

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

LIFE INSURANCE COMPANY
OF THE SOUTHWEST, d/b/a
NATIONAL LIFE GROUP,

Petitioner,

vs.

DOAH Case No. 19-5140 BID
SSBM 06-23-2020-1

BROWARD COUNTY SCHOOL BOARD,

L.T. Case No. RFP FY20-013

Respondent,

and

AXA EQUITABLE LIFE INSURANCE
COMPANY,

Intervenor.

FINAL ORDER

THIS CAUSE coming on to be heard before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (hereafter referred to as "THE SCHOOL BOARD") at its special meeting conducted on June 23, 2020, to consider the Recommended Order filed on March 24, 2020 by June C. McKinney, Administrative Law Judge of the State of Florida Division of Administrative Hearings consisting of Findings of Fact, Conclusions of Law, and a Recommendation; the Petitioner LIFE INSURANCE COMPANY OF THE SOUTHWEST, d/b/a NATIONAL LIFE GROUP's (hereafter referred to as "Petitioner" or "LSW") Exceptions to Recommended Order (filed on April 3, 2020); Respondent SBBC and Intervenor AXA/EQUITABLE's Amended Response to Exceptions filed by the Petitioner LSW (filed on April 28, 2020); Respondent School Board's Amended Motion to Award Costs (filed on April 28, 2020); Costs Affidavit and Supplemental Costs filed by THE SCHOOL BOARD (filed on April 28, 2020);, and having considered the record, and THE SCHOOL BOARD being fully advised in the Premises:

IT IS THEREUPON Ordered and Adjudged as Follows:

1. From a review of the entire record and, in particular, a review of Sections 5.2 and 5.3 of the RFP; Paragraph 146 of the Recommended Order is modified to correct scrivener's errors that (1) typed "RPF 20" instead of "RFP 20"; and (2) typed "Section 5.2 of the RFP" instead of "Section 5.3 of the RFP."

2. Petitioner LSW's Exception to Paragraphs 146 and 147 of the Recommended Order is rejected as the findings of fact contained in those paragraphs are supported by competent substantial evidence and as the Conclusions of Law contained in those paragraphs are not ones over which THE SCHOOL BOARD has substantive jurisdiction nor do they interpret any administrative rules over which THE SCHOOL BOARD has substantive jurisdiction.

3. Subject only to the correction of scrivener's errors referenced in Paragraph 1 of this Final Order, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA accepts, approves and adopts in their entirety the Findings of Fact, Conclusions of Law and Recommendation contained in the Recommended Order and, on behalf of the Superintendent's Insurance Advisory Committee, dismisses the protest of Petitioner LIFE INSURANCE COMPANY OF THE SOUTHWEST, d/b/a NATIONAL LIFE GROUP.

4. The Respondent THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA is awarded costs which THE SCHOOL BOARD finds had a meaningful purpose in the defense of these proceedings in the amount of \$34,699.67¹ against Petitioner LIFE INSURANCE COMPANY OF THE SOUTHWEST, d/b/a NATIONAL LIFE GROUP.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 16th day of July ~~June~~, 2020.

¹ During the Special Meeting on June 23, 2020, The School Board awarded Costs in the amount of \$34,810.92. However, the actual Costs are \$34,699.67, as stated in Respondent School Board's Amended Motion to Award Cost, dated April 29, 2020.

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By 
Donna-P. Korn, Chair

APPEAL OF FINAL ORDER

THIS FINAL ORDER may be appealed by filing notices of appeal and a filing fee, as set out in Section 120.68(2), Florida Statutes, and Rules 9.110(b) and (c), Florida Rules of Appellate Procedure, within thirty (30) days of the entry of this Final Order.

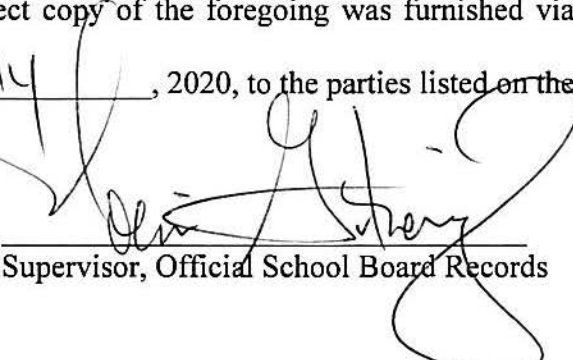
Filed in Official School Board Records the
16th day of July, 2020.


Supervisor, Official School Board Records

S:/v/allwork-use/bidprotests/LSW19-5140/pleadings/finalorder5

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via electronic mail on this 17th day of July, 2020, to the parties listed on the below Service List.


Supervisor, Official School Board Records

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