



774604

LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

04/28/2010 10:56 AM

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Senator Joyner moved the following:

**Senate Amendment (with title amendment)**

Delete lines 352 - 369

and insert:

(e) Notwithstanding s. 120.56(1)(c), the failure of the agency to prepare a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative as provided in this subsection is a material failure to follow the applicable rulemaking procedures or requirements set forth in this chapter.

(f) ~~(e)~~ An agency's failure to prepare a statement of estimated regulatory costs or to respond to a written lower cost regulatory alternative may not be raised in a proceeding



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14 challenging the validity of a rule pursuant to s. 120.52(8)(a)  
15 ~~No rule shall be declared invalid because it imposes regulatory~~  
16 ~~costs on the regulated person, county, or city which could be~~  
17 ~~reduced by the adoption of less costly alternatives that~~  
18 ~~substantially accomplish the statutory objectives, and no rule~~  
19 ~~shall be declared invalid based upon a challenge to the agency's~~  
20 ~~statement of estimated regulatory costs, unless:~~

21 1. ~~The issue is~~ Raised in a petition filed no later than an  
22 ~~administrative proceeding within 1 year after the effective date~~  
23 ~~of the rule; and~~

24 2. Raised by a person whose substantial interests are  
25 affected by the rule's regulatory costs. ~~The substantial~~

26  
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete line 24

30 and insert:

31 estimated regulatory costs or to respond to a written  
32 lower cost regulatory alternative; providing that a  
33 rule that