

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WITHDRAWN _____ (Y/N)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: State Affairs Committee
2 Representative Andrade offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 334.179, Florida Statutes, is created
7 to read:

8 334.179 Department standards or specifications for
9 permissible use of aggregates.—Notwithstanding any law, rule, or
10 ordinance to the contrary, a local government may not adopt
11 standards or specifications that are contrary to the department
12 standards or specifications for permissible use of aggregates
13 that have been certified for use. For purposes of this section,
14 the term "certified for use" means that the aggregates have been
15 certified by the producer in accordance with department rules.
16 This section does not apply to a multi-county independent

704233 - h0905-strike.docx

Published On: 4/9/2019 6:17:54 PM

Amendment No.

17 special district created by a special act of the Legislature.

18 Section 2. Present subsection (5) of section 336.044,
19 Florida Statutes, is redesignated as subsection (6), and a new
20 subsection (5) is added to that section, to read:

21 336.044 Use of recyclable materials in construction.—

22 (5) Notwithstanding any law, rule, or ordinance to the
23 contrary, local governmental entities may not adopt standards or
24 specifications that are contrary to the departmental standards
25 or specifications for permissible use of reclaimed asphalt
26 pavement material in construction. Such material may not be
27 considered solid waste.

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

30 337.025 Innovative transportation ~~highway~~ projects;
31 department to establish program.—

32 (1) The department may ~~is authorized to~~ establish a
33 program for transportation ~~highway~~ projects demonstrating
34 innovative techniques of highway and bridge design,
35 construction, maintenance, and finance which have the intended
36 effect of measuring resiliency and structural integrity and
37 controlling time and cost increases on construction projects.
38 Such techniques may include, but are not limited to, state-of-
39 the-art technology for pavement, safety, and other aspects of
40 highway and bridge design, construction, and maintenance;
41 innovative bidding and financing techniques; accelerated

704233 - h0905-strike.docx

Published On: 4/9/2019 6:17:54 PM

Amendment No.

42 construction procedures; and those techniques that have the
43 potential to reduce project life cycle costs. To the maximum
44 extent practical, the department must use the existing process
45 to award and administer construction and maintenance contracts.
46 When specific innovative techniques are to be used, the
47 department is not required to adhere to those provisions of law
48 that would prevent, preclude, or in any way prohibit the
49 department from using the innovative technique. However, before
50 ~~prior to~~ using an innovative technique that is inconsistent with
51 another provision of law, the department must document in
52 writing the need for the exception and identify what benefits
53 the traveling public and the affected community are anticipated
54 to receive. The department may enter into no more than \$120
55 million in contracts annually for the purposes authorized by
56 this section.

57 Section 4. Subsections (1) and (7) of section 337.14,
58 Florida Statutes, are amended to read:

59 337.14 Application for qualification; certificate of
60 qualification; restrictions; request for hearing.—

61 (1) Any contractor ~~person~~ desiring to bid for the
62 performance of any construction contract in excess of \$250,000
63 which the department proposes to let must first be certified by
64 the department as qualified pursuant to this section and rules
65 of the department. The rules of the department must ~~shall~~
66 address the qualification of contractors ~~persons~~ to bid on

704233 - h0905-strike.docx

Published On: 4/9/2019 6:17:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 905 (2019)

Amendment No.

67 construction contracts in excess of \$250,000 and must ~~shall~~
68 include requirements with respect to the equipment, past record,
69 experience, financial resources, and organizational personnel of
70 the applying contractor which are ~~applicant~~ necessary to perform
71 the specific class of work for which the contractor ~~person~~ seeks
72 certification. Any contractor not already qualified and in good
73 standing with the department, as of January 1, 2019, desiring to
74 bid on contracts in excess of \$50 million must have
75 satisfactorily completed two projects, each in excess of \$15
76 million, for the department or for any other state department of
77 transportation. The department may limit the dollar amount of
78 any contract upon which a contractor ~~person~~ is qualified to bid
79 or the aggregate total dollar volume of contracts such
80 contractor ~~person~~ is allowed to have under contract at any one
81 time. Each applying contractor ~~applicant~~ seeking qualification
82 to bid on construction contracts in excess of \$250,000 shall
83 furnish the department a statement under oath, on such forms as
84 the department may prescribe, setting forth detailed information
85 as required on the application. Each application for
86 certification must ~~shall~~ be accompanied by the latest annual
87 financial statement of the applying contractor ~~applicant~~
88 completed within the last 12 months. If the application or the
89 annual financial statement shows the financial condition of the
90 applying contractor ~~applicant~~ more than 4 months prior to the
91 date on which the application is received by the department,

704233 - h0905-strike.docx

Published On: 4/9/2019 6:17:54 PM

Amendment No.

92 ~~then~~ an interim financial statement and an updated application
93 must be submitted ~~and be accompanied by an updated application.~~
94 The interim financial statement must cover the period from the
95 end date of the annual statement and must show the financial
96 condition of the applying contractor applicant no more than 4
97 months prior to the date that the interim financial statement is
98 received by the department. However, upon the request of ~~by~~ the
99 applying contractor applicant, an application and accompanying
100 annual or interim financial statement received by the department
101 within 15 days after either 4-month period under this subsection
102 shall be considered timely. Each required annual or interim
103 financial statement must be audited and accompanied by the
104 opinion of a certified public accountant. An applying contractor
105 ~~applicant~~ desiring to bid exclusively for the performance of
106 construction contracts with proposed budget estimates of less
107 than \$1 million may submit reviewed annual or reviewed interim
108 financial statements prepared by a certified public accountant.
109 The information required by this subsection is confidential and
110 exempt from ~~the provisions of~~ s. 119.07(1). The department shall
111 act upon the application for qualification within 30 days after
112 the department determines that the application is complete. The
113 department may waive the requirements of this subsection for
114 projects having a contract price of \$500,000 or less if the
115 department determines that the project is of a noncritical

704233 - h0905-strike.docx

Published On: 4/9/2019 6:17:54 PM

Amendment No.

116 nature and the waiver will not endanger public health, safety,
117 or property.

118 (7) A "contractor" as defined in s. 337.165(1)(d) or his
119 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
120 the department under this section may not also qualify under s.
121 287.055 or s. 337.105 to provide testing services, construction,
122 engineering, and inspection services to the department. This
123 limitation does not apply to any design-build prequalification
124 under s. 337.11(7) and does not apply when the department
125 otherwise determines by written order entered at least 30 days
126 before advertisement that the limitation is not in the best
127 interests of the public with respect to a particular contract
128 for testing services, construction, engineering, and inspection
129 services. This subsection does not authorize a contractor to
130 provide testing services, or provide construction, engineering,
131 and inspection services, to the department in connection with a
132 construction contract under which the contractor is performing
133 any work. Notwithstanding any other provision of law to the
134 contrary, on a project administered by a local governmental
135 entity that is wholly or partially funded by the department, the
136 entity performing design and construction engineering and
137 inspection services shall not be the same. This provision does
138 not apply to seaports listed in s. 311.09.

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

704233 - h0905-strike.docx

Published On: 4/9/2019 6:17:54 PM

Amendment No.

141 337.185 State Arbitration Board.—

142 (1) To facilitate the prompt settlement of claims for
143 additional compensation arising out of construction and
144 maintenance contracts between the department and the various
145 contractors with whom it transacts business, the Legislature
146 does hereby establish the State Arbitration Board, referred to
147 in this section as the "board." For the purpose of this section,
148 the term "claim" means the aggregate of all outstanding claims
149 by a party arising out of a construction or maintenance
150 contract. Every contractual claim in an amount up to \$250,000
151 per contract or, at the claimant's option, up to \$1 million
152 ~~\$500,000~~ per contract or, upon agreement of the parties, up to
153 \$2 million ~~\$1 million~~ per contract which ~~that~~ cannot be resolved
154 by negotiation between the department and the contractor must
155 ~~shall~~ be arbitrated by the board after acceptance of the project
156 by the department. As an exception, either party to the dispute
157 may request that the claim be submitted to binding private
158 arbitration. A court of law may not consider the settlement of
159 such a claim until the process established by this section has
160 been exhausted.

161 Section 6. Paragraph (a) of subsection (3) of section
162 338.26, Florida Statutes, is amended to read:

163 338.26 Alligator Alley toll road.—

164 (3) (a) Fees generated from tolls shall be deposited in the
165 State Transportation Trust Fund and shall be used:

704233 - h0905-strike.docx

Published On: 4/9/2019 6:17:54 PM

Amendment No.

- 166 1. To reimburse outstanding contractual obligations;
 167 2. To operate and maintain the highway and toll
 168 facilities, including reconstruction and restoration;
 169 3. To pay for those projects that are funded with
 170 Alligator Alley toll revenues and that are contained in the
 171 1993-1994 adopted work program or the 1994-1995 tentative work
 172 program submitted to the Legislature on February 22, 1994; and
 173 4. By interlocal agreement effective July 1, 2019 ~~2014~~,
 174 through no later than June 30, 2027 ~~2019~~, to reimburse a ~~county~~
 175 ~~or another~~ local governmental entity for the direct actual costs
 176 of operating the fire station at mile marker 63 on Alligator
 177 Alley, which shall ~~may~~ be used by a ~~county or another~~ local
 178 governmental entity to provide fire, rescue, and emergency
 179 management services exclusively to the public on Alligator
 180 Alley. The local governmental entity must contribute 10 percent
 181 of the direct actual operating cost. The amount of reimbursement
 182 to the local governmental entity may not exceed \$1.4 million in
 183 any state fiscal year. At the end of the term of the interlocal
 184 agreement, the ownership and title of all fire, rescue, and
 185 emergency equipment used at the fire station during the term of
 186 the interlocal agreement transfers to the state.

187 Section 7. This act shall take effect July 1, 2019.
 188

189 -----
 190 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 905 (2019)

Amendment No.

191 Remove everything before the enacting clause and insert:
192 An act relating to the Department of Transportation; creating s.
193 334.179, F.S.; prohibiting local governments from adopting
194 standards or specifications that are contrary to the department
195 standards or specifications for permissible use of aggregates
196 that have been certified for use; defining the term "certified
197 for use"; providing an exception; amending s. 336.044, F.S.;
198 prohibiting local governmental entities from adopting standards
199 or specifications that are contrary to the department standards
200 or specifications for permissible use of reclaimed asphalt
201 pavement material in construction; providing that such material
202 may not be considered solid waste; amending s. 337.025, F.S.;
203 authorizing the department to establish a program for
204 transportation projects that demonstrate certain innovative
205 techniques for measuring resiliency and structural integrity and
206 controlling time and cost increases; amending s. 337.14, F.S.;
207 requiring any contractor, instead of any person, desiring to bid
208 for the performance of certain construction contracts to first
209 be certified by the department as qualified; conforming
210 provisions to changes made by the act; requiring a contractor
211 desiring to bid on certain contracts to have satisfactorily
212 completed certain projects; prohibiting local governments on
213 department-funded projects from contracting with an entity for
214 the performance of certain services; providing an exception;
215 amending s. 337.185, F.S.; revising the maximum amounts per

704233 - h0905-strike.docx

Published On: 4/9/2019 6:17:54 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 905 (2019)

Amendment No.

216 | contract of certain contractual claims that must be arbitrated
217 | by the State Arbitration Board under certain circumstances;
218 | amending s. 338.26, F.S.; revising dates specified fees are to
219 | reimburse a local governmental entity for the direct cost of
220 | operating a specified fire station; providing for a contribution
221 | from the local governmental entity; providing a maximum
222 | reimbursement for each state fiscal year; providing for the
223 | transfer of specified equipment; providing an effective date.