

Bill No. SB 460

Barcode 541822

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Sebesta) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (10) is added to section 332.007, Florida Statutes, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.--

(10) The department may also fund eligible projects performed by not-for-profit organizations that represent a majority of public airports in this state. Eligible projects may include activities associated with aviation master planning, professional education, safety and security planning, enhancing economic development and efficiency at airports in this state, or other planning efforts to improve the viability of airports in this state.

Section 2. Subsection (8) of section 337.11, Florida Statutes, is amended to read:

Bill No. SB 460

Barcode 541822

1 337.11 Contracting authority of department; bids;
 2 emergency repairs, supplemental agreements, and change orders;
 3 combined design and construction contracts; progress payments;
 4 records; requirements of vehicle registration.--

5 (8)(a) The department shall permit the use of written
 6 supplemental agreements, written work orders pursuant to a
 7 contingency pay item or contingency supplemental agreement,
 8 and written change orders to any contract entered into by the
 9 department. Any supplemental agreement shall be reduced to
 10 written contract form, ~~approved by the contractor's surety,~~
 11 and executed by the contractor and the department. Any
 12 supplemental agreement modifying any item in the original
 13 contract must be approved by the head of the department, or
 14 his or her designee, and executed by the appropriate person
 15 designated by him or her. Any surety issuing a bond under s.
 16 337.18 shall be fully liable under such surety bond to the
 17 full extent of any modified contract amount up to and
 18 including 25 percent over the original contract amount and
 19 without regard to the fact that the surety was not aware of or
 20 did not approve such modifications. However, if modifications
 21 of the original contract amount cumulatively result in
 22 modifications of the contract amount in excess of 25 percent
 23 of the original contract amount, the surety's approval shall
 24 be required to bind the surety under the bond on that portion
 25 in excess of 25 percent of the original contract amount.

26 (b) Supplemental agreements and written work orders
 27 pursuant to a contingency pay item or contingency supplemental
 28 agreement shall be used to clarify the plans and
 29 specifications of a contract; ~~to provide for major quantity~~
 30 ~~differences which result in the contractor's work effort~~
 31 ~~exceeding the original contract amount by more than 5 percent;~~

Bill No. SB 460

Barcode 541822

1 to provide for unforeseen work, grade changes, or alterations
2 in plans which could not reasonably have been contemplated or
3 foreseen in the original plans and specifications; to change
4 the limits of construction to meet field conditions; to
5 provide a safe and functional connection to an existing
6 pavement; to settle contract claims; and to make the project
7 functionally operational in accordance with the intent of the
8 original contract. Supplemental agreements may be used to
9 expand the physical limits of a project only to the extent
10 necessary to make the project functionally operational in
11 accordance with the intent of the original contract. The cost
12 of any such agreement extending the physical limits of a
13 project shall not exceed \$100,000 or 10 percent of the
14 original contract price, whichever is greater.

15 (c) Written change orders may be issued by the
16 department and accepted by the contractor covering minor
17 changes in the plans, specifications, or quantities of work
18 within the scope of a contract, when prices for the items of
19 work affected are previously established in the contract, but
20 in no event may such change orders extend the physical limits
21 of the work.

22 (d) For the purpose of this section, the term
23 "physical limits" means the length or width of any project and
24 specifically includes drainage facilities not running parallel
25 to the project. The length and width of temporary connections
26 affected by such supplemental agreements shall be established
27 in accordance with current engineering practice.

28 (e) Upon completion and final inspection of the
29 contract work, the department may accept the improvement if it
30 is in substantial compliance with the plans, specifications,
31 special provisions, proposals, and contract and if a proper

Bill No. SB 460

Barcode 541822

1 adjustment in the contract price is made.

2 (f) Any supplemental agreement or change order in
3 violation of this section is null and void and unenforceable
4 for payment.

5 Section 3. Section 339.64, Florida Statutes, is
6 amended to read:

7 339.64 Strategic Intermodal System Plan.--

8 (1) The department shall develop, in cooperation with
9 metropolitan planning organizations, regional planning
10 councils, local governments, the Statewide Intermodal
11 Transportation Advisory Council and other transportation
12 providers, a Strategic Intermodal System Plan. The plan shall
13 be consistent with the Florida Transportation Plan developed
14 pursuant to s. 339.155 and shall be updated at least once
15 every 5 years, subsequent to updates of the Florida
16 Transportation Plan.

17 (2) In association with the continued development of
18 the ~~initial~~ Strategic Intermodal System Plan ~~and other~~
19 ~~transportation plans~~, the Florida Transportation Commission,
20 as part of its work program review process, shall conduct an
21 annual assessment of the progress that the department and its
22 transportation partners have made in realizing the goals of
23 economic development, improved mobility, and increased
24 intermodal connectivity ~~need for an improved philosophical~~
25 ~~approach to regional and intermodal input in the planning for~~
26 ~~and governing~~ of the Strategic Intermodal System ~~and other~~
27 ~~transportation systems~~. The Florida Transportation Commission
28 shall coordinate with the department, the Statewide Intermodal
29 Transportation Advisory Council, and other appropriate
30 entities when developing this assessment. The Florida
31 Transportation Commission shall deliver a report to the

Bill No. SB 460

Barcode 541822

1 Governor and Legislature no later than 14 days after the
 2 regular session begins ~~by December 15, 2003,~~ with
 3 recommendations as necessary to fully implement the Strategic
 4 Intermodal System.

5 (3)(a) During the development of updates to the
 6 Strategic Intermodal System Plan ~~and the development of all~~
 7 ~~subsequent updates,~~ the department shall provide metropolitan
 8 planning organizations, regional planning councils, local
 9 governments, transportation providers, affected public
 10 agencies, and citizens with an opportunity to participate in
 11 and comment on the development of the ~~proposed plan or update.~~

12 (b) The department also shall coordinate with federal,
 13 regional, and local partners the planning for the Strategic
 14 Highway Network and the Strategic Rail Corridor Network
 15 transportation facilities that either are included in the
 16 Strategic Intermodal System or that provide a direct
 17 connection between military installations and the Strategic
 18 Intermodal System. In addition, the department shall
 19 coordinate with regional and local partners to determine
 20 whether the road and other transportation infrastructure that
 21 connect military installations to the Strategic Intermodal
 22 System, the Strategic Highway Network, or the Strategic Rail
 23 Corridor are regionally significant and should be included in
 24 the Strategic Intermodal System Plan.

25 (4) The Strategic Intermodal System Plan shall include
 26 the following:

27 (a) A needs assessment.

28 (b) A project prioritization process.

29 (c) A map of facilities designated as Strategic
 30 Intermodal System facilities; ~~and~~ facilities that are emerging
 31 in importance that are likely to become part of the system in

Bill No. SB 460

Barcode 541822

1 the future; and planned facilities that will meet the
2 established criteria.

3 (d) A finance plan based on reasonable projections of
4 anticipated revenues, including both 10-year and 20-year
5 cost-feasible components.

6 (e) An assessment of the impacts of proposed
7 improvements to Strategic Intermodal System corridors on
8 military installations that are either located directly on the
9 Strategic Intermodal System or located on the Strategic
10 Highway Network or Strategic Rail Corridor Network.

11 (5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY
12 COUNCIL.--

13 (a) The Statewide Intermodal Transportation Advisory
14 Council is created to advise and make recommendations to the
15 Legislature and the department on policies, planning, and
16 funding of intermodal transportation projects. The council's
17 responsibilities shall include:

18 1. Advising the department on the policies, planning,
19 and implementation of strategies related to intermodal
20 transportation.

21 2. Providing advice and recommendations to the
22 Legislature on funding for projects to move goods and people
23 in the most efficient and effective manner for the State of
24 Florida.

25 (b) MEMBERSHIP.--Members of the Statewide Intermodal
26 Transportation Advisory Council shall consist of the
27 following:

28 1. Six ~~Five~~ intermodal industry representatives
29 selected by the Governor as follows:

30 a. One representative from an airport involved in the
31 movement of freight and people from their airport facility to

Bill No. SB 460

Barcode 541822

1 another transportation mode.

2 b. One individual representing a fixed-route,
3 local-government transit system.

4 c. One representative from an intercity bus company
5 providing regularly scheduled bus travel as determined by
6 federal regulations.

7 d. One representative from a spaceport.

8 e. One representative from intermodal trucking
9 companies.

10 f. One representative having command responsibilities
11 of a major military installation.

12 2. Three intermodal industry representatives selected
13 by the President of the Senate as follows:

14 a. One representative from major-line railroads.

15 b. One representative from seaports listed in s.
16 311.09(1) from the Atlantic Coast.

17 c. One representative from an airport involved in the
18 movement of freight and people from their airport facility to
19 another transportation mode.

20 3. Three intermodal industry representatives selected
21 by the Speaker of the House of Representatives as follows:

22 a. One representative from short-line railroads.

23 b. One representative from seaports listed in s.
24 311.09(1) from the Gulf Coast.

25 c. One representative from intermodal trucking
26 companies. In no event may this representative be employed by
27 the same company that employs the intermodal trucking company
28 representative selected by the Governor.

29 (c) Initial appointments to the council must be made
30 no later than 30 days after the effective date of this
31 section.

Bill No. SB 460

Barcode 541822

1 1. The initial appointments made by the President of
 2 the Senate and the Speaker of the House of Representatives
 3 shall serve terms concurrent with those of the respective
 4 appointing officer. Beginning January 15, 2005, and for all
 5 subsequent appointments, council members appointed by the
 6 President of the Senate and the Speaker of the House of
 7 Representatives shall serve 2-year terms, concurrent with the
 8 term of the respective appointing officer.

9 2. The initial appointees, and all subsequent
 10 appointees, made by the Governor shall serve 2-year terms.

11 3. Vacancies on the council shall be filled in the
 12 same manner as the initial appointments.

13 (d) Each member of the council shall be allowed one
 14 vote. The council shall select a chair from among its
 15 membership. Meetings shall be held at the call of the chair,
 16 but not less frequently than quarterly. The members of the
 17 council shall be reimbursed for per diem and travel expenses
 18 as provided in s. 112.061.

19 (e) The department shall provide administrative staff
 20 support and shall ensure that council meetings are
 21 electronically recorded. Such recordings and all documents
 22 received, prepared for, or used by the council in conducting
 23 its business shall be preserved pursuant to chapters 119 and
 24 257.

25 Section 4. This act shall take effect upon becoming a
 26 law.

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

30 And the title is amended as follows:

31 Delete everything before the enacting clause

Bill No. SB 460

Barcode 541822

1 and insert:

2 A bill to be entitled
3 An act relating to transportation; amending s.
4 332.007, F.S.; giving the Department of
5 Transportation the discretion to fund certain
6 eligible aviation planning projects to be
7 performed by not-for-profit organizations
8 representing a majority of public airports;
9 amending s. 337.11, F.S.; adding written work
10 orders to the type of documents covered by the
11 Department of Transportation's contracting
12 laws; specifying changes to surety bondholder's
13 liability under certain circumstances; amending
14 s. 339.64, F.S.; directing the Florida
15 Transportation Commission to include as part of
16 its annual work program review an assessment of
17 the department's progress on the Strategic
18 Intermodal System; requiring an annual report;
19 directing the department to coordinate with
20 federal, regional, and local entities for
21 transportation planning that impacts military
22 installations; requiring the Strategic
23 Intermodal System Plan to include an assessment
24 of the impacts of proposed projects on military
25 installations; adding a military representative
26 to the Governor's appointees to the Strategic
27 Intermodal Transportation Advisory Council;
28 deleting obsolete provisions; providing an
29 effective date.

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