

Bill No. HB 1977, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Kirkpatrick moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 12, between lines 27 and 28,

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16 insert:

17 Section 8. Subsection (4) of section 310.151, Florida
18 Statutes, 1998 Supplement, is amended to read:

19 310.151 Rates of pilotage; Pilotage Rate Review
20 Board.--

21 (4)(a) The applicant shall be given written notice,
22 either in person or by certified mail, that the board intends
23 to modify the pilotage rates in that port and that the
24 applicant may, within 21 days after receipt of the notice,
25 request a hearing pursuant to the Administrative Procedure
26 Act. Notice of the intent to modify the pilotage rates in that
27 port shall also be published in the Florida Administrative
28 Weekly and in a newspaper of general circulation in the
29 affected port area and shall be mailed to any person who has
30 formally requested notice of any rate change in the affected
31 port area. Within 21 days after receipt or publication of

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1 notice, any person whose substantial interests will be
2 affected by the intended board action may request a hearing
3 pursuant to the Administrative Procedure Act. If the board
4 concludes that the petitioner has raised a disputed issue of
5 material fact, the board shall designate a hearing, which
6 shall be conducted by formal proceeding before an
7 administrative law judge assigned by the Division of
8 Administrative Hearings pursuant to ss. 120.569 and 120.57(1),
9 unless waived by all parties. The failure to request a hearing
10 within 21 days after receipt or publication of notice shall
11 constitute a waiver of any right to an administrative hearing
12 and shall cause the order modifying the pilotage rates in that
13 port to be entered. If an administrative hearing is requested
14 pursuant to this subsection, notice of the time, date, and
15 location of the hearing shall be published in the Florida
16 Administrative Weekly and in a newspaper of general
17 circulation in the affected port area and shall be mailed to
18 the applicant and to any person who has formally requested
19 notice of any rate change for the affected port area.

20 (b) Notwithstanding any contrary provisions in the
21 Administrative Procedure Act, the administrative law judge's
22 recommended order may include rulings on evidentiary or
23 procedural matters, and shall include findings of fact for
24 consideration by the board in applying the factors set forth
25 in s. 310.151(5) and (6). The recommended order shall not
26 include a recommendation as to the appropriate rate to be
27 imposed.

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29 (Redesignate subsequent sections.)
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 2, line 22, after the semicolon

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5 insert:

6 amending s. 310.151, F.S.; providing exceptions

7 and special requirements concerning

8 administrative proceedings involving rates of

9 pilotage;

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