

Bill No. CS for CS for SB 262

Barcode 151598

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

1	.
2	.
3	Floor: 1/AD/2R
4	03/30/2006 10:53 AM
5	
6	
7	
8	
9	
10	

11 Senator Bennett moved the following amendment:

12

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

14 On page 17, line 12, through

15 page 19, line 5, delete those lines

16
17 and insert:

18 Section 5. Paragraph (b) of subsection (2) of section
19 120.56, Florida Statutes, is amended to read:

20 120.56 Challenges to rules.--

21 (2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.--

22 (b) The administrative law judge may declare the

23 proposed rule wholly or partly invalid. Unless the decision of

24 the administrative law judge is reversed on appeal, the

25 proposed rule or provision of a proposed rule declared invalid

26 shall ~~be withdrawn by the adopting agency and shall not be~~

27 ~~adopted. No rule shall be filed for adoption until 28 days~~

28 ~~after the notice required by s. 120.54(3)(a), until 21 days~~

29 ~~after the notice required by s. 120.54(3)(d), until 14 days~~

30 ~~after the public hearing, until 21 days after preparation of a~~

31 ~~statement of estimated regulatory costs required pursuant to~~

Bill No. CS for CS for SB 262

Barcode 151598

1 ~~s. 120.541, or until the administrative law judge has rendered~~
2 ~~a decision, whichever applies.~~ However, the agency may proceed
3 with all other steps in the rulemaking process, including the
4 holding of a factfinding hearing. In the event part of a
5 proposed rule is declared invalid, the adopting agency may, in
6 its sole discretion, withdraw the proposed rule in its
7 entirety. The agency whose proposed rule has been declared
8 invalid in whole or part shall give notice of the decision in
9 the first available issue of the Florida Administrative
10 Weekly.

11 Section 6. Paragraph (c) of subsection (2) of section
12 120.569, Florida Statutes, is amended to read:

13 120.569 Decisions which affect substantial
14 interests.--

15 (2)

16 (c) Unless otherwise provided by law, a petition or
17 request for hearing shall include those items required by the
18 uniform rules adopted pursuant to s. 120.54(5)(b)4. Upon the
19 receipt of a petition or request for hearing, the agency shall
20 carefully review the petition to determine if it contains all
21 of the required information. A petition shall be dismissed if
22 it is not in substantial compliance with these requirements or
23 it has been untimely filed. Dismissal of a petition shall, at
24 least once, be without prejudice to petitioner's filing a
25 timely amended petition curing the defect, unless it
26 conclusively appears from the face of the petition that the
27 defect cannot be cured. The agency shall promptly give
28 written notice to all parties of the action taken on the
29 petition, shall state with particularity its reasons if the
30 petition is not granted, and shall state the deadline for
31 filing an amended petition if applicable. This paragraph does

Bill No. CS for CS for SB 262

Barcode 151598

1 not eliminate the availability of equitable tolling as a
2 defense to the untimely filing of a petition.

3
4 (Redesignate subsequent sections.)

5
6

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

8 And the title is amended as follows:

9 On page 1, line 27, through
10 page 2, line 3, delete those lines

11

12 and insert:

13 requirements for the Internet website; amending
14 s. 120.56, F.S.; revising provisions relating
15 to withdrawal of challenged rules; amending s.
16 120.569, F.S.; providing for equitable tolling
17 as a defense to the untimely filing of a
18 petition; amending

19
20
21
22
23
24
25
26
27
28
29
30
31