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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; reenacting s. 20.22, F.S., relating to
5 the creation and organization of the Department of
6 Management Services; amending s. 120.54, F.S.; requiring a
7 petitioner requesting an administrative hearing to include
8 the petitioner's e-mail address; requiring the request for
9 administrative hearing by a respondent to include the e-
10 mail address of the party's counsel or qualified
11 representative; creating s. 120.585, F.S.; requiring the
12 filing of documents with the Division of Administrative
13 Hearings by electronic means under certain circumstances;
14 amending ss. 57.111, 120.56, 120.569, 120.57, 553.73, and
15 961.03, F.S.; providing for electronic filing and
16 transmission procedures for certain actions, proceedings,
17 and petitions; conforming provisions to changes made by
18 the act; amending s. 287.05721, F.S.; deleting the
19 definition of the term "council"; repealing s. 287.0573,
20 F.S., relating to the Council on Efficient Government;
21 amending s. 287.0574, F.S.; conforming provisions to
22 changes made by this act; amending s. 287.0943, F.S.;
23 deleting provisions establishing the Minority Business
24 Certification Task Force, requiring that criteria for the
25 certification of minority business enterprises be approved
26 by the task force, and authorizing the task force to amend
27 the statewide and interlocal agreement for the
28 certification of minority business enterprises; amending

29 s. 287.0947, F.S.; authorizing the Secretary of Management
30 Services to establish the Florida Advisory Council on
31 Small and Minority Business Development for certain
32 purposes; amending s. 440.192 and 440.25, F.S.; providing
33 and revising procedures for filing petitions for benefits
34 and other documents in workers' compensation benefits
35 proceedings to provide for electronic filing and
36 transmission under certain circumstances; amending s.
37 440.29 and 440.45, F.S.; authorizing the Office of the
38 Judges of Compensation Claims to adopt rules for certain
39 purposes; reenacting s. 760.03(1), F.S., relating to
40 creation of the Commission on Human Relations; amending s.
41 760.11, F.S.; increasing for a specified period the time
42 within which the commission must determine if there is
43 reasonable cause to believe that certain discriminatory
44 practices have occurred; providing a filing fee for an
45 administrative hearing; providing for waiver or recovery
46 of the fee under certain circumstances; amending s.
47 766.305, F.S.; revising service and notice requirements
48 for petitions seeking compensation for a birth-related
49 neurological injury to provide for electronic
50 notification; amending s. 766.309, F.S.; providing and
51 revising procedures for determinations of such injury
52 claims to provide for electronic notification; amending s.
53 766.31, F.S.; providing and revising procedures for
54 notification of awards of compensation for such injuries
55 to provide for electronic notification; providing an
56 effective date.

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

Section 1. Section 20.22, Florida Statutes, is reenacted.

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

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

(4)

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

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

Section 3. Paragraph (b) of subsection (5) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.—

(5) UNIFORM RULES.—

(b) The uniform rules of procedure adopted by the

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85 commission pursuant to this subsection shall include, but are
86 not limited to:

87 1. Uniform rules for the scheduling of public meetings,
88 hearings, and workshops.

89 2. Uniform rules for use by each state agency that provide
90 procedures for conducting public meetings, hearings, and
91 workshops, and for taking evidence, testimony, and argument at
92 such public meetings, hearings, and workshops, in person and by
93 means of communications media technology. The rules shall
94 provide that all evidence, testimony, and argument presented
95 shall be afforded equal consideration, regardless of the method
96 of communication. If a public meeting, hearing, or workshop is
97 to be conducted by means of communications media technology, or
98 if attendance may be provided by such means, the notice shall so
99 state. The notice for public meetings, hearings, and workshops
100 utilizing communications media technology shall state how
101 persons interested in attending may do so and shall name
102 locations, if any, where communications media technology
103 facilities will be available. Nothing in this paragraph shall be
104 construed to diminish the right to inspect public records under
105 chapter 119. Limiting points of access to public meetings,
106 hearings, and workshops subject to the provisions of s. 286.011
107 to places not normally open to the public shall be presumed to
108 violate the right of access of the public, and any official
109 action taken under such circumstances is void and of no effect.
110 Other laws relating to public meetings, hearings, and workshops,
111 including penal and remedial provisions, shall apply to public
112 meetings, hearings, and workshops conducted by means of

113 | communications media technology, and shall be liberally
 114 | construed in their application to such public meetings,
 115 | hearings, and workshops. As used in this subparagraph,
 116 | "communications media technology" means the electronic
 117 | transmission of printed matter, audio, full-motion video,
 118 | freeze-frame video, compressed video, and digital video by any
 119 | method available.

120 | 3. Uniform rules of procedure for the filing of notice of
 121 | protests and formal written protests. The Administration
 122 | Commission may prescribe the form and substantive provisions of
 123 | a required bond.

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

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

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

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

135 | d. A statement of all material facts disputed by the
 136 | petitioner or a statement that there are no disputed facts.

137 | e. A statement of the ultimate facts alleged, including a
 138 | statement of the specific facts the petitioner contends warrant
 139 | reversal or modification of the agency's proposed action.

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

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141 petitioner contends require reversal or modification of the
142 agency's proposed action, including an explanation of how the
143 alleged facts relate to the specific rules or statutes.

144 g. A statement of the relief sought by the petitioner,
145 stating precisely the action petitioner wishes the agency to
146 take with respect to the proposed action.

147 5. Uniform rules for the filing of request for
148 administrative hearing by a respondent in agency enforcement and
149 disciplinary actions. Such rules shall require a request to
150 include:

151 a. The name, address, e-mail address, and telephone number
152 of the party making the request and the name, address, e-mail
153 address, and telephone number of the party's counsel or
154 qualified representative upon whom service of pleadings and
155 other papers shall be made;

156 b. A statement that the respondent is requesting an
157 administrative hearing and disputes the material facts alleged
158 by the petitioner, in which case the respondent shall identify
159 those material facts that are in dispute, or that the respondent
160 is requesting an administrative hearing and does not dispute the
161 material facts alleged by the petitioner; and

162 c. A reference by file number to the administrative
163 complaint that the party has received from the agency and the
164 date on which the agency pleading was received.

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166 The agency may provide an election-of-rights form for the
167 respondent's use in requesting a hearing, so long as any form
168 provided by the agency calls for the information in sub-

169 subparagraphs a. through c. and does not impose any additional
 170 requirements on a respondent in order to request a hearing,
 171 unless such requirements are specifically authorized by law.

172 6. Uniform rules of procedure for the filing and prompt
 173 disposition of petitions for declaratory statements. The rules
 174 shall also describe the contents of the notices that must be
 175 published in the Florida Administrative Weekly under s. 120.565,
 176 including any applicable time limit for the filing of petitions
 177 to intervene or petitions for administrative hearing by persons
 178 whose substantial interests may be affected.

179 7. Provision of a method by which each agency head shall
 180 provide a description of the agency's organization and general
 181 course of its operations. The rules shall require that the
 182 statement concerning the agency's organization and operations be
 183 published on the agency's website.

184 8. Uniform rules establishing procedures for granting or
 185 denying petitions for variances and waivers pursuant to s.
 186 120.542.

187 Section 4. Paragraphs (c) and (d) of subsection (1) of
 188 section 120.56, Florida Statutes, are amended to read:

189 120.56 Challenges to rules.—

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

192 (c) The petition shall be filed by electronic means with
 193 the division, which shall, immediately upon filing, forward by
 194 electronic means copies to the agency whose rule is challenged,
 195 the Department of State, and the committee. Within 10 days after
 196 receiving the petition, the division director shall, if the

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197 petition complies with the requirements of paragraph (b), assign
 198 an administrative law judge who shall conduct a hearing within
 199 30 days thereafter, unless the petition is withdrawn or a
 200 continuance is granted by agreement of the parties or for good
 201 cause shown. Evidence of good cause includes, but is not limited
 202 to, written notice of an agency's decision to modify or withdraw
 203 the proposed rule or a written notice from the chair of the
 204 committee stating that the committee will consider an objection
 205 to the rule at its next scheduled meeting. The failure of an
 206 agency to follow the applicable rulemaking procedures or
 207 requirements set forth in this chapter shall be presumed to be
 208 material; however, the agency may rebut this presumption by
 209 showing that the substantial interests of the petitioner and the
 210 fairness of the proceedings have not been impaired.

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

216 Section 5. Paragraph (a) of subsection (2) of section
 217 120.569, Florida Statutes, is amended to read:

218 120.569 Decisions which affect substantial interests.—

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

225 A request for a hearing shall be granted or denied within 15
 226 days after receipt. On the request of any agency, the division
 227 shall assign an administrative law judge with due regard to the
 228 expertise required for the particular matter. The referring
 229 agency shall take no further action with respect to a proceeding
 230 under s. 120.57(1), except as a party litigant, as long as the
 231 division has jurisdiction over the proceeding under s.
 232 120.57(1). Any party may request the disqualification of the
 233 administrative law judge by filing an affidavit with the
 234 division prior to the taking of evidence at a hearing, stating
 235 the grounds with particularity.

236 Section 6. Paragraph (d) of subsection (3) of section
 237 120.57, Florida Statutes, is amended to read:

238 120.57 Additional procedures for particular cases.—

239 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO
 240 CONTRACT SOLICITATION OR AWARD.—Agencies subject to this chapter
 241 shall use the uniform rules of procedure, which provide
 242 procedures for the resolution of protests arising from the
 243 contract solicitation or award process. Such rules shall at
 244 least provide that:

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

249 2. If the subject of a protest is not resolved by mutual
 250 agreement within 7 days, excluding Saturdays, Sundays, and state
 251 holidays, after receipt of the formal written protest, and if
 252 there is no disputed issue of material fact, an informal

253 proceeding shall be conducted pursuant to subsection (2) and
 254 applicable agency rules before a person whose qualifications
 255 have been prescribed by rules of the agency.

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

262 Section 7. Section 120.585, Florida Statutes, is created
 263 to read:

264 120.585 Electronic filing.—All documents filed with the
 265 division by a party represented by an attorney must be filed by
 266 electronic means through the division's website. All documents
 267 filed with the division by a party not represented by an
 268 attorney shall, whenever possible, be filed by electronic means
 269 through the division's website.

270 Section 8. Section 287.05721, Florida Statutes, is amended
 271 to read:

272 287.05721 Definitions.—As used in ss. 287.0571-287.0574,
 273 the term:

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

275 ~~(2) "outsource" means the process of contracting with a~~
 276 vendor to provide a service as defined in s. 216.011(1)(f), in
 277 whole or in part, or an activity as defined in s.
 278 216.011(1)(rr), while a state agency retains the responsibility
 279 and accountability for the service or activity and there is a
 280 transfer of management responsibility for the delivery of

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281 resources and the performance of those resources.

282 Section 9. Section 287.0573, Florida Statutes, is
 283 repealed.

284 Section 10. Section 287.0574, Florida Statutes, is amended
 285 to read:

286 287.0574 Business cases to outsource; review and analysis;
 287 requirements.—

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

290 (a) An initial business case analysis conducted by the
 291 state agency and submitted to ~~the council,~~ the Governor, the
 292 President of the Senate, and the Speaker of the House of
 293 Representatives at least 60 days before a solicitation is
 294 issued. ~~The council shall evaluate the business case analysis~~
 295 ~~and submit an advisory report to the state agency, the Governor,~~
 296 ~~the President of the Senate, and the Speaker of the House of~~
 297 ~~Representatives when the advisory report is completed, but at~~
 298 ~~least 30 days before the agency issues the solicitation.~~

299 (b) A final business case analysis conducted by the state
 300 agency and submitted after the conclusion of any negotiations,
 301 at least 30 days before execution of a contract, to ~~the council,~~
 302 the Governor, the President of the Senate, and the Speaker of
 303 the House of Representatives.

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

307 (a) An initial business case analysis conducted by the
 308 state agency and submission of the business case, at least 30

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309 days before issuing a solicitation, to ~~the council~~, the
 310 Governor, the President of the Senate, and the Speaker of the
 311 House of Representatives.

312 (b) A final business case analysis conducted by the state
 313 agency and submitted after the conclusion of any negotiations,
 314 at least 30 days before execution of a contract, to ~~the council~~,
 315 the Governor, the President of the Senate, and the Speaker of
 316 the House of Representatives.

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

324 (4) For any proposed outsourcing, the state agency shall
 325 develop a business case that justifies the proposal to
 326 outsource. In order to reduce any administrative burden, ~~the~~
 327 ~~council may allow~~ a state agency may ~~to~~ submit the business case
 328 in the form required by the budget instructions issued pursuant
 329 to s. 216.023(4)(a)7., augmented with additional information if
 330 necessary, to ensure that the requirements of this section are
 331 met. The business case is not subject to challenge or protest
 332 pursuant to chapter 120. The business case must include, but
 333 need not be limited to:

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

336 (b) A description and analysis of the state agency's

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337 current performance, based on existing performance metrics if
338 the state agency is currently performing the service or
339 activity.

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

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

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

348 (f) An analysis of the advantages and disadvantages of
349 each option, including, at a minimum, potential performance
350 improvements and risks.

351 (g) A description of the current market for the
352 contractual services that are under consideration for
353 outsourcing.

354 (h) A cost-benefit analysis documenting the direct and
355 indirect specific baseline costs, savings, and qualitative and
356 quantitative benefits involved in or resulting from the
357 implementation of the recommended option or options. Such
358 analysis must specify the schedule that, at a minimum, must be
359 adhered to in order to achieve the estimated savings. All
360 elements of cost must be clearly identified in the cost-benefit
361 analysis, described in the business case, and supported by
362 applicable records and reports. The state agency head shall
363 attest that, based on the data and information underlying the
364 business case, to the best of his or her knowledge, all

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365 projected costs, savings, and benefits are valid and achievable.
366 As used in this section, the term "cost" means the reasonable,
367 relevant, and verifiable cost, which may include, but is not
368 limited to, elements such as personnel, materials and supplies,
369 services, equipment, capital depreciation, rent, maintenance and
370 repairs, utilities, insurance, personnel travel, overhead, and
371 interim and final payments. The appropriate elements shall
372 depend on the nature of the specific initiative. As used in this
373 section, the term "savings" means the difference between the
374 direct and indirect actual annual baseline costs compared to the
375 projected annual cost for the contracted functions or
376 responsibilities in any succeeding state fiscal year during the
377 term of the contract.

378 (i) A description of differences among current state
379 agency policies and processes and, as appropriate, a discussion
380 of options for or a plan to standardize, consolidate, or revise
381 current policies and processes, if any, to reduce the
382 customization of any proposed solution that would otherwise be
383 required.

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

386 (k) The projected timeframe for key events from the
387 beginning of the procurement process through the expiration of a
388 contract.

389 (l) A plan to ensure compliance with the public records
390 law.

391 (m) A specific and feasible contingency plan addressing
392 contractor nonperformance and a description of the tasks

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393 involved in and costs required for its implementation.

394 (n) A state agency's transition plan for addressing
395 changes in the number of agency personnel, affected business
396 processes, employee transition issues, and communication with
397 affected stakeholders, such as agency clients and the public.
398 The transition plan must contain a reemployment and retraining
399 assistance plan for employees who are not retained by the state
400 agency or employed by the contractor.

401 (o) A plan for ensuring access by persons with
402 disabilities in compliance with applicable state and federal
403 law.

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

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

410 (a) A scope-of-work provision that clearly specifies each
411 service or deliverable to be provided, including a description
412 of each deliverable or activity that is quantifiable,
413 measurable, and verifiable. This provision must include a clause
414 that states if a particular service or deliverable is
415 inadvertently omitted or not clearly specified but determined to
416 be operationally necessary and verified to have been performed
417 by the agency within the 12 months before the execution of the
418 contract, such service or deliverable will be provided by the
419 contractor through the identified contract-amendment process.

420 (b) A service-level-agreement provision describing all

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421 services to be provided under the terms of the agreement, the
422 state agency's service requirements and performance objectives,
423 specific responsibilities of the state agency and the
424 contractor, and the process for amending any portion of the
425 service-level agreement. Each service-level agreement must
426 contain an exclusivity clause that allows the state agency to
427 retain the right to perform the service or activity, directly or
428 with another contractor, if service levels are not being
429 achieved.

430 (c) A provision that identifies all associated costs,
431 specific payment terms, and payment schedules, including
432 provisions governing incentives and financial disincentives and
433 criteria governing payment.

434 (d) A provision that identifies a clear and specific
435 transition plan that will be implemented in order to complete
436 all required activities needed to transfer the service or
437 activity from the state agency to the contractor and operate the
438 service or activity successfully.

439 (e) A performance-standards provision that identifies all
440 required performance standards, which must include, at a
441 minimum:

442 1. Detailed and measurable acceptance criteria for each
443 deliverable and service to be provided to the state agency under
444 the terms of the contract which document the required
445 performance level.

446 2. A method for monitoring and reporting progress in
447 achieving specified performance standards and levels.

448 3. The sanctions or disincentives that shall be imposed

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449 for nonperformance by the contractor or state agency.

450 (f) A provision that requires the contractor and its
451 subcontractors to maintain adequate accounting records that
452 comply with all applicable federal and state laws and generally
453 accepted accounting principles.

454 (g) A provision that authorizes the state agency to have
455 access to and to audit all records related to the contract and
456 subcontracts, or any responsibilities or functions under the
457 contract and subcontracts, for purposes of legislative
458 oversight, and a requirement for audits by a service
459 organization in accordance with professional auditing standards,
460 if appropriate.

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

464 (i) A contingency-plan provision that describes the
465 mechanism for continuing the operation of the service or
466 activity, including transferring the service or activity back to
467 the state agency or successor contractor if the contractor fails
468 to perform and comply with the performance standards and levels
469 of the contract and the contract is terminated.

470 (j) A provision that requires the contractor and its
471 subcontractors to comply with public records laws, specifically
472 to:

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

476 2. Provide the public with access to such public records

477 on the same terms and conditions that the state agency would
 478 provide the records and at a cost that does not exceed that
 479 provided in chapter 119 or as otherwise provided by law.

480 3. Ensure that records that are exempt or records that are
 481 confidential and exempt are not disclosed except as authorized
 482 by law.

483 4. Meet all requirements for retaining records and
 484 transfer to the state agency, at no cost, all public records in
 485 possession of the contractor upon termination of the contract
 486 and destroy any duplicate public records that are exempt or
 487 confidential and exempt. All records stored electronically must
 488 be provided to the state agency in a format that is compatible
 489 with the information technology systems of the state agency.

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

493 (l) If applicable, a provision that allows the agency to
 494 purchase from the contractor, at its depreciated value, assets
 495 used by the contractor in the performance of the contract. If
 496 assets have not depreciated, the agency shall retain the right
 497 to negotiate to purchase at an agreed-upon cost.

498 Section 11. Subsection (2) and paragraph (e) of subsection
 499 (3) of section 287.0943, Florida Statutes, are amended to read:

500 287.0943 Certification of minority business enterprises.—

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

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505 ~~(b) The task force shall be regionally balanced and~~
506 ~~comprised of officials representing the department, counties,~~
507 ~~municipalities, school boards, special districts, and other~~
508 ~~political subdivisions of the state who administer programs to~~
509 ~~assist minority businesses in procurement or development in~~
510 ~~government sponsored programs. The following organizations may~~
511 ~~appoint two members each of the task force who fit the~~
512 ~~description above:~~

- 513 ~~1. The Florida League of Cities, Inc.~~
- 514 ~~2. The Florida Association of Counties.~~
- 515 ~~3. The Florida School Boards Association, Inc.~~
- 516 ~~4. The Association of Special Districts.~~
- 517 ~~5. The Florida Association of Minority Business Enterprise~~
518 ~~Officials.~~
- 519 ~~6. The Florida Association of Government Purchasing~~
520 ~~Officials.~~

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522 ~~In addition, the Office of Supplier Diversity shall appoint~~
523 ~~seven members consisting of three representatives of minority~~
524 ~~business enterprises, one of whom should be a woman business~~
525 ~~owner, two officials of the office, and two at-large members to~~
526 ~~ensure balance. The chairperson of the Legislative Committee on~~
527 ~~Intergovernmental Relations or a designee shall be a member of~~
528 ~~the task force, ex officio. A quorum shall consist of one-third~~
529 ~~of the current members, and the task force may take action by~~
530 ~~majority vote. Any vacancy may only be filled by the~~
531 ~~organization or agency originally authorized to appoint the~~
532 ~~position.~~

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533 ~~(c) The purpose of the task force will be to propose~~
534 ~~uniform criteria and procedures by which participating entities~~
535 ~~and organizations can qualify businesses to participate in~~
536 ~~procurement or contracting programs as certified minority~~
537 ~~business enterprises in accordance with the certification~~
538 ~~criteria established by law.~~

539 ~~(d) A final list of the criteria and procedures proposed~~
540 ~~by the task force shall be considered by the secretary. The task~~
541 ~~force may seek technical assistance from qualified providers of~~
542 ~~technical, business, and managerial expertise to ensure the~~
543 ~~reliability of the certification criteria developed.~~

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

546 1. Link ownership by a minority person, as defined in s.
547 288.703(3), or as dictated by the legal obligations of a
548 certifying organization, to day-to-day control and financial
549 risk by the qualifying minority owner, and to demonstrated
550 expertise or licensure of a minority owner in any trade or
551 profession that the minority business enterprise will offer to
552 the state when certified. Businesses must comply with all state
553 licensing requirements prior to becoming certified as a minority
554 business enterprise.

555 2. If present ownership was obtained by transfer, require
556 the minority person on whom eligibility is based to have owned
557 at least 51 percent of the applicant firm for a minimum of 2
558 years, when any previous majority ownership interest in the firm
559 was by a nonminority who is or was a relative, former employer,
560 or current employer of the minority person on whom eligibility

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561 is based. This requirement shall not apply to minority persons
562 who are otherwise eligible who take a 51-percent-or-greater
563 interest in a firm that requires professional licensure to
564 operate and who will be the qualifying licenseholder for the
565 firm when certified. A transfer made within a related immediate
566 family group from a nonminority person to a minority person in
567 order to establish ownership by a minority person shall be
568 deemed to have been made solely for purposes of satisfying
569 certification criteria and shall render such ownership invalid
570 for purposes of qualifying for such certification if the
571 combined total net asset value of all members of such family
572 group exceeds \$1 million. For purposes of this subparagraph, the
573 term "related immediate family group" means one or more children
574 under 16 years of age and a parent of such children or the
575 spouse of such parent residing in the same house or living unit.

576 3. Require that prospective certified minority business
577 enterprises be currently performing or seeking to perform a
578 useful business function. A "useful business function" is
579 defined as a business function which results in the provision of
580 materials, supplies, equipment, or services to customers. Acting
581 as a conduit to transfer funds to a nonminority business does
582 not constitute a useful business function unless it is done so
583 in a normal industry practice. As used in this section, the term
584 "acting as a conduit" means, in part, not acting as a regular
585 dealer by making sales of material, goods, or supplies from
586 items bought, kept in stock, and regularly sold to the public in
587 the usual course of business. Brokers, manufacturer's
588 representatives, sales representatives, and nonstocking

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589 distributors are considered as conduits that do not perform a
590 useful business function, unless normal industry practice
591 dictates.

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

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

602 (d)~~(h)~~ The certification procedures should allow an
603 applicant seeking certification to designate on the application
604 form the information the applicant considers to be proprietary,
605 confidential business information. As used in this paragraph,
606 "proprietary, confidential business information" includes, but
607 is not limited to, any information that would be exempt from
608 public inspection pursuant to the provisions of chapter 119;
609 trade secrets; internal auditing controls and reports; contract
610 costs; or other information the disclosure of which would injure
611 the affected party in the marketplace or otherwise violate s.
612 286.041. The executor in receipt of the application shall issue
613 written and final notice of any information for which
614 noninspection is requested but not provided for by law.

615 (e)~~(i)~~ A business that is certified under the provisions
616 of the statewide and interlocal agreement shall be deemed a

617 certified minority enterprise in all jurisdictions or
 618 organizations where the agreement is in effect, and that
 619 business is deemed available to do business as such within any
 620 such jurisdiction or with any such organization statewide. All
 621 state agencies must accept minority business enterprises
 622 certified in accordance with the statewide and interlocal
 623 agreement of s. 287.09431, and that business shall also be
 624 deemed a "certified minority business enterprise" as defined in
 625 s. 288.703. However, any governmental jurisdiction or
 626 organization that administers a minority business purchasing
 627 program may reserve the right to establish further certification
 628 procedures necessary to comply with federal law.

629 ~~(j) The statewide and interlocal agreement shall be guided
 630 by the terms and conditions found therein and may be amended at
 631 any meeting of the task force and subsequently adopted by the
 632 secretary of the Department of Management Services. The amended
 633 agreement must be enacted, initialed, and legally executed by at
 634 least two-thirds of the certifying entities party to the
 635 existing agreement and adopted by the state as originally
 636 executed in order to bind the certifying entity.~~

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

639 (3)

640 (e) Any participating program receiving three or more
 641 challenges to its certification decisions pursuant to subsection
 642 (4) from other organizations that are executors to the statewide
 643 and interlocal agreement, shall be subject to a review by the
 644 office, as provided in paragraphs (a) and (b), of the

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645 organization's capacity to perform under such agreement and in
646 accordance with the certification core criteria ~~established by~~
647 ~~the task force~~. The office shall submit a report to the
648 secretary of the Department of Management Services regarding the
649 results of the review.

650 Section 12. Subsection (1) of section 287.0947, Florida
651 Statutes, is amended to read:

652 287.0947 Florida Advisory Council on Small and Minority
653 Business Development; creation; membership; duties.—

654 (1) On or after October 1, 2010 ~~1996~~, the secretary of the
655 Department of Management Services ~~Labor and Employment Security~~
656 may create the Florida Advisory Council on Small and Minority
657 Business Development with the purpose of advising and assisting
658 the Office of Supplier Diversity ~~secretary~~ in carrying out the
659 office's ~~secretary's~~ duties with respect to minority businesses
660 and economic and business development. It is the intent of the
661 Legislature that the membership of such council include
662 practitioners, laypersons, financiers, and others with business
663 development experience who can provide invaluable insight and
664 expertise for this state in the diversification of its markets
665 and networking of business opportunities. The council shall
666 initially consist of 19 persons, each of whom is or has been
667 actively engaged in small and minority business development,
668 either in private industry, in governmental service, or as a
669 scholar of recognized achievement in the study of such matters.
670 Initially, the council shall consist of members representing all
671 regions of the state and shall include at least one member from
672 each group identified within the definition of "minority person"

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673 | in s. 288.703(3), considering also gender and nationality
 674 | subgroups, and shall consist of the following:

675 | (a) Four members consisting of representatives of local
 676 | and federal small and minority business assistance programs or
 677 | community development programs.

678 | (b) Eight members composed of representatives of the
 679 | minority private business sector, including certified minority
 680 | business enterprises and minority supplier development councils,
 681 | among whom at least two shall be women and at least four shall
 682 | be minority persons.

683 | (c) Two representatives of local government, one of whom
 684 | shall be a representative of a large local government, and one
 685 | of whom shall be a representative of a small local government.

686 | (d) Two representatives from the banking and insurance
 687 | industry.

688 | (e) Two members from the private business sector,
 689 | representing the construction and commodities industries.

690 | (f) The chairperson of the Florida Black Business
 691 | Investment Board or the chairperson's designee.

692 |

693 | A candidate for appointment may be considered if eligible to be
 694 | certified as an owner of a minority business enterprise, or if
 695 | otherwise qualified under the criteria above. Vacancies may be
 696 | filled by appointment of the secretary, in the manner of the
 697 | original appointment.

698 | Section 13. Subsections (1) and (8) of section 440.192,
 699 | Florida Statutes, are amended to read:

700 | 440.192 Procedure for resolving benefit disputes.—

701 (1) Any employee may, for any benefit that is ripe, due,
 702 and owing, file by ~~certified mail, or by~~ electronic means
 703 ~~approved by the Deputy Chief Judge,~~ with the Office of the
 704 Judges of Compensation Claims a petition for benefits which
 705 meets the requirements of this section and the definition of
 706 specificity in s. 440.02. An employee represented by an attorney
 707 shall file by electronic means approved by the Deputy Chief
 708 Judge. An employee not represented by an attorney may file by
 709 certified mail or by electronic means approved by the Deputy
 710 Chief Judge. The department shall inform employees of the
 711 location of the Office of the Judges of Compensation Claims and
 712 the office's website address for purposes of filing a petition
 713 for benefits. The employee shall also serve copies of the
 714 petition for benefits by certified mail, or by electronic means
 715 approved by the Deputy Chief Judge, upon the employer and the
 716 employer's carrier. The Deputy Chief Judge shall refer the
 717 petitions to the judges of compensation claims.

718 (8) Within 14 days after receipt of a petition for
 719 benefits by certified mail or by approved electronic means, the
 720 carrier must either pay the requested benefits without prejudice
 721 to its right to deny within 120 days from receipt of the
 722 petition or file a response to petition with the Office of the
 723 Judges of Compensation Claims. The response shall be filed by
 724 electronic means approved by the Deputy Chief Judge. The carrier
 725 must list all benefits requested but not paid and explain its
 726 justification for nonpayment in the response to petition. A
 727 carrier that does not deny compensability in accordance with s.
 728 440.20(4) is deemed to have accepted the employee's injuries as

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729 compensable, unless it can establish material facts relevant to
730 the issue of compensability that could not have been discovered
731 through reasonable investigation within the 120-day period. The
732 carrier shall provide copies of the response to the filing
733 party, employer, and claimant by certified mail or by electronic
734 means approved by the Deputy Chief Judge.

735 Section 14. Subsection (1) and paragraphs (a), (c), and
736 (e) of subsection (4) of section 440.25, Florida Statutes, are
737 amended to read:

738 440.25 Procedures for mediation and hearings.—

739 (1) Forty days after a petition for benefits is filed
740 under s. 440.192, the judge of compensation claims shall notify
741 the interested parties by order that a mediation conference
742 concerning such petition has been scheduled unless the parties
743 have notified the judge of compensation claims that a private
744 mediation has been held or is scheduled to be held. A mediation,
745 whether private or public, shall be held within 130 days after
746 the filing of the petition. Such order must give the date the
747 mediation conference is to be held. Such order may be served
748 personally upon the interested parties or may be sent to the
749 interested parties by mail or by electronic means approved by
750 the Deputy Chief Judge. If multiple petitions are pending, or if
751 additional petitions are filed after the scheduling of a
752 mediation, the judge of compensation claims shall consolidate
753 all petitions into one mediation. The claimant or the adjuster
754 of the employer or carrier may, at the mediator's discretion,
755 attend the mediation conference by telephone or, if agreed to by
756 the parties, other electronic means. A continuance may be

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757 granted upon the agreement of the parties or if the requesting
758 party demonstrates to the judge of compensation claims that the
759 reason for requesting the continuance arises from circumstances
760 beyond the party's control. Any order granting a continuance
761 must set forth the date of the rescheduled mediation conference.
762 A mediation conference may not be used solely for the purpose of
763 mediating attorney's fees.

764 (4) (a) If the parties fail to agree to written submission
765 of pretrial stipulations, the judge of compensation claims shall
766 conduct a live pretrial hearing. The judge of compensation
767 claims shall give the interested parties at least 14 days'
768 advance notice of the pretrial hearing by mail or by electronic
769 means approved by the Deputy Chief Judge.

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

774 (e) The order making an award or rejecting the claim,
775 referred to in this chapter as a "compensation order," shall set
776 forth the findings of ultimate facts and the mandate; and the
777 order need not include any other reason or justification for
778 such mandate. The compensation order shall be filed in the
779 Office of the Judges of Compensation Claims at Tallahassee. A
780 copy of such compensation order shall be sent by mail or by
781 electronic means approved by the Deputy Chief Judge to the
782 ~~parties and~~ attorneys of record and any parties not represented
783 by an attorney at the last known address of each, with the date
784 of mailing noted thereon.

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785 Section 15. Subsection (3) of section 440.29, Florida
 786 Statutes, is amended to read:

787 440.29 Procedure before the judge of compensation claims.—

788 (3) The practice and procedure before the judges of
 789 compensation claims shall be governed by rules adopted by the
 790 Office of the Judges of Compensation Claims ~~Supreme Court~~,
 791 except to the extent that such rules conflict with the
 792 provisions of this chapter.

793 Section 16. Subsection (4) of section 440.45, Florida
 794 Statutes, is amended to read:

795 440.45 Office of the Judges of Compensation Claims.—

796 (4) The Office of the Judges of Compensation Claims shall
 797 adopt rules to effectuate ~~effect~~ the purposes of this section.
 798 Such rules shall include procedural rules applicable to workers'
 799 compensation claim resolution, including rules requiring
 800 electronic filing and service where deemed appropriate by the
 801 Deputy Chief Judge, and uniform criteria for measuring the
 802 performance of the office, including, but not limited to, the
 803 number of cases assigned and resolved ~~disposed~~, the age of
 804 pending and resolved ~~disposed~~ cases, timeliness of decisions
 805 ~~decisionmaking~~, extraordinary fee awards, and other data
 806 necessary for the judicial nominating commission to review the
 807 performance of judges as required in paragraph (2) (c). ~~The~~
 808 ~~workers' compensation rules of procedure approved by the Supreme~~
 809 ~~Court apply until the rules adopted by the Office of the Judges~~
 810 ~~of Compensation Claims pursuant to this section become~~
 811 ~~effective.~~

812 Section 17. Paragraph (b) of subsection (4) of section

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813 553.73, Florida Statutes, is amended to read:

814 553.73 Florida Building Code.—

815 (4)

816 (b) Local governments may, subject to the limitations of
817 this section, adopt amendments to the technical provisions of
818 the Florida Building Code which apply solely within the
819 jurisdiction of such government and which provide for more
820 stringent requirements than those specified in the Florida
821 Building Code, not more than once every 6 months. A local
822 government may adopt technical amendments that address local
823 needs if:

824 1. The local governing body determines, following a public
825 hearing which has been advertised in a newspaper of general
826 circulation at least 10 days before the hearing, that there is a
827 need to strengthen the requirements of the Florida Building
828 Code. The determination must be based upon a review of local
829 conditions by the local governing body, which review
830 demonstrates by evidence or data that the geographical
831 jurisdiction governed by the local governing body exhibits a
832 local need to strengthen the Florida Building Code beyond the
833 needs or regional variation addressed by the Florida Building
834 Code, that the local need is addressed by the proposed local
835 amendment, and that the amendment is no more stringent than
836 necessary to address the local need.

837 2. Such additional requirements are not discriminatory
838 against materials, products, or construction techniques of
839 demonstrated capabilities.

840 3. Such additional requirements may not introduce a new

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841 subject not addressed in the Florida Building Code.

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

844 5. Any amendment to the Florida Building Code shall be
845 transmitted within 30 days by the adopting local government to
846 the commission. The commission shall maintain copies of all such
847 amendments in a format that is usable and obtainable by the
848 public. Local technical amendments shall not become effective
849 until 30 days after the amendment has been received and
850 published by the commission.

851 6. Any amendment to the Florida Building Code adopted by a
852 local government pursuant to this paragraph shall be effective
853 only until the adoption by the commission of the new edition of
854 the Florida Building Code every third year. At such time, the
855 commission shall review such amendment for consistency with the
856 criteria in paragraph (8) (a) and adopt such amendment as part of
857 the Florida Building Code or rescind the amendment. The
858 commission shall immediately notify the respective local
859 government of the rescission of any amendment. After receiving
860 such notice, the respective local government may readopt the
861 rescinded amendment pursuant to the provisions of this
862 paragraph.

863 7. Each county and municipality desiring to make local
864 technical amendments to the Florida Building Code shall by
865 interlocal agreement establish a countywide compliance review
866 board to review any amendment to the Florida Building Code,
867 adopted by a local government within the county pursuant to this
868 paragraph, that is challenged by any substantially affected

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869 party for purposes of determining the amendment's compliance
870 with this paragraph. If challenged, the local technical
871 amendments shall not become effective until time for filing an
872 appeal pursuant to subparagraph 8. has expired or, if there is
873 an appeal, until the commission issues its final order
874 determining the adopted amendment is in compliance with this
875 subsection.

876 8. If the compliance review board determines such
877 amendment is not in compliance with this paragraph, the
878 compliance review board shall notify such local government of
879 the noncompliance and that the amendment is invalid and
880 unenforceable until the local government corrects the amendment
881 to bring it into compliance. The local government may appeal the
882 decision of the compliance review board to the commission. If
883 the compliance review board determines such amendment to be in
884 compliance with this paragraph, any substantially affected party
885 may appeal such determination to the commission. Any such appeal
886 shall be filed with the commission within 14 days of the board's
887 written determination. The commission shall promptly refer the
888 appeal to the Division of Administrative Hearings by electronic
889 means through the division's website for the assignment of an
890 administrative law judge. The administrative law judge shall
891 conduct the required hearing within 30 days, and shall enter a
892 recommended order within 30 days of the conclusion of such
893 hearing. The commission shall enter a final order within 30 days
894 thereafter. The provisions of chapter 120 and the uniform rules
895 of procedure shall apply to such proceedings. The local
896 government adopting the amendment that is subject to challenge

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897 has the burden of proving that the amendment complies with this
 898 paragraph in proceedings before the compliance review board and
 899 the commission, as applicable. Actions of the commission are
 900 subject to judicial review pursuant to s. 120.68. The compliance
 901 review board shall determine whether its decisions apply to a
 902 respective local jurisdiction or apply countywide.

903 9. An amendment adopted under this paragraph shall include
 904 a fiscal impact statement which documents the costs and benefits
 905 of the proposed amendment. Criteria for the fiscal impact
 906 statement shall include the impact to local government relative
 907 to enforcement, the impact to property and building owners, as
 908 well as to industry, relative to the cost of compliance. The
 909 fiscal impact statement may not be used as a basis for
 910 challenging the amendment for compliance.

911 10. In addition to subparagraphs 7. and 9., the commission
 912 may review any amendments adopted pursuant to this subsection
 913 and make nonbinding recommendations related to compliance of
 914 such amendments with this subsection.

915 Section 18. Subsection (1) of section 760.03, Florida
 916 Statutes, is reenacted.

917 Section 19. Subsections (3), (7), and (8) of section
 918 760.11, Florida Statutes, are amended to read:

919 760.11 Administrative and civil remedies; construction.—

920 (3) Except as provided in subsection (2), the commission
 921 shall investigate the allegations in the complaint. Within 240
 922 ~~180~~ days after ~~of~~ the filing of the complaint or, effective July
 923 1, 2013, within 180 days after the filing of the complaint, the
 924 commission shall determine if there is reasonable cause to

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925 believe that discriminatory practice has occurred in violation
926 of the Florida Civil Rights Act of 1992. When the commission
927 determines whether ~~or not~~ there is reasonable cause, the
928 commission by registered mail shall promptly notify the
929 aggrieved person and the respondent of the reasonable cause
930 determination, the date of such determination, and the options
931 available under this section.

932 (7) If the commission determines that there is not
933 reasonable cause to believe that a violation of the Florida
934 Civil Rights Act of 1992 has occurred, the commission shall
935 dismiss the complaint. The aggrieved person may request an
936 administrative hearing under ss. 120.569 and 120.57, but any
937 such request must be made within 35 days after ~~of~~ the date of
938 determination of reasonable cause and any such hearing shall be
939 heard by an administrative law judge and not by the commission
940 or a commissioner. An aggrieved person seeking administrative
941 relief shall submit a \$200 filing fee to the Division of
942 Administrative Hearings, which shall be waived upon a finding
943 that the aggrieved person is indigent pursuant to s. 57.081. The
944 division, in its discretion, may provide for the recovery of the
945 filing fee if the aggrieved person prevails at the hearing. If
946 the aggrieved person does not request an administrative hearing
947 within the 35-day period ~~35 days~~, the claim will be barred. If
948 the administrative law judge finds that a violation of the
949 Florida Civil Rights Act of 1992 has occurred, he or she shall
950 issue an appropriate recommended order to the commission
951 prohibiting the practice and recommending affirmative relief
952 from the effects of the practice, including back pay. Within 90

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953 days after ~~of~~ the date the recommended order is rendered, the
 954 commission shall issue a final order by adopting, rejecting, or
 955 modifying the recommended order as provided under ss. 120.569
 956 and 120.57. The 90-day period may be extended with the consent
 957 of all the parties. In any action or proceeding under this
 958 subsection, the commission, in its discretion, may allow the
 959 prevailing party a reasonable attorney's fee as part of the
 960 costs. It is the intent of the Legislature that this provision
 961 for attorney's fees be interpreted in a manner consistent with
 962 federal case law involving a Title VII action. If ~~In the event~~
 963 the final order issued by the commission determines that a
 964 violation of the Florida Civil Rights Act of 1992 has occurred,
 965 the aggrieved person may bring, within 1 year after ~~of~~ the date
 966 of the final order, a civil action under subsection (5) as if
 967 there has been a reasonable cause determination or accept the
 968 affirmative relief offered by the commission, but not both.

969 (8) If ~~In the event that~~ the commission fails to
 970 conciliate or determine whether there is reasonable cause on any
 971 complaint under this section within 240 ~~180~~ days after ~~of~~ the
 972 filing of the complaint or, effective July 1, 2013, within 180
 973 days after the filing of the complaint, an aggrieved person may
 974 proceed under subsection (4)~~7~~, as if the commission determined
 975 that there was reasonable cause.

976 Section 20. Subsection (2) of section 766.305, Florida
 977 Statutes, is amended to read:

978 766.305 Filing of claims and responses; medical
 979 disciplinary review.—

980 (2) The claimant shall furnish the division with as many

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981 | copies of the petition as required for service upon the
 982 | association, any physician and hospital named in the petition,
 983 | and the Division of Medical Quality Assurance, along with a ~~\$15~~
 984 | filing fee of \$15 payable to the Division of Administrative
 985 | Hearings. Upon receipt of the petition, the division shall
 986 | immediately ~~serve the association, by service upon the agent~~
 987 | ~~designated to accept service on behalf of the association, by~~
 988 | ~~registered or certified mail, and shall~~ mail copies of the
 989 | petition, by registered or certified mail, to any physician,
 990 | health care provider, and hospital named in the petition, and
 991 | shall furnish a copy by electronic means through the division's
 992 | website or regular mail to the Division of Medical Quality
 993 | Assurance, ~~and~~ the Agency for Health Care Administration, and
 994 | the association by service upon the agent designated to accept
 995 | service on behalf of the association.

996 | Section 21. Subsection (2) of section 766.309, Florida
 997 | Statutes, is amended to read:

998 | 766.309 Determination of claims; presumption; findings of
 999 | administrative law judge binding on participants.—

1000 | (2) If the administrative law judge determines that the
 1001 | injury alleged is not a birth-related neurological injury or
 1002 | that obstetrical services were not delivered by a participating
 1003 | physician at the birth, she or he shall enter an order and shall
 1004 | cause a copy of such order to be sent immediately to the parties
 1005 | by electronic means through the division's website or by regular
 1006 | ~~registered or certified~~ mail.

1007 | Section 22. Subsection (3) of section 766.31, Florida
 1008 | Statutes, is amended to read:

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1009 766.31 Administrative law judge awards for birth-related
1010 neurological injuries; notice of award.—

1011 (3) A copy of the award shall be sent immediately by
1012 electronic means through the division's website or by regular
1013 ~~registered or certified~~ mail to each person served with a copy
1014 of the petition under s. 766.305(2).

1015 Section 23. Paragraph (b) of subsection (4) of section
1016 961.03, Florida Statutes, is amended to read:

1017 961.03 Determination of status as a wrongfully
1018 incarcerated person; determination of eligibility for
1019 compensation.—

1020 (4)

1021 (b) If the prosecuting authority responds as set forth in
1022 paragraph (2)(b), and the court determines that the petitioner
1023 is eligible under the provisions of s. 961.04, but the
1024 prosecuting authority contests the nature, significance or
1025 effect of the evidence of actual innocence, or the facts related
1026 to the petitioner's alleged wrongful incarceration, the court
1027 shall set forth its findings and transfer the petition by
1028 electronic means through the division's website to the division
1029 for findings of fact and a recommended determination of whether
1030 the petitioner has established that he or she is a wrongfully
1031 incarcerated person who is eligible for compensation under this
1032 act.

1033 Section 24. This act shall take effect July 1, 2010.