

Bill No. CS/HB 2365, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Bronson moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 16, between lines 19 and 20,		
15			
16	insert:		
17	Section 4. Paragraph (c) of subsection (2) of section		
18	287.042, Florida Statutes, is amended to read:		
19	287.042 Powers, duties, and functions.--The department		
20	shall have the following powers, duties, and functions:		
21	(2)		
22	(c) Any person who files an action protesting a		
23	decision or intended decision pertaining to contracts		
24	administered by the department, <u>a water management district,</u>		
25	or a state agency pursuant to s. 120.57(3)(b) shall post with		
26	the department, <u>the water management district,</u> or the state		
27	agency at the time of filing the formal written protest a bond		
28	payable to the department, <u>the water management district,</u> or		
29	state agency in an amount equal to 1 percent of the		
30	department's, <u>the water management district's</u> or the state		
31	agency's estimate of the total volume of the contract or		

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1 \$5,000, whichever is less, which bond shall be conditioned
2 upon the payment of all costs which may be adjudged against
3 him or her in the administrative hearing in which the action
4 is brought and in any subsequent appellate court proceeding.
5 For protests of decisions or intended decisions of the
6 department pertaining to agencies' requests for approval of
7 exceptional purchases, the bond shall be in an amount equal to
8 1 percent of the requesting agency's estimate of the contract
9 amount for the exceptional purchase requested or \$5,000,
10 whichever is less. In lieu of a bond, the department, the
11 water management district, or state agency may, in either
12 case, accept a cashier's check or money order in the amount of
13 the bond. If, after completion of the administrative hearing
14 process and any appellate court proceedings, the water
15 management district or agency prevails, it shall recover all
16 costs and charges which shall be included in the final order
17 or judgment, excluding attorney's fees. This section shall not
18 apply to protests filed by the Minority Business Advocacy and
19 Assistance Office. Upon payment of such costs and charges by
20 the person protesting the award, the bond, cashier's check, or
21 money order shall be returned to him or her. If the person
22 protesting the award prevails, he or she shall recover from
23 the agency or water management district, all costs and charges
24 which shall be included in the final order of judgment,
25 excluding attorney's fees.

26
27 (Redesignate subsequent sections.)

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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On page 2, line 6, after the semicolon
insert:
amending s. 287.042, F.S.; providing specific
procurement powers for water management
districts;