

Winter 1994

A Brief History of Selected APA Bills in the 1994 Session

Follow this and additional works at: <http://ir.law.fsu.edu/lr>



Part of the [Administrative Law Commons](#), and the [State and Local Government Law Commons](#)

Recommended Citation

A Brief History of Selected APA Bills in the 1994 Session, 22 Fla. St. U. L. Rev. 355 (1995).
<http://ir.law.fsu.edu/lr/vol22/iss2/7>

This Article is brought to you for free and open access by Scholarship Repository. It has been accepted for inclusion in Florida State University Law Review by an authorized editor of Scholarship Repository. For more information, please contact bkaplan@law.fsu.edu.

**A BRIEF HISTORY OF SELECTED APA BILLS
IN THE 1994 SESSION**

I.	HB 135	355
II.	HB 237	356
	A. <i>House Version No. 1</i>	356
	B. <i>Senate Version No. 1</i>	358
	C. <i>House Version No. 2</i>	359
	D. <i>Senate Version No. 2</i>	360
	E. <i>House Version No. 3</i>	361
III.	HB 375	361
IV.	HB 569	361
V.	HB 577	362
VI.	HB 833	362
VII.	HB 835	363
VIII.	HB 837	363
IX.	HB 1981	364
X.	HB 2429	364
XI.	SB 174	365
XII.	SB 464	365
XIII.	SB 1250	365
XIV.	SB 1440	365
XV.	SB 1592	367
XVI.	SB 1956	367
XVII.	SB 2564	367

HB 135 (SIMILAR TO SB 174)

HB 135 would have amended FLA. STAT. § 120.54 (1993) to require an agency to consider the impact of a rule on small counties before its adoption. Under the bill, small counties would be treated in the same fashion as small businesses in the current law. Small counties were defined as those with populations of 50,000 or less. It required an agency to tier rules to reduce disproportionate impacts, and to consider whether less stringent requirements, schedules, or deadlines could be established; whether requirements could be consolidated or simplified; whether performance standards could be used rather than design standards; or whether exemptions could be granted.

HB 135 was referred to Community Affairs and Appropriations, FLA. H.R. JOUR. 15 (Reg. Sess. 1994). It was reported favorably by Community Affairs, FLA. H. JOUR. 83 (Reg. Sess. 1994), and withdrawn from Appropriations, FLA. H.R. JOUR. 266 (Reg. Sess. 1994).

HB 135 was placed on the Calendar, where it died. Provisions similar to those of HB 135 were incorporated into the CS/HB 237.

HB 237 (IDENTICAL TO SB 1956)

Original Version

HB 237 would have amended section 11.075, requiring each house of the Legislature when passing enabling legislation to consider whether requirements for additional rulemaking or additional legislative oversight should be adopted. Additional rulemaking requirements could include more public notice of statutory authority, purpose, statements of justification, basis, and regulatory impact; mandatory workshops if requested; draw-out proceedings if requested; and requirements to adopt rules imposing the lowest net cost. Additional legislative oversight could allow rules to become effective only after ratification by act of the Legislature or to become effective after submission to the President and the Speaker until rejected by act of the Legislature.

It would have amended the definition of an agency under the Act to include certain local government pollution control programs; required the economic impact statement to be available earlier; required an agency to respond to evidence and argument submitted in section 120.54(3) rule hearings; required the agency to compile a defined rule-making record; required the agency in any subsequent proceedings to prove the validity of a rule following objection by the Administrative Procedures Committee; authorized the Game and Fresh Water Fish Commission to exercise its constitutional authority by the issuance of rules and orders only pursuant to the APA.

It would have required publication of a notice of approval or change; expanded the time to file an administrative rule challenge to begin at the publication of the notice and last until 21 days after notice of approval or change; allowed rules to be declared invalid if the lowest net cost approach was not used or rejected with explanation; and limited the rationale offered in support of a rule in a rule challenge to that made a part of the record and relied upon by the agency.

HB 237 was referred to the Select Committee on Agency Rules and Appropriations, HJ 19. The Select Committee on Agency Rules adopted a committee substitute bill, FLA. H.R. JOUR. 700 (Reg. Sess. 1994).

House Version No. 1

Committee Substitute for House Bill 237 would have created section 11.0755, requiring each House of the Legislature to consider the ap-

propriate degree of delegation of authority in passing an enabling act, including the degree of specificity, scope of the delegation, special expertise required, degree of public input, and amount of legislative review. It would have changed the membership of the Administrative Procedures Committee and required it to review statutes authorizing adoption of rules and make recommendations for needed changes to appropriate standing committees. The bill amended the definition of invalid exercise of delegated authority; expanded initial rule notice requirements; revised rule adoption time frames; and required a rule development notice when a rule imposed substantial regulatory costs.

Committee Substitute for House Bill 237 would have required a rule workshop to be held when requested in writing, with few exceptions, and required that agency personnel respond to public questions and comments at a workshop. The bill required consideration of the impact of a rule on small counties. It changed the economic impact statement, making it more narrow and more specific, and calling it a statement of estimated regulatory costs.

The bill would have created a final public notice containing changes and additional information, moved the time to file an administrative rule challenge to begin at the publication of the notice of approval or change, limited the authority of an agency to change a rule in response to an administrative challenge, and expanded the admissibility of legislative history in rule challenge proceedings. It repealed the requirement that rules promulgated to comply with legislative rule mandates be proposed within 180 days. It required the agency to compile a defined rulemaking record and to retain it as long as the rule was in effect, and to accept a written proposal for a lower cost regulatory alternative or provide a detailed written explanation of its reasons for not doing so. It directed the Administration Commission to adopt new model rules of procedure which would apply to all agencies unless exceptions were approved by the Commission.

Committee Substitute for House Bill 237 would have required each agency to prepare a report to the Legislature on simplifying, clarifying, combining, and repealing existing rules, and identifying statutes which needed clarification of legislative authority or intent. The bill directed the Administrative Procedures Committee to hold hearings to determine if an objection was warranted if a standing committee of either house determined there was a basis for objection and provided that if an agency failed to change a rule to which the Administrative Procedures Committee had objected, that there would be no presumption of validity in any subsequent proceeding. It provided that the Department of State retained the copyright over the text of the Administrative Code, and increased the department's revolving trust

fund from \$100,000 to \$300,000. Finally, the bill authorized transfer and consolidation of judicial review proceedings of administrative actions and provided that the standard of judicial review of an administrative rule challenge proceeding was whether the hearing officer's order was supported by competent substantial evidence.

Committee Substitute for House Bill 237 was amended on the House floor to change the definition of invalid exercise of delegated legislative authority so that it referenced legislative intent only in cases where the law was ambiguous. It changed several declarations that various acts or omissions were violations of procedural requirements to say that these acts created rebuttable presumptions that the agency materially failed to follow procedures. It added a provision to the statement of estimated regulatory costs including any other information the agency determined would be useful in informing the regulated public of the cost of the rule. It slightly changed the items which constitute the rulemaking record and clarified that the competent substantial evidence standard of judicial review related to support for hearing officer's findings of fact in the record. It deleted the provisions in existing law that tolled the ninety day period for filing a rule during the pendency of a rule challenge, repealed the certification accompanying filed rules, repealed the responsibility of the Department of State to reject a rule not filed in accordance with the Act's time frames, and repealed the requirement that an agency withdraw a rule not timely filed.

The floor amendment also changed the substantial interest hearing section to require advisement of mediation alternatives and to add a bifurcated hearing process. The hearing officer was authorized to grant a request for a summary hearing procedure with restricted motions, expedited time frames, limited discovery, and final order authority in the hearing officer. The Division of Administrative Hearings was directed to collect and maintain information on the operation of the summary hearing process.

Committee Substitute for House Bill 237 as amended passed the House, 114-0, FLA. H.R. JOUR. 1071 (Reg. Sess. 1994). It was sent to the Senate, where it was referred to the Governmental Operations and Rules and Calendar Committees, FLA. S. JOUR. 811 (Reg. Sess. 1994). It was withdrawn from these committees and amended on the Senate floor, FLA. S. JOUR. 1016 (Reg. Sess. 1994).

Senate Version No. 1

The Senate floor amendment to Committee Substitute for House Bill 237 deleted the provisions requiring the Legislature to consider the delegation of authority in each enabling act, but put in additional ru-

lemaking options which could be added by the Legislature as a bill was passed. It deleted the provision requiring the Administrative Procedures Committee to review statutory grants of authority, but required that additional rule information appear in the committee's annual report. It removed the provision directing the Administrative Procedures Committee to hold a hearing to determine if an objection was warranted if a standing committee of either house determined there was a basis for objection. The amendment kept the House language defining invalid exercise of delegated authority to restrict "permissible interpretations," but deleted the other changes, and went on to change "arbitrary and capricious" to "lacks an adequate factual basis." The Senate amendments gave the Administrative Procedures Committee standing to file 120.535 proceedings and created a new section, 120.534, limiting rulemaking authority to implementation of specific statutory sections of an enabling act. It left in the House provisions on impacts of a rule on small counties, the statement of estimated regulatory costs, the rulemaking record, and new model rules, but deleted the changes to rulemaking time frames. It created a new point of entry limited to changes to a rule beginning after the required publication of those changes. It provided for legislative review of the Act before October 1, 1996.

The Senate amendments put back in the provisions in existing law that tolled the ninety day period for filing a rule during the pendency of a rule challenge, the certification accompanying filed rules, the responsibility of the Department of State to reject a rule not filed in accordance with the Act's time frames, and the requirement that an agency withdraw a rule not timely filed. It added a committee certification that the agency had responded to all inquiries made on behalf of the committee. It deleted "floor debates" and "House and Senate bill analyses, economic impact statements, and fiscal notes" from the list of items admissible to ascertain legislative intent.

The amended Committee Substitute for House Bill 237 passed the Senate, 40-0, FLA. S. JOUR. 1026 (Reg. Sess. 1994).

House Version No. 2

Back in the House, the new section 11.0755 was added again, the committee's review of statutory rulemaking grants was restored, the Senate provision limiting rulemaking authority to implementation of specific statutory sections of an enabling act was deleted, and the standing of the committee to file 120.535 proceedings was removed. The definition of invalid exercise of delegated authority was amended to remove the Senate changes and add "The rule is not reasonably related to the purposes of the implemented statutes."

The House put the changed time frames for adopting a rule back on the bill, and required that an agency had to respond to written comments received at a 120.53 rule hearing if requested to do so. It again created the second rule notice of changes and moved the time to file a rule challenge back to this point in the process. It again deleted the provisions in existing law that tolled the ninety day period for filing a rule during the pendency of a rule challenge, deleted the certification accompanying filed rules, deleted the responsibility of the Department of State to reject a rule not filed in accordance with the Act's time frames, and deleted the requirement that an agency withdraw a rule not timely filed. It restored the provision directing the Administrative Procedures Committee to hold a hearing to determine if an objection was warranted if a standing committee of either house determined there was a basis for objection. It deleted the committee certification that the agency had responded to all inquiries made on behalf of the committee. It restored "floor debates" and "House and Senate bill analyses, economic impact statements, and fiscal notes" to the list of items admissible to ascertain legislative intent.

The bill as amended passed the House, 115-0 and was immediately certified to the Senate, FLA. H.R. JOUR. 1667 (Reg. Sess. 1994). On the two-thirds vote necessary to consider matters outside the extended call, the Senate took up Committee Substitute for Senate Bill 237 again.

Senate Version No. 2

On the floor of the Senate, Committee Substitute for House Bill 237 was amended to change the definition of "invalid exercise of delegated authority." The language "The rule does not implement a specific law" was added, and the "enlarges, modifies, or contravenes" language was changed to say that a rule was invalid if it was not limited to implementing, interpreting, or making specific the particular powers and duties granted by the law to be implemented. The "arbitrary and capricious" language was changed to "lacks an adequate factual basis." The Senate added the statement that a rule is not a valid exercise of delegated legislative authority solely because it is reasonably related to the purposes of the implemented statute. The changes to the membership of the Administrative Procedures Committee and the provision directing the committee to hold a hearing to determine if an objection was warranted if a standing committee of either house determined there was a basis for objection were deleted. The Senate again deleted "floor debates" and "House and Senate bill analyses, economic impact statements, and fiscal notes" from the list of items admissible to ascertain legislative intent.

The Senate passed Committee Substitute for House Bill 237 as amended, 40-0, FLA. S. JOUR. 1446 (Reg. Sess. 1994).

House Version No. 3

The House agreed to leave the membership of the committee as it was in existing law, but refused to concur in the amendments to the definition of invalid exercise of delegated authority, the deletion of the provisions directing Administrative Procedure Committee hearings if a standing committee of either house determined there was a basis for objection, and the amendment relating to the admissibility of documents to determine legislative intent.

The House thus concurred in one amendment and requested that the Senate recede from these last three amendments, 114-0, FLA. H.R. JOUR. 2131 (Reg. Sess. 1994). The bill never reached the Senate floor and died in messages.

HB 375

HB 375 would have provided that if a rule was adopted which was an invalid exercise of delegated authority, the employee who authorized or wrote the rule was guilty of a misdemeanor of the second degree.

The bill was referred to the Select Committee on Agency Rules and the Appropriations Committee, FLA. H.R. JOUR. 25 (Reg. Sess. 1994). The Select Committee on Agency Rules adopted a committee substitute, H.R. JOUR. 396 (Reg. Sess. 1994).

Committee Substitute for House Bill 375 amended the provision to provide that an agency head who authorized the promulgation of a rule with knowledge that it went beyond the powers, functions, and duties delegated to the agency was guilty of a misdemeanor of the second degree if the rule was judicially determined to be an invalid exercise of delegated legislative authority.

The substitute bill was read the first time, FLA. H.R. JOUR. 391 (Reg. Sess. 1994), and was given an additional reference to the Criminal Justice Committee, FLA. H.R. JOUR. 390 (Reg. Sess. 1994), where it died.

HB 569 (IDENTICAL TO SB 1250)

This bill would have authorized the Administrative Procedures Committee to suspend temporarily a rule to which it had objected, and authorized the Legislature to sustain or reverse this suspension at the next regular session by general bill.

HB 569 was referred to the Select Committee on Agency Rules and the Committee on Finance and Taxation, FLA. H.R. JOUR. 34 (Reg. Sess. 1994). The Select Committee on Agency Rules adopted a substitute bill that added provisions giving copyright to the Administrative Code to the Department of State and increasing the unencumbered balance in the revolving trust fund from \$100,000 to \$300,000, FLA. H.R. JOUR. 700 (Reg. Sess. 1994).

The bill was given an additional reference to Appropriations, FLA. H.R. JOUR. 718 (Reg. Sess. 1994). The bill died in the Committee on Finance and Taxation.

HB 577 (SIMILAR SB 464)

HB 577 would have amended section 120.59 to allow a prevailing party to recover costs from an agency which participated in an administrative proceeding for an improper purpose. Under existing law, nonprevailing agencies could not be required to pay costs. It maintained the restriction which prohibited agencies from obtaining costs from other nonprevailing parties. It also would have amended section 120.68 to allow recovery of costs by a prevailing party, other than an agency, in a judicial proceeding.

The bill was referred to the Select Committee on Agency Rules and the Finance and Taxation Committee, FLA. H.R. JOUR. 34 (Reg. Sess. 1994). The Select Committee on Agency Rules adopted a substitute, FLA. H.R. JOUR. 399 (Reg. Sess. 1994).

The substitute bill added a provision exempting not-for-profit corporations from payment of costs, and deleted the paragraph in existing law which limited award of costs and fees in 120.57 proceedings to situations in which the nonprevailing party participated for an improper purpose.

Committee Substitute for House Bill 577 received an additional reference to Appropriations, FLA. H.R. JOUR. 423 (Reg. Sess. 1994). The bill died in the Committee on Finance & Taxation.

HB 833

This bill would have amended provisions of chapter 120 involving agency decisions which affect substantial interests. It provided that a sanction for filing pleadings for an improper purpose could include an order to pay fees incurred by other parties as a result of the improper filing. It also created a new bifurcated hearing process. The hearing officer was directed to grant a request for a summary hearing procedure if no objection was received from an opposing party, and could grant such a request after a hearing based upon specified criteria. The

summary hearing process had restricted motions, expedited time frames, limited discovery, and vested final order authority in the hearing officer. The Division of Administrative Hearings was directed to collect and maintain information on the operation of the summary hearing process.

HB 833 was referred to the Committee on Finance & Taxation and the Appropriations Committee, FLA. H.R. JOUR. 49 (Reg. Sess. 1994). It died in the Committee on Finance & Taxation. Provisions similar to those in HB 833 were incorporated into Committee Substitute for House Bill 237.

HB 835

HB 835 would have revised the time frames for rulemaking by lengthening the minimum time between initial notice of a proposed rule and its adoption. It would have expanded the initial notice to include the full text of a proposed rule, a statement of whether or not the agency intends to prepare an economic impact statement and how to request a statement or a public hearing on the rule. The bill required the economic impact statement to be made available at earlier points in the process. It created a final notice which contained any changes in the rule since the initial notice and stated the availability of the economic impact statement. After this final notice, the ability of an agency to make changes in the rule was limited. It moved the opportunity to file a rule challenge to the time following the final rule notice. The bill authorized the committee to request additional copies of materials filed with it. It provided that a rule was effective when filed, but that an agency could postpone the effective date if an objection to a rule was being considered by the committee.

HB 835 was introduced and placed directly on the Calendar, FLA. H.R. JOUR. 49 (Reg. Sess. 1994). After technical amendments on the House floor, it was passed by the House, 112-0, FLA. H.R. JOUR. 260 (Reg. Sess. 1994). It was sent to the Senate, where it was referred to the Governmental Operations and Rules & Calendar Committees, FLA. S. JOUR. 315 (Reg. Sess. 1994). It died in the Committee on Governmental Operations. Provisions similar to those of HB 835 were incorporated into Committee Substitute for House Bill 237.

HB 837

This bill would have amended requirements to index orders and make them available for public inspection and copying to say that these requirements applied to "final" orders. It provided that the notice of rulemaking include a summary of the proposed rule. It directed

the Administration Commission to adopt new model rules of procedure which would apply to all agencies unless exceptions were approved by the Commission. HB 837 also authorized transfer and consolidation of judicial review proceedings of administrative actions and expanded the jurisdiction of the District Courts of Appeal to hear direct appeals of rule adoption actions.

HB 837 was placed directly on the House Calendar, FLA. H.R. JOUR. 49 (Reg. Sess. 1994), and was passed by the House, 116-0, FLA. H.R. JOUR. 260 (Reg. Sess. 1994). It was certified to the Senate, where it was referred to the Governmental Operations Committee, FLA. S. JOUR. 313 (Reg. Sess. 1994). It was reported favorably by the Committee on Governmental Operations with two amendments, FLA. S. JOUR. 565 (Reg. Sess. 1994), and was placed on the Calendar, SJ 565. It died on the Senate Calendar. Provisions similar to those of HB 837 were incorporated into Committee Substitute for House Bill 237.

HB 1981 (IDENTICAL TO SB 2564)

The bill would have made evidence of other violations, wrongs, or acts admissible in an administrative proceeding when relevant to prove a material fact in issue, but inadmissible solely to prove bad character or propensity. In a proceeding against a licensed professional which involves allegations of sexual misconduct, it provided that testimony of the victim need not be corroborated, evidence of prior consensual sexual activity between a victim and any other person was made inadmissible except under limited circumstances, and reputation evidence relating to prior sexual conduct of the victim was inadmissible.

HB 1981 was referred to the Judiciary Committee, FLA. H.R. JOUR. 209 (Reg. Sess. 1994). It was reported favorably and was placed on the House Calendar, FLA. H.R. JOUR. 426 (Reg. Sess. 1994). It passed the House, 118-0, FLA. H.R. JOUR. 626 (Reg. Sess. 1994), and was certified to the Senate. The bill was referred to the Judiciary Committee, FLA. S. JOUR. 582 (Reg. Sess. 1994), then withdrawn, substituted for SB 2564, and passed 39-0, FLA. S. JOUR. 830 (Reg. Sess. 1994). It was enrolled on April 7, FLA. H.R. JOUR. 1463 (Reg. Sess. 1994).

HB 2429 (SIMILAR TO HB 833 ABOVE)

This bill would have amended provisions of chapter 120 involving agency decisions which affect substantial interests. It would have required an agency to advise whether voluntary mediation alternatives were available without affecting the right to an administrative hearing. It would have provided that a sanction for filing pleadings for an improper purpose could include an order to pay fees incurred by other

parties as a result of the improper filing. It also would have created a new bifurcated hearing process. The hearing officer was authorized to grant a request for a summary hearing procedure based upon specified criteria. The summary hearing process had restricted motions, expedited time frames, limited discovery, and vested final order authority in the hearing officer. The Division of Administrative Hearings would have been directed to collect and maintain information on the operation of the summary hearing process.

HB 2429 was referred to the Appropriations Committee, FLA. H.R. JOUR. 281 (Reg. Sess. 1994). It was withdrawn from Appropriations and placed on the Calendar, FLA. H.R. JOUR. 429 (Reg. Sess. 1994), where it died. Provisions similar to those of HB 2429 were incorporated into Committee Substitute for House Bill 237.

SB 174 (SIMILAR TO HB 135 ABOVE)

SB 174 was referred to Governmental Operations and Community Affairs, FLA. S. JOUR. 13 (Reg. Sess. 1994) It was reported favorably by Governmental Operations, FLA. S. JOUR. 109 (Reg. Sess. 1994), and by Community Affairs, FLA. S. JOUR. 134 (Reg. Sess. 1994). After a technical amendment on the floor of the Senate, it passed 39-0, and was immediately certified to the House, FLA. S. JOUR. 281 (Reg. Sess. 1994). SB 174 died in messages.

SB 464 (SIMILAR TO HB 577)

SB 577 would have amended section 120.59 to delete all exclusions pertaining to agencies, and so allow a prevailing party to recover costs from a nonprevailing party who participated in an administrative proceeding for an improper purpose. It also amended section 120.68 to allow recovery of costs by a prevailing party in a judicial proceeding.

The bill was referred to the Governmental Operations Committee and the Judiciary Committee, FLA. S. JOUR. 30 (Reg. Sess. 1994), where it died.

SB 1250 (IDENTICAL TO HB 569)

SB 1250 was referred to Rules and Calendar, FLA. S. JOUR. 66 (Reg. Sess. 1994), where it died.

SB 1440

SB 1440 was referred to the Rules and Calendar Committee, FLA. S. JOUR. 78 (Reg. Sess. 1994). The Committee on Rules & Calendar adopted a substitute bill, FLA. S. JOUR. 352 (Reg. Sess. 1994). The

substitute bill would have required that additional information on rulemaking appear in the committee's annual report, and directed the committee to review agency rulemaking procedures and complaints based on agency procedures. The bill listed several special rulemaking requirements which could be added by the Legislature as an enabling bill was passed. The bill gave the Administrative Procedures Committee standing to file 120.535 proceedings. It would have created a new section, 120.534, limiting rulemaking authority to implementation of specific statutory sections of an enabling act, requiring agencies to review their existing rules for compliance with the new standard, and providing that rules adopted prior to the new standard's adoption would be void as of October 1, 1995.

The bill would have required a statement of policy considerations, major legal issues, and methodology in a notice of rule development. It would have created a rule development statement containing information on the evidence relied upon, rejected, and not considered. It would have created a new point of entry limited to changes to a rule beginning after the required publication of those changes. The bill added a committee certification to the Department of State that the agency had responded to all inquiries made on behalf of the committee. It switched the burden to the agency to prove that a rule was a valid exercise of delegated authority following a committee objection. It authorized temporary suspension of rules by the committee and permanent suspension by act of the legislature. It created a Florida Administrative Law Revision Council to consider and recommend changes to the APA.

Committee Substitute for Senate Bill 1440 was amended on the floor of the Senate, FLA. S. JOUR. 800 (Reg. Sess. 1994), to change the composition of the Administrative Procedures Committee. The definition of invalid exercise of delegated authority was also amended to provide that a rule gained no presumption of validity as a result of going through the rulemaking process or because it was within the range of permissible interpretations of a statute, and changing "arbitrary and capricious" to "lacks an adequate factual basis." The notice of rulemaking was expanded to include additional information, provisions relating to small counties were added, the economic impact statement was revised into a statement of regulatory impact, the rulemaking record was specifically described, and an agency was required to adopt a proposed lower net cost alternative or explain why it did not do so.

It would have provided that the Department of State retained the copyright over the text of the Administrative Code, and increased the department's revolving trust fund from \$100,000 to \$300,000. The bill

provided that certain documents were admissible as evidence of legislative history, authorized transfer and consolidation of judicial review proceedings of administrative actions, and provided that the standard of judicial review of administrative rule challenge proceedings was whether the hearing officer's order was supported by competent substantial evidence. It would have deleted the provision creating a Florida Administrative Law Revision Council, and instead directed the Legislature to consider and recommend changes to the APA based upon stated criteria. Another amendment also changed the substantial interest hearing section to require advisement of mediation alternatives and to add a bifurcated hearing process. The hearing officer was authorized to grant a request for a summary hearing procedure with restricted motions, expedited time frames, limited discovery, and final order authority in the hearing officer. The Division of Administrative Hearings was directed to collect and maintain information on the operation of the summary hearing process.

Committee Substitute for Senate Bill 1440 passed as amended, 37-2, FLA. S. JOUR. 803 (Reg. Sess. 1994). It was certified to the House and died in messages. Provisions similar to some of those of Committee Substitute for Senate Bill 1440 were incorporated into Senate amendments of Committee Substitute for House Bill 237.

SB 1592

The bill would have required every proposed rule to be approved by the Administrative Procedures Committee and the standing committees with jurisdiction over the subject matter before it could be adopted. Approval of standing committees was presumed if no objection was received within forty-five days. It provided for objections to rules by standing committees in each house, paralleling the objection provisions relating to the Administrative Procedures Committee.

SB 1592 was referred to the Governmental Operations Committee and Rules & Calendar, FLA. S. JOUR. 135 (Reg. Sess. 1994), where it died.

SB 1956 (IDENTICAL TO ORIGINAL HB 237)

SB 1956 was referred to Governmental Operations and Rules & Calendar. It died in the Committee on Governmental Operations.

SB 2564 (IDENTICAL TO HB 1981)

SB 2564 was referred to the Judiciary Committee, FLA. S. JOUR. 216 (Reg. Sess. 1994). It was reported favorably by the Judiciary

Committee, and placed on the Calendar, FLA. S. JOUR. 565 (Reg. Sess. 1994). HB 1981 was substituted FLA. S. JOUR. 830, (Reg. Sess. 1994) and passed.