



511836

LEGISLATIVE ACTION

Senate

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House

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The Committee on Community Affairs (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Before line 15

insert:

Section 1. Subsection (5) of section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; accounting; when competitive bidding required.—

(5) (a) For contracts in excess of \$250,000, any county may require that persons interested in performing work under the



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11 contract first be certified or qualified to do the work. Any  
12 contractor prequalified and considered eligible to bid by the  
13 department to perform the type of work described under the  
14 contract shall be presumed to be qualified to perform the work  
15 so described. In establishing qualification criteria, a county  
16 may not impose more stringent qualification standards than such  
17 standards required by the Department of Transportation for the  
18 type of work to be performed under the contract. Any contractor  
19 may be considered ineligible to bid by the county if the  
20 contractor is behind an approved progress schedule by 10 percent  
21 or more on another project for that county at the time of the  
22 advertisement of the work. The county may provide an appeal  
23 process to overcome such consideration with de novo review based  
24 on the record below to the circuit court.

25 (b) The county shall publish prequalification criteria and  
26 procedures prior to advertisement or notice of solicitation. In  
27 establishing prequalification criteria, a county may not impose  
28 more stringent standards than such standards required by the  
29 Department of Transportation to perform the type of work  
30 described in the advertisement or notice of solicitation. Such  
31 publications shall include notice of a public hearing for  
32 comment on such criteria and procedures prior to adoption. The  
33 procedures shall provide for an appeal process within the county  
34 for objections to the prequalification process with de novo  
35 review based on the record below to the circuit court.

36 (c) The county shall also publish for comment, prior to  
37 adoption, the selection criteria and procedures to be used by  
38 the county if such procedures would allow selection of other  
39 than the lowest responsible bidder. The selection criteria shall



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40 include an appeal process within the county with de novo review  
41 based on the record below to the circuit court.

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

44 And the title is amended as follows:

45 Delete line 2

46 and insert:

47 An act relating to public works projects; amending s.  
48 336.41, F.S.; providing limitations with respect to  
49 qualification and prequalification criteria that a  
50 county may require in connection with certain road and  
51 bridge construction and reconstruction projects;  
52 providing