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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2019	.	
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The Committee on Infrastructure and Security (Albritton)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 20.23, Florida
Statutes, is amended to read:

20.23 Department of Transportation.—There is created a
Department of Transportation which shall be a decentralized
agency.

(1) (a) The head of the Department of Transportation is the



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11 Secretary of Transportation. The secretary is ~~shall be~~ appointed
12 by the Governor, ~~from among three persons nominated by the~~
13 ~~Florida Transportation Commission and shall be~~ subject to
14 confirmation by the Senate. The secretary shall serve at the
15 pleasure of the Governor.

16 (b) The secretary must ~~shall~~ be a proven, effective
17 administrator who, by a combination of education and experience,
18 clearly possesses ~~shall clearly possess~~ a broad knowledge of the
19 administrative, financial, and technical aspects of the
20 development, operation, and regulation of transportation systems
21 and facilities or comparable systems and facilities. The
22 secretary must be a registered professional engineer in
23 accordance with chapter 471 or the laws of another state, or, in
24 lieu of professional engineer registration, must hold an
25 advanced degree in an appropriate related discipline, such as a
26 Master of Business Administration, and have 5 years of relevant
27 transportation experience or must have 10 years of relevant
28 transportation experience.

29 (c) The secretary shall provide to the Florida
30 Transportation Commission or its staff, such assistance,
31 information, and documents as are requested by the commission or
32 its staff to enable the commission to fulfill its duties and
33 responsibilities.

34 (d) The secretary may appoint up to three assistant
35 secretaries ~~who shall be~~ directly responsible to the secretary
36 ~~and~~ who shall perform ~~such~~ duties ~~as are~~ assigned by the
37 secretary. The secretary shall designate to an assistant
38 secretary the duties related to enhancing economic prosperity,
39 including, but not limited to, the responsibility of liaising



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40 ~~liaison~~ with the head of economic development in the Executive
41 Office of the Governor. This ~~Such~~ assistant secretary is ~~shall~~
42 ~~be~~ directly responsible for providing the Executive Office of
43 the Governor with investment opportunities and transportation
44 projects that expand the state's role as a global hub for trade
45 and investment and enhance the supply chain system in the state
46 to process, assemble, and ship goods to markets throughout the
47 eastern United States, Canada, the Caribbean, and Latin America.
48 The secretary may delegate to any assistant secretary the
49 authority to act in the absence of the secretary.

50 (e) Any secretary appointed after July 5, 1989, and the
51 assistant secretaries are ~~shall be~~ exempt from ~~the provisions of~~
52 part III of chapter 110 and must ~~shall~~ receive compensation that
53 is commensurate with their qualifications and competitive with
54 compensation for comparable responsibility in the private
55 sector.

56 Section 2. Paragraph (d) of subsection (7) of section
57 112.061, Florida Statutes, is amended to read:

58 112.061 Per diem and travel expenses of public officers,
59 employees, and authorized persons.—

60 (7) TRANSPORTATION.—

61 (d)1. The use of privately owned vehicles for official
62 travel in lieu of publicly owned vehicles or common carriers may
63 be authorized by the agency head or his or her designee.

64 Whenever travel is by privately owned vehicle:

65 a. A traveler shall be entitled to a mileage allowance at a
66 rate of 44.5 cents per mile; or

67 b. A traveler shall be entitled to the common carrier fare
68 for such travel if determined by the agency head to be more



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69 economical.

70 2. Reimbursement for expenditures related to the operation,
71 maintenance, and ownership of a vehicle shall not be allowed
72 when privately owned vehicles are used on public business and
73 reimbursement is made pursuant to this paragraph, except as
74 provided in subsection (8).

75 3. All mileage shall be shown from point of origin to point
76 of destination and, when possible, shall be computed on the
77 basis of the most commonly used maps ~~current map of the~~
78 ~~Department of Transportation~~. Vicinity mileage necessary for the
79 conduct of official business is allowable but must be shown as a
80 separate item on the expense voucher.

81 Section 3. Section 334.179, Florida Statutes, is created to
82 read:

83 334.179 Departmental standards or specifications for
84 permissible use of aggregates.—Notwithstanding any law, rule, or
85 ordinance to the contrary, a local government may not adopt
86 standards or specifications that are contrary to the
87 departmental standards or specifications for permissible use of
88 aggregates that have been certified for use. For purposes of
89 this section, the term “certified for use” means that the
90 aggregates have been certified by the producer in accordance
91 with departmental rule.

92 Section 4. Subsection (1) of section 337.025, Florida
93 Statutes, is amended to read:

94 337.025 Innovative transportation ~~highway~~ projects;
95 department to establish program.—

96 (1) The department may ~~is authorized to~~ establish a program
97 for transportation ~~highway~~ projects demonstrating innovative



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98 techniques of highway and bridge design, construction,
99 maintenance, and finance which have the intended effect of
100 measuring resiliency and structural integrity and controlling
101 time and cost increases on construction projects. Such
102 techniques may include, but are not limited to, state-of-the-art
103 technology for pavement, safety, and other aspects of highway
104 and bridge design, construction, and maintenance; innovative
105 bidding and financing techniques; accelerated construction
106 procedures; and those techniques that have the potential to
107 reduce project life cycle costs. To the maximum extent
108 practical, the department must use the existing process to award
109 and administer construction and maintenance contracts. When
110 specific innovative techniques are to be used, the department is
111 not required to adhere to those provisions of law that would
112 prevent, preclude, or in any way prohibit the department from
113 using the innovative technique. However, before ~~prior to~~ using
114 an innovative technique that is inconsistent with another
115 provision of law, the department must document in writing the
116 need for the exception and identify what benefits the traveling
117 public and the affected community are anticipated to receive.
118 The department may enter into no more than \$120 million in
119 contracts annually for the purposes authorized by this section.

120 Section 5. Subsection (1) of section 337.14, Florida
121 Statutes, is amended to read:

122 337.14 Application for qualification; certificate of
123 qualification; restrictions; request for hearing.—

124 (1) Any contractor ~~person~~ desiring to bid for the
125 performance of any construction contract in excess of \$250,000
126 which the department proposes to let must first be certified by



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127 the department as qualified pursuant to this section and rules
128 of the department. The rules of the department must ~~shall~~
129 address the qualification of contractors ~~persons~~ to bid on
130 construction contracts in excess of \$250,000 and must ~~shall~~
131 include requirements with respect to the equipment, past record,
132 experience, financial resources, and organizational personnel of
133 the applying contractor which are ~~applicant~~ necessary to perform
134 the specific class of work for which the contractor ~~person~~ seeks
135 certification. Any contractor desiring to bid on contracts in
136 excess of \$50 million must have satisfactorily completed two
137 projects, each in excess of \$25 million, for the department or
138 for any other state department of transportation. The department
139 may limit the dollar amount of any contract upon which a
140 contractor ~~person~~ is qualified to bid or the aggregate total
141 dollar volume of contracts such contractor ~~person~~ is allowed to
142 have under contract at any one time. Each applying contractor
143 ~~applicant~~ seeking qualification to bid on construction contracts
144 in excess of \$250,000 shall furnish the department a statement
145 under oath, on such forms as the department may prescribe,
146 setting forth detailed information as required on the
147 application. Each application for certification must ~~shall~~ be
148 accompanied by the latest annual financial statement of the
149 applying contractor ~~applicant~~ completed within the last 12
150 months. If the application or the annual financial statement
151 shows the financial condition of the applying contractor
152 ~~applicant~~ more than 4 months prior to the date on which the
153 application is received by the department, ~~then~~ an interim
154 financial statement and an updated application must be submitted
155 ~~and be accompanied by an updated application.~~ The interim



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156 financial statement must cover the period from the end date of
157 the annual statement and must show the financial condition of
158 the applying contractor ~~applicant~~ no more than 4 months prior to
159 the date that the interim financial statement is received by the
160 department. However, upon the request of ~~by~~ the applying
161 contractor ~~applicant~~, an application and accompanying annual or
162 interim financial statement received by the department within 15
163 days after either 4-month period under this subsection shall be
164 considered timely. Each required annual or interim financial
165 statement must be audited and accompanied by the opinion of a
166 certified public accountant. An applying contractor ~~applicant~~
167 desiring to bid exclusively for the performance of construction
168 contracts with proposed budget estimates of less than \$1 million
169 may submit reviewed annual or reviewed interim financial
170 statements prepared by a certified public accountant. The
171 information required by this subsection is confidential and
172 exempt from ~~the provisions of~~ s. 119.07(1). The department shall
173 act upon the application for qualification within 30 days after
174 the department determines that the application is complete. The
175 department may waive the requirements of this subsection for
176 projects having a contract price of \$500,000 or less if the
177 department determines that the project is of a noncritical
178 nature and the waiver will not endanger public health, safety,
179 or property.

180 Section 6. Subsection (1) of section 337.185, Florida
181 Statutes, is amended to read:

182 337.185 State Arbitration Board.—

183 (1) To facilitate the prompt settlement of claims for
184 additional compensation arising out of construction and



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185 maintenance contracts between the department and the various
186 contractors with whom it transacts business, the Legislature
187 does hereby establish the State Arbitration Board, referred to
188 in this section as the "board." For the purpose of this section,
189 the term "claim" means the aggregate of all outstanding claims
190 by a party arising out of a construction or maintenance
191 contract. Every contractual claim in an amount up to \$250,000
192 per contract or, at the claimant's option, up to \$1 million
193 ~~\$500,000~~ per contract or, upon agreement of the parties, up to
194 \$2 million ~~\$1 million~~ per contract which ~~that~~ cannot be resolved
195 by negotiation between the department and the contractor must
196 ~~shall~~ be arbitrated by the board after acceptance of the project
197 by the department. As an exception, either party to the dispute
198 may request that the claim be submitted to binding private
199 arbitration. A court of law may not consider the settlement of
200 such a claim until the process established by this section has
201 been exhausted.

202 Section 7. This act shall take effect July 1, 2019.

203
204 ===== T I T L E A M E N D M E N T =====

205 And the title is amended as follows:

206 Delete everything before the enacting clause
207 and insert:

208 A bill to be entitled
209 An act relating to the Department of Transportation;
210 amending s. 20.23, F.S.; deleting the requirement that
211 the Governor appoint the Secretary of Transportation
212 from among three persons nominated by the Florida
213 Transportation Commission; providing additional



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214 qualifications for the secretary; amending s. 112.061,
215 F.S.; requiring that certain mileage be computed on
216 the basis of the most commonly used maps; creating s.
217 334.179, F.S.; prohibiting local governments from
218 adopting standards or specifications that are contrary
219 to the department standards or specifications for
220 permissible use of aggregates that have been certified
221 for use; defining the term "certified for use";
222 amending s. 337.025, F.S.; authorizing the department
223 to establish a program for transportation projects
224 that demonstrate certain innovative techniques for
225 measuring resiliency and structural integrity and
226 controlling time and cost increases; amending s.
227 337.14, F.S.; requiring that any contractor, instead
228 of any person, desiring to bid for the performance of
229 certain construction contracts first be certified by
230 the department as qualified; conforming provisions to
231 changes made by the act; requiring a contractor
232 desiring to bid on certain contracts to have
233 satisfactorily completed certain projects; amending s.
234 337.185, F.S.; increasing the maximum amounts per
235 contract of certain contractual claims that must be
236 arbitrated by the State Arbitration Board under
237 certain circumstances; providing an effective date.