

By Senator Clary

309-504-02

1                                   A bill to be entitled  
2           An act relating to construction of  
3           transportation facilities; amending s. 337.107,  
4           F.S.; allowing the Department of Transportation  
5           to include right-of-way services as part of  
6           design-build contracts; amending s. 337.11,  
7           F.S.; broadening the list of transportation  
8           projects that may be awarded as design-build  
9           contracts; specifying that construction of any  
10          portion of a project under a design-build  
11          contract may not begin until title to the  
12          necessary rights-of-way and easements for that  
13          portion has vested in the state or a local  
14          governmental entity and all railroad crossing  
15          and utility agreements have been executed;  
16          providing an effective date.

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

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20           Section 1. Section 337.107, Florida Statutes, is  
21          amended to read:  
22           337.107 Contracts for right-of-way services.--The  
23          department may enter into contracts pursuant to s. 287.055 for  
24          right-of-way services on transportation corridors and  
25          transportation facilities, or the department may include  
26          right-of-way services as part of design-build contracts  
27          awarded pursuant to s. 337.11. Right-of-way services include  
28          negotiation and acquisition services, appraisal services,  
29          demolition and removal of improvements, and asbestos-abatement  
30          services.

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1           Section 2. Paragraph (a) of subsection (7) of section  
2 337.11, Florida Statutes, is amended to read:

3           337.11 Contracting authority of department; bids;  
4 emergency repairs, supplemental agreements, and change orders;  
5 combined design and construction contracts; progress payments;  
6 records; requirements of vehicle registration.--

7           (7)(a) If the head of the department determines that  
8 it is in the best interests of the public, the department may  
9 combine the right-of-way services and design and construction  
10 phases of ~~any a building, a major bridge, or a rail corridor~~  
11 project into a single contract, except for a resurfacing or  
12 minor bridge project the right-of-way services and design and  
13 construction phases of which may be combined under s. 337.025.

14 Such contract is referred to as a design-build contract.

15 Design-build contracts may be advertised and awarded  
16 notwithstanding the requirements of paragraph (3)(c). However,  
17 construction activities may not begin on any portion of such  
18 projects for which the department has not yet obtained title  
19 until title to the necessary rights-of-way and easements for  
20 the construction of that portion of the project has vested in  
21 the state or a local governmental entity and all railroad  
22 crossing and utility agreements have been executed. Title to  
23 rights-of-way shall be deemed to have vested in the state when  
24 the title has been dedicated to the public or acquired by  
25 prescription.

26           Section 3. This act shall take effect upon becoming a  
27 law.

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HOUSE SUMMARY

Permits the Department of Transportation to include right-of-way services as part of design-build contracts on transportation corridors and transportation facilities. Broadens the list of transportation projects that may be awarded as design-build contracts and specifies that construction of any portion of a project under a design-build contract may not begin until title to the necessary rights-of-way and easements for that portion has vested in the state or a local governmental entity and all railroad crossings and utility agreements have been executed.