electronic means~~
121 ~~approved by the Deputy Chief Judge,~~ with the Office of the
122 Judges of Compensation Claims a petition for benefits which
123 meets the requirements of this section and the definition of
124 specificity in s. 440.02. An employee represented by an attorney
125 shall file by electronic means approved by the Deputy Chief
126 Judge. An employee not represented by an attorney may file by
127 certified mail or by electronic means approved by the Deputy
128 Chief Judge. The department shall inform employees of the
129 location of the Office of the Judges of Compensation Claims and
130 the office's website address for purposes of filing a petition
131 for benefits. The employee shall also serve copies of the
132 petition for benefits by certified mail, or by electronic means
133 approved by the Deputy Chief Judge, upon the employer and the
134 employer's carrier. The Deputy Chief Judge shall refer the
135 petitions to the judges of compensation claims.

136 (8) Within 14 days after receipt of a petition for benefits
137 by certified mail or by approved electronic means, the carrier
138 must either pay the requested benefits without prejudice to its
139 right to deny within 120 days from receipt of the petition or
140 file a response to petition with the Office of the Judges of
141 Compensation Claims. The response shall be filed by electronic
142 means approved by the Deputy Chief Judge. The carrier must list
143 all benefits requested but not paid and explain its
144 justification for nonpayment in the response to petition. A
145 carrier that does not deny compensability in accordance with s.

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146 440.20(4) is deemed to have accepted the employee's injuries as
147 compensable, unless it can establish material facts relevant to
148 the issue of compensability that could not have been discovered
149 through reasonable investigation within the 120-day period. The
150 carrier shall provide copies of the response to the filing
151 party, employer, and claimant by certified mail or by electronic
152 means approved by the Deputy Chief Judge.

153 Section 4. Subsection (1) and paragraphs (a), (c), and (e)
154 of subsection (4) of section 440.25, Florida Statutes, are
155 amended to read:

156 440.25 Procedures for mediation and hearings.—

157 (1) Forty days after a petition for benefits is filed under
158 s. 440.192, the judge of compensation claims shall notify the
159 interested parties by order that a mediation conference
160 concerning such petition has been scheduled unless the parties
161 have notified the judge of compensation claims that a private
162 mediation has been held or is scheduled to be held. A mediation,
163 whether private or public, shall be held within 130 days after
164 the filing of the petition. Such order must give the date the
165 mediation conference is to be held. Such order may be served
166 personally upon the interested parties or may be sent to the
167 interested parties by mail or by electronic means approved by
168 the Deputy Chief Judge. If multiple petitions are pending, or if
169 additional petitions are filed after the scheduling of a
170 mediation, the judge of compensation claims shall consolidate
171 all petitions into one mediation. The claimant or the adjuster
172 of the employer or carrier may, at the mediator's discretion,
173 attend the mediation conference by telephone or, if agreed to by
174 the parties, other electronic means. A continuance may be

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175 granted upon the agreement of the parties or if the requesting
176 party demonstrates to the judge of compensation claims that the
177 reason for requesting the continuance arises from circumstances
178 beyond the party's control. Any order granting a continuance
179 must set forth the date of the rescheduled mediation conference.
180 A mediation conference may not be used solely for the purpose of
181 mediating attorney's fees.

182 (4) (a) If the parties fail to agree to written submission
183 of pretrial stipulations, the judge of compensation claims shall
184 conduct a live pretrial hearing. The judge of compensation
185 claims shall give the interested parties at least 14 days'
186 advance notice of the pretrial hearing by mail or by electronic
187 means approved by the Deputy Chief Judge.

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

192 (e) The order making an award or rejecting the claim,
193 referred to in this chapter as a "compensation order," shall set
194 forth the findings of ultimate facts and the mandate; and the
195 order need not include any other reason or justification for
196 such mandate. The compensation order shall be filed in the
197 Office of the Judges of Compensation Claims at Tallahassee. A
198 copy of such compensation order shall be sent by mail or by
199 electronic means approved by the Deputy Chief Judge to the
200 ~~parties and~~ attorneys of record and any parties not represented
201 by an attorney at the last known address of each, with the date
202 of mailing noted thereon.

203 Section 5. Subsection (3) of section 440.29, Florida

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204 Statutes, is amended to read:

205 440.29 Procedure before the judge of compensation claims.—

206 (3) The practice and procedure before the judges of
207 compensation claims shall be governed by rules adopted by the
208 Office of the Judges of Compensation Claims ~~Supreme Court~~,
209 except to the extent that such rules conflict with the
210 provisions of this chapter.

211 Section 6. Subsection (4) of section 440.45, Florida
212 Statutes, is amended to read:

213 440.45 Office of the Judges of Compensation Claims.—

214 (4) The Office of the Judges of Compensation Claims shall
215 adopt rules to carry out ~~effect~~ the purposes of this section.
216 Such rules must ~~shall~~ include procedural rules applicable to
217 workers' compensation claim resolution, including rules
218 requiring electronic filing and service where deemed appropriate
219 by the Deputy Chief Judge, and uniform criteria for measuring
220 the performance of the office, including, but not limited to,
221 the number of cases assigned and resolved ~~disposed~~, the age of
222 pending and resolved ~~disposed~~ cases, timeliness of decisions
223 ~~decisionmaking~~, extraordinary fee awards, and other data
224 necessary for the judicial nominating commission to review the
225 performance of judges as required in paragraph (2) (c). ~~The~~
226 ~~workers' compensation rules of procedure approved by the Supreme~~
227 ~~Court apply until the rules adopted by the Office of the Judges~~
228 ~~of Compensation Claims pursuant to this section become~~
229 ~~effective.~~

230 Section 7. Subsection (5) of section 120.52, Florida
231 Statutes, is amended to read:

232 120.52 Definitions.—As used in this act:

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233 (5) "Division" means the Division of Administrative
234 Hearings. Any document filed with the division by a party
235 represented by an attorney shall be filed by electronic means
236 through the division's website. Any document filed with the
237 division by a party not represented by an attorney shall,
238 whenever possible, be filed by electronic means through the
239 division's website.

240 Section 8. Paragraph (b) of subsection (5) of section
241 120.54, Florida Statutes, is amended to read:

242 120.54 Rulemaking.—

243 (5) UNIFORM RULES.—

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

247 1. Uniform rules for the scheduling of public meetings,
248 hearings, and workshops.

249 2. Uniform rules for use by each state agency that provide
250 procedures for conducting public meetings, hearings, and
251 workshops, and for taking evidence, testimony, and argument at
252 such public meetings, hearings, and workshops, in person and by
253 means of communications media technology. The rules shall
254 provide that all evidence, testimony, and argument presented
255 shall be afforded equal consideration, regardless of the method
256 of communication. If a public meeting, hearing, or workshop is
257 to be conducted by means of communications media technology, or
258 if attendance may be provided by such means, the notice shall so
259 state. The notice for public meetings, hearings, and workshops
260 utilizing communications media technology shall state how
261 persons interested in attending may do so and shall name

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262 locations, if any, where communications media technology
263 facilities will be available. Nothing in this paragraph shall be
264 construed to diminish the right to inspect public records under
265 chapter 119. Limiting points of access to public meetings,
266 hearings, and workshops subject to the provisions of s. 286.011
267 to places not normally open to the public shall be presumed to
268 violate the right of access of the public, and any official
269 action taken under such circumstances is void and of no effect.
270 Other laws relating to public meetings, hearings, and workshops,
271 including penal and remedial provisions, shall apply to public
272 meetings, hearings, and workshops conducted by means of
273 communications media technology, and shall be liberally
274 construed in their application to such public meetings,
275 hearings, and workshops. As used in this subparagraph,
276 "communications media technology" means the electronic
277 transmission of printed matter, audio, full-motion video,
278 freeze-frame video, compressed video, and digital video by any
279 method available.

280 3. Uniform rules of procedure for the filing of notice of
281 protests and formal written protests. The Administration
282 Commission may prescribe the form and substantive provisions of
283 a required bond.

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

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

290 b. A statement of when and how the petitioner received

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291 notice of the agency's action or proposed action.

292 c. An explanation of how the petitioner's substantial
293 interests are or will be affected by the action or proposed
294 action.

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

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

300 f. A statement of the specific rules or statutes that the
301 petitioner contends require reversal or modification of the
302 agency's proposed action, including an explanation of how the
303 alleged facts relate to the specific rules or statutes.

304 g. A statement of the relief sought by the petitioner,
305 stating precisely the action petitioner wishes the agency to
306 take with respect to the proposed action.

307 5. Uniform rules for the filing of request for
308 administrative hearing by a respondent in agency enforcement and
309 disciplinary actions. Such rules shall require a request to
310 include:

311 a. The name, address, e-mail address, and telephone number
312 of the party making the request and the name, address, and
313 telephone number of the party's counsel or qualified
314 representative upon whom service of pleadings and other papers
315 shall be made;

316 b. A statement that the respondent is requesting an
317 administrative hearing and disputes the material facts alleged
318 by the petitioner, in which case the respondent shall identify
319 those material facts that are in dispute, or that the respondent

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320 is requesting an administrative hearing and does not dispute the
321 material facts alleged by the petitioner; and

322 c. A reference by file number to the administrative
323 complaint that the party has received from the agency and the
324 date on which the agency pleading was received.

325

326 The agency may provide an election-of-rights form for the
327 respondent's use in requesting a hearing, so long as any form
328 provided by the agency calls for the information in sub-
329 subparagraphs a. through c. and does not impose any additional
330 requirements on a respondent in order to request a hearing,
331 unless such requirements are specifically authorized by law.

332 6. Uniform rules of procedure for the filing and prompt
333 disposition of petitions for declaratory statements. The rules
334 shall also describe the contents of the notices that must be
335 published in the Florida Administrative Weekly under s. 120.565,
336 including any applicable time limit for the filing of petitions
337 to intervene or petitions for administrative hearing by persons
338 whose substantial interests may be affected.

339 7. Provision of a method by which each agency head shall
340 provide a description of the agency's organization and general
341 course of its operations. The rules shall require that the
342 statement concerning the agency's organization and operations be
343 published on the agency's website.

344 8. Uniform rules establishing procedures for granting or
345 denying petitions for variances and waivers pursuant to s.
346 120.542.

347 Section 9. Paragraph (b) of subsection (4) of section
348 57.111, Florida Statutes, is amended to read:

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349 57.111 Civil actions and administrative proceedings
350 initiated by state agencies; attorneys' fees and costs.—

351 (4)

352 (b)1. To apply for an award under this section, the
353 attorney for the prevailing small business party must submit an
354 itemized affidavit to the court which first conducted the
355 adversarial proceeding in the underlying action, or by
356 electronic means through the division's website to the Division
357 of Administrative Hearings which shall assign an administrative
358 law judge, in the case of a proceeding pursuant to chapter 120,
359 which affidavit shall reveal the nature and extent of the
360 services rendered by the attorney as well as the costs incurred
361 in preparations, motions, hearings, and appeals in the
362 proceeding.

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

366 Section 10. Paragraphs (c) and (d) of subsection (1) of
367 section 120.56, Florida Statutes, are amended to read:

368 120.56 Challenges to rules.—

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

371 (c) The petition shall be filed by electronic means with
372 the division which shall, immediately upon filing, forward by
373 electronic means copies to the agency whose rule is challenged,
374 the Department of State, and the committee. Within 10 days after
375 receiving the petition, the division director shall, if the
376 petition complies with the requirements of paragraph (b), assign
377 an administrative law judge who shall conduct a hearing within

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378 30 days thereafter, unless the petition is withdrawn or a
379 continuance is granted by agreement of the parties or for good
380 cause shown. Evidence of good cause includes, but is not limited
381 to, written notice of an agency's decision to modify or withdraw
382 the proposed rule or a written notice from the chair of the
383 committee stating that the committee will consider an objection
384 to the rule at its next scheduled meeting. The failure of an
385 agency to follow the applicable rulemaking procedures or
386 requirements set forth in this chapter shall be presumed to be
387 material; however, the agency may rebut this presumption by
388 showing that the substantial interests of the petitioner and the
389 fairness of the proceedings have not been impaired.

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

395 Section 11. Paragraph (a) of subsection (2) of section
396 120.569, Florida Statutes, is amended to read:

397 120.569 Decisions which affect substantial interests.—

398 (2) (a) Except for any proceeding conducted as prescribed in
399 s. 120.56, a petition or request for a hearing under this
400 section shall be filed with the agency. If the agency requests
401 an administrative law judge from the division, it shall so
402 notify the division by electronic means through the division's
403 website within 15 days after receipt of the petition or request.
404 A request for a hearing shall be granted or denied within 15
405 days after receipt. On the request of any agency, the division
406 shall assign an administrative law judge with due regard to the

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407 expertise required for the particular matter. The referring
408 agency shall take no further action with respect to a proceeding
409 under s. 120.57(1), except as a party litigant, as long as the
410 division has jurisdiction over the proceeding under s.
411 120.57(1). Any party may request the disqualification of the
412 administrative law judge by filing an affidavit with the
413 division prior to the taking of evidence at a hearing, stating
414 the grounds with particularity.

415 Section 12. Paragraph (d) of subsection (3) of section
416 120.57, Florida Statutes, is amended to read:

417 120.57 Additional procedures for particular cases.—

418 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO
419 CONTRACT SOLICITATION OR AWARD.—Agencies subject to this chapter
420 shall use the uniform rules of procedure, which provide
421 procedures for the resolution of protests arising from the
422 contract solicitation or award process. Such rules shall at
423 least provide that:

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

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

435 3. If the subject of a protest is not resolved by mutual

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436 agreement within 7 days, excluding Saturdays, Sundays, and state
437 holidays, after receipt of the formal written protest, and if
438 there is a disputed issue of material fact, the agency shall
439 refer the protest to the division by electronic means through
440 the division's website for proceedings under subsection (1).

441 Section 13. Subsection (1) of section 552.40, Florida
442 Statutes, is amended to read:

443 552.40 Administrative remedy for alleged damage due to the
444 use of explosives in connection with construction materials
445 mining activities.—

446 (1) A person may initiate an administrative proceeding to
447 recover damages resulting from the use of explosives in
448 connection with construction materials mining activities by
449 filing a petition with the Division of Administrative Hearings
450 by electronic means through the division's website on a form
451 provided by it and accompanied by a filing fee of \$100 within
452 180 days after the occurrence of the alleged damage. If the
453 petitioner submits an affidavit stating that the petitioner's
454 annual income is less than 150 percent of the applicable federal
455 poverty guideline published in the Federal Register by the
456 United States Department of Health and Human Services, the \$100
457 filing fee must be waived.

458 Section 14. Paragraph (b) of subsection (4) of section
459 553.73, Florida Statutes, is amended to read:

460 553.73 Florida Building Code.—

461 (4)

462 (b) Local governments may, subject to the limitations of
463 this section, adopt amendments to the technical provisions of
464 the Florida Building Code which apply solely within the

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465 jurisdiction of such government and which provide for more
466 stringent requirements than those specified in the Florida
467 Building Code, not more than once every 6 months. A local
468 government may adopt technical amendments that address local
469 needs if:

470 1. The local governing body determines, following a public
471 hearing which has been advertised in a newspaper of general
472 circulation at least 10 days before the hearing, that there is a
473 need to strengthen the requirements of the Florida Building
474 Code. The determination must be based upon a review of local
475 conditions by the local governing body, which review
476 demonstrates by evidence or data that the geographical
477 jurisdiction governed by the local governing body exhibits a
478 local need to strengthen the Florida Building Code beyond the
479 needs or regional variation addressed by the Florida Building
480 Code, that the local need is addressed by the proposed local
481 amendment, and that the amendment is no more stringent than
482 necessary to address the local need.

483 2. Such additional requirements are not discriminatory
484 against materials, products, or construction techniques of
485 demonstrated capabilities.

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

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

490 5. Any amendment to the Florida Building Code shall be
491 transmitted within 30 days by the adopting local government to
492 the commission. The commission shall maintain copies of all such
493 amendments in a format that is usable and obtainable by the

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494 public. Local technical amendments shall not become effective
495 until 30 days after the amendment has been received and
496 published by the commission.

497 6. Any amendment to the Florida Building Code adopted by a
498 local government pursuant to this paragraph shall be effective
499 only until the adoption by the commission of the new edition of
500 the Florida Building Code every third year. At such time, the
501 commission shall review such amendment for consistency with the
502 criteria in paragraph (9) (a) and adopt such amendment as part of
503 the Florida Building Code or rescind the amendment. The
504 commission shall immediately notify the respective local
505 government of the rescission of any amendment. After receiving
506 such notice, the respective local government may readopt the
507 rescinded amendment pursuant to the provisions of this
508 paragraph.

509 7. Each county and municipality desiring to make local
510 technical amendments to the Florida Building Code shall by
511 interlocal agreement establish a countywide compliance review
512 board to review any amendment to the Florida Building Code,
513 adopted by a local government within the county pursuant to this
514 paragraph, that is challenged by any substantially affected
515 party for purposes of determining the amendment's compliance
516 with this paragraph. If challenged, the local technical
517 amendments shall not become effective until time for filing an
518 appeal pursuant to subparagraph 8. has expired or, if there is
519 an appeal, until the commission issues its final order
520 determining the adopted amendment is in compliance with this
521 subsection.

522 8. If the compliance review board determines such amendment

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523 is not in compliance with this paragraph, the compliance review
524 board shall notify such local government of the noncompliance
525 and that the amendment is invalid and unenforceable until the
526 local government corrects the amendment to bring it into
527 compliance. The local government may appeal the decision of the
528 compliance review board to the commission. If the compliance
529 review board determines such amendment to be in compliance with
530 this paragraph, any substantially affected party may appeal such
531 determination to the commission. Any such appeal shall be filed
532 with the commission within 14 days of the board's written
533 determination. The commission shall promptly refer the appeal to
534 the Division of Administrative Hearings by electronic means
535 through the division's website for the assignment of an
536 administrative law judge. The administrative law judge shall
537 conduct the required hearing within 30 days, and shall enter a
538 recommended order within 30 days of the conclusion of such
539 hearing. The commission shall enter a final order within 30 days
540 thereafter. The provisions of chapter 120 and the uniform rules
541 of procedure shall apply to such proceedings. The local
542 government adopting the amendment that is subject to challenge
543 has the burden of proving that the amendment complies with this
544 paragraph in proceedings before the compliance review board and
545 the commission, as applicable. Actions of the commission are
546 subject to judicial review pursuant to s. 120.68. The compliance
547 review board shall determine whether its decisions apply to a
548 respective local jurisdiction or apply countywide.

549 9. An amendment adopted under this paragraph shall include
550 a fiscal impact statement which documents the costs and benefits
551 of the proposed amendment. Criteria for the fiscal impact

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552 statement shall include the impact to local government relative
553 to enforcement, the impact to property and building owners, as
554 well as to industry, relative to the cost of compliance. The
555 fiscal impact statement may not be used as a basis for
556 challenging the amendment for compliance.

557 10. In addition to subparagraphs 7. and 9., the commission
558 may review any amendments adopted pursuant to this subsection
559 and make nonbinding recommendations related to compliance of
560 such amendments with this subsection.

561 Section 15. Paragraph (b) of subsection (4) of section
562 961.03, Florida Statutes, is amended to read:

563 961.03 Determination of status as a wrongfully incarcerated
564 person; determination of eligibility for compensation.—

565 (4)

566 (b) If the prosecuting authority responds as set forth in
567 paragraph (2)(b), and the court determines that the petitioner
568 is eligible under the provisions of s. 961.04, but the
569 prosecuting authority contests the nature, significance or
570 effect of the evidence of actual innocence, or the facts related
571 to the petitioner's alleged wrongful incarceration, the court
572 shall set forth its findings and transfer the petition by
573 electronic means through the division's website to the division
574 for findings of fact and a recommended determination of whether
575 the petitioner has established that he or she is a wrongfully
576 incarcerated person who is eligible for compensation under this
577 act.

578 Section 16. This act shall take effect July 1, 2011.

579