

<b>Tab 1</b>	<b>CS/SB 64</b> by <b>TR, Hooper</b> ; (Compare to CS/CS/H 00425) Department of Transportation					
446124	D	S	RCS	ATD, Hooper	Delete everything after	03/08 12:29 PM
<b>Tab 2</b>	<b>CS/SB 198</b> by <b>TR, DiCeglie</b> ; (Similar to CS/H 00155) Tampa Bay Area Regional Transit Authority					
<b>Tab 3</b>	<b>CS/SB 370</b> by <b>TR, Brodeur</b> ; Electronic Motor Vehicle Registration Certificates					

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS COMMITTEE ON TRANSPORTATION,**  
**TOURISM, AND ECONOMIC DEVELOPMENT**  
**Senator Hooper, Chair**  
**Senator Trumbull, Vice Chair**

**MEETING DATE:** Wednesday, March 8, 2023  
**TIME:** 8:30—10:30 a.m.  
**PLACE:** *Toni Jennings Committee Room, 110 Senate Building*

**MEMBERS:** Senator Hooper, Chair; Senator Trumbull, Vice Chair; Senators Collins, DiCeglie, Grall, Perry, Polsky, Powell, Stewart, Thompson, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 64</b> Transportation / Hooper (Compare CS/H 425)	Department of Transportation; Revising the definition of the term "certified for use" in regard to permissible use of aggregates; requiring that contracts let by the department for performance of bridge construction or maintenance over navigable waters contain certain insurance requirements; revising the calculation of a certain settlement paid to a nonselected responsive bidder which requires the department to maintain certain records and provide certain notices to the Legislature and the Attorney General; increasing the proposed budget estimates of construction contracts for which an applying contractor may submit certain financial statements, etc.  TR     02/21/2023 Fav/CS ATD    03/08/2023 Fav/CS FP	Fav/CS Yeas 11 Nays 0
2	<b>CS/SB 198</b> Transportation / DiCeglie (Similar CS/H 155)	Tampa Bay Area Regional Transit Authority; Repealing provisions relating to the creation and operation of the authority; dissolving the authority and requiring the authority to perform specified activities, etc.  TR     02/07/2023 Fav/CS ATD    03/08/2023 Favorable AP	Favorable Yeas 11 Nays 0
3	<b>CS/SB 370</b> Transportation / Brodeur	Electronic Motor Vehicle Registration Certificates; Authorizing a uniform paper or electronic format of the registration certificate for a motor vehicle; prohibiting an officer or agent from accessing certain information upon presentation of an electronic registration certificate on an electronic device, etc.  TR     02/21/2023 Fav/CS ATD    03/08/2023 Favorable FP	Favorable Yeas 11 Nays 0

Other Related Meeting Documents

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

3/8/23

Meeting Date

SB 64

Bill Number or Topic

TED Approps

Committee

446124

Amendment Barcode (if applicable)

Name Carolyn Johnson

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Tallahassee

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Chamber of Commerce

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/CS/SB 64

INTRODUCER: Appropriations Committee on Transportation, Tourism, and Economic Development,  
Transportation Committee and Senator Hooper

SUBJECT: Department of Transportation

DATE: March 10, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Fav/CS</b>
2.	Nortelus	Jerrett	ATD	<b>Fav/CS</b>
3.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 64 contains various provisions relating to the Florida Department of Transportation (FDOT). The bill:

- Requires the FDOT to coordinate with specified entities to establish standards by which the State Highway System roads will be graded according to their compatibility with the operation of autonomous vehicles and requires incorporation of the grading standards into standards for specified transportation projects.
- Codifies the existing Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies Living Lab, provides its minimal duties, requires a specified annual report, and creates an advisory board.
- Prohibits a producer from certifying any shipment of aggregates to a customer other than the FDOT unless such shipment is in compliance with the FDOT's rules, requires producer certification of aggregates in accordance with the FDOT's rules, provides that an electronic ticket generated by a system used by the FDOT serves as an official record for material deliveries on local government projects, and prohibits a local government from refusing to accept electronic tickets.
- Requires each contract let by the FDOT for performance of bridge construction or maintenance over navigable waters to contain a provision requiring marine general liability insurance, in an amount determined by the FDOT, which covers third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work.

- Requires the FDOT to implement strategies to reduce the cost of all project phases while ensuring the design and construction of project meet applicable federal and state standards, and to track such strategies and the projected savings to be realized therefrom.
- Authorizes the FDOT to share a portion of the construction cost savings realized due to a change in the construction contract design and scope, initiated after execution of the contract, with a design services consultant or a construction engineering and inspection services consultant to the extent that the consultant's input and involvement contributed to such savings, not to exceed ten percent of the construction cost savings realized.
- Clarifies that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT's legislatively approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement.
- Revises authorization for an applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of \$2 million (rather than \$1 million) to submit reviewed (rather than audited, certified) annual or reviewed interim financial statements prepared by a certified public accountant.
- Authorizes an applicant for an FDOT contractor certificate of qualification to submit with a timely submitted application a request to keep an existing certificate, with the current maximum capacity rating, in place until the expiration date.
- Repeals a current provision of law providing temporary confidential and exempt status from public records requirements for a document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the FDOT.
- Repeals a provision prohibiting the FDOT from requesting legislative approval of a proposed turnpike project until the design phase of that project is at least thirty percent complete.
- Requires the FDOT to allocate \$5 million to the workforce development program beginning in the 2023-24 fiscal year and annually thereafter for five years.

Aside from the allocation for the workforce development program, the fiscal impact of the bill is indeterminate. Please see the "Fiscal Impact Statement" heading.

The bill takes effect July 1, 2023.

## **II. Present Situation:**

For ease of organization and readability, the present situation is discussed below in conjunction with the effect of the proposed changes.

### III. Effect of Proposed Changes:

#### State Highway System Grading Standards for Autonomous Vehicles (Section 1)

##### *Present Situation*

The term “autonomous vehicle” is defined in Florida law to mean any vehicle equipped with an automated driving system.<sup>1</sup> An “automated driving system” is the hardware and software that are collectively capable of performing the entire dynamic driving task<sup>2</sup> of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain.<sup>3</sup> A “fully autonomous vehicle” means a vehicle equipped with an automated driving system designed to function without a human operator.<sup>4</sup>

These vehicles are equipped with advanced sensors, such as radar, LiDAR,<sup>5</sup> or cameras, and computing abilities that perceive surroundings and activate steering, braking, and acceleration actions without operator input.<sup>6</sup> All autonomous vehicles are not “fully” autonomous and may require operator input for some or all driving functions.<sup>7</sup>

Roads on the State Highway System<sup>8</sup> (SHS) are not currently categorized or graded according to their compatibility with autonomous vehicles.

##### *Effect of Proposed Changes*

The bill creates s. 316.83, F.S., requiring the FDOT to coordinate with federal, regional, and local partners, as well as industry representatives, to establish standards by which roads on the SHS must be graded according to their compatibility with the operation of autonomous vehicles. In establishing such standards, the bill requires the FDOT to consider factors including, but not limited to, the structural adequacy and safety of each road and the particular challenges that the overall driving environment of each road may present to a *fully* autonomous vehicle operating with the automated driving system engaged. These standards must be incorporated into the

<sup>1</sup> Section 316.003(3)(a), F.S.

<sup>2</sup> Meaning all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling and selection of destinations and waypoints. Section 316.003(3)(b), F.S.

<sup>3</sup> Section 316.003(3), F.S.

<sup>4</sup> Section 316.003(3)(c), F.S. All autonomous vehicles are not “fully” autonomous. For a review of six levels of driving autonomy defined by the Society of Automotive Engineers, see [synopsys.com](https://synopsys.com), *The 6 Levels of Vehicle Autonomy Explained*, available at [The 6 Levels of Vehicle Autonomy Explained | Synopsys Automotive](https://synopsys.com) (last visited March 9, 2023.)

<sup>5</sup> LiDAR (Light Detection and Ranging) is a ranging device that measures the distance to a target, by sending a short laser pulse and recording the time lapse between the outgoing light pulse and the detection of the reflected light pulse. See [synopsys.com](https://synopsys.com), *What is LiDAR*, available at [What is LiDAR and How Does it Work? | Synopsys](https://synopsys.com) (last visited March 9, 2023).

<sup>6</sup> See FDOT, *Florida’s Connected and Automated Vehicle (CAV) Initiative*, available at [The Florida Connected Vehicle Initiative \(fdot.gov\)](https://fdot.gov) (last visited March 9, 2023).

<sup>7</sup> For a review of six levels of driving autonomy defined by the Society of Automotive Engineers, see [synopsys.com](https://synopsys.com), *The 6 Levels of Vehicle Autonomy Explained*, available at [The 6 Levels of Vehicle Autonomy Explained | Synopsys Automotive](https://synopsys.com) (last visited March 9, 2023.)

<sup>8</sup> “State Highway System” means the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the **State Highway System**, plus roads transferred to the state’s jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state’s jurisdiction. Section 334.03(24), F.S.

FDOT's standards for transportation projects involving the construction or new roads or maintenance of existing roads on the SHS.

### **Implementing Solutions from Transportation Research and Evaluating Emerging Technologies (I-STREET) Living Lab (Section 2)**

#### ***Present Situation***

Various centers and institutes within the State University System are codified in Florida law, including the Florida Industrial and Phosphate Research Institute at Florida Polytechnic University,<sup>9</sup> the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida,<sup>10</sup> the Louis de la Parte Florida Mental Health Institute at the University of South Florida,<sup>11</sup> the Florida Institute for Child Welfare at Florida State University,<sup>12</sup> and the Center for Urban Transportation Research (CUTR) at the University of South Florida (USF).<sup>13</sup>

CUTR's responsibilities include, but are not limited to, conducting and facilitating research on issues related to urban transportation problems in this state and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.<sup>14</sup>

CUTR serves as a continuing resource for the Legislature, the FDOT, local governments, the nation's metropolitan regions, and the private sector in the area of urban transportation and related research and must generate support in addition to its state-funded support. CUTR must promote intercampus transportation and related research activities among Florida's universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.<sup>15</sup>

CUTR's advisory board must periodically and objectively review and advise the center concerning its research program. Except for projects mandated by law, CUTR may not undertake state-funded base projects without advisory board approval. CUTR's advisory board consists of nine experts in transportation-related areas, including the secretaries of the FDOT, the Department of Environmental Protection, and the Department of Economic Opportunity, or their designees, and a member of the Florida Transportation Commission.<sup>16</sup> The remaining five members of the board are nominated by the President of USF, as submitted by USF's College of Engineering, and these appointments are reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors.<sup>17</sup>

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<sup>9</sup> Section 1004.346, F.S.

<sup>10</sup> Section 1004.43, F.S.

<sup>11</sup> Section 1004.44, F.S.

<sup>12</sup> Section 1004.615, F.S.

<sup>13</sup> Section 334.065, F.S.

<sup>14</sup> Section 334.065(1), F.S.

<sup>15</sup> Section 334.065(2), F.S.

<sup>16</sup> See Florida Transportation Commission, *About Us*, available at <http://www.ftc.state.fl.us/aboutus.shtm> (last visited March 9, 2023). See also s. 20.23(2), F.S.

<sup>17</sup> Section 334.065(3), F.S.

Similar in its transportation focus, but not codified, is the University of Florida's (UF's) I-STREET Living Lab. I-STREET, the FDOT, the City of Gainesville, and others have partnered to advance the I-STREET's principal objective, which is to make significant improvements to transportation safety and mobility, using a real-world testbed environment on and surrounding the UF campus in the context of expanding, diverse technology installed on Florida segments of the Interstate Highway System. According to the FDOT:

I-STREET is designed to assist in implementing emerging technologies aimed at safety and mobility improvements. The FDOT will develop requests for proposals (RFPs) utilizing the emerging technologies and will select vendors through a competitive bidding process. The selected vendor for each project will deploy technology solutions. The University of Florida will conduct before-and-after evaluations of implemented projects. After evaluation, the FDOT will consider whether to expand the successful I-STREET projects elsewhere in the state.

The FDOT has allocated funding for these innovative projects per fiscal year (FY) from FY 21 until FY 25. Each FY, the FDOT will fund multiple projects based on the projects' merits and safety and mobility improvement potential. The number of awards will vary depending on the project type and scope.<sup>18</sup>

### ***Effect of Proposed Changes***

The bill creates s. 334.066, F.S., codifying the I-STREET Living Lab and providing I-STREET's minimum duties, which are to:

- Conduct and facilitate research on issues related to innovative transportation mobility and safety technology development and deployment in this state and serve as an information exchange and depository for the most current information pertaining to transportation research, education, workforce development, and related issues.
- Be a continuing resource for the Legislature, the FDOT, local governments, the nation's metropolitan regions, and the private sector in the area of transportation and related research.
- Promote intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.
- Provide by July 1, 2024, and each July 1 thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report that outlines I-STREET's clearly defined goals and its efforts and progress on reaching those goals.

The bill creates an advisory board to periodically review and advise I-STREET concerning its research program. The board consists of nine members with expertise in transportation-related areas, including:

- A member appointed by the President of the Senate.
- A member appointed by the Speaker of the House of Representatives.

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<sup>18</sup> FDOT, *UF I-Street*, available at [UF I-STREET \(fdot.gov\)](https://fdot.gov/i-street) (last visited January 14, 2020). For a listing of completed and active projects and a map, see UF, *I-STREET Projects*, available at [I-STREET Projects - I-STREET \(ufl.edu\)](https://i-street.projects.ufl.edu) (last visited March 9, 2023).



- The Secretary of Transportation or his or her designee.
- The Secretary of Economic Opportunity or his or her designee.
- A member of the Florida Transportation Commission.
- Four members nominated by UF's College of Engineering and approved by UF's president. These nominees may include representatives of UF, other academic and research institutions, or private entities.

### **Construction Aggregates and Material Deliveries (Sections 3 and 4)**

#### ***Present Situation***

The FDOT is currently authorized to adopt rules relating to approval of aggregate<sup>19</sup> and other material sources.<sup>20</sup> Pursuant to that authorization, the FDOT has adopted rules relating to construction aggregates,<sup>21</sup> setting out a standardized method for producers of construction aggregates to apply for, receive, and maintain FDOT approval of construction aggregate sources for use on FDOT projects. The FDOT's primary methods of determining acceptability of aggregate are source and product approval, and maintenance of an on-going quality control program as monitored by the FDOT.<sup>22</sup>

Under the rule, a quality control program requires *producers* of construction materials to:

- Be responsible for their products;
- Establish, maintain, and implement their own individualized process control system; and
- Certify to the FDOT compliance of their product with the applicable standards and contract specifications.<sup>23</sup>

Approval of a source and implementation of a quality assurance program by the FDOT does not relieve the producer of responsibility for compliance with the producer's quality control program, nor of shipping aggregate that meet specifications.<sup>24</sup> Contractors must transport and handle aggregate in a manner that precludes significant variation in the properties of the aggregate, and the rule recites the FDOT's reservation of the right to test all aggregate at the point of use or at the project site to determine acceptability for use according to contract specifications.<sup>25</sup>

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<sup>19</sup> Generally speaking, aggregate materials are mined resources that provide the basic material for concrete, asphalt, and road base. Rule 14-103.003(3), F.A.C., defines the term "aggregate" to mean a granular construction material such as sand, limerock, limestone, gravel, shell, slag, and crushed stone; manufactured materials such as shales, slates, and clays; and recycled material such as crushed concrete used as specified, or for other construction materials and uses not yet developed, but which may have potential usage by the FDOT.

<sup>20</sup> Section 334.044(10)(d), F.S. The FDOT may enter into agreements with private or public entities that will provide reliable and economic supplies of construction aggregate materials and control time and cost increases on construction projects. Section 337.026, F.S.

<sup>21</sup> Rule Chapter 14-103, F.A.C. Section 334.179, F.S., prohibits local governments from adopting standards or specifications that are in conflict with the FDOT's standards or specifications for permissible use of aggregates that have been certified for use.

<sup>22</sup> Rule 14-103.002(1), F.A.C.

<sup>23</sup> Rule 14-103.002(2), F.A.C.

<sup>24</sup> Rule 14-103.002(3), F.A.C.

<sup>25</sup> *Id.*

Under the FDOT's rules, to "certify" means that the producer affixes the statement "CERTIFIED FOR FDOT" or "CERT. FOR FDOT" to a shipping ticket to attest that the subject aggregate shipment was produced and shipped under an FDOT-approved quality control program and for which quality control tests indicate that the subject aggregate meets the FDOT's specifications and quality and uniformity requirements.<sup>26</sup> Certification must be made at the time of shipment when the weight of material is recorded on the shipping ticket.<sup>27</sup>

According to the Federal Highway Administration (FHWA), "massive amounts of valuable data" are produced by highway construction projects and, historically, such information was communicated via paper. The sole use of paper tickets, such as aggregate shipping tickets collected from truck drivers documenting the weight of every load of materials delivered to a project site "is cumbersome, inefficient, and outdated."<sup>28</sup> Electronic ticketing, known as "e-Ticketing" in the industry, "is a market-ready digital innovation that automates the recording and transfer of information in real time for materials as they are moved from the plant to the job site."<sup>29</sup>

The FTBA advises that a small number of local governments are refusing to accept electronic shipping tickets and are continuing to require paper shipping tickets.<sup>30</sup>

### ***Effect of Proposed Changes***

The bill amends s. 334.179, F.S., to prohibit a producer from certifying any shipment of aggregates to a customer other than the FDOT unless such shipment is in compliance with the FDOT's rules. This appears to be a restatement of current law, as aggregate shipments must be certified by a producer in accordance with Rule Chapter 14-103, F.A.C., the FDOT's legislatively authorized rule.

In addition, notwithstanding the provisions of s. 334.179, F.S., the bill requires producer certification of aggregates in accordance with rules adopted pursuant to s. 334.044(10), F.S., which is again the same rule chapter.

The bill also creates s. 334.180, F.S., providing that an electronic ticket generated by a system used by the FDOT serves as an official record for material deliveries on local government

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<sup>26</sup> Rule 14-103.003(5), F.A.C. Section 334.179, F.S., defines the term "certified for use" as meaning the aggregates have been certified by the producer in accordance with FDOT rules.

<sup>27</sup> Rule 14-103.004(5)(e), F.A.C. A different process is used for direct shipment from a mine through a redistribution terminal (a physical operation at a fixed location, not including the point of production, where aggregates are received from one or more approved sources, recombined from discrete haul units into common storage units, then redistributed for resale to more than one point of use). See Rule 14-103.004(5)(g), F.A.C. However, shipping tickets are also required, and a given shipping ticket must reference the producer's ticket number (bill of lading) from the mine.

<sup>28</sup> See [highways.dot.gov, e-Ticketing Implementation Plan](https://highways.dot.gov/e-Ticketing-Implementation-Plan), December 2021, available at [FHWA-HRT-22-045: e-Ticketing Implementation Plan \(dot.gov\)](https://www.fhwa.gov/publications/2022/045/e-Ticketing-Implementation-Plan-dot.gov), at p. 3. (last visited February 2, 2023).

<sup>29</sup> *Id.*

<sup>30</sup> Conversation with the FTBA December 20, 2022. The FDOT's Standard Specifications for Road and Bridge Construction FY 2023-24 authorize its contractors to use either a paper ticketing system or an electric ticketing (E-ticketing) system. See 320-3.2.1, p. 273 of 1299, available at [fy2023-24ebook.pdf \(windows.net\)](https://www.fdot.com/files/2023-24ebook.pdf) (last visited February 15, 2023).

projects. Notwithstanding any law, rule, or ordinance to the contrary, a local government is prohibited from refusing to accept such electronic ticket.

## **FDOT Contractor Insurance Requirements (Section 5)**

### ***Present Situation***

Each contract let by the FDOT requires the contractor to indemnify and hold harmless the FDOT, its officers, and employees from any liabilities, damages, losses, and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the contractor and persons employed or used by the contractor in performance of the construction contract.<sup>31</sup> The FDOT's contractors are also required to carry commercial general liability insurance, with limits not less than \$1 million for each occurrence and not less than a \$5 million annual general aggregate, with additional requirements for construction adjacent to railroad tracks and certain utility facilities.<sup>32</sup>

In September of 2020, during the high winds and seas of Hurricane Sally, the Pensacola Bay Bridge suffered severe damage after multiple barges used by the FDOT's contractor in the bridge's construction broke free of their moorings and struck the bridge.<sup>33</sup> The FDOT closed the bridge to all traffic until May of 2021.<sup>34</sup> Claims were filed by businesses, homeowners, governments, and others claiming direct loss.

The contractor, citing the federal Limitation of Liability Act of 1851 (the Act),<sup>35</sup> sought to limit its liability to the value of the barges that actually caused damage to the bridge (approximately \$1.43 million).<sup>36</sup> A federal court judge subsequently ruled that the contractor was negligent in its preparations ahead of Hurricane Sally<sup>37</sup> and was not entitled to the limitation of liability contained in the Act.<sup>38</sup>

### ***Effect of Proposed Changes***

The bill creates s. 337.11(15), F.S., requiring each contract let by the FDOT for performance of bridge construction or maintenance over navigable waters to contain a provision requiring

<sup>31</sup> FDOT, *Standard Specifications for Road and Bridge Construction, FY 2023-24*, Section 7-12.1, available at [fy2023-24ebook.pdf \(windows.net\)](#) (last visited February 1, 2023).

<sup>32</sup> *Id.* at 7-13.2, 7-13.3, and 7-13.4.

<sup>33</sup> See FDOT, *Pensacola Bay Bridge Updates and FAQ*, available at [Pensacola Bay Bridge FAQ \(fdot.gov\)](#), for additional details (last visited February 1, 2023).

<sup>34</sup> Pensacola New Journal, *Pensacola Bay Bridge finally open after 8-month closure; drivers can expect some delays*, Kennedy, E., May 28, 2021, available at [Pensacola Bay Bridge reopened after Skanska barges damaged during hurricane \(pnj.com\)](#) (last visited February 1, 2023).

<sup>35</sup> 46 U.S.C. s. 30501, et. seq. Generally, the Act applies to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats and barges. 46 U.S.C. s. 30502. Under the Act, the liability of the owner of a vessel for specified claims, debts, or liabilities may not exceed the value of the vessel and pending freight. 46 U.S.C. s. 30505(a).

<sup>36</sup> Construction Dive, *Skanska wins key ruling in Pensacola bridge case*, Bousquin, J., August 3, 2021, available at [Skanska wins key ruling in Pensacola bridge case | Construction Dive](#) (last visited February 1, 2023).

<sup>37</sup> NorthEscambia.com, *Skanska Loses Federal Lawsuit Over Hurricane Sally Barge Damage*, December 29, 2021, available at [Skanska Loses Federal Lawsuit Over Hurricane Sally Barge Damage: NorthEscambia.com](#) (last visited February 1, 2023).

<sup>38</sup> Pensacola News Journal, *Skanska loses Hurricane Sally trial. Judge finds company negligent for failing to prepared*, Kennedy, E., December 29, 2021, available at [Skanska trial: Judge sides with claimants in Hurricane Sally case \(pnj.com\)](#) (last visited February 1, 2023).

marine general liability insurance, in an amount determined by the FDOT, that covers third-party personal injury and property damage caused by vessels used by the contractor in the performance of the work.

### **Project Cost-Reduction Strategies and Cost Savings Sharing (Section 5)**

#### ***Present Situation***

The FDOT is required to periodically review its construction, design, and maintenance standards to ensure that such standards are cost-effective and consistent with applicable federal regulations and state law.<sup>39</sup>

The FDOT's Cost Savings Initiative (CSI) is a program that allows contractors to submit proposals that contribute to the cost effectiveness of a given transportation construction project. The CSI Program "provides a method for the Contractor to propose changes in the contract requirements which will accomplish the project's functional requirements, while reducing the project cost, increasing cost effectiveness or significantly improving the project quality without degrading performance, maintainability, or safety. Any proposal submitted that reduces the project cost without substantially changing the work and that was not otherwise provided for in the contract documents should be considered as a CSI Proposal."<sup>40</sup>

The FDOT has an extensive process for evaluating submitted CSI proposals.<sup>41</sup> A contractor's CSI submittal must identify the proposal as a CSI submittal, and a mandatory CSI workshop must be held prior to the beginning of the contract time.<sup>42</sup> The submittal must include a number of items (a description, separate detailed cost estimates, revised plans, a date by which a decision is needed, and a revised project schedule). A submittal must also include an engineering analysis of the proposed change in the contract requirements.

According to the FDOT's Standard Specifications for Road and Bridge Construction, "If the Department approves a Proposal, the Contractor shall receive 50% of the net reduction in the cost of performance of the Contract as determined by the final negotiated agreement between the contractor and the Department. The net reduction will be determined by subtracting from the savings of the construction costs the reasonable documented engineering costs incurred by the contractor to design and develop a Proposal."<sup>43</sup> Under the specification, "The total engineering costs to be subtracted from the savings to determine the net reduction will be limited to 25% of the construction savings and shall not include any markup by the Contractor or the costs for engineering services performed by the Contractor."<sup>44</sup>

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<sup>39</sup> Section 334.044(10)(b), F.S.

<sup>40</sup> FDOT CSI Procedure 625-030-0050, available at [Cost Savings Initiative \(CSI\) \(fdot.gov\)](https://www.fdot.gov/cost-savings-initiative) (last visited January 9, 2023).

<sup>41</sup> *Id.* See also Specification 4-3.9, *FDOT Standard Specifications for Road and Bridge Construction FY 2023-24*, available at [fy2023-24ebook.pdf \(windows.net\)](https://www.fdot.gov/specifications) (last visited January 9, 2023).

<sup>42</sup> See the FDOT CSI Presentation, *Cost Savings Initiatives*, p. 14, available at [Heading 2 \(windows.net\)](https://www.fdot.gov/cost-savings-initiative) (last visited March 9, 2023).

<sup>43</sup> *Supra* note 31, Specification 4-3.9.7.

<sup>44</sup> *Id.*

As an example of the net reduction calculation, if the total construction cost savings is \$100,000 and the documented engineering costs are \$10,000, the net reduction equals \$90,000. The contract for an approved CSI Proposal would be reduced by 50% of the net reduction (\$45,000).

The FTBA advises that under the CSI Program, even if a submitted proposal from a contractor is based on an idea presented to the contractor by a design consultant or a construction engineering and inspection services consultant, the consultant does not receive a share of the cost savings.<sup>45</sup>

### *Effect of Proposed Changes*

The bill creates s. 337.11(16), F.S., requiring the FDOT to implement strategies to reduce the cost of all project phases, including design, construction, and inspection,<sup>46</sup> while ensuring that the design and construction of projects meet applicable federal and state standards. The bill also requires the FDOT to track such strategies, as well as the projected savings to be realized from such strategies.

The bill creates s. 337.11(17), F.S., authorizing the FDOT to share a portion of the construction cost savings realized due to a change in the construction contract design and scope, initiated after execution of the contract, with a design services consultant or a construction engineering and inspection services consultant in accordance with the extent that the consultant's input and involvement contributed to such savings. The amount paid may not exceed ten percent of the construction cost savings realized. This revision may incentivize the identified consultants (as opposed to contractors under the FDOT's CSI Program) to propose and share in cost savings to be realized during the course of an FDOT construction contract.

## **FDOT Contracting and Procurement Authority/Settlements and Stipends (Section 6)**

### *Present Situation*

When the FDOT determines that doing so is in the best interest of the public and intends, *through a settlement*, to pay a non-selected responsive bidder a total sum of \$1 million or more, including any amount paid pursuant to s. 334.049, F.S. (patents, copyrights, trademarks, and trade secrets), s. 337.11(8), F.S. (stipends to non-selected, responsive design-build firms), or any other law, current law requires the FDOT to:<sup>47</sup>

- Document in a written memorandum by the FDOT secretary the specific reasons that such settlement and payment to a non-selected responsive bidder is in the best interest of the state. The written memorandum must be included and maintained in the permanent procurement files of the FDOT and must include:
  - A description of the property rights, patent rights, copyrights, trademarks, or the engineering design or other design work that the department will acquire or retain as a result of such settlement; and
  - The specific appropriation in the existing General Appropriations Act which the department intends to use to provide such payment.

<sup>45</sup> Telephone conversation with the FTBA, January 9, 2023.

<sup>46</sup> "Inspection" refers to "construction, engineering, and inspection services," which include the activities required to review and inspect highway and bridge construction performed by a construction contractor. See FDOT, Construction, Engineering & Inspections, available at [Construction, Engineering & Inspections \(fdot.gov\)](https://www.flhwy.com/Construction-Engineering-Inspections) (last visited January 9, 2023).

<sup>47</sup> Section 337.1101(1), F.S.

- Provide prior written notification to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chair and vice chair of the Legislative Budget Commission, and the Attorney General at least 5 business days, or as soon thereafter as practicable, before the FDOT makes the settlement agreement final. Such written notification must include the written memorandum described above.
- Provide written notification of such discussions to the same individuals at the time settlement discussions regarding any such payment have begun in earnest.

The FDOT is separately authorized, when the FDOT determines that doing so is in the best interest of the public, to pay a stipend to non-selected design-build firms that have submitted responsive proposals to the FDOT for construction contracts.<sup>48</sup> These projects are included in the FDOT's legislatively approved work program. The decision and amount of a stipend must be based on the FDOT's analysis of the estimated proposal development costs and the anticipated degree of engineering design during the procurement process. The FDOT retains the right to use the designs in the proposals from responsive non-selected design-build firms that accept a stipend.

A review of the FDOT's Work Program Instructions suggests that the amount of a stipend to be paid is noted in the request for proposals for a design-build project. The FDOT enters into a stipend agreement with each firm after the proposals are "shortlisted,"<sup>49</sup> and each agreement states that the firm that receives the project contract award will not get the stipend. The non-selected firms then submit an invoice within two weeks after the project contract is executed and are paid the stipend amount noted in the request for proposals.<sup>50</sup>

While the FDOT might settle a bid protest through payment of a stipend, in contrast to any amounts paid by the FDOT that would trigger the documentation and notice requirements *for a settlement*, stipends paid by the FDOT pursuant to its separate authority are authorized payments arrived at by contract *during the procurement process*.

### ***Effect of Proposed Changes***

The bill amends s. 337.1101(1), F.S., to clarify that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT's legislatively approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement. If the FDOT pays a stipend to *settle* a bid protest in an amount that triggers the requirements, the FDOT must continue to comply with the documentation and notification requirements.

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<sup>48</sup> Section 337.11(8), F.S.

<sup>49</sup> A "shortlist" is a list of selected candidates from which a final choice is to be made.

<sup>50</sup> See FDOT, *Work Program Instructions FY 23/24 – 27/28*, p. 378 of 861, available at [WorkProgramInstructions.pdf \(state.fl.us\)](https://www.fl.gov/work-program-instructions) (last visited February 1, 2023).

## Contractor Certificates of Qualification (Section 7)

### *Present Situation*

Current law requires any contractor desiring to bid on any FDOT construction contract in excess of \$250,000 to first be certified by the FDOT as qualified pursuant to s. 337.14, F.S., and the FDOT's rules.<sup>51</sup> When applying to the FDOT, each application for certification must be accompanied by the contractor's latest annual financial statement, which must have been completed within the last 12 months. If the application or the annual financial statement shows the contractor's financial condition more than four months prior to the date on which the FDOT receives the application, the contractor must also submit an interim financial statement and an updated application.<sup>52</sup> Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant (CPA). However, an applying contractor who desires to bid exclusively for the performance of construction contracts with proposed budget estimates of less than \$1 million may submit reviewed annual or reviewed interim financial statements prepared by a CPA.<sup>53</sup>

The FDOT's rules include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the contractor seeks certification. In so doing, the FDOT verifies and evaluates whether an applicant is competent and responsible and possesses the necessary financial resources to perform the requested work.<sup>54</sup>

Part of the latter inquiry involves whether an applicant has the financial resources sufficient to establish a maximum capacity rating (MCR), which is defined as the total aggregate dollar amount of *uncompleted* work an applicant may have under contract at any one time as a prime contractor and/or subcontractor, regardless of the work location and with whom the applicant contracted.<sup>55</sup> According to the FDOT's rules, the MCR is established by a formula, one element of which is the "ability factor." The FDOT's rules require an applicant's maximum capacity rating to be reduced by the total value of their current uncompleted work, producing the applicant's "current capacity," or bidding capacity. Under the rule, the current capacity must be amended immediately upon issuance of a new certificate of qualification, regardless of whether the existing certificate has expired.<sup>56</sup>

Currently, if an applicant for a certificate of qualification is found to possess the prescribed qualifications, the FDOT must issue the applicant a certificate, which, unless revoked by the FDOT for good cause, is valid for a period of 18 months after the date of the applicant's financial statement, or such shorter period as the FDOT prescribes. Submission of an application

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<sup>51</sup> Rule Chapter 14-22, F.A.C.

<sup>52</sup> The interim statements must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than four months prior to the date the FDOT receives the interim statement but, upon request of the applicant, an application and accompanying annual or interim financial statement received by the FDOT within 15 days after either four-month period is considered timely.

<sup>53</sup> A reviewed annual or reviewed interim financial statement is less expensive than an audited, certified annual or interim financial statement.

<sup>54</sup> Rule 14-22.003(1), F.A.C.

<sup>55</sup> Rule 14.22-003(1)(d) and (2), F.A.C.

<sup>56</sup> Rule 14-22.006(1), F.A.C.



does not affect expiration of the certificate and, as of July 1, 2021, does not affect the ability factor of the applicant or the maximum capacity rating of the applicant.<sup>57</sup>

The FTBA indicated the FDOT requested revision of the current language to address overlapping certificates of qualification and any changes in the amount of new work that a firm can bid, due to a revised maximum capacity rating. As an example, the FTBA described a potential situation in which a firm is allowed to bid on a \$1 million contract under its existing certificate of qualification and then is later found nonresponsive when a new certificate is issued to the firm during the time leading up to the submission of a bid, due to a revised (lower) capacity rating.<sup>58</sup>

### *Effect of Proposed Changes*

The bill amends s. 337.14(1), F.S. to increase from \$1 million to \$2 million the proposed budget estimate amount for triggering authorization of an applying contractor to submit reviewed annual or reviewed interim financial statements prepared by a CPA, instead of audited, certified statements. An applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of \$2 million or less may submit reviewed annual or reviewed interim financial statements prepared by a CPA.

The bill also amends the current provision in s. 337.14(4), F.S., that submission of an application does not affect the ability factor or the maximum capacity rating of an applicant for an FDOT certificate of qualification. Instead, the bill authorizes an applicant to submit a written request to the FDOT with a timely submitted application to keep an existing certificate in place until its expiration date. If the FDOT approves the request, the applicant's current maximum capacity rating must remain in place until expiration of the current certification. In the absence of the FDOT's approval and in accordance with the FDOT's existing rules, the current capacity must be amended immediately upon issuance of a new certificate of qualification, regardless of whether the existing certificate has expired.

### **Public Records Exemption/Confidentiality of Bidders (Section 8)**

Section 336.168(1) and (3), F.S., establish confidential and exempt status from public records requirements of s. 119.07(1), F.S., for:

- A document or electronic file revealing the FDOT's official cost estimate of a project until the contract for the project has been executed or until the project is no longer under active consideration; and
- The FDOT's bid analysis and monitoring system, including all system documentation, input, computer processes and programs, electronic data files, and output. This does not apply to the actual source documents, unless otherwise exempted under other provisions of law.

Section 337.168(2), F.S., currently provides that a document<sup>59</sup> revealing the identity of persons who have requested or obtained bid packages, plans, or specifications pertaining to any project to

<sup>57</sup> Section 337.14(4), F.S. See s. 10, ch. 2021-188, Laws of Fla., which added the ability factor and MCR as items not being affected by the submission of an application.

<sup>58</sup> See FTBA email to Transportation Committee staff, November 30, 2021 (on file in the Senate Transportation Committee).

<sup>59</sup> The FDOT advised that many documents submitted by contractors contain both exempt and non-exempt information.

Telephone conversation between FDOT staff and Senate Transportation Committee staff, November 24, 2021. In accordance



be let by the department is confidential and exempt from the provisions of s. 119.07(1), F.S., for the period which begins two working days before the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid. A document that reveals the identity before the two working days before the deadline for obtaining bid packages, plans, or specifications remains a public record.

According to the FDOT's analysis and information provided on the same language proposed during the 2022 Session, the FDOT maintains a website that lists the identity of those who have requested or obtained bid packages for a given project. The lists contain for each person a vendor identification number, an indication of the name of the entity that ordered the documents, and a shipping address and phone number for each. The lists did not appear to contain any information which would be exempt under any other provisions of law. The FDOT advised the lists are published daily, except for during the two-day confidential period defined in current law, and a comprehensive list is then published after the letting occurs.<sup>60</sup>

The issue appears to relate to small contractors, who use the identities of potential bidders for the purpose of submitting sub-contract bids to general contractors for their use in preparing bids for FDOT projects.<sup>61</sup>

### *Effect of Proposed Changes*

The bill amends s. 337.168(2), F.S., to repeal the temporary public records exemption for a document revealing the identity of persons who have requested or obtained bid packages, plans, or specifications pertaining to any project to be let by the FDOT. According to the FTBA, this revision provides full transparency as to the identity of potential bidders during the entire procurement process.<sup>62</sup>

## **Legislative Approval of a Proposed Turnpike Project (Section 96)**

### *Present Situation*

The Florida Turnpike Enterprise (FTE) within the FDOT is empowered to plan, construct, maintain, repair, and operate the Florida Turnpike System. The FTE's powers are in addition to those of the FDOT.<sup>63</sup> The FTE is a single budget entity that develops its own budget, submitted to the Legislature along with the FDOT's.<sup>64</sup> The turnpike system currently includes the mainline from Central Florida to Miami, as well as the Homestead Extension, and the First Coast Expressway, the Seminole Expressway, the Beachline West and Beachline East Expressways, the Southern Connector Extension, the Sawgrass Expressway, the Suncoast Parkway, the Daniel Webster Western Beltway, the Veterans Expressway, the I-4 Connector, and the Polk Parkway.<sup>65</sup>

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with s. 119.07(1)(d), F.S., the FDOT would be required to redact any information contained in a document that reveals the identity of persons who have requested or obtained bid packages if the information is exempt under any other provision of law.

<sup>60</sup> See FDOT email to Transportation Committee staff, November 24, 2021 (on file in the Senate Transportation Committee).

<sup>61</sup> Telephone conversation between FDOT staff and Senate Transportation Committee staff, November 24, 2021.

<sup>62</sup> See FTBA email to Transportation Committee staff, November 30, 2021 (on file in the Senate Transportation Committee).

<sup>63</sup> Section 338.2216(1)(a), F.S.

<sup>64</sup> Section 338.2216(3)(a), F.S.

<sup>65</sup> For a map of the turnpike system, see Florida's Turnpike System Maps, available at [Florida's Turnpike System Maps – Florida's Turnpike \(floridasturnpike.com\)](https://www.floridasturnpike.com) (last visited February 3, 2023).

A proposed turnpike project may not be added to the turnpike system unless the project is determined to be economically feasible, a statement of environmental feasibility is completed for the project, and such project is determined to be consistent with approved local comprehensive plans of the local governments in which the project is located, to the maximum extent feasible.<sup>66</sup>

“Economically feasible” for a proposed turnpike project means that, as determined by the FDOT before issuance of revenue bonds for the project, the estimated net revenues of the project, excluding feeder roads<sup>67</sup> and turnpike improvements, will be sufficient to pay at least 50 percent of the annual debt service on the bonds by the end of the 12th year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 30th year of operation. Up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.<sup>68</sup> The required statement of *environmental* feasibility is a statement by the Department of Environmental Protection of the project’s significant environmental impacts,<sup>69</sup> and that review must occur prior to requesting legislative approval of a proposed turnpike project.<sup>70</sup>

If a proposed project is economically feasible, consistent to the maximum extent feasible with the applicable local comprehensive plans, and a favorable statement of environmental feasibility is completed, the FDOT, with the approval of the Legislature, is directed to construct, maintain, and operate the project.

The FDOT may authorize engineering studies, traffic studies, environmental studies, and other expert studies of the location, costs, economic feasibility, and practicality of proposed turnpike projects and may proceed with the design phase of such projects.<sup>71</sup> However, the FDOT may not request legislative approval of a proposed project (by including the project in the FDOT’s annual request for legislative approval of its budget) until the design phase of the project is at least thirty percent complete.<sup>72</sup>

Research reveals that this limitation on requesting legislative approval applies only to a proposed turnpike project. The limitation does not apply to other FDOT projects. The FTBA suggests the limitation is overly restrictive and could cause project delays.<sup>73</sup>

### ***Effect of Proposed Changes***

The bill amends s. 338.223(1)(a), F.S., to remove the prohibition against the FDOT requesting legislative approval of a proposed turnpike project until the design phase of that project is at least thirty percent complete. A proposed turnpike project must continue to be economically feasible, a statement of environmental feasibility must still be completed for the project before requesting legislative approval, and such project must still be determined to be consistent with approved

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<sup>66</sup> Section 338.223(1)(a), F.S.

<sup>67</sup> A “feeder road” is defined as any road no more than five miles in length, connecting to the turnpike system which the FDOT determines is necessary to create or facilitate access to a turnpike project. Section 338.221(3), F.S.

<sup>68</sup> Sections 338.223(1)(a) and 338.221(8)(a), F.S.

<sup>69</sup> Section 338.221(10), F.S.

<sup>70</sup> Section 338.223(1)(c), F.S.

<sup>71</sup> Section 338.223(1)(a), F.S.

<sup>72</sup> *Id.*

<sup>73</sup> Telephone conversation with the FTBA, January 31, 2023.

local comprehensive plans of the local governments in which the project is located, to the maximum extent feasible.

## **Workforce Development Funding (Section 10)**

### ***Present Situation***

Slowing of highway and bridge construction projects due to qualified skilled labor shortages is a commonly recognized issue nationwide and in Florida.<sup>74</sup> The FDOT's Statewide Workforce Development Program "works with community partners to identify and connect qualified workers with contractors for gainful employment on roadway construction projects. The program is working throughout the state to provide opportunities – for both experienced and entry-level workers – to build successful careers to improve lives."<sup>75</sup>

The program maintains a website that allows registration of current positions, provides resources for employers and job seekers to help connect potential employees and road builders, and provides student programs to "tee up tomorrow's talent for building our state's roads."<sup>76</sup> A number of "Pathways to Success Videos" provide information on specific jobs, such as asphalt raker, heavy road equipment operator, and project manager.<sup>77</sup>

In 2019, the Legislature directed the FDOT to merge any of its existing workforce services into a "robust" workforce development program and allocated \$2.5 million of redirected motor vehicle license tax revenues for each of the 2019-20, 2020-21, and 2021-22 fiscal years to the program.<sup>78</sup> In 2021, the last year of funding for the program was repealed.<sup>79</sup> However, the FDOT's authorization for a workforce development program was not repealed, and the FDOT remains authorized to administer the program to the extent that funding resources are available.<sup>80</sup>

### ***Effect of Proposed Changes***

The bill creates section 339.84, F.S. Beginning in the 2023-24 fiscal year and annually thereafter for five years, the bill requires allocation of \$5 million to provide a road and bridge construction workforce development program and to promote rewarding career paths in Florida's road and bridge construction industry. Although not specified, given placement of the provision within the Florida Transportation Code, the allocation will presumably come from the State Transportation Trust Fund within the FDOT.

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<sup>74</sup> See, e.g., tampabay.com, *Florida Construction Projects slowed by worker shortage. Problem could get worse*, available at [Florida construction projects slowed by worker shortage. Problem could get worse. \(tampabay.com\)](https://www.tampabay.com/story/news/2023/03/09/florida-construction-projects-slowed-by-worker-shortage-problem-could-get-worse-tampabay-com/), and floridaconstructionnews.com, *Construction industry faces workforce shortage of 650,000 in 2022: ABC*, available at [Construction industry faces workforce shortage of 650,000 in 2022: ABC | Florida Construction News](https://www.floridaconstructionnews.com/construction-industry-faces-workforce-shortage-of-650000-in-2022-abc-florida-construction-news/) (last visited March 9, 2023).

<sup>75</sup> See floridaroadjobs.com, *Statewide Workforce Development*, available at [Florida's Statewide Workforce Development Program Home Page | Statewide Workforce Development \(floridaroadjobs.com\)](https://www.floridaroadjobs.com/statewide-workforce-development/) (last visited March 9, 2023).

<sup>76</sup> See floridaroadjobs.com, *Student Programs*, available at [Student Programs | Statewide Workforce Development \(floridaroadjobs.com\)](https://www.floridaroadjobs.com/student-programs/) (last visited March 9, 2023).

<sup>77</sup> See floridaroadjobs.com, *Resources*, available at [Resources | Statewide Workforce Development \(floridaroadjobs.com\)](https://www.floridaroadjobs.com/resources/) (last visited March 9, 2023).

<sup>78</sup> Ch. 2019-43, L.O.F.

<sup>79</sup> Ch. 2021-161, L.O.F.

<sup>80</sup> Section 334.044(35), F.S.

**Effective Date (Section 11)**

The bill takes effect July 1, 2023.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The fiscal impact of the FDOT's authorization to share a portion of construction cost savings (realized due to a change in the construction contract design and scope after the contract is executed) with a design service consultant or a construction, engineering, and inspection services consultant is indeterminate, as the amount of any potentially shared savings is unknown.

Contractors who wish to bid exclusively on construction contracts with proposed budget estimates of \$2 million or less are expected to experience a positive fiscal impact, in an unknown amount, resulting from the authorization to submit reviewed annual or reviewed interim financial statements prepared by a CPA, which are less expensive than audited, certified annual or interim financial statements.

Contractors who enter into an FDOT contract for performance of bridge construction or maintenance over navigable waters would be required to purchase marine general

liability insurance, in an amount determined by the FDOT, the cost of which may be passed on to the FDOT in a contractor's bid on a given project.

**C. Government Sector Impact:**

The bill provides no funding to support the required establishment of autonomous vehicle grading standards for roads on the SHS. The FDOT's costs to coordinate with the specified entities and to establish such standards are expected to be absorbed within existing resources.

The State Transportation Trust Fund is the presumed source of the annual allocation of \$5 million to the workforce development program beginning in the 2023-24 fiscal year and for five years thereafter. The allocations are expected to be absorbed within existing resources.

Public participants on the I-STREET Living Lab Advisory Board may incur travel-related costs which are expected to be insignificant and absorbed within existing resources.

The fiscal impact of the FDOT's authorization to share a portion of construction cost savings (realized due to a change in the construction contract design and scope after the contract is executed) with a design service consultant or a construction, engineering, and inspection services consultant is indeterminate, as the amount of any potentially shared savings is unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 334.179, 337.11, 337.1101, 337.14, 337.168, and 338.223.

This bill creates the following sections of the Florida Statutes: 316.83, 344.066, 334.180, and 339.84.

**IX. Additional Information:**

- A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 21, 2023:**

The committee substitute:

- Removes the language prohibiting the FDOT from annually committing more than 20 percent of specified revenues for public transit projects, and the language relating to progressive design-build contracting.  
Clarifies the provisions relating to aggregate certification and electronic tickets to improve readability and remove potential ambiguity.

**CS by Appropriations Committee on Transportation, Tourism and Economic Development on March 8, 2023:**

The committee substitute:

- Requires the FDOT to coordinate with specified entities to establish standards by which the State Highway System roads will be graded according to their compatibility with the operation of autonomous vehicles.
- Codifies the existing Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies Living Lab.
- Allocates \$5 million to the workforce development program within the FDOT beginning in the 2023-24 fiscal year and annually thereafter for five years.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2023	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (Hooper) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 316.83, Florida Statutes, is created to  
read:

316.83 Autonomous vehicle grading standards for roads on  
State Highway System.—The Department of Transportation shall  
coordinate with federal, regional, and local partners, as well  
as industry representatives, to establish standards by which



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11 roads on the State Highway System must be graded according to  
12 their compatibility with the operation of autonomous vehicles.  
13 In establishing such standards, the department shall consider  
14 factors including, but not limited to, the structural adequacy  
15 and safety of each road and the particular challenges that the  
16 overall driving environment of each road may present to a fully  
17 autonomous vehicle operating with the automated driving system  
18 engaged. Autonomous vehicle grading standards established  
19 pursuant to this section must be incorporated into standards for  
20 transportation projects involving the construction of new roads  
21 or maintenance of existing roads on the State Highway System.

22 Section 2. Section 334.066, Florida Statutes, is created to  
23 read:

24 334.066 Implementing Solutions from Transportation Research  
25 and Evaluating Emerging Technologies Living Lab.—

26 (1) The Implementing Solutions from Transportation Research  
27 and Evaluating Emerging Technologies Living Lab (I-STREET) is  
28 established within the University of Florida.

29 (2) At a minimum, I-STREET shall:

30 (a) Conduct and facilitate research on issues related to  
31 innovative transportation mobility and safety technology  
32 development and deployment in this state and serve as an  
33 information exchange and depository for the most current  
34 information pertaining to transportation research, education,  
35 workforce development, and related issues.

36 (b) Be a continuing resource for the Legislature, the  
37 department, local governments, the nation's metropolitan  
38 regions, and the private sector in the area of transportation  
39 and related research.





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40 (c) Promote intercampus transportation and related research  
41 activities among Florida universities to enhance their ability  
42 to attract federal and private-sector funding for transportation  
43 and related research.

44 (d) By July 1, 2024, and each July 1 thereafter, provide to  
45 the Governor, the President of the Senate, and the Speaker of  
46 the House of Representatives a comprehensive report that  
47 outlines the clearly defined goals of the living lab and its  
48 efforts and progress in reaching these goals.

49 (3) An advisory board is created to periodically review and  
50 advise I-STREET concerning its research program. The board shall  
51 consist of nine members with expertise in transportation-related  
52 areas, as follows:

53 (a) A member appointed by the President of the Senate.

54 (b) A member appointed by the Speaker of the House of  
55 Representatives.

56 (c) The Secretary of Transportation or his or her designee.

57 (d) The Secretary of Economic Opportunity or his or her  
58 designee.

59 (e) A member of the Florida Transportation Commission.

60 (f) Four members nominated by the University of Florida's  
61 College of Engineering and approved by the university's  
62 president. The College of Engineering's nominees may include  
63 representatives of the University of Florida, other academic and  
64 research institutions, and private entities.

65 Section 3. Section 334.179, Florida Statutes, is amended to  
66 read:

67 334.179 Department standards or specifications for  
68 permissible use of aggregates.—



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69           (1) Notwithstanding any law, rule, or ordinance to the  
70 contrary, a local government may not adopt standards or  
71 specifications that are contrary to the department standards or  
72 specifications for permissible use of aggregates that have been  
73 certified for use. For purposes of this section, the term  
74 "certified for use" means that the aggregates have been  
75 certified by the producer in compliance ~~accordance~~ with  
76 department rules. This section does not apply to a multicounty  
77 independent special district created by a special act of the  
78 Legislature.

79           (2) A producer may not certify any shipment of aggregates  
80 to a customer other than the department unless such shipment is  
81 in compliance with department rules. Notwithstanding this  
82 section, producer certification of aggregates must be in  
83 accordance with rules adopted pursuant to s. 334.044(10).

84           Section 4. Section 334.180, Florida Statutes, is created to  
85 read:

86           334.180 Department electronic tickets.—An electronic ticket  
87 generated by a system used by the department serves as an  
88 official record for material deliveries on local government  
89 projects. Notwithstanding any law, rule, or ordinance to the  
90 contrary, a local government may not refuse to accept such  
91 electronic ticket.

92           Section 5. Present subsections (15) and (16) of section  
93 337.11, Florida Statutes, are redesignated as subsections (18)  
94 and (19), respectively, and new subsections (15) and (16) and  
95 subsection (17) are added to that section, to read:

96           337.11 Contracting authority of department; bids; emergency  
97 repairs, supplemental agreements, and change orders; combined



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98 design and construction contracts; progress payments; records;  
99 requirements of vehicle registration.—

100 (15) Each contract let by the department for performance of  
101 bridge construction or maintenance over navigable waters must  
102 contain a provision requiring marine general liability  
103 insurance, in an amount to be determined by the department, that  
104 covers third-party personal injury and property damage caused by  
105 vessels used by the contractor in the performance of the work.

106 (16) The department shall implement strategies to reduce  
107 the cost of all project phases, including design, construction,  
108 and inspection, while ensuring that the design and construction  
109 of projects meet applicable federal and state standards, and  
110 shall track such strategies and the projected savings.

111 (17) The department may share with a design services  
112 consultant or a construction engineering and inspection services  
113 consultant a portion of the construction cost savings realized  
114 due to a change in the construction contract design and scope  
115 which is initiated after execution of the contract. Payments  
116 made under this subsection must be calculated taking into  
117 consideration the extent that the consultant's input and  
118 involvement contributed to such savings. The amount paid to a  
119 consultant pursuant to this subsection may not exceed 10 percent  
120 of the construction cost savings realized.

121 Section 6. Subsection (1) of section 337.1101, Florida  
122 Statutes, is amended to read:

123 337.1101 Contracting and procurement authority of the  
124 department; settlements; notification required.—

125 (1) When the department, or any entity or enterprise within  
126 the department, determines that it is in the best interest of



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127 the public to resolve a protest filed in accordance with s.  
128 120.57(3) of the award of a contract being procured pursuant to  
129 s. 337.11 or related to the purchase of personal property or  
130 contractual services being procured pursuant to s. 287.057,  
131 through a settlement that requires the department to pay a  
132 nonselected responsive bidder a total sum of \$1 million or more,  
133 including any amount paid pursuant to s. 334.049, any amount  
134 paid pursuant to s. 337.11(8) which is not included in the  
135 department's work program approved by the Legislature as part of  
136 the General Appropriations Act, or any amount paid pursuant to  
137 any other law, the department must:

138 (a) Document in a written memorandum by the secretary the  
139 specific reasons that such settlement and payment to a  
140 nonselected responsive bidder is in the best interest of the  
141 state. The written memorandum must be included and maintained in  
142 the department's permanent files concerning the procurement and  
143 must include:

144 1. A description of the property rights, patent rights,  
145 copyrights, trademarks, or the engineering design or other  
146 design work that the department will acquire or retain as a  
147 result of such settlement; and

148 2. The specific appropriation in the existing General  
149 Appropriations Act which the department intends to use to  
150 provide such payment.

151 (b) Provide prior written notification to the President of  
152 the Senate, the Speaker of the House of Representatives, the  
153 Senate and House of Representatives minority leaders, the chair  
154 and vice chair of the Legislative Budget Commission, and the  
155 Attorney General at least 5 business days, or as soon thereafter



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156 as practicable, before the department makes the settlement  
157 agreement final. Such written notification must include the  
158 written memorandum required pursuant to paragraph (a).

159 (c) Provide, at the time settlement discussions regarding  
160 any such payment have begun in earnest, written notification of  
161 such discussions to the President of the Senate, the Speaker of  
162 the House of Representatives, the Senate and House of  
163 Representatives minority leaders, the chair and vice chair of  
164 the Legislative Budget Commission, and the Attorney General.

165 Section 7. Subsections (1) and (4) of section 337.14,  
166 Florida Statutes, are amended to read:

167 337.14 Application for qualification; certificate of  
168 qualification; restrictions; request for hearing.—

169 (1) A ~~Any~~ contractor desiring to bid for the performance of  
170 any construction contract in excess of \$250,000 which the  
171 department proposes to let must first be certified by the  
172 department as qualified pursuant to this section and rules of  
173 the department. The rules of the department must address the  
174 qualification of contractors to bid on construction contracts in  
175 excess of \$250,000 and must include requirements with respect to  
176 the equipment, past record, experience, financial resources, and  
177 organizational personnel of the applying contractor which are  
178 necessary to perform the specific class of work for which the  
179 contractor seeks certification. Any contractor who desires to  
180 bid on contracts in excess of \$50 million and who is not  
181 qualified and in good standing with the department as of January  
182 1, 2019, must first be certified by the department as qualified  
183 and must have satisfactorily completed two projects, each in  
184 excess of \$15 million, for the department or for any other state



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185 department of transportation. The department may limit the  
186 dollar amount of any contract upon which a contractor is  
187 qualified to bid or the aggregate total dollar volume of  
188 contracts such contractor is allowed to have under contract at  
189 any one time. Each applying contractor seeking qualification to  
190 bid on construction contracts in excess of \$250,000 shall  
191 furnish the department a statement under oath, on such forms as  
192 the department may prescribe, setting forth detailed information  
193 as required on the application. Each application for  
194 certification must be accompanied by audited, certified  
195 financial statements prepared in accordance with generally  
196 accepted accounting principles and auditing standards by a  
197 certified public accountant licensed in this state or another  
198 state. The audited, certified financial statements must be for  
199 the applying contractor and must have been prepared within the  
200 immediately preceding 12 months. The department may not consider  
201 any financial information of the parent entity of the applying  
202 contractor, if any. The department may not certify as qualified  
203 any applying contractor who fails to submit the audited,  
204 certified financial statements required by this subsection. If  
205 the application or the annual financial statement shows the  
206 financial condition of the applying contractor more than 4  
207 months before the date on which the application is received by  
208 the department, the applicant must also submit interim audited,  
209 certified financial statements prepared in accordance with  
210 generally accepted accounting principles and auditing standards  
211 by a certified public accountant licensed in this state or  
212 another state. The interim financial statements must cover the  
213 period from the end date of the annual statement and must show



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214 the financial condition of the applying contractor no more than  
215 4 months before the date that the interim financial statements  
216 are received by the department. However, upon the request of the  
217 applying contractor, an application and accompanying annual or  
218 interim financial statement received by the department within 15  
219 days after either 4-month period under this subsection must  
220 ~~shall~~ be considered timely. An applying contractor desiring to  
221 bid exclusively for the performance of construction contracts  
222 with proposed budget estimates of less than \$2 ~~\$1~~ million may  
223 submit reviewed annual or reviewed interim financial statements  
224 prepared by a certified public accountant. The information  
225 required by this subsection is confidential and exempt from s.  
226 119.07(1). The department shall act upon the application for  
227 qualification within 30 days after the department determines  
228 that the application is complete. The department may waive the  
229 requirements of this subsection for projects having a contract  
230 price of \$500,000 or less if the department determines that the  
231 project is of a noncritical nature and that the waiver will not  
232 endanger public health, safety, or property.

233 (4) If the applicant is found to possess the prescribed  
234 qualifications, the department must ~~shall~~ issue to him or her a  
235 certificate of qualification that, unless thereafter revoked by  
236 the department for good cause, will be valid for a period of 18  
237 months after the date of the applicant's financial statement or  
238 such shorter period as the department prescribes. Submission of  
239 an application does ~~and subsequent approval do~~ not affect  
240 expiration of the certificate of qualification. An applicant may  
241 submit a written request with a timely submitted application to  
242 keep an existing certificate of qualification in place until the



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243 expiration date. If the request is approved by the department,  
244 the current maximum capacity rating of the applicant must remain  
245 in place until expiration of the current certificate of  
246 qualification, the ability factor of the applicant, or the  
247 maximum capacity rating of the applicant. If the department  
248 finds that an application is incomplete or contains inadequate  
249 information or information that cannot be verified, the  
250 department may request in writing that the applicant provide the  
251 necessary information to complete the application or provide the  
252 source from which any information in the application may be  
253 verified. If the applicant fails to comply with the initial  
254 written request within a reasonable period of time as specified  
255 therein, the department must ~~shall~~ request the information a  
256 second time. If the applicant fails to comply with the second  
257 request within a reasonable period of time as specified therein,  
258 the application must ~~shall~~ be denied.

259 Section 8. Section 337.168, Florida Statutes, is amended to  
260 read:

261 337.168 Confidentiality of official estimates, the  
262 ~~identities of potential bidders, and bid analysis,~~ and  
263 monitoring system.—

264 (1) A document or electronic file revealing the official  
265 cost estimate of the department of a project is confidential and  
266 exempt from ~~the provisions of s. 119.07(1)~~ until the contract  
267 for the project has been executed or until the project is no  
268 longer under active consideration.

269 ~~(2) A document that reveals the identity of a person who~~  
270 ~~has requested or obtained a bid package, plan, or specifications~~  
271 ~~pertaining to any project to be let by the department is~~





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272 ~~confidential and exempt from the provisions of s. 119.07(1) for~~  
273 ~~the period that begins 2 working days before the deadline for~~  
274 ~~obtaining bid packages, plans, or specifications and ends with~~  
275 ~~the letting of the bid. A document that reveals the identity of~~  
276 ~~a person who has requested or obtained a bid package, plan, or~~  
277 ~~specifications pertaining to any project to be let by the~~  
278 ~~department before the 2 working days before the deadline for~~  
279 ~~obtaining bid packages, plans, or specifications remains a~~  
280 ~~public record subject to s. 119.07(1).~~

281       ~~(3)~~ The bid analysis and monitoring system of the  
282 department is confidential and exempt from ~~the provisions of s.~~  
283 119.07(1). This exemption applies to all system documentation,  
284 input, computer processes and programs, electronic data files,  
285 and output, but does not apply to the actual source documents,  
286 unless otherwise exempted under other provisions of law.

287       Section 9. Paragraph (a) of subsection (1) of section  
288 338.223, Florida Statutes, is amended to read:

289       338.223 Proposed turnpike projects.—

290       (1) (a) Any proposed project to be constructed or acquired  
291 as part of the turnpike system and any turnpike improvement must  
292 ~~shall~~ be included in the tentative work program. A proposed  
293 project or group of proposed projects may not be added to the  
294 turnpike system unless such project or projects are determined  
295 to be economically feasible and a statement of environmental  
296 feasibility has been completed for such project or projects and  
297 such projects are determined to be consistent, to the maximum  
298 extent feasible, with approved local government comprehensive  
299 plans of the local governments in which such projects are  
300 located. The department may authorize engineering studies,



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301 traffic studies, environmental studies, and other expert studies  
302 of the location, costs, economic feasibility, and practicality  
303 of proposed turnpike projects throughout this ~~the~~ state and may  
304 proceed with the design phase of such projects. ~~The department~~  
305 ~~may not request legislative approval of a proposed turnpike~~  
306 ~~project until the design phase of that project is at least 30~~  
307 ~~percent complete.~~ If a proposed project or group of proposed  
308 projects is found to be economically feasible, consistent, to  
309 the maximum extent feasible, with approved local government  
310 comprehensive plans of the local governments in which such  
311 projects are located, and a favorable statement of environmental  
312 feasibility has been completed, the department, with the  
313 approval of the Legislature, must ~~shall~~, after the receipt of  
314 all necessary permits, construct, maintain, and operate such  
315 turnpike projects.

316 Section 10. Section 339.84, Florida Statutes, is created to  
317 read:

318 339.84 Workforce development.—Beginning in the 2023-2024  
319 fiscal year and annually thereafter for 5 years, \$5 million  
320 shall be allocated to the workforce development program to  
321 provide a road and bridge construction workforce development  
322 program as provided in s. 334.044(35) and to promote rewarding  
323 career paths in Florida’s road and bridge construction industry.

324 Section 11. This act shall take effect July 1, 2023.

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

326 And the title is amended as follows:

327 Delete everything before the enacting clause  
328 and insert:

329 A bill to be entitled



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330 An act relating to the Department of Transportation;  
331 creating s. 316.83, F.S.; requiring the department to  
332 coordinate with certain entities to establish certain  
333 standards relating to grading certain roads'  
334 compatibility with the operation of autonomous  
335 vehicles; requiring the department to consider certain  
336 factors in establishing such standards; requiring such  
337 standards to be incorporated into standards for  
338 certain transportation projects; creating s. 334.066,  
339 F.S.; establishing the Implementing Solutions from  
340 Transportation Research and Evaluating Emerging  
341 Technologies Living Lab (I-STREET) within the  
342 University of Florida; specifying requirements for I-  
343 STREET; creating an advisory board to review and  
344 advise I-STREET; specifying the composition of the  
345 advisory board; amending s. 334.179, F.S.; revising  
346 the definition of the term "certified for use" in  
347 regard to permissible use of aggregates; prohibiting a  
348 producer from certifying shipments of aggregates which  
349 are not in compliance with department rules; requiring  
350 a producer to certify aggregates in accordance with  
351 specified rules; creating s. 334.180, F.S.; specifying  
352 that an electronic ticket generated by a system used  
353 by the department serves as a certain official record;  
354 prohibiting local governments from refusing to accept  
355 such electronic tickets; amending s. 337.11, F.S.;  
356 requiring that contracts let by the department for  
357 performance of bridge construction or maintenance over  
358 navigable waters contain certain insurance



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359 requirements; requiring the department to implement  
360 and track strategies to reduce the cost of projects  
361 while ensuring that such projects meet federal and  
362 state standards; authorizing the department to share a  
363 portion of cost savings with certain consultants under  
364 specified circumstances; providing that payments to  
365 consultants may not exceed a specified amount;  
366 amending s. 337.1101, F.S.; revising the calculation  
367 of a certain settlement paid to a nonselected  
368 responsive bidder which requires the department to  
369 maintain certain records and provide certain notices  
370 to the Legislature and the Attorney General; amending  
371 s. 337.14, F.S.; increasing the proposed budget  
372 estimates of construction contracts for which an  
373 applying contractor may submit certain financial  
374 statements; revising procedures relating to  
375 certificates of qualification issued by the department  
376 to construction contractors seeking certification to  
377 bid on certain contracts; amending s. 337.168, F.S.;  
378 deleting a public records exemption for certain  
379 documents that reveal the identity of a potential  
380 bidder; amending s. 338.223, F.S.; deleting a  
381 requirement regarding the department's request for  
382 legislative approval of proposed turnpike projects;  
383 creating s. 339.84, F.S.; requiring a specified amount  
384 to be allocated to the workforce development program  
385 for specified purposes; providing an effective date.

By the Committee on Transportation; and Senator Hooper

596-02144-23

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1 A bill to be entitled  
 2 An act relating to the Department of Transportation;  
 3 amending s. 334.179, F.S.; revising the definition of  
 4 the term "certified for use" in regard to permissible  
 5 use of aggregates; prohibiting a producer from  
 6 certifying shipments of aggregates which are not in  
 7 compliance with department rules; requiring a producer  
 8 to certify aggregates in accordance with specified  
 9 rules; amending s. 337.11, F.S.; requiring that  
 10 contracts let by the department for performance of  
 11 bridge construction or maintenance over navigable  
 12 waters contain certain insurance requirements;  
 13 requiring the department to implement and track  
 14 strategies to reduce the cost of projects while  
 15 ensuring that such projects meet federal and state  
 16 standards; authorizing the department to share a  
 17 portion of cost savings with certain consultants under  
 18 specified circumstances; providing that payments to  
 19 consultants may not exceed a specified amount;  
 20 amending s. 337.1101, F.S.; revising the calculation  
 21 of a certain settlement paid to a nonselected  
 22 responsive bidder which requires the department to  
 23 maintain certain records and provide certain notices  
 24 to the Legislature and the Attorney General; amending  
 25 s. 337.14, F.S.; increasing the proposed budget  
 26 estimates of construction contracts for which an  
 27 applying contractor may submit certain financial  
 28 statements; revising procedures relating to  
 29 certificates of qualification issued by the department

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30 to construction contractors seeking certification to  
 31 bid on certain contracts; amending s. 337.168, F.S.;  
 32 deleting a public records exemption for certain  
 33 documents that reveal the identity of a potential  
 34 bidder; amending s. 338.223, F.S.; deleting a  
 35 requirement regarding the department's request for  
 36 legislative approval of proposed turnpike projects;  
 37 creating s. 334.180, F.S.; specifying that an  
 38 electronic ticket generated by a system used by the  
 39 department serves as a certain official record;  
 40 prohibiting local governments from refusing to accept  
 41 such electronic tickets; providing an effective date.  
 42  
 43 Be It Enacted by the Legislature of the State of Florida:  
 44  
 45 Section 1. Section 334.179, Florida Statutes, is amended to  
 46 read:  
 47 334.179 Department standards or specifications for  
 48 permissible use of aggregates.—  
 49 (1) Notwithstanding any law, rule, or ordinance to the  
 50 contrary, a local government may not adopt standards or  
 51 specifications that are contrary to the department standards or  
 52 specifications for permissible use of aggregates that have been  
 53 certified for use. For purposes of this section, the term  
 54 "certified for use" means that the aggregates have been  
 55 certified by the producer in compliance ~~accordance~~ with  
 56 department rules. This section does not apply to a multicounty  
 57 independent special district created by a special act of the  
 58 Legislature.

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59 (2) A producer may not certify any shipment of aggregates  
 60 to a customer other than the department unless such shipment is  
 61 in compliance with department rules. Notwithstanding this  
 62 section, producer certification of aggregates must be in  
 63 accordance with rules adopted pursuant to s. 334.044(10).

64 Section 2. Present subsections (15) and (16) of section  
 65 337.11, Florida Statutes, are redesignated as subsections (18)  
 66 and (19), respectively, and new subsections (15) and (16) and  
 67 subsection (17) are added to that section, to read:

68 337.11 Contracting authority of department; bids; emergency  
 69 repairs, supplemental agreements, and change orders; combined  
 70 design and construction contracts; progress payments; records;  
 71 requirements of vehicle registration.-

72 (15) Each contract let by the department for performance of  
 73 bridge construction or maintenance over navigable waters must  
 74 contain a provision requiring marine general liability  
 75 insurance, in an amount to be determined by the department, that  
 76 covers third-party personal injury and property damage caused by  
 77 vessels used by the contractor in the performance of the work.

78 (16) The department shall implement strategies to reduce  
 79 the cost of all project phases, including design, construction,  
 80 and inspection, while ensuring that the design and construction  
 81 of projects meet applicable federal and state standards, and  
 82 shall track such strategies and the projected savings.

83 (17) The department may share with a design services  
 84 consultant or a construction engineering and inspection services  
 85 consultant a portion of the construction cost savings realized  
 86 due to a change in the construction contract design and scope  
 87 which is initiated after execution of the contract. Payments

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88 made under this subsection must be calculated taking into  
 89 consideration the extent that the consultant's input and  
 90 involvement contributed to such savings. The amount paid to a  
 91 consultant pursuant to this subsection may not exceed 10 percent  
 92 of the construction cost savings realized.

93 Section 3. Subsection (1) of section 337.1101, Florida  
 94 Statutes, is amended to read:

95 337.1101 Contracting and procurement authority of the  
 96 department; settlements; notification required.-

97 (1) When the department, or any entity or enterprise within  
 98 the department, determines that it is in the best interest of  
 99 the public to resolve a protest filed in accordance with s.  
 100 120.57(3) of the award of a contract being procured pursuant to  
 101 s. 337.11 or related to the purchase of personal property or  
 102 contractual services being procured pursuant to s. 287.057,  
 103 through a settlement that requires the department to pay a  
 104 nonselected responsive bidder a total sum of \$1 million or more,  
 105 including any amount paid pursuant to s. 334.049, any amount  
 106 paid pursuant to s. 337.11(8) which is not included in the  
 107 department's work program approved by the Legislature as part of  
 108 the General Appropriations Act, or any amount paid pursuant to  
 109 any other law, the department must:

110 (a) Document in a written memorandum by the secretary the  
 111 specific reasons that such settlement and payment to a  
 112 nonselected responsive bidder is in the best interest of the  
 113 state. The written memorandum must be included and maintained in  
 114 the department's permanent files concerning the procurement and  
 115 must include:

116 1. A description of the property rights, patent rights,

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117 copyrights, trademarks, or the engineering design or other  
118 design work that the department will acquire or retain as a  
119 result of such settlement; and

120 2. The specific appropriation in the existing General  
121 Appropriations Act which the department intends to use to  
122 provide such payment.

123 (b) Provide prior written notification to the President of  
124 the Senate, the Speaker of the House of Representatives, the  
125 Senate and House of Representatives minority leaders, the chair  
126 and vice chair of the Legislative Budget Commission, and the  
127 Attorney General at least 5 business days, or as soon thereafter  
128 as practicable, before the department makes the settlement  
129 agreement final. Such written notification must include the  
130 written memorandum required pursuant to paragraph (a).

131 (c) Provide, at the time settlement discussions regarding  
132 any such payment have begun in earnest, written notification of  
133 such discussions to the President of the Senate, the Speaker of  
134 the House of Representatives, the Senate and House of  
135 Representatives minority leaders, the chair and vice chair of  
136 the Legislative Budget Commission, and the Attorney General.

137 Section 4. Subsections (1) and (4) of section 337.14,  
138 Florida Statutes, are amended to read:

139 337.14 Application for qualification; certificate of  
140 qualification; restrictions; request for hearing.—

141 (1) A ~~Any~~ contractor desiring to bid for the performance of  
142 any construction contract in excess of \$250,000 which the  
143 department proposes to let must first be certified by the  
144 department as qualified pursuant to this section and rules of  
145 the department. The rules of the department must address the

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146 qualification of contractors to bid on construction contracts in  
147 excess of \$250,000 and must include requirements with respect to  
148 the equipment, past record, experience, financial resources, and  
149 organizational personnel of the applying contractor which are  
150 necessary to perform the specific class of work for which the  
151 contractor seeks certification. Any contractor who desires to  
152 bid on contracts in excess of \$50 million and who is not  
153 qualified and in good standing with the department as of January  
154 1, 2019, must first be certified by the department as qualified  
155 and must have satisfactorily completed two projects, each in  
156 excess of \$15 million, for the department or for any other state  
157 department of transportation. The department may limit the  
158 dollar amount of any contract upon which a contractor is  
159 qualified to bid or the aggregate total dollar volume of  
160 contracts such contractor is allowed to have under contract at  
161 any one time. Each applying contractor seeking qualification to  
162 bid on construction contracts in excess of \$250,000 shall  
163 furnish the department a statement under oath, on such forms as  
164 the department may prescribe, setting forth detailed information  
165 as required on the application. Each application for  
166 certification must be accompanied by audited, certified  
167 financial statements prepared in accordance with generally  
168 accepted accounting principles and auditing standards by a  
169 certified public accountant licensed in this state or another  
170 state. The audited, certified financial statements must be for  
171 the applying contractor and must have been prepared within the  
172 immediately preceding 12 months. The department may not consider  
173 any financial information of the parent entity of the applying  
174 contractor, if any. The department may not certify as qualified

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175 any applying contractor who fails to submit the audited,  
 176 certified financial statements required by this subsection. If  
 177 the application or the annual financial statement shows the  
 178 financial condition of the applying contractor more than 4  
 179 months before the date on which the application is received by  
 180 the department, the applicant must also submit interim audited,  
 181 certified financial statements prepared in accordance with  
 182 generally accepted accounting principles and auditing standards  
 183 by a certified public accountant licensed in this state or  
 184 another state. The interim financial statements must cover the  
 185 period from the end date of the annual statement and must show  
 186 the financial condition of the applying contractor no more than  
 187 4 months before the date that the interim financial statements  
 188 are received by the department. However, upon the request of the  
 189 applying contractor, an application and accompanying annual or  
 190 interim financial statement received by the department within 15  
 191 days after either 4-month period under this subsection must  
 192 ~~shall~~ be considered timely. An applying contractor desiring to  
 193 bid exclusively for the performance of construction contracts  
 194 with proposed budget estimates of less than \$2 ~~\$1~~ million may  
 195 submit reviewed annual or reviewed interim financial statements  
 196 prepared by a certified public accountant. The information  
 197 required by this subsection is confidential and exempt from s.  
 198 119.07(1). The department shall act upon the application for  
 199 qualification within 30 days after the department determines  
 200 that the application is complete. The department may waive the  
 201 requirements of this subsection for projects having a contract  
 202 price of \$500,000 or less if the department determines that the  
 203 project is of a noncritical nature and that the waiver will not

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204 endanger public health, safety, or property.  
 205 (4) If the applicant is found to possess the prescribed  
 206 qualifications, the department must ~~shall~~ issue to him or her a  
 207 certificate of qualification that, unless thereafter revoked by  
 208 the department for good cause, will be valid for a period of 18  
 209 months after the date of the applicant's financial statement or  
 210 such shorter period as the department prescribes. Submission of  
 211 an application does ~~and subsequent approval do~~ not affect  
 212 expiration of the certificate of qualification. An applicant may  
 213 submit a written request with a timely submitted application to  
 214 keep an existing certificate of qualification in place until the  
 215 expiration date. If the request is approved by the department,  
 216 the current maximum capacity rating of the applicant must remain  
 217 in place until expiration of the current certificate of  
 218 qualification, the ability factor of the applicant, or the  
 219 maximum capacity rating of the applicant. If the department  
 220 finds that an application is incomplete or contains inadequate  
 221 information or information that cannot be verified, the  
 222 department may request in writing that the applicant provide the  
 223 necessary information to complete the application or provide the  
 224 source from which any information in the application may be  
 225 verified. If the applicant fails to comply with the initial  
 226 written request within a reasonable period of time as specified  
 227 therein, the department must ~~shall~~ request the information a  
 228 second time. If the applicant fails to comply with the second  
 229 request within a reasonable period of time as specified therein,  
 230 the application must ~~shall~~ be denied.

231 Section 5. Section 337.168, Florida Statutes, is amended to  
 232 read:

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233 337.168 Confidentiality of official estimates, ~~identities~~  
 234 ~~of potential bidders, and the~~ bid analysis, and monitoring  
 235 system.-

236 (1) A document or electronic file revealing the official  
 237 cost estimate of the department of a project is confidential and  
 238 exempt from ~~the provisions of~~ s. 119.07(1) until the contract  
 239 for the project has been executed or until the project is no  
 240 longer under active consideration.

241 ~~(2) A document that reveals the identity of a person who~~  
 242 ~~has requested or obtained a bid package, plan, or specifications~~  
 243 ~~pertaining to any project to be let by the department is~~  
 244 ~~confidential and exempt from the provisions of s. 119.07(1) for~~  
 245 ~~the period that begins 2 working days before the deadline for~~  
 246 ~~obtaining bid packages, plans, or specifications and ends with~~  
 247 ~~the letting of the bid. A document that reveals the identity of~~  
 248 ~~a person who has requested or obtained a bid package, plan, or~~  
 249 ~~specifications pertaining to any project to be let by the~~  
 250 ~~department before the 2 working days before the deadline for~~  
 251 ~~obtaining bid packages, plans, or specifications remains a~~  
 252 ~~public record subject to s. 119.07(1).~~

253 ~~(3)~~ The bid analysis and monitoring system of the  
 254 department is confidential and exempt from ~~the provisions of~~ s.  
 255 119.07(1). This exemption applies to all system documentation,  
 256 input, computer processes and programs, electronic data files,  
 257 and output, but does not apply to the actual source documents,  
 258 unless otherwise exempted under other provisions of law.

259 Section 6. Paragraph (a) of subsection (1) of section  
 260 338.223, Florida Statutes, is amended to read:

261 338.223 Proposed turnpike projects.-

Page 9 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02144-23

202364c1

262 (1) (a) Any proposed project to be constructed or acquired  
 263 as part of the turnpike system and any turnpike improvement must  
 264 ~~shall~~ be included in the tentative work program. A proposed  
 265 project or group of proposed projects may not be added to the  
 266 turnpike system unless such project or projects are determined  
 267 to be economically feasible and a statement of environmental  
 268 feasibility has been completed for such project or projects and  
 269 such projects are determined to be consistent, to the maximum  
 270 extent feasible, with approved local government comprehensive  
 271 plans of the local governments in which such projects are  
 272 located. The department may authorize engineering studies,  
 273 traffic studies, environmental studies, and other expert studies  
 274 of the location, costs, economic feasibility, and practicality  
 275 of proposed turnpike projects throughout this the state and may  
 276 proceed with the design phase of such projects. ~~The department~~  
 277 ~~may not request legislative approval of a proposed turnpike~~  
 278 ~~project until the design phase of that project is at least 30~~  
 279 ~~percent complete.~~ If a proposed project or group of proposed  
 280 projects is found to be economically feasible, consistent, to  
 281 the maximum extent feasible, with approved local government  
 282 comprehensive plans of the local governments in which such  
 283 projects are located, and a favorable statement of environmental  
 284 feasibility has been completed, the department, with the  
 285 approval of the Legislature, must shall, after the receipt of  
 286 all necessary permits, construct, maintain, and operate such  
 287 turnpike projects.

288 Section 7. Section 334.180, Florida Statutes, is created to  
 289 read:

290 334.180 Department electronic tickets.-An electronic ticket

Page 10 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02144-23

202364c1

291 generated by a system used by the department serves as an  
292 official record for material deliveries on local government  
293 projects. Notwithstanding any law, rule, or ordinance to the  
294 contrary, a local government may not refuse to accept such  
295 electronic ticket.

296 Section 8. This act shall take effect July 1, 2023.



The Florida Senate

## Committee Agenda Request

**To:** Senator Ed Hooper  
Committee on ATD

**Subject:** Committee Agenda Request

**Date:** February 22, 2023

---

I respectfully request that **Senate Bill #198**, relating to Tampa Bay Area Regional Transit Authority be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Nick DiCeglie".

---

Senator Nick DiCeglie  
Florida Senate, District 18

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic  
Development

---

BILL: CS/SB 198

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Tampa Bay Area Regional Transit Authority

DATE: March 7, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Fav/CS</b>
2.	Nortelus	Jerrett	ATD	<b>Favorable</b>
3.			AP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 198 repeals Part III of Ch. 343, F. S., relating to the creation and operation of the Tampa Bay Area Regional Transit Authority. The bill dissolves the authority on June 30, 2024, and requires it to provide for discharge of its liabilities, to settle and close its affairs, to close out and dispense any applicable federal or state grants or funds, and to provide for distribution of the authority's assets as specified. The authority is required to provide specified notices and forward its records to the Department of State upon final dissolution. The bill removes a reference to the Tampa Bay Area Regional Authority Master Plan to conform to the repeal.

The bill appears to present no fiscal impact to the state. See the "Fiscal Impact" heading for additional information.

Except as otherwise provided, the bill takes effect July 1, 2023.

**II. Present Situation:**

**History of the Transportation/Transit Authority and Related Entities**

The Tampa Bay Regional *Transportation* Authority (Transportation Authority) was created in 2007 with the express purposes to improve mobility and expand multimodal transportation options for passengers and freight throughout the seven-county area of Citrus, Hernando,

Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties.<sup>1</sup> At that time, the West Central Florida Metropolitan Planning Organization (MPO) Chairs Coordinating Committee (CCC) appointed one member to the board of the Transportation Authority. The Transportation Authority was required to present its original master plan and updates to the governing bodies of the seven counties, to the West Central Florida MPO CCC, and to the legislative delegation members representing the seven counties. The Transportation Authority was also required to coordinate plans and projects with the West Central Florida MPO CCC, to the extent practicable, and to participate in the regional MPO planning process to ensure regional comprehension of the Transportation Authority's mission, goals, and objectives.<sup>2</sup>

In 2016, the West Central Florida MPO CCC was renamed as the Transportation Authority MPO CCC, and the Transportation Authority was directed to provide administrative support and direction to the Transportation Authority MPO CCC.<sup>3</sup>

In 2017, the Transportation Authority was renamed as the Tampa Bay Area Regional *Transit* Authority (TBARTA), removing Citrus and Sarasota counties as areas covered, leaving Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties, as well as any other contiguous county that is party to an agreement of participation. Appointment by the also-renamed TBARTA MPO CCC of a board member to the TBARTA was repealed.<sup>4</sup>

In 2021, the Legislature repealed certain duties and responsibilities of the TBARTA, including the duty to:

- Present the regional transit development plan and updates to the TBARTA MPO CCC;
- Coordinate plans and projects with the TBARTA MPO CCC;
- Participate in the regional MPO planning process; and
- Provide administrative support to the TBARTA MPO CCC.

References to the "TBARTA MPO" CCC were removed, leaving creation of today's statutory Chairs Coordinating Committee composed of the MPOs serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties.<sup>5</sup>

The Sun Coast Transportation Planning Alliance (SCTPA) is the apparent successor to the West Central Florida MPO CCC and continues serving the West Central Florida area covered by the MPOs and transportation planning organizations in the same counties as the statutory CCC.

The Sun Coast Transportation Planning Alliance (SCTPA), formerly the MPO Chairs Coordinating Committee (CCC), of West Central Florida is the longest-standing regional transportation planning compact among MPOs in the State of Florida, and its members are Hernando/Citrus, Hillsborough, Pasco, Pinellas, Polk, and Sarasota/Manatee. The group also includes advisors from the Tampa Bay Area Regional Transit Authority

---

<sup>1</sup> Chapter 2007-254, L.O.F.

<sup>2</sup> *Id.*

<sup>3</sup> Chapter 2016-239, L.O.F.

<sup>4</sup> Chapter 2017-98, L.O.F.

<sup>5</sup> Chapter 2021-188, L.O.F. Section 339.175(6)(i), F.S.

(TBARTA), the Florida Department of Transportation (FDOT), the Tampa Bay Regional Planning Council (TBRPC), Pinellas Suncoast Transit Authority (PSTA), and Hillsborough Area Regional Transit (HART).<sup>6</sup>

A review of the SCTPA's website suggests it is actively engaged in regional transportation planning.<sup>7</sup> Among other relevant information such as transit and trails visions, the Regional Long-Range Transportation Plan, and funding priorities, the website offers items such as assistance relating to public involvement with the SCTPA's activities and services such as an interactive Tri-County Trails Map reflecting trails and bike lanes throughout the Tampa Bay Region.<sup>8</sup>

The CCC's minimum statutory duties remain as follows:

- Coordinate transportation projects deemed to be regionally significant by the committee;
- Review the impact of regionally significant land use decisions on the region;
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the MPO's represented on the committee; and
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.<sup>9</sup>

### **Current TBARTA Duties and Responsibilities**

Currently, the TBARTA, an agency of the state, is established in Part III of Ch. 343, F.S., covering Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties, and any other county that is party to an agreement for participation.<sup>10</sup> The express purposes of TBARTA are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region;
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities; and
- Serve with the consent of the Governor or designee, as the recipient of federal funds supporting an intercounty project or an intercounty capital project that represents a phase of an intercounty project that exists in a single county within the designated region.<sup>11</sup>

The TBARTA's governing board is composed of 13 voting members as follows:

- Each of the boards of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties appoint one member, each of whom serve two-year terms with not more than three consecutive terms being served by any person;

<sup>6</sup> Suncoasttpa, *Alliance Members*, available at [Alliance Members – Sun Coast TPA](#) (last visited January 26, 2023).

<sup>7</sup> Suncoasttpa, *Our Board*, available at [Our Board – Sun Coast TPA](#) (last visited January 26, 2023).

<sup>8</sup> Suncoasttpa.org,

<sup>9</sup> Section 339.175(6)(i), F.S.

<sup>10</sup> Section 343.91(1)(a), F.S.

<sup>11</sup> Section 343.922(1), F.S.

- Two members must be the mayors, or their designated alternates,<sup>12</sup> of the two largest municipalities within the respective service areas of the Pinellas Suncoast Transit Authority (PSTA) and the Hillsborough Area Regional Transit Authority (HART), or their legislatively created successor agencies;
- The PSTA and the HART, or their legislatively created successor agencies, each appoint one member from their respective governing bodies; and
- The Governor appoints four members of the regional business community, each of whom must reside in one of the counties governed by the authority, and none of whom may be an elected official. They serve a two-year term with not more than three consecutive terms being served by any person. Each member appointed will serve a two-year term with not more than three consecutive terms being served by any person.<sup>13</sup>

In recent years, apparently based on concerns relating to duplication of functions performed by other entities, a shift of focus to studying and planning rather than on deliverable transit programs,<sup>14</sup> and concerns at the local level,<sup>15</sup> the efficacy of the TBARTA's continued existence appears to be in question. For the last three years, funding for the TBARTA in the annual General Appropriations Act has been vetoed.<sup>16</sup>

On January 20, 2023, the TBARTA's executive director recommended to the governing board support for the repeal of the TBARTA's enabling act and approval of the director's proposed plan to settle and close the agency's affairs. Among other details of the executive director's recommendation were provisions for:

- Severance and benefits for the executive director and the director of accounting, as well as payout of unused vacation hours for all staff;
- Close-out of state and federal grants and return of funds, as appropriate;
- Termination of state lobbying services, office lease, and telephone service;
- Transfer of the vanpool program;<sup>17</sup>
- Reimbursement to Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties in March of 2024 in the same proportion as funds contributed;<sup>18</sup>
- Discontinuance of operations on December 31, 2023, with final closure completed on March 31, 2024; and
- Transfer of agency records to the Department of State by March 31, 2024.<sup>19</sup>

<sup>12</sup> The mayors' designated alternates must be an elected member of the municipality's city council and approved as the mayors' alternates by the city council. Section 343.92(2)2.b., F.S.

<sup>13</sup> Section 343.92(2)(b), F.S.

<sup>14</sup> See, e.g., Florida Politics, *Tampa Bay transit authority survives attempt to dissolve it*, April 27, 2021, available at [Tampa Bay transit authority survives attempt to dissolve it \(floridapolitics.com\)](https://www.floridapolitics.com/story/news/politics/2021/04/27/tampa-bay-transit-authority-survives-attempt-to-dissolve-it/7411470002), and [Nick DiCeglie carries Jeff Brandes' TBARTA torch, again files to repeal agency \(floridapolitics.com\)](https://www.floridapolitics.com/story/news/politics/2021/04/27/nick-di-ceglie-carries-jeff-brandes-tbarta-torch-again-files-to-repeal-agency/7411470002) (last visited January 26, 2023).

<sup>15</sup> See TransitTalent, *Tampa Bay transit agency heads for derailment*, October 21, 2022, available at [Tampa Bay transit agency heads for derailment \(transittalent.com\)](https://www.transittalent.com/news/tampa-bay-transit-agency-heads-for-derailment/) (last visited January 26, 2023).

<sup>16</sup> See the 2020 Veto List, Line Item # 1958 A, p. 14, available at [2020-Veto-List.pdf \(flgov.com\)](https://www.flgov.com/legislation/veto-list/2020-veto-list/), the 2021 Veto List, Line Item #1915 A, p. 4, available at [2021-Veto-List-Final.pdf \(flgov.com\)](https://www.flgov.com/legislation/veto-list/2021-veto-list/), and the 2022 Veto List, Line Item #1988 A, p. 9, available at [2022-Veto-List-Final.pdf \(flgov.com\)](https://www.flgov.com/legislation/veto-list/2022-veto-list/) (last visited January 26, 2023).

<sup>17</sup> For details on the TBARTA vanpool program, see [tbarta.com, Commute Tampa Bay](https://www.tbarta.com/commute-tampa-bay/), available at [Commuter Tampa Bay | TBARTA](https://www.tbarta.com/commute-tampa-bay/) (last visited January 31, 2023).

<sup>18</sup> See *Infra* note 19, p. 68, for a table reflecting the estimated reimbursements.

<sup>19</sup> For more details on the closure plan, see [PowerPoint Presentation \(tbarta.com\)](https://www.tbarta.com/powerpoint-presentation/), starting at p. 61.

The board approved the recommendation.<sup>20</sup>

### III. Effect of Proposed Changes:

The bill repeals Part III of Ch 343, F.S., relating to the creation and operation of the TBARTA. The TBARTA is dissolved effective July 1, 2024.

The bill directs the TBARTA to:

- Provide for the discharge of its liabilities. Any liabilities in excess of its assets must be assumed by each county represented on the TBARTA board in proportion to each county's contribution to the TBARTA in the 2021-2022 fiscal year;
- Settle and close its affairs, and transfer any pending activities, including but not limited to, the administration of its vanpool program;
- Close and appropriately dispense any applicable federal or state grants or funds;
- Provide for distribution of its remaining assets, if any, such that each county represented on its board receives an amount in proportion to each entity's contribution to the TBARTA in the 2021-2022 fiscal year;
- Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on the TBARTA board; and
- Forward its records to the Department of State upon final dissolution.

Lastly, the bill amends s. 341.302(3)(b), F.S., to make a conforming revision by removing a reference to "the Tampa Bay Area Regional Authority Master Plan."

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None identified.

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<sup>20</sup> A video of the board meeting is available at [January Board Meeting|TBARTA](#) (last visited January 26, 2026).



**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Unknown.

## C. Government Sector Impact:

Indeterminate, but likely insignificant. While the ultimate fiscal impact of dissolving the TBARTA is indeterminate, the board-approved closure plan indicates the expectation of apportioned reimbursements to the affected counties.<sup>21</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill repeals the following sections of the Florida Statutes: Part III of chapter 343, consisting of ss. 343.90, 343.91, 343.92, 343.922, 343.94, 343.941, 343.943, 343.944, 343.947, 343.95, 343.96, 343.962, 343.97, 343.973, 343.975, and 343.976.

This bill creates an undesignated section of law.

This bill amends section 341.302 of the Florida Statutes.

**IX. Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 7, 2023:**

The committee substitute provides more specific instructions for closing out the TBARTA's affairs, adds provisions for assumption of any remaining liability in excess of assets, requires specified notices of dissolution, and requires forwarding of the TBARTA's records to the Department of State upon final dissolution.

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<sup>21</sup> *Supra* note 18.

B. Amendments:

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---

By the Committee on Transportation; and Senator DiCeglie

596-02022-23

2023198c1

A bill to be entitled

An act relating to the Tampa Bay Area Regional Transit Authority; repealing part III of ch. 343, F.S., relating to the creation and operation of the authority; dissolving the authority and requiring the authority to perform specified activities; amending s. 341.302, F.S.; conforming a provision to changes made by the act; providing effective dates.

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

Section 1. Part III of chapter 343, Florida Statutes, consisting of ss. 343.90, 343.91, 343.92, 343.922, 343.94, 343.941, 343.943, 343.944, 343.947, 343.95, 343.96, 343.962, 343.97, 343.973, 343.975, and 343.976, Florida Statutes, is repealed.

Section 2. Effective June 30, 2024, the Tampa Bay Area Regional Transit Authority is dissolved. The authority shall:

(1) Provide for the discharge of its liabilities. Any liabilities in excess of its assets must be assumed by each county represented on the authority's board in proportion to each county's contribution to the authority in the 2021-2022 fiscal year;

(2) Settle and close its affairs, and transfer any pending activities, including, but not limited to, the administration of its vanpool program;

(3) Close and appropriately dispense any applicable federal or state grants or funds;

(4) Provide for distribution of the authority's remaining

Page 1 of 3

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assets, if any, such that each county represented on the authority's board receives an amount in proportion to each county's contribution to the authority in the 2021-2022 fiscal year;

(5) Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on the authority's board; and

(6) Forward its records to the Department of State upon final dissolution.

Section 3. Paragraph (b) of subsection (3) of section 341.302, Florida Statutes, is amended to read:

341.302 Rail program; duties and responsibilities of the department.—The department, in conjunction with other governmental entities, including the rail enterprise and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, and as authorized under federal law, the department shall:

(3) Develop and periodically update the rail system plan, on the basis of an analysis of statewide transportation needs.

(b) In recognition of the department's role in the enhancement of the state's rail system to improve freight and passenger mobility, the department shall:

1. Work closely with all affected communities along an impacted freight rail corridor to identify and address anticipated impacts associated with an increase in freight rail

Page 2 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

596-02022-23

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59 traffic due to implementation of passenger rail.

60 2. In coordination with the affected local governments and  
61 CSX Transportation, Inc., finalize all viable alternatives from  
62 the department's Rail Traffic Evaluation Study to identify and  
63 develop an alternative route for through freight rail traffic  
64 moving through Central Florida, including the counties of Polk  
65 and Hillsborough, which would address, to the extent  
66 practicable, the effects of commuter rail.

67 3. Provide technical assistance to a coalition of local  
68 governments in Central Florida, including the counties of  
69 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,  
70 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,  
71 Sumter, and Volusia, and the municipalities within those  
72 counties, to develop a regional rail system plan that addresses  
73 passenger and freight opportunities in the region, is consistent  
74 with the Florida Rail System Plan, and incorporates appropriate  
75 elements of the ~~Tampa Bay Area Regional Authority Master Plan,~~  
76 the Metroplan Orlando Regional Transit System Concept Plan,  
77 including the SunRail project, and the Florida Department of  
78 Transportation Alternate Rail Traffic Evaluation.

79 Section 4. Except as otherwise expressly provided in this  
80 act, this act shall take effect July 1, 2023.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Committee on Agriculture,  
Environment, and General Government, *Chair*  
Health Policy, *Vice Chair*  
Appropriations  
Appropriations Committee on Health  
and Human Services  
Children, Families, and Elder Affairs  
Community Affairs  
Regulated Industries  
Rules

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

### SENATOR JASON BRODEUR

10th District

February 27, 2023

The Honorable Ed Hooper, Chair  
Appropriations Committee on Transportation, Tourism, and Economic Development  
408 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Hooper,

I respectfully request that **Senate Bill 370, Electronic Motor Vehicle Registration Certificates**, be placed on the agenda of the Appropriations Committee on Transportation, Tourism, and Economic Development meeting to be considered at your earliest convenience.

If you have any questions or concerns, please do not hesitate to reach out to me or my office.

Sincerely,

A handwritten signature in black ink that reads "Jason Brodeur".

Senator Jason Brodeur – District 10

CC: Charlotte Jerrett – Staff Director  
Brooke Conlan – Committee Administrative Assistant

#### REPLY TO:

- 110 Timberlachen Circle, Suite 1012, Lake Mary, Florida 32746 (407) 333-1802
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

---

October 31, 2022

Honorable Kelli Stargel, Chair  
Florida Senate Appropriations Committee  
201 The Capitol  
Tallahassee, Florida 32399-1100

Honorable Jay Trumbull, Chair  
Florida House Appropriations Committee  
221 The Capitol  
Tallahassee, Florida 32399-1100

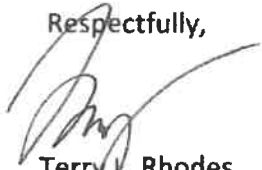
CC: Chris Spencer, Office of Policy & Budget Director  
Tim Sadberry, Senate Appropriations Staff Director  
Eric Pridgeon, House Appropriations Staff Director

Dear Chair Stargel and Chair Trumbull:

Pursuant to section six of the General Appropriations Act (HB 5001 – 2022 Legislative Session), "From the funds in Specific Appropriations 2695 through 2709, 25 percent of these funds shall be placed in reserve until the department demonstrates a functioning, accessible, digital proof of driver license and identification card that is verifiable statewide on all mobile platforms for use by the general public pursuant to section 322.032, Florida Statutes, by October 31, 2022. The department may request release of funds, upon documenting statewide usability of a digital proof of driver license and identification card, for approval by the Legislative Budget Commission pursuant to the provisions of chapter 216, Florida Statutes."

Included with this letter are supporting documents evidencing the Florida Smart ID satisfies the above requirements of a functioning, accessible, digital proof of driver license and identification card prior to October 31, 2022, as required by the General Appropriations Act. The Florida Smart ID has been available in the Apple App Store and Google Play Store since February 28, 2022. Since then, over 57,000 Floridians, statewide, have successfully downloaded and activated their Florida Smart ID.

Respectfully,



Terry L. Rhodes  
Executive Director

## Congratulations!

Your submission was accepted for release on the App Store.

Submission ID: f27d6cd6-ce28-4c95-82f1-2b87529a6deb

App Name: FL Smart ID: Thales

<https://apps.apple.com/app/fl-smart-id-thales/id1560687532>

## Accepted items

### App Version

1.2.0 for iOS

[View in App Store Connect](#)

Please note that it can take up to 24 hours after release for items to become publicly available.

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App Store Review

FL Smart ID: Thales

powered by Thales

Florida Department of Highway Safety and Motor Vehicles



Screenshots







What's New

App Store Review





FL Smart ID Verifier: Thales

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Screenshots

What's New



# FL Smart ID: Thales

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FLHSMV  
3.6e
- FL Smart ID LE Verifier:Thales  
FLHSMV

### About this app

Florida Smart ID™ is an official app for businesses and organizations to authenticate a Florida Smart ID for proof of identity or age.

For downloading and installing, use the app on the FL Smart ID on mobile. The app is available for free. After installation, select the type of authentication needed: the program is designed to be used with the FL Smart ID on mobile. The app is available for free. After installation, select the type of authentication needed: the program is designed to be used with the FL Smart ID on mobile. The app is available for free.

Updated on

11/17/2022

Icons



# FL Smart ID Verifier: Thales

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FLHSMV

### About this app

Florida Smart ID Verifier: Thales is an official app for businesses and organizations to authenticate a Florida Smart ID for proof of identity or age.

After downloading, users can launch the Florida Smart ID Verifier on a smartphone. Select the mobile device to select the type of verification needed and scan the code displayed on the Florida Smart ID. After the code is successfully scanned, the individual's information is displayed on the Florida Smart ID Verifier screen.

Updated on

11/15/2022

Icons



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

---

BILL: CS/SB 370

INTRODUCER: Transportation Committee and Senator Brodeur

SUBJECT: Electronic Motor Vehicle Registration Certificates

DATE: March 7, 2023

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

---

**I. Summary:**

CS/SB 370 authorizes acceptance of an *electronic* certificate of motor vehicle registration as documentation required to be in the possession of a motor vehicle's operator or carried in the vehicle while the vehicle is being operated on the roads of this state. The bill provides that displaying an electronic registration certificate does not constitute consent for an officer or agent to access any other information on the electronic device, and the person who presents the device assumes liability for any resulting damage to the device.

The bill takes effect January 1, 2024.

**II. Present Situation:**

**Motor Vehicle Registration Requirements**

Except as otherwise provided in ch. 320, F.S., every owner or person in charge of a motor vehicle operated or driven on the roads of Florida must register the vehicle in this state. The owner or person in charge must apply to the Department of Highway Safety and Motor Vehicles (DHSMV) or to its authorized agent for registration of each such vehicle on a form prescribed by the DHSMV. Vehicles with out-of-state registrations are required by law to be registered within 10 days of the owner either becoming employed, placing children in public school, or

establishing residency in Florida.<sup>1</sup> Most motor vehicles have a registration period of 12 or 24 months during which the registration is valid.<sup>2</sup>

A complete registration consists of the following and is evidence of having paid the registration taxes and fees:

- A license plate attached to the vehicle in the designated area;<sup>3</sup>
- A registration certificate in the possession of the operator of the motor vehicle or carried in the vehicle at all times;<sup>4</sup> and
- A registration decal, which is a sticker provided on the registration certificate. The validation decal should be affixed in the upper right-hand corner of the Florida license plate.<sup>5</sup>

### **Proof of Motor Vehicle Registration**

The registration certificate or an official copy, a true copy, or electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan must, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator of the vehicle or be carried in the vehicle for which it was issued.<sup>6</sup>

Such documentation must be exhibited upon demand of any authorized law enforcement officer or agent of the DHSMV, except for a vehicle registered under s. 320.0657, F.S., as a fleet vehicle. This does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in ch. 318, F.S.

The law provides that presenting an electronic device displaying an electronic copy of rental or lease documentation does not constitute consent for the officer or agent to access any other information on the device, and the person who presents the device to the officer or agent assumes liability for any resulting damage to the device.<sup>7</sup>

### **Electronic Registration Certificate**

Section 322.032, F.S., required the DHSMV to establish a secure and uniform system for issuing an optional digital proof of driver license or identification card and authorized the DHSMV to contract with private entities to develop an electronic credentialing system. “Electronic credentialing system” is defined as a computer system accessed by personal device that queries

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<sup>1</sup> DHSMV, *License Plates & Registrations – Motor Vehicle Registrations*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/license-plates-registration/motor-vehicle-registrations/> (last visited February 24, 2023).

<sup>2</sup> Section 320.01(19)(a.), F.S.

<sup>3</sup> Section 316.605, F.S.

<sup>4</sup> Section 320.0605, F.S.

<sup>5</sup> Section 320.06(1)(b), F.S.

<sup>6</sup> Section 320.0605(1)(a), F.S.

<sup>7</sup> Section 320.0605(1)(b), F.S.

the DHSMV's driver license and identification card records, displays or transmits digital proof of driver license or identification card, and verifies the authenticity of those electronic credentials.<sup>8</sup>

Based on these requirements, the DHSMV has created the Florida Smart ID. The Florida Smart ID is functioning and available in the Apple App Store and Google Play Store. According to the DHSMV, as of October 31, 2022, 57,000 Floridians have downloaded and activated their Florida Smart ID.<sup>9</sup>

In 2022, a Florida law was adopted requiring the DHSMV's electronic credentialing system also display driver vehicle registration and insurance information by July 1, 2023.<sup>10</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 320.0605, F.S., to authorize a law enforcement officer or agent of the DHSMV to accept an electronic certificate of motor vehicle registration as required documentation that must be in the possession of the vehicle's operator or carried in the vehicle at all times while the vehicle is being operated on the roads of this state. The electronic registration certificate must be in a uniform format prescribed by the DHSMV.

The bill also provides that displaying an electronic copy of the registration certificate does not constitute consent for the officer or agent to access any other information on the device, and the person who presents the device to the officer or agent assumes liability for any resulting damage to the device.

The bill takes effect January 1, 2024.

### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

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<sup>8</sup> Section 322.032(1)(c), F.S.

<sup>9</sup> Letter to the Chairs of the Joint Legislative Budget Commission from Terry L. Rhodes, Executive Director, DHSMV, (October 31, 2022).

<sup>10</sup> Chapter 2022-169, Laws of Fla., creating s. 324.252, F.S.

E. Other Constitutional Issues:

None Identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DHSMV was provided a nonrecurring sum of \$1,413,270 in Fiscal Year 2022-2023 to implement the electronic insurance verification provisions required under s. 324.252, F.S., which also requires the electronic display of driver vehicle registration. Therefore, the department can absorb the impact within existing resources and no further funds are needed.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 320.0605 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 21, 2023:**

The committee substitute clarifies that an officer or agent of the DHSMV may not access information on an electronic device other than the displayed registration certificate when provided.

B. Amendments:

None.

By the Committee on Transportation; and Senator Brodeur

596-02143-23

2023370c1

A bill to be entitled

An act relating to electronic motor vehicle registration certificates; amending s. 320.0605, F.S.; authorizing a uniform paper or electronic format of the registration certificate for a motor vehicle; prohibiting an officer or agent from accessing certain information upon presentation of an electronic registration certificate on an electronic device; making technical changes; providing an effective date.

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

Section 1. Section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration and other documents; possession required; exception.—

(1) (a) The registration certificate in a uniform paper or electronic format, as prescribed by the department, or an official copy thereof; a true copy or an electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period; a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet; or a cab card issued for a vehicle registered under the International Registration Plan ~~must shall, at all times while the vehicle is being used or operated on the roads of this state,~~ be in the possession of the operator ~~thereof~~ or be carried in the vehicle for which such documentation was issued at all times while the vehicle is being used or operated on the roads of this state and

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

596-02143-23

2023370c1

~~must shall~~ be exhibited upon demand of any authorized law enforcement officer or any agent of the department, except for a vehicle registered under s. 320.0657. This ~~subsection~~ ~~section~~ does not apply during the first 30 days after purchase of a replacement vehicle. A violation of this ~~subsection~~ ~~section~~ is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b)1. The act of presenting to a law enforcement officer or agent of the department an electronic device displaying an electronic registration certificate or a copy of rental or lease documentation does not constitute consent for the officer or agent to access any information on the device other than the displayed registration certificate or rental or lease documentation.

2. The person who presents the device to the officer or agent assumes the liability for any resulting damage to the device.

(2) Rental or lease documentation that is sufficient to satisfy the requirement in subsection (1) includes the following:

- (a) Date and time of rental;
- (b) Rental agreement number;
- (c) Rental vehicle identification number;
- (d) Rental vehicle license plate number and state of registration;
- (e) Vehicle's make, model, and color;
- (f) Vehicle's mileage; and
- (g) Authorized renter's name.

Section 2. This act shall take effect January 1, 2024.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

# CourtSmart Tag Report

**Room:** SB 110

**Case No.:**

**Type:**

**Caption:** Senate Appropriations Committee on Transportation, Tourism, and Economic Development

**Judge:**

**Started:** 3/8/2023 8:31:48 AM

**Ends:** 3/8/2023 8:47:44 AM **Length:** 00:15:57

8:31:49 AM	Sen. Hooper (Chair)
8:32:40 AM	TAB 3 - CS/SB 370 Sen. Brodeur, Electronic Motor Vehicle Registration Certificates
8:32:50 AM	Sen. Brodeur
8:33:49 AM	Sen. Hooper
8:34:31 AM	TAB 2 - CS/SB 198 Sen. DiCeglie, Tampa Bay Area Regional Transit Authority
8:34:42 AM	Sen. DiCeglie
8:35:07 AM	Sen. Hooper
8:36:00 AM	Sen. Trumbull (Vice Chair)
8:36:07 AM	TAB 1 - CS/SB 64 Sen. Hooper, Dept. of Transportation
8:36:11 AM	Sen. Hooper
8:36:35 AM	Sen. Trumbull
8:36:39 AM	Sen. Hooper
8:39:59 AM	Sen. Trumbull
8:40:09 AM	Sen. Powell
8:40:27 AM	Sen. Hooper
8:41:36 AM	Sen. Powell
8:41:55 AM	Sen. Hooper
8:42:33 AM	Sen. Powell
8:42:52 AM	Sen. Hooper
8:43:27 AM	Sen. Powell
8:43:59 AM	Sen. Hooper
8:44:36 AM	Sen. Trumbull
8:44:44 AM	Carolyn Johnson, Florida Chamber of Commerce (Waives in Support)
8:44:56 AM	Sen. Hooper
8:44:58 AM	Sen. Trumbull
8:45:25 AM	Sen. Hooper
8:46:15 AM	Sen. Trumbull
8:46:43 AM	Sen. Hooper
8:47:19 AM	Sen. Thompson
8:47:26 AM	Sen. Hooper



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR ERIN GRALL**  
29th District

March 7, 2023

Chair Hooper,

I respectfully request an excused absence from the Appropriations Committee on Transportation, Tourism, and Economic Development on March 8, 2023 at 8:30am.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Erin K. Grall".

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Senator Erin Grall  
Florida Senate, District 29

**COMMITTEES:**  
Education Postsecondary, *Chair*  
Agriculture  
Appropriations  
Appropriations Committee on Agriculture,  
Environment, and General Government  
Appropriations Committee on Transportation,  
Tourism, and Economic Development  
Education Pre-K -12  
Ethics and Elections

**SELECT COMMITTEE:**  
Select Committee on Resiliency

**JOINT COMMITTEE:**  
Joint Administrative Procedures Committee

**REPLY TO:**

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- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore