

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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: Rulemaking Oversight &
 2 Repeal Subcommittee
 3 Representative Goodson offered the following:

Amendment

6 Remove lines 29-44 and insert:

7 (c) In proceedings conducted pursuant to s. 120.57(1), it
 8 shall be rebuttably presumed that a nonprevailing adverse party
 9 participated in a pending proceeding for an improper purpose if
 10 the administrative law judge finds:

11 1. The nonprevailing adverse party participated in another
 12 such proceeding involving the same prevailing party and project
 13 as an adverse party in which the nonprevailing adverse party did
 14 not establish either the factual or legal merits of its
 15 position; and

16 2. The factual or legal position asserted in the instant
 17 proceeding would have been cognizable in the previous

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18 ~~proceeding. In proceedings pursuant to s. 120.57(1), and upon~~
19 ~~motion, the administrative law judge shall determine whether any~~
20 ~~party participated in the proceeding for an improper purpose as~~
21 ~~defined by this subsection. In making such determination, the~~
22 ~~administrative law judge shall consider whether the~~
23 ~~nonprevailing adverse party has participated in two or more~~
24 ~~other such proceedings involving the same prevailing party and~~
25 ~~the same project as an adverse party and in which such two or~~
26 ~~more proceedings the nonprevailing adverse party did not~~
27 ~~establish either the factual or legal merits of its position,~~
28 ~~and shall consider whether the factual or legal position~~
29 ~~asserted in the instant proceeding would have been cognizable in~~
30 ~~the previous proceedings. In such event, it shall be rebuttably~~
31 ~~presumed that the nonprevailing adverse party participated in~~
32 ~~the pending proceeding for an improper purpose.~~

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