

SUMMARY OF CHANGES IN CHAPTER 120
1990 LEGISLATIVE SESSION

Four laws were enacted during the 1990 Legislative Session making changes to Chapter 120, Florida Statutes: Chapter 90-51, Chapter 90-136, Chapter 90-283, Chapter 90-302, Laws of Florida.

The following summary of change was prepared by the House Commerce and Small Business and Economic Development Committees.

Chapter 90-51, Laws of Florida

Effective October 1, 1990, Committee Substitute for Senate Bill 916 (Chapter 90-51) authorizes the Department of Banking and Finance to prohibit persons convicted of money laundering from participating in the affairs of a financial institution by revision of various provisions of Chapters 655, 657, 658, 663 and 665, F.S. The act further authorizes the Department to disallow illegally obtained assets from the capitalization requirements for financial institutions.

The law amended Chapter 120.60(5)(a)2., F.S., Licensing. - by adding the following language:

(5) In proceedings for the issuance, denial, renewal, or amendment of a license or approval of a merger pursuant to title XXXVIII:

(a)l. The Department of Banking and Finance shall have published in the Florida Administrative Weekly notice of the application within 21 days of receipt.

2. Within 21 days of publication of notice, any person may request a hearing, which upon request shall be conducted pursuant to s. 120.57 except that the Department of Banking and Finance shall by rule provide for participation by the general public; however, the failure to request a hearing within 21 days of publication of notice shall constitute waiver of any right to a hearing, except that the Department of Banking and Finance or an applicant may request a hearing at any time prior to the issuance of a final order.

The following summary of change was prepared by the Senate Transportation Committee:

Chapter 90-136, Laws of Florida

Committee Substitute for Senate Bill 1316 (Chapter 90-136) requires the Department of Transportation to develop the Florida Intrastate Highway System Plan to delineate a statewide system of limited-access facilities and controlled access facilities. The system must consist of the following primary components: interstate highways; the Florida Turnpike System; interregional and intercity limited-access facilities; existing interregional and intercity arterial

highways previously upgraded, or upgraded in the future to controlled access facility standards; and new limited-access facilities necessary to complete a balanced statewide system.

The law amended Chapter 120.53(5)(a)3., F.S., Adoption of rules of procedure and public inspection. - as follows:

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.301-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

(a) The agency shall provide notice of its decision or intended decision concerning a bid solicitation or a contract award as follows:

1. For a bid solicitation, notice of a decision or intended decision shall be given by United States mail or by hand delivery.

2. For any decision of the Division of Purchasing of the Department of General Services concerning a request by an agency for approval of an exceptional purchase under part I of chapter 287 and the rules of the Division of Purchasing, notice of a decision or intended decision shall be given by posting such notice in the office of the Division of Purchasing.

3. For any other agency decision, notice of a decision or intended decision shall be given either by posting the bid tabulation at the location where the bids were opened or by certified United States mail or other express delivery service, return receipt requested.

The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

The following summary of change was prepared by the Senate Transportation Committee:

Chapter 90-283, Laws of Florida

Committee Substitute for House Bill 607 (Chapter 90-283) amends Section 120.57, F.S., to mandate that hearings held by the Division of Florida Highway Patrol to suspend or remove a wrecker operator from participating in the wrecker rotation system be conducted by a hearing officer approved by the division director.

The amendment to Chapter 120.57(1)(a)9, F.S., Formal Proceedings. - amends the subsection by adding a new subsection as follows:

(1) FORMAL PROCEEDINGS. -

(a) A hearing officer assigned by the division shall conduct all hearings under this subsection, except for:

9. Hearings held by the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles to deny, suspend, or remove a wrecker operator from participating in the wrecker rotation system established by s. 321.051. Such hearings shall be held by a hearing officer appointed by the director of the Division of Florida Highway Patrol.

The following summary was prepared by the Senate Higher Education Committee:

Chapter 90-302, Laws of Florida

Major vehicles for the substantive postsecondary legislation that passed during the 1990 Regular Session. Summaries of the provisions of these acts and other related measures are discussed in the following sections under the appropriate subheadings.

Department of General Services Bidding

Committee Substitute for Committee Substitute for House Bill 1325 (Chapter 90-302) amends Section 120.53, F.S., to set time limits for protesting the specifications contained in an invitation to bid on a contract or in a request for proposals. The current policy of the Department of General Services is placed in statute.

The amendment to 120.53(5)(b), F.S., Adoption of rules of procedure and public inspection. - is as follows:

(5) An agency which enters into a contract pursuant to the provisions of ss. 282.301-282.313, chapter 255, chapter 287, or chapters 334-349 shall adopt rules specifying procedures for the resolution of protests arising from the contract bidding process. Such rules shall at least provide that:

The notice required by this paragraph shall contain the following statement: "Failure to file a protest within the time prescribed in s. 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

(b) Any person who is affected adversely by the agency decision or intended decision shall file with the agency a notice of protest in writing within 72 hours after the posting of the bid tabulation or after receipt of the notice of the agency decision or intended decision and shall file a formal written protest within 10 days after the date he filed the notice of protest. With respect to a protest of the specifications contained in an invitation to bid or in a request for proposals, the notice of protest shall be filed in writing within 72 hours after the receipt of notice of the project plans and specifications or intended project plans and specifications in an invitation to bid or request for proposals, and the formal written protest shall be filed within 10 days after the date the notice of protest is filed. Failure to file a notice of protest or failure to file

a formal written protest shall constitute a waiver of proceedings under this chapter. The formal written protest shall state with particularity the facts and law upon which the protest is based.

Reenacting ss. 24.109(2), 120.54(10), 120.68(8), 287.042(2), 325.208(1), F.S.