

Bill No. CS for SB 1016, 1st Eng.

Amendment No. \_\_\_\_

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Clary moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 10, between lines 27 and 28		
15			
16	insert:		
17	Section 4. Section 455.211, Florida Statutes, is		
18	amended to read:		
19	455.211 Board rules; final agency action;		
20	challenges.--		
21	(1) The secretary of the department shall have		
22	standing to challenge any rule or proposed rule of a board		
23	under its jurisdiction pursuant to s. 120.56. In addition to		
24	challenges for any invalid exercise of delegated legislative		
25	authority, the administrative law judge, upon such a challenge		
26	by the secretary, may declare all or part of a rule or		
27	proposed rule invalid if it:		
28	(a) Does not protect the public from any significant		
29	and discernible harm or damages;		
30	(b) Unreasonably restricts competition or the		
31	availability of professional services in the state or in a		

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1 significant part of the state; or

2 (c) Unnecessarily increases the cost of professional  
3 services without a corresponding or equivalent public benefit.

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5 However, there shall not be created a presumption of the  
6 existence of any of the conditions cited in this subsection in  
7 the event that the rule or proposed rule is challenged.

8 (2) In addition, either the secretary or the board  
9 shall be a substantially interested party for purposes of s.  
10 120.54(7). The board may, as an adversely affected party,  
11 initiate and maintain an action pursuant to s. 120.68  
12 challenging the final agency action.

13 (3) No board created within the department shall have  
14 standing to challenge a rule or proposed rule of another  
15 board. However, if there is a dispute between boards  
16 concerning a rule or proposed rule, the boards may avail  
17 themselves of the provisions of s. 455.207(5).

18 (4) Any proposed board rule that has not been modified  
19 to remove proposed committee objections of the Administrative  
20 Procedures Committee must receive approval from the department  
21 prior to filing the rule with the Department of State for  
22 final adoption. The department may repeal any rule enacted by  
23 the board which has taken effect without having met proposed  
24 committee objections of the Administrative Procedures  
25 Committee.

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27 (Redesignate subsequent sections.)

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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On page 1, line 15, after the semicolon,  
insert:  
amending s. 455.211, F.S.; limiting a board's  
authority to adopt rules under a specific  
circumstance;