

HB 1125

2012

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

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

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

25 120.57 Additional procedures for particular cases.—

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

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

HB 1125

2012

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

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

45 760.12 Filing fees for administrative hearings.—

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

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

HB 1125

2012

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

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

63 760.29 Exemptions.—

64 (4)

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

HB 1125

2012

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

93

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

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