

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Andrade offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of 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)

(b) The secretary must ~~shall~~ be a proven, effective
 administrator who, by a combination of education and experience,
clearly possesses ~~shall clearly possess~~ a broad knowledge of the
 administrative, financial, and technical aspects of the

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17 development, operation, and regulation of transportation systems
18 and facilities or comparable systems and facilities. The
19 secretary must be a professional engineer licensed under chapter
20 471 or the laws of another state or, in lieu of such licensure,
21 the secretary may hold an advanced degree in a related
22 discipline, such as a Master of Business Administration and 5
23 years of relevant transportation experience, or have 10 years of
24 relevant transportation experience.

25 Section 2. Section 334.179, Florida Statutes, is created
26 to read:

27 334.179 Department standards or specifications for
28 permissible use of aggregates.—Notwithstanding any law, rule, or
29 ordinance to the contrary, a local government may not adopt
30 standards or specifications that are contrary to the department
31 standards or specifications for permissible use of aggregates
32 that have been certified for use. For purposes of this section,
33 "certified for use" means that the aggregates have been
34 certified by the producer in accordance with department rules.

35 Section 3. Subsection (1) of section 337.025, Florida
36 Statutes, is amended to read:

37 337.025 Innovative transportation ~~highway~~ projects;
38 department to establish program.—

39 (1) The department may ~~is authorized to~~ establish a
40 program for transportation ~~highway~~ projects demonstrating
41 innovative techniques of highway and bridge design,

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42 construction, maintenance, and finance which have the intended
43 effect of measuring resiliency and structural integrity and
44 controlling time and cost increases on construction projects.
45 Such techniques may include, but are not limited to, state-of-
46 the-art technology for pavement, safety, and other aspects of
47 highway and bridge design, construction, and maintenance;
48 innovative bidding and financing techniques; accelerated
49 construction procedures; and those techniques that have the
50 potential to reduce project life cycle costs. To the maximum
51 extent practical, the department must use the existing process
52 to award and administer construction and maintenance contracts.
53 When specific innovative techniques are to be used, the
54 department is not required to adhere to those provisions of law
55 that would prevent, preclude, or in any way prohibit the
56 department from using the innovative technique. However, before
57 ~~prior to~~ using an innovative technique that is inconsistent with
58 another provision of law, the department must document in
59 writing the need for the exception and identify what benefits
60 the traveling public and the affected community are anticipated
61 to receive. The department may enter into no more than \$120
62 million in contracts annually for the purposes authorized by
63 this section.

64 Section 4. Subsection (1) of section 337.14, Florida
65 Statutes, is amended to read:

66 337.14 Application for qualification; certificate of

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67 qualification; restrictions; request for hearing.—

68 (1) Any contractor ~~person~~ desiring to bid for the

69 performance of any construction contract in excess of \$250,000

70 which the department proposes to let must first be certified by

71 the department as qualified pursuant to this section and rules

72 of the department. The rules of the department must ~~shall~~

73 address the qualification of contractors ~~persons~~ to bid on

74 construction contracts in excess of \$250,000 and must ~~shall~~

75 include requirements with respect to the equipment, past record,

76 experience, financial resources, and organizational personnel of

77 the applying contractor which are ~~applicant~~ necessary to perform

78 the specific class of work for which the contractor ~~person~~ seeks

79 certification. Any contractor desiring to bid on contracts in

80 excess of \$50 million must have satisfactorily completed two

81 projects, each in excess of \$25 million, for the department or

82 for any other state department of transportation. The department

83 may limit the dollar amount of any contract upon which a

84 contractor ~~person~~ is qualified to bid or the aggregate total

85 dollar volume of contracts such contractor ~~person~~ is allowed to

86 have under contract at any one time. Each applying contractor

87 ~~applicant~~ seeking qualification to bid on construction contracts

88 in excess of \$250,000 shall furnish the department a statement

89 under oath, on such forms as the department may prescribe,

90 setting forth detailed information as required on the

91 application. Each application for certification must ~~shall~~ be

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92 accompanied by the latest annual financial statement of the
93 applying contractor ~~applicant~~ completed within the last 12
94 months. If the application or the annual financial statement
95 shows the financial condition of the applying contractor
96 ~~applicant~~ more than 4 months prior to the date on which the
97 application is received by the department, ~~then~~ an interim
98 financial statement and an updated application must be submitted
99 ~~and be accompanied by an updated application~~. The interim
100 financial statement must cover the period from the end date of
101 the annual statement and must show the financial condition of
102 the applying contractor ~~applicant~~ no more than 4 months prior to
103 the date that the interim financial statement is received by the
104 department. However, upon the request of ~~by~~ the applying
105 contractor ~~applicant~~, an application and accompanying annual or
106 interim financial statement received by the department within 15
107 days after either 4-month period under this subsection shall be
108 considered timely. Each required annual or interim financial
109 statement must be audited and accompanied by the opinion of a
110 certified public accountant. An applying contractor ~~applicant~~
111 desiring to bid exclusively for the performance of construction
112 contracts with proposed budget estimates of less than \$1 million
113 may submit reviewed annual or reviewed interim financial
114 statements prepared by a certified public accountant. The
115 information required by this subsection is confidential and
116 exempt from ~~the provisions of~~ s. 119.07(1). The department shall

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117 act upon the application for qualification within 30 days after
118 the department determines that the application is complete. The
119 department may waive the requirements of this subsection for
120 projects having a contract price of \$500,000 or less if the
121 department determines that the project is of a noncritical
122 nature and the waiver will not endanger public health, safety,
123 or property.

124 Section 5. Subsection (1) of section 337.185, Florida
125 Statutes, is amended to read:

126 337.185 State Arbitration Board.—

127 (1) To facilitate the prompt settlement of claims for
128 additional compensation arising out of construction and
129 maintenance contracts between the department and the various
130 contractors with whom it transacts business, the Legislature
131 does hereby establish the State Arbitration Board, referred to
132 in this section as the "board." For the purpose of this section,
133 the term "claim" means the aggregate of all outstanding claims
134 by a party arising out of a construction or maintenance
135 contract. Every contractual claim in an amount up to \$250,000
136 per contract or, at the claimant's option, up to \$1 million
137 ~~\$500,000~~ per contract or, upon agreement of the parties, up to
138 \$2 million ~~\$1 million~~ per contract which ~~that~~ cannot be resolved
139 by negotiation between the department and the contractor must
140 ~~shall~~ be arbitrated by the board after acceptance of the project
141 by the department. As an exception, either party to the dispute

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142 may request that the claim be submitted to binding private
143 arbitration. A court of law may not consider the settlement of
144 such a claim until the process established by this section has
145 been exhausted.

146 Section 6. This act shall take effect July 1, 2019.
147
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150 **T I T L E A M E N D M E N T**

151 Remove everything before the enacting clause and insert:
152 An act relating to the Department of Transportation; amending s.
153 20.23, F.S.; providing additional qualification requirements for
154 the Secretary of Transportation; creating s. 334.179, F.S.;
155 prohibiting local governments from adopting standards or
156 specifications that are contrary to the department standards or
157 specifications for permissible use of aggregates that have been
158 certified for use; defining the term "certified for use";
159 amending s. 337.025, F.S.; authorizing the department to
160 establish a program for transportation projects that demonstrate
161 certain innovative techniques for measuring resiliency and
162 structural integrity and controlling time and cost increases;
163 amending s. 337.14, F.S.; requiring any contractor, instead of
164 any person, desiring to bid for the performance of certain
165 construction contracts to first be certified by the department
166 as qualified; conforming provisions to changes made by the act;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 905 (2019)

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167 requiring a contractor desiring to bid on certain contracts to
168 have satisfactorily completed certain projects; amending s.
169 337.185, F.S.; revising the maximum amounts per contract of
170 certain contractual claims that must be arbitrated by the State
171 Arbitration Board under certain circumstances; providing an
172 effective date.