

1 A bill to be entitled
2 An act relating to public construction; amending s.
3 170.01, F.S.; revising provisions relating to voting on
4 special assessments against property benefited; amending
5 s. 255.20, F.S.; permitting special districts to purchase
6 commodities and contractual services from the purchasing
7 agreements of other specified governmental entities in
8 certain circumstances; creating s. 255.32, F.S.; providing
9 definitions; authorizing the Department of Management
10 Services to select and contract with specified
11 construction management entities to assist in the
12 management of construction projects; providing that the
13 department's authority includes the right to enter into
14 certain continuing contracts; providing that a
15 construction management entity may be required to offer a
16 guaranteed maximum price and a guaranteed completion date
17 under specified circumstances; providing procedures and
18 requirements with respect thereto; requiring the
19 department to adopt rules; prohibiting a county,
20 municipality, or special district from owning or operating
21 an asphalt plant or a portable or stationary concrete
22 batch plant with an independent mixer, except under
23 specified circumstances; prohibiting specified sales of
24 plant-generated asphalt to private entities or local
25 governments; providing an effective date.

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27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Subsection (3) of section 170.01, Florida
 30 Statutes, is amended to read:

31 170.01 Authority for providing improvements and levying
 32 and collecting special assessments against property benefited.--

33 (3) Any municipality, subject to the approval of a
 34 majority of the affected property owners who actually vote in
 35 the vote required by this section, may levy and collect special
 36 assessments against property benefited for the purpose of
 37 stabilizing and improving:

- 38 (a) Retail business districts,
- 39 (b) Wholesale business districts, or
- 40 (c) Nationally recognized historic districts,

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 42 or any combination of such districts, through promotion,
 43 management, marketing, and other similar services in such
 44 districts of the municipality. This subsection does not
 45 authorize a municipality to use bond proceeds to fund ongoing
 46 operations of these districts. Any municipality may determine in
 47 any resolution required by s. 170.03 to declare special
 48 assessments that the vote of the affected property owners shall
 49 be conducted by voting by tax folio numbers of affected
 50 properties or by total square footage of the affected
 51 properties.

52 Section 2. Subsection (5) is added to section 255.20,
 53 Florida Statutes, to read:

54 255.20 Local bids and contracts for public construction
 55 works; specification of state-produced lumber; purchases by
 56 special districts.--

57 (5) Special districts may purchase commodities and
 58 contractual services from the purchasing agreements of other
 59 special districts, municipalities, or counties procured pursuant
 60 to competitive bid, requests for proposals, requests for
 61 qualifications, competitive selection, or competitive
 62 negotiations, and otherwise in compliance with general law, if
 63 the purchasing agreement of the other special district,
 64 municipality, or county was procured by a process that would
 65 have met the procurement requirements of the purchasing special
 66 district. For the purpose of s. 282.104, special districts shall
 67 be treated as municipalities.

68 Section 3. Section 255.32, Florida Statutes, is created to
 69 read:

70 255.32 State construction management contracting.--

71 (1) For purposes of this section:

72 (a) "Construction management entity" means a licensed
 73 general contractor, as defined in s. 489.105(3)(a), or a
 74 licensed building contractor, as defined in s. 489.105(3)(b),
 75 who coordinates and supervises a construction project from the
 76 conceptual development stage through final construction,
 77 including the scheduling, selection, contracting with, and
 78 directing of specialty trade contractors and the value
 79 engineering of a project.

80 (b) "Construction project" means any planned or unforeseen
 81 fixed capital outlay activity authorized under s. 255.31. A
 82 construction project may include:

83 1. A grouping of minor construction, rehabilitation, or
 84 renovation activities.

85 2. A grouping of substantially similar construction,
86 rehabilitation, or renovation activities.

87 (c) "Continuing contract" means a contract with a
88 construction management entity for work during a defined time
89 period on construction projects, described by type, that may or
90 may not be identified at the time the contract is entered into.

91 (d) "Department" means the Department of Management
92 Services.

93 (2) To assist in the management of construction projects,
94 the department is authorized to select and contract with
95 construction management entities:

96 (a) That are competitively selected by the department
97 pursuant to the process provided in s. 287.055;

98 (b) That agree to follow the advertising and competitive
99 bidding processes that the department would be required to
100 follow if the department was managing the construction project
101 directly; and

102 (c) Under a contract separate from the design
103 professional, if any, assigned to the construction project.

104 (3) The department's authority under subsection (2)
105 includes the right to enter into continuing contracts so long as
106 the continuing contract is not used for any construction project
107 having a total estimated cost exceeding \$1 million.

108 (4) At the option of the department, the construction
109 management entity, after having been selected for a construction
110 project and after competitive negotiations, may be required to
111 offer a guaranteed maximum price and a guaranteed completion
112 date. In such event, the construction management entity must

113 secure an appropriate surety bond pursuant to s. 255.05 and must
114 hold construction subcontracts. If a project solicited by the
115 department under the process provided in s. 287.055 includes a
116 grouping of minor construction, rehabilitation, or renovation
117 activities, or substantially similar construction,
118 rehabilitation, or renovation activities, the department may
119 require the construction management entity to provide for a
120 separate guaranteed maximum price and a separate guaranteed
121 completion date for each grouping included within the project.

122 (5) The department shall adopt rules pursuant to chapter
123 120 for state agencies to utilize construction management
124 entities under contract with the department.

125 Section 4. Notwithstanding any law to the contrary, a
126 county, municipality, or special district may not own or operate
127 an asphalt plant or a portable or stationary concrete batch
128 plant that has an independent mixer; however, this prohibition
129 does not apply to any county that owns or is under contract to
130 purchase an asphalt plant as of April 15, 2008, and that
131 furnishes its plant-generated asphalt solely for use by local
132 governments, or companies under contract with local governments,
133 for projects within the boundaries of such county. Sale of
134 plant-generated asphalt to private entities or local governments
135 outside the boundaries of such county is prohibited.

136 Section 5. This act shall take effect upon becoming a law.