

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Adkins offered the following:

Amendment (with title amendment)

Remove lines 55-107 and insert:

Section 1. Paragraph (e) of subsection (3) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(3) As used in this section:

(e) A proceeding is "substantially justified" if it had a reasonable basis in law and fact at the time it was initiated by a state agency. A proceeding is not substantially justified when the agency action involves identical or substantially similar facts and circumstances and the specified law, rule, or order on which the party substantially affected by the agency action petitioned for a declaratory statement under s. 120.565, and:

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- 20 1. The agency action contradicts a declaratory statement
21 issued under s. 120.565 to the substantially affected party; or
22 2. The agency denied the petition under s. 120.565 before
23 initiating the agency action against the substantially affected
24 party.

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29 **T I T L E A M E N D M E N T**

30 Remove lines 3-9 and insert:

31 s. 57.111, F.S.; providing conditions under which a
32 proceeding is not substantially justified for purposes of
33 an award under the Florida Equal Access to Justice Act;
34 amending s. 120.55, F.S.; providing for
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