

By Senator Lynn

7-158-05

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A bill to be entitled

An act relating to contracts of the Department of Transportation; creating s. 337.183, F.S.; creating dispute review boards to hear claims arising out of department construction contracts and recommend resolutions prior to submitting claims to arbitration; providing an effective date.

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

Section 1. Section 337.183, Florida Statutes, is created to read:

337.183 Dispute review boards.--To further facilitate the prompt settlement of claims arising out of construction contracts between the department and the contractors with whom it transacts business and as a preliminary stage before invocation of the services of the State Arbitration Board under s. 337.185, a dispute review board shall be convened to examine such claims and recommend a solution to the parties. A dispute review board shall be composed of one member chosen by the department, one member chosen by the contractor, one member chosen by the municipality in which the contracted work was performed, if performed within a municipality, or by the county if the contracted work was not performed within a municipality, and one member agreed upon by the other three. The selection of an additional member must be by the unanimous vote of the first three members. Proceedings of a dispute review board are open to the public, and notice must be given of its meetings. The board may review the contract and any documentation relating to the contract and may hear testimony

1 from any party to the contract. Formal rules of evidence shall  
2 not apply, but fundamental due process shall be observed and  
3 shall govern the proceedings. The board shall make its  
4 recommendation with respect to resolving the dispute within 3  
5 business days after receiving the last documentation or  
6 testimony, but no later than 2 weeks following its convening.  
7 A recommendation of a dispute review board must receive the  
8 affirmative vote of three board members. If the parties do not  
9 accept the recommendation of the board, the dispute shall  
10 proceed to arbitration under s. 337.185.

11 Section 2. This act shall take effect July 1, 2005.

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14 SENATE SUMMARY

15 Creates dispute review boards as a preliminary step in  
16 resolving claims arising out of construction contracts of  
17 the Department of Transportation. Each board will have a  
18 member selected by the department, one by the contractor,  
19 one by the municipality or county in which the  
20 construction took place, and a fourth chosen by the first  
21 three. Three members must agree on any proposed solution.  
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