

# CHAPTER 83-217

## Senate Bill No. 873

An act relating to the Florida Statutes; amending ss. 7.64, 13.01(2), 15.09(1)(b), 23.1225(2), 27.37(6)(b), 28.101, 39.41(3)(c), 72.011(4)(a), 83.57, 100.361(1)(a), 101.251(3), 101.35(2), (6), 101.56, 101.5612(1), 106.025(1)(a), 106.15(2), 111.012(2)(b), 112.05(2)(e), 120.53(5)(a), 121.052(1)(g), 121.101(1), (3), (4), 154.238, 154.41(2), 159.414, 159.494, 175.351(10), 177.031(10), 177.36, 190.012(3)(b), 192.091(2)(c), (4), 196.121(2), 201.132(2), 206.445, 206.945, 207.002(8), 207.004(1), (2), (5)(a), (b), 207.005(1), 207.023, 213.22(1), 215.37(2), 215.65(1), 215.84(2)(b), (7), 216.121, 218.31(1), 230.2317(4), 232.032(3)(d), (6), 234.01, 234.211(2)(a), 235.222, 235.34(1), 235.42(3), 236.081(1)(g), (4), (5), (6)(b), 238.171(3)(c), 240.319(3)(t), 240.343(2), 240.355, 240.405(1), (2), 242.331(1), (4), (5)(c), (e), 253.12(4), 253.55(3), 255.043(2), (3), 258.081, 265.138, 265.286(4), (5), 265.32(7)(f); 267.031(1), (4), 267.042(1)(d), 280.04(2)(a), 280.13(1)(c), (g), 280.14(1)(c), (g), and 295.02, Florida Statutes, and ss. 16.54(4), 20.03(12), 83.49(2), (7), 83.56(1), (2), (6), 83.759(1)(c), 83.7605(3), 83.795(3), 83.805, 103.121(5), 104.0515(1), 110.203(26), 112.3185(5), 121.0515(7)(b), 129.201(1), (3), (9), 129.202(1)(c), (d), 162.07(4), 163.01(7)(c), (15)(e), (f), (k), 166.232(2), 192.001(5), (16), 193.1142(1), (4)(a), 193.122(6), 194.171(4), 197.0134, 200.001(4)(a), (5), (8)(g), 200.065(2)(e), (3)(j), 200.091, 212.03(3), (7), 212.031(1)(d), (3), 212.04, 212.12(7)(c), (10)(g), (11)(h), 212.18(3), 213.053(2), 213.06, 215.50(5), 218.369, 218.37(3)(b), 218.60(3), 218.63(3)(e), (4), 220.182(13), 221.01(1)(b), 221.04(1), 231.02, 231.085, 231.29(3), 232.277, 233.0671(3), 235.196(2)(a), (3), 235.31(1), 235.435(4), 240.295(2)(a), 240.402(1)(c), (2)(b), 240.48(4)(k), 240.485, 240.488(4), 246.085(1)(b), 246.151, 253.123(3)(d), 287.042(4)(f), 290.002(1)(g), 290.035(1)(a), and 292.04(1)(a), (2)(b), (3)(a), Florida Statutes (1982 Supplement); repealing ss. 20.30(9), 220.25, and 229.85, Florida Statutes; and reenacting s. 175.361(4), Florida Statutes 1979, s. 117.01(3), (4), (5), Florida Statutes, and ss. 28.241(1) and 195.099, Florida Statutes (1982 Supplement), pursuant to s. 11.242, Florida Statutes; deleting provisions which have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the clarity of the statutes and facilitating their correct interpretation; correcting errors in the editing, publishing, and printing of the Florida Statutes; and confirming the restoration of provisions inadvertently omitted from republication in the amendatory process.

Be It Enacted by the Legislature of the State of Florida:

Section 34. Paragraph (a) of subsection (5) of section 120.53, Florida Statutes, is amended to read:

120.53 Adoption of rules of procedure and public inspection.—

(5) An agency which enters into a contract pursuant to the provisions of part II of chapter 23, 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 ~~sent~~ by United States mail or by hand delivery.

2. 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, 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."

Note.--Amended to improve clarity by conforming the terminology to that of subparagraph 2.