



912852

LEGISLATIVE ACTION

Senate

House

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Floor: 2/AD/2R

04/28/2010 10:47 AM

Senator Bennett moved the following:

Senate Amendment

Delete lines 180 - 209

and insert:

the aggregate within 1 year following the implementation of the rule, the agency shall prepare a statement of estimated regulatory costs as required by s. 120.54(3)(b).

(c) The agency shall revise a statement of estimated regulatory costs if any change to the rule made under s. 120.54(3)(d) increases the regulatory costs of the rule.

(d) At least 45 days before filing the rule for adoption, an agency that is required to revise a statement of estimated



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14 regulatory costs shall provide the statement to the person who
15 submitted the lower cost regulatory alternative and to the
16 committee, and provide notice on the agency's website that it is
17 available to the public.

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

24 (f) ~~(e)~~ An agency's failure to prepare a statement of
25 estimated regulatory costs or to respond to a written lower cost
26 regulatory alternative may not be raised in a proceeding
27 challenging the validity of a rule pursuant to s. 120.52(8)(a)
28 No rule shall be declared invalid because it imposes regulatory
29 costs on the regulated person, county, or city which could be
30 reduced by the adoption of less costly alternatives that
31 substantially accomplish the statutory objectives, and no rule
32 shall be declared invalid based upon a challenge to the agency's
33 statement of estimated regulatory costs, unless:

34 1. The issue is Raised in a petition filed no later than an
35 administrative proceeding within 1 year after the effective date
36 of the rule; and

37 2. Raised by a person whose substantial interests are
38 affected by regulatory costs of the rule. The substantial
39 substantial