
HOUSE SUMMARY

Provides that an agency which requests a hearing officer shall take no further action with respect to formal administrative proceedings, except as a party litigant, as long as the Division of Administrative Hearings of the Department of Administration has jurisdiction over the formal proceeding. Prohibits an agency from increasing or decreasing a penalty in a recommended order without stating with particularity its reasons therefor in the order, by citing to the record. Authorizes the award of costs and attorney's fees to the prevailing party in an appeal of a formal administrative hearing under certain circumstances. Authorizes an agency or hearing officer, in an administrative proceeding, to impose sanctions, except for contempt, to compel testimony and to effect discovery in the same manner as provided in the Florida Rules of Civil Procedure. Provides that with respect to action to enforce a subpoena or effect discovery, the court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order. Provides that an order of a hearing officer is immediately reviewable if review of the final agency decision would not provide an adequate remedy. Provides that the court shall remand the case to the agency if it finds the agency's exercise of discretion to be inconsistent with an agency rule.