

Bill No. SB 1594

Barcode 105320

CHAMBER ACTION

Senate

House

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Comm: RE  
04/23/2007 04:25 PM

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The Committee on Judiciary (Gaetz) recommended the following  
**amendment to amendment** (841926):

**Senate Amendment (with title amendment)**

On page 16, between lines 29 and 30,

insert:

Section 9. Present paragraph (b) of subsection (4) of  
section 120.595, Florida Statutes, is redesignated as  
paragraph (c), and a new paragraph (b) is added to that  
subsection, to read:

120.595 Attorney's fees.--

(4) CHALLENGES TO AGENCY ACTION PURSUANT TO SECTION  
120.56(4).--

(b) If prior to the final hearing the agency initiates  
rulemaking under s. 120.54 and requests a stay of the  
proceedings pending rulemaking, the administrative law judge  
shall award reasonable costs and reasonable attorney's fees  
accrued by the petitioner prior to the date the agency filed  
its request for a stay pending rulemaking provided the agency  
adopts the statement as a rule. A request for a stay shall be

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1 granted when the petitioner and the agency agree to the stay.  
2 If the petitioner objects to the stay, the stay may be denied  
3 if the petitioner establishes good cause exists to deny the  
4 stay. A stay granted under this paragraph shall remain in  
5 effect until either the statement has been adopted as a rule  
6 and has become effective or the proposed rule has been  
7 withdrawn. A request for attorney's fees and costs under this  
8 paragraph shall be granted only upon a finding that the agency  
9 knew or should have known at the time the petition was filed  
10 that the agency statement was an unadopted rule, and no award  
11 of attorney's fees as provided by this paragraph may exceed  
12 \$50,000.

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14 (Redesignate subsequent sections.)

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

18 And the title is amended as follows:

19           On page 18, line 27, following the semicolon

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21 insert:

22           amending s. 120.595, F.S.; providing for  
23           attorney's fees and costs in certain  
24           circumstances;

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