

Bill No. CS for SB 946

Amendment No. ____

Senate

CHAMBER ACTION

House

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11 Senator Sebesta moved the following amendment:

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13 **Senate Amendment**

14 On page 7, line 15, through page 8, line 15, delete
15 those lines

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17 and insert:

18 4. In any proceeding under this section, the person to
19 whom notice was given ~~department~~ shall be required to prove
20 that there is a substantial ~~it is in the~~ public purpose or
21 interest ~~justifying the removal of the name of~~ **for** the person
22 ~~to whom it has given notice under this section to be placed on~~
23 from the convicted vendor list. Proof of a conviction of the
24 ~~person or that one is an affiliate of such person shall~~
25 ~~constitute a prima facie case that it is in the public~~
26 ~~interest for the person or affiliate to whom the department~~
27 ~~has given notice to be put on the convicted vendor list.~~
28 ~~Prompt payment of damages or posting of a bond, cooperation~~
29 ~~with investigation, and termination of the employment or other~~
30 ~~relationship with the employee or other natural person~~
31 ~~responsible for the public entity crime shall create a~~

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1 ~~rebuttable presumption that it is not in the public interest~~
2 ~~to place a person or affiliate on the convicted vendor list.~~
3 ~~Status as an affiliate must be proven by clear and convincing~~
4 ~~evidence.~~ If the administrative law judge determines that the
5 person was not convicted or is not an affiliate of such
6 person, that person or affiliate shall be removed from ~~not be~~
7 ~~placed on~~ the convicted vendor list.

8 ~~5. Any person or affiliate who has been notified by~~
9 ~~the department of its intent to place his or her name on the~~
10 ~~convicted vendor list may offer evidence on any relevant~~
11 ~~issue. An affidavit alone shall not constitute competent~~
12 ~~substantial evidence that the person has not been convicted or~~
13 ~~is not an affiliate of a person so convicted. Upon~~
14 ~~establishment of a prima facie case that it is in the public~~
15 ~~interest for the person or affiliate to whom the department~~
16 ~~has given notice to be put on the convicted vendor list, that~~
17 ~~person or affiliate may prove by a preponderance of the~~
18 ~~evidence that it would not be in the public interest to put~~
19 ~~him or her on the convicted vendor list, based upon evidence~~
20 ~~addressing the factors in subparagraph 3.~~

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