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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2021	.	
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The Committee on Appropriations (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 177.107, Florida Statutes, is created to
read:

177.107 Closing and abandonment of roads; optional
conveyance to a community development district; traffic control
jurisdiction.—

(1) The governing body of a municipality or county may



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11 abandon the roads and rights-of-way dedicated in a recorded
12 residential subdivision plat and simultaneously convey the
13 municipality's or county's interest in such roads, rights-of-
14 way, and appurtenant drainage facilities to a community
15 development district established under chapter 190 in which the
16 subdivision is located, if all of the following conditions are
17 met:

18 (a) The community development district has requested the
19 abandonment and conveyance by written resolution for the purpose
20 of converting the subdivision to a gated neighborhood with
21 monitored public access.

22 (b) The community development district has received
23 approval for the conveyance by a vote of two-thirds of the
24 landowners who are subject to the non-ad valorem assessments of
25 the community development district and who are present by person
26 or proxy at a properly noticed landowners meeting.

27 (c) The community development district has executed an
28 interlocal agreement with the municipality or county, as
29 applicable, requiring the community development district to do
30 all of the following:

31 1. Maintain the roads and any associated drainage, street
32 lighting, or sidewalks identified in the interlocal agreement to
33 municipal or county standards, as applicable.

34 2. Every 5 years, conduct a reserve study of the roads and
35 any associated drainage, street lighting, or sidewalks
36 identified in the interlocal agreement.

37 3. Levy annual special assessments in amounts sufficient to
38 maintain the roads and any drainage, street lighting, or
39 sidewalks identified in the interlocal agreement to municipal or



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40 county standards, as applicable.

41 4. Annually fund the amounts set forth in the reserve
42 study.

43 (2) The community development district shall install,
44 operate, maintain, repair, and replace all signs, signals,
45 markings, striping, guardrails, and other traffic control
46 devices necessary or useful for the roads unless an agreement
47 has been entered into between the municipality or county and the
48 community development district, as authorized under s.
49 316.006(2)(b) and (3)(b), respectively, expressly providing that
50 the municipality or county has traffic control jurisdiction.

51 (3) Upon abandonment of the roads and rights-of-way and the
52 conveyance thereof to the community development district, the
53 community development district shall have all the rights, title,
54 and interest in the roads and rights-of-way, including all
55 appurtenant drainage facilities, as were previously vested in
56 the municipality or county. Thereafter, the community
57 development district shall hold the roads and rights-of-way in
58 trust for the benefit of the public and owners of the property
59 in the subdivision and shall operate, maintain, repair, and from
60 time to time replace and reconstruct the roads and any
61 associated street lighting, sidewalks, or drainage facilities
62 identified in the interlocal agreement as necessary to ensure
63 their use and enjoyment by the public and property owners,
64 tenants, and residents of the subdivision and their guests and
65 invitees.

66 (4) The provisions of this section are supplemental and
67 additional to the powers of municipalities and counties.

68 Section 2. Section 287.05705, Florida Statutes, is created



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69 to read:

70 287.05705 Procurements of road, bridge, and other specified
71 public construction services.-

72 (1) With respect to competitive solicitations for the
73 procurement of contractual services that are limited to the
74 classes of work for which the Department of Transportation
75 issues certificates of qualification pursuant to s. 337.14, and
76 which services do not involve the construction, remodeling,
77 repair, or improvement of any building, a governmental entity
78 procuring such services may not prohibit a response from a
79 vendor possessing a valid certificate of qualification under s.
80 337.14 or license under chapter 489 corresponding to the
81 contractual services being procured.

82 (2) This section applies to all competitive solicitations
83 issued by a governmental entity on or after October 1, 2021.

84 Section 3. Subsections (5) and (7) of section 316.2397,
85 Florida Statutes, are amended to read:

86 316.2397 Certain lights prohibited; exceptions.-

87 (5) Road maintenance and construction equipment and
88 vehicles may display flashing white lights or flashing white
89 strobe lights when in operation and where a hazard exists.
90 Construction equipment in a work zone on roadways with a posted
91 speed limit of 55 miles per hour or higher may show or display a
92 combination of flashing green, amber, and red lights in
93 conjunction with periods when workers are present. Additionally,
94 school buses and vehicles that are used to transport farm
95 workers may display flashing white strobe lights.

96 (7) Flashing lights are prohibited on vehicles except:

97 (a) As a means of indicating a right or left turn, to



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98 change lanes, or to indicate that the vehicle is lawfully
99 stopped or disabled upon the highway;

100 (b) When a motorist intermittently flashes his or her
101 vehicle's headlamps at an oncoming vehicle notwithstanding the
102 motorist's intent for doing so;

103 (c) During periods of extremely low visibility on roadways
104 with a posted speed limit of 55 miles per hour or higher; and

105 (d)~~(e)~~ For the lamps authorized under subsections (1), (2),
106 (3), (4), and (9), s. 316.2065, or s. 316.235(6) which may
107 flash.

108 Section 4. Paragraph (b) of subsection (3) of section
109 319.30, Florida Statutes, is amended to read:

110 319.30 Definitions; dismantling, destruction, change of
111 identity of motor vehicle or mobile home; salvage.-

112 (3)

113 (b) The owner, including persons who are self-insured, of a
114 motor vehicle or mobile home that is considered to be salvage
115 shall, within 72 hours after the motor vehicle or mobile home
116 becomes salvage, forward the title to the motor vehicle or
117 mobile home to the department for processing. However, an
118 insurance company that pays money as compensation for the total
119 loss of a motor vehicle or mobile home shall obtain the
120 certificate of title for the motor vehicle or mobile home, make
121 the required notification to the National Motor Vehicle Title
122 Information System, and, within 72 hours after receiving such
123 certificate of title, forward such title by the United States
124 Postal Service, by another commercial delivery service, or by
125 electronic means, when such means are made available by the
126 department, to the department for processing. The owner or



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127 insurance company, as applicable, may not dispose of a vehicle
128 or mobile home that is a total loss before it obtains a salvage
129 certificate of title or certificate of destruction from the
130 department. Effective January 1, 2020:

131 1. Thirty days after payment of a claim for compensation
132 pursuant to this paragraph, the insurance company may receive a
133 salvage certificate of title or certificate of destruction from
134 the department if the insurance company is unable to obtain a
135 properly assigned certificate of title from the owner or
136 lienholder of the motor vehicle or mobile home, if the motor
137 vehicle or mobile home does not carry an electronic lien on the
138 title and the insurance company:

139 a. Has obtained the release of all liens on the motor
140 vehicle or mobile home;

141 b. Has attested on a form provided by the department that
142 provided proof of payment of the total loss claim has been
143 distributed; and

144 c. Has attested on a form provided by the department and
145 provided an affidavit on letterhead signed by the insurance
146 company or its authorized agent stating the attempts that have
147 been made to obtain the title from the owner or lienholder and
148 further stating that all attempts are to no avail. The form
149 affidavit must include a request that the salvage certificate of
150 title or certificate of destruction be issued in the insurance
151 company's name due to payment of a total loss claim to the owner
152 or lienholder. The attempts to contact the owner may be by
153 written request delivered in person or by first-class mail with
154 a certificate of mailing to the owner's or lienholder's last
155 known address.



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156 2. If the owner or lienholder is notified of the request
157 for title in person, the insurance company must provide an
158 affidavit attesting to the in-person request for a certificate
159 of title.

160 3. The request to the owner or lienholder for the
161 certificate of title must include a complete description of the
162 motor vehicle or mobile home and the statement that a total loss
163 claim has been paid on the motor vehicle or mobile home.

164 Section 5. Paragraph (b) of subsection (1) of section
165 320.06, Florida Statutes, as amended by section 1 of chapter
166 2020-181, Laws of Florida, is amended to read:

167 320.06 Registration certificates, license plates, and
168 validation stickers generally.-

169 (1)

170 (b)1. Registration license plates bearing a graphic symbol
171 and the alphanumeric system of identification shall be issued
172 for a 10-year period. At the end of the 10-year period, upon
173 renewal, the plate shall be replaced. The department shall
174 extend the scheduled license plate replacement date from a 6-
175 year period to a 10-year period. The fee for such replacement is
176 \$28, \$2.80 of which shall be paid each year before the plate is
177 replaced, to be credited toward the next \$28 replacement fee.
178 The fees shall be deposited into the Highway Safety Operating
179 Trust Fund. A credit or refund may not be given for any prior
180 years' payments of the prorated replacement fee if the plate is
181 replaced or surrendered before the end of the 10-year period,
182 except that a credit may be given if a registrant is required by
183 the department to replace a license plate under s.
184 320.08056(8) (a). With each license plate, a validation sticker



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185 shall be issued showing the owner's birth month, license plate
186 number, and the year of expiration or the appropriate renewal
187 period if the owner is not a natural person. The validation
188 sticker shall be placed on the upper right corner of the license
189 plate. The license plate and validation sticker shall be issued
190 based on the applicant's appropriate renewal period. The
191 registration period is 12 months, the extended registration
192 period is 24 months, and all expirations occur based on the
193 applicant's appropriate registration period. Rental vehicles
194 taxed pursuant to s. 320.08(6)(a) may elect a permanent
195 registration period, provided payment of the appropriate license
196 taxes and fees occurs annually. A vehicle that has an
197 apportioned registration shall be issued an annual license plate
198 and a cab card that denote the declared gross vehicle weight for
199 each apportioned jurisdiction in which the vehicle is authorized
200 to operate.

201 2. In order to retain the efficient administration of the
202 taxes and fees imposed by this chapter, the 80-cent fee increase
203 in the replacement fee imposed by chapter 2009-71, Laws of
204 Florida, is negated as provided in s. 320.0804.

205 Section 6. Subsection (3) and paragraph (a) of subsection
206 (10) of section 320.27, Florida Statutes, are amended to read:
207 320.27 Motor vehicle dealers.—

208 (3) APPLICATION AND FEE.—The application for the license
209 shall be in such form as may be prescribed by the department and
210 shall be subject to such rules with respect thereto as may be so
211 prescribed by it. Such application shall be verified by oath or
212 affirmation and shall contain a full statement of the name and
213 birth date of the person or persons applying therefor; the name



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214 of the firm or copartnership, with the names and places of
215 residence of all members thereof, if such applicant is a firm or
216 copartnership; the names and places of residence of the
217 principal officers, if the applicant is a body corporate or
218 other artificial body; the name of the state under whose laws
219 the corporation is organized; the present and former place or
220 places of residence of the applicant; and prior business in
221 which the applicant has been engaged and the location thereof.
222 Such application shall describe the exact location of the place
223 of business and shall state whether the place of business is
224 owned by the applicant and when acquired, or, if leased, a true
225 copy of the lease shall be attached to the application. The
226 applicant shall certify that the location provides an adequately
227 equipped office and is not a residence; that the location
228 affords sufficient unoccupied space upon and within which
229 adequately to store all motor vehicles offered and displayed for
230 sale; and that the location is a suitable place where the
231 applicant can in good faith carry on such business and keep and
232 maintain books, records, and files necessary to conduct such
233 business, which shall be available at all reasonable hours to
234 inspection by the department or any of its inspectors or other
235 employees. The applicant shall certify that the business of a
236 motor vehicle dealer is the principal business which shall be
237 conducted at that location. The application shall contain a
238 statement that the applicant is either franchised by a
239 manufacturer of motor vehicles, in which case the name of each
240 motor vehicle that the applicant is franchised to sell shall be
241 included, or an independent (nonfranchised) motor vehicle
242 dealer. The application shall contain other relevant information



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243 as may be required by the department, including evidence that
244 the applicant is insured under a garage liability insurance
245 policy or a general liability insurance policy coupled with a
246 business automobile policy, which shall include, at a minimum,
247 \$25,000 combined single-limit liability coverage including
248 bodily injury and property damage protection and \$10,000
249 personal injury protection. However, a salvage motor vehicle
250 dealer as defined in subparagraph (1)(c)5. is exempt from the
251 requirements for garage liability insurance and personal injury
252 protection insurance on those vehicles that cannot be legally
253 operated on roads, highways, or streets in this state. Franchise
254 dealers must submit a garage liability insurance policy, and all
255 other dealers must submit a garage liability insurance policy or
256 a general liability insurance policy coupled with a business
257 automobile policy. Such policy shall be for the license period,
258 and evidence of a new or continued policy shall be delivered to
259 the department at the beginning of each license period. A
260 licensee shall deliver to the department, in the manner
261 prescribed by the department, within 10 calendar days after any
262 renewal or continuation of or change in such policy or within 10
263 calendar days after any issuance of a new policy, a copy of the
264 renewed, continued, changed, or new policy. Upon making initial
265 application, the applicant shall pay to the department a fee of
266 \$300 in addition to any other fees required by law. Applicants
267 may choose to extend the licensure period for 1 additional year
268 for a total of 2 years. An initial applicant shall pay to the
269 department a fee of \$300 for the first year and \$75 for the
270 second year, in addition to any other fees required by law. An
271 applicant for renewal shall pay to the department \$75 for a 1-



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272 year renewal or \$150 for a 2-year renewal, in addition to any
273 other fees required by law. Upon making an application for a
274 change of location, the person shall pay a fee of \$50 in
275 addition to any other fees now required by law. The department
276 shall, in the case of every application for initial licensure,
277 verify whether certain facts set forth in the application are
278 true. Each applicant, general partner in the case of a
279 partnership, or corporate officer and director in the case of a
280 corporate applicant, must file a set of fingerprints with the
281 department for the purpose of determining any prior criminal
282 record or any outstanding warrants. The department shall submit
283 the fingerprints to the Department of Law Enforcement for state
284 processing and forwarding to the Federal Bureau of Investigation
285 for federal processing. The actual cost of state and federal
286 processing shall be borne by the applicant and is in addition to
287 the fee for licensure. The department may issue a license to an
288 applicant pending the results of the fingerprint investigation,
289 which license is fully revocable if the department subsequently
290 determines that any facts set forth in the application are not
291 true or correctly represented.

292 (10) SURETY BOND OR IRREVOCABLE LETTER OF CREDIT REQUIRED.—

293 (a) Annually, before any license shall be issued to a motor
294 vehicle dealer, the applicant-dealer of new or used motor
295 vehicles shall deliver to the department a good and sufficient
296 surety bond or irrevocable letter of credit, executed by the
297 applicant-dealer as principal, in the sum of \$25,000. A licensee
298 shall deliver to the department, in the manner prescribed by the
299 department, within 10 calendar days after any renewal or
300 continuation of or change in such surety bond or irrevocable



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301 letter of credit or within 10 calendar days after any issuance
302 of a new surety bond or irrevocable letter of credit, a copy of
303 such renewed, continued, changed, or new surety bond or
304 irrevocable letter of credit.

305 Section 7. Section 337.025, Florida Statutes, is amended to
306 read:

307 337.025 Innovative transportation projects; department to
308 establish program.—

309 (1) The department may establish a program for
310 transportation projects demonstrating innovative techniques of
311 highway and bridge design, construction, maintenance, and
312 finance which have the intended effect of measuring resiliency
313 and structural integrity and controlling time and cost increases
314 on construction projects. Such techniques may include, but are
315 not limited to, state-of-the-art technology for pavement,
316 safety, and other aspects of highway and bridge design,
317 construction, and maintenance; innovative bidding and financing
318 techniques; accelerated construction procedures; and those
319 techniques that have the potential to reduce project life cycle
320 costs. To the maximum extent practical, the department must use
321 the existing process to award and administer construction and
322 maintenance contracts. When specific innovative techniques are
323 to be used, the department is not required to adhere to those
324 provisions of law that would prevent, preclude, or in any way
325 prohibit the department from using the innovative technique.
326 However, before using an innovative technique that is
327 inconsistent with another provision of law, the department must
328 document in writing the need for the exception and identify what
329 benefits the traveling public and the affected community are



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330 anticipated to receive. The department may enter into no more
331 than \$120 million in contracts awarded annually for the purposes
332 authorized by this section.

333 (2) The annual cap on contracts provided in subsection (1)
334 does shall not apply to:

335 (a) Turnpike enterprise projects, ~~and turnpike enterprise~~
336 ~~projects shall not be counted toward the department's annual~~
337 ~~cap.~~

338 (b) Low-bid design-build milling and resurfacing contracts
339 ~~Transportation projects funded by the American Recovery and~~
340 ~~Reinvestment Act of 2009.~~

341 Section 8. Section 337.0262, Florida Statutes, is created
342 to read:

343 337.0262 Purchase and use of clay, peat, gravel, sand, or
344 any other solid substance extracted from borrow pits.—

345 (1) The department, and any contractor or subcontractor of
346 the department, may not purchase or use any clay, peat, gravel,
347 sand, or other solid substance extracted from a borrow pit as
348 defined in s. 378.403 unless:

349 (a) Certification is provided to the department,
350 contractor, or subcontractor by the operator of the borrow pit
351 that it is in compliance with the notice requirements and
352 substantive requirements of s. 378.801; and

353 (b) The operator of the borrow pit is in compliance with
354 the performance standards in s. 378.803, including, but not
355 limited to, providing proof of currently valid permits required
356 by the Department of Environmental Protection and the
357 appropriate water management district.

358 (2) All contracts and purchase orders executed by the



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359 department, and all subcontracts and purchase orders executed by
360 contractors or subcontractors after July 1, 2021, must include
361 specific requirements for compliance with this section.

362 (3) In the event that the department determines that
363 substances are being obtained and used from a borrow pit that is
364 not in compliance with this section, the department must cease
365 to accept any substances from that borrow pit within 48 hours
366 after such determination. The department may resume acceptance
367 of substances from the borrow pit once the borrow pit is in
368 compliance with this section.

369 Section 9. Subsections (1), (4), and (7) of section 337.14,
370 Florida Statutes, are amended to read:

371 337.14 Application for qualification; certificate of
372 qualification; restrictions; request for hearing.—

373 (1) Any contractor desiring to bid for the performance of
374 any construction contract in excess of \$250,000 which the
375 department proposes to let must first be certified by the
376 department as qualified pursuant to this section and rules of
377 the department. The rules of the department must address the
378 qualification of contractors to bid on construction contracts in
379 excess of \$250,000 and must include requirements with respect to
380 the equipment, past record, experience, financial resources, and
381 organizational personnel of the applying contractor which are
382 necessary to perform the specific class of work for which the
383 contractor seeks certification. Any contractor who desires to
384 bid on contracts in excess of \$50 million and who is not
385 qualified and in good standing with the department as of January
386 1, 2019, must first be certified by the department as qualified
387 and ~~desires to bid on contracts in excess of \$50 million~~ must



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388 have satisfactorily completed two projects, each in excess of
389 \$15 million, for the department or for any other state
390 department of transportation. The department may limit the
391 dollar amount of any contract upon which a contractor is
392 qualified to bid or the aggregate total dollar volume of
393 contracts such contractor is allowed to have under contract at
394 any one time. Each applying contractor seeking qualification to
395 bid on construction contracts in excess of \$250,000 shall
396 furnish the department a statement under oath, on such forms as
397 the department may prescribe, setting forth detailed information
398 as required on the application. Each application for
399 certification must be accompanied by audited, certified
400 financial statements prepared in accordance with generally
401 accepted accounting principles and auditing standards by a
402 certified public accountant licensed in this state or another
403 state. The audited, certified financial statements must be for
404 the applying contractor and must have been prepared the latest
405 annual financial statement of the applying contractor completed
406 within the immediately preceding last 12 months. The department
407 may not consider any financial information of the parent entity
408 of the applying contractor, if any. The department may not
409 certify as qualified any applying contractor who fails to submit
410 the audited, certified financial statements required by this
411 subsection. If the application or the annual financial statement
412 shows the financial condition of the applying contractor more
413 than 4 months before prior to the date on which the application
414 is received by the department, the applicant must also submit an
415 interim audited, certified financial statements prepared in
416 accordance with generally accepted accounting principles and



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417 auditing standards by a certified public accountant licensed in
418 this state or another state ~~statement and an updated application~~
419 ~~must be submitted.~~ The interim financial statements ~~statement~~
420 must cover the period from the end date of the annual statement
421 and must show the financial condition of the applying contractor
422 no more than 4 months before ~~prior to~~ the date that the interim
423 financial statements are ~~statement is~~ received by the
424 department. However, upon the request of the applying
425 contractor, an application and accompanying annual or interim
426 financial statement received by the department within 15 days
427 after either 4-month period under this subsection shall be
428 considered timely. ~~Each required annual or interim financial~~
429 ~~statement must be audited and accompanied by the opinion of a~~
430 ~~certified public accountant.~~ An applying contractor desiring to
431 bid exclusively for the performance of construction contracts
432 with proposed budget estimates of less than \$1 million may
433 submit reviewed annual or reviewed interim financial statements
434 prepared by a certified public accountant. The information
435 required by this subsection is confidential and exempt from s.
436 119.07(1). The department shall act upon the application for
437 qualification within 30 days after the department determines
438 that the application is complete. The department may waive the
439 requirements of this subsection for projects having a contract
440 price of \$500,000 or less if the department determines that the
441 project is of a noncritical nature and the waiver will not
442 endanger public health, safety, or property.

443 (4) If the applicant is found to possess the prescribed
444 qualifications, the department shall issue to him or her a
445 certificate of qualification that, unless thereafter revoked by



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446 the department for good cause, will be valid for a period of 18
447 months after the date of the applicant's financial statement or
448 such shorter period as the department prescribes. Submission of
449 an application and subsequent approval do ~~shall~~ not affect
450 expiration of the certificate of qualification, the ability
451 factor of the applicant, or the maximum capacity rating of the
452 applicant. If the department finds that an application is
453 incomplete or contains inadequate information or information
454 that cannot be verified, the department may request in writing
455 that the applicant provide the necessary information to complete
456 the application or provide the source from which any information
457 in the application may be verified. If the applicant fails to
458 comply with the initial written request within a reasonable
459 period of time as specified therein, the department shall
460 request the information a second time. If the applicant fails to
461 comply with the second request within a reasonable period of
462 time as specified therein, the application shall be denied.

463 (7) A "contractor" as defined in s. 337.165(1)(d) or his or
464 her "affiliate" as defined in s. 337.165(1)(a) qualified with
465 the department under this section may not also qualify under s.
466 287.055 or s. 337.105 to provide testing services, construction,
467 engineering, and inspection services to the department. This
468 limitation does not apply to any design-build prequalification
469 under s. 337.11(7) and does not apply when the department
470 otherwise determines by written order entered at least 30 days
471 before advertisement that the limitation is not in the best
472 interests of the public with respect to a particular contract
473 for testing services, construction, engineering, and inspection
474 services. This subsection does not authorize a contractor to



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475 provide testing services, or provide construction, engineering,
476 and inspection services, to the department in connection with a
477 construction contract under which the contractor is performing
478 any work. Notwithstanding any other provision of law to the
479 contrary, for a project that is wholly or partially funded by
480 the department and administered by a local governmental entity,
481 except for a seaport listed in s. 311.09 or an airport as
482 defined in s. 332.004, the entity performing design and
483 construction engineering and inspection services may not be the
484 same entity.

485 Section 10. Section 337.185, Florida Statutes, is amended
486 to read:

487 (Substantial rewording of section. See
488 s. 337.185, F.S., for present text.)
489 337.185 State Arbitration Board.-

490 (1) To facilitate the prompt resolution of claims arising
491 out of or in connection with a construction or maintenance
492 contract with the department, the Legislature establishes the
493 State Arbitration Board, referred to in this section as the
494 "board."

495 (2) As used in this section, the term:

496 (a) "Claim" means the aggregate of all outstanding written
497 requests for additional monetary compensation, time, or other
498 adjustments to the contract, the entitlement or impact of which
499 is disputed by the department and could not be resolved by
500 negotiation between the department and the contractor.

501 (b) "Contractor" means a person or firm having a contract
502 for rendering services to the department relating to the
503 construction or maintenance of a transportation facility.



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504 (c) "Final acceptance" means that the contractor has
505 completely performed the work provided for under the contract,
506 the department or its agent has determined that the contractor
507 has satisfactorily completed the work provided for under the
508 contract, and the department or its agent has submitted written
509 notice of final acceptance to the contractor.

510 (3) Every claim in an amount of up to \$250,000 per contract
511 that could not be resolved by negotiation between the department
512 and the contractor must be arbitrated by the board. An award
513 issued by the board pursuant to this section is final and
514 enforceable by a court of law.

515 (4) The contractor may submit a claim greater than \$250,000
516 up to \$1 million per contract or, upon agreement of the parties,
517 up to \$2 million per contract to be arbitrated by the board. An
518 award issued by the board pursuant to this subsection is final
519 if a request for a trial de novo is not filed within the time
520 provided by Rule 1.830, Florida Rules of Civil Procedure. At the
521 trial de novo, the court may not admit evidence that there has
522 been an arbitration proceeding, the nature or amount of the
523 award, or any other matter concerning the conduct of the
524 arbitration proceeding, except that testimony given at an
525 arbitration hearing may be used for any purpose otherwise
526 permitted by the Florida Evidence Code. If a request for trial
527 de novo is not filed within the time provided, the award issued
528 by the board is final and enforceable by a court of law.

529 (5) An arbitration request may not be made to the board
530 before final acceptance but must be made to the board within 820
531 days after final acceptance.

532 (6) The board shall schedule a hearing within 45 days after



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533 an arbitration request and, if possible, shall conduct the
534 hearing within 90 days after the request. The board may
535 administer oaths and conduct the proceedings as provided by the
536 rules of the court. The hearing shall be conducted informally.
537 Presentation of testimony and evidence shall be kept to a
538 minimum, and matters shall be presented to the arbitrators
539 primarily through the statements and arguments of counsel. The
540 board shall address the scope of discovery, presentation of
541 testimony, and evidence at a preliminary hearing by considering
542 the size, subject matter, and complexity of the dispute. Any
543 party to the arbitration may petition the board, for good cause
544 shown, to issue subpoenas for the attendance of witnesses and
545 the production of books, records, documents, and other evidence
546 at the arbitration and may petition the board for orders
547 compelling such attendance and production at the arbitration.
548 Subpoenas shall be served and are enforceable in the manner
549 provided by law.

550 (7) The board must issue an award within 45 days after the
551 conclusion of the arbitration hearing. If all three members of
552 the board do not agree, the award agreed to by the majority
553 shall constitute the award of the board.

554 (8) The board shall be composed of three members. The first
555 member shall be appointed by the Secretary of Transportation,
556 and the second member shall be elected by those construction or
557 maintenance companies that are under contract with the
558 department. The third member shall be chosen by agreement of the
559 first and second members. If the first or second member has a
560 conflict of interest regarding affiliation with one of the
561 parties to an arbitration hearing, the appointing entity shall



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562 appoint an alternate member for that hearing. If the third
563 member has such a conflict of interest, the first and second
564 members shall select an alternate member. Each member shall
565 serve a 4-year term. The board shall elect a chair for each
566 term, who shall be the administrator of the board and custodian
567 of its records.

568 (9) The presence of all board members is required to
569 conduct a meeting in person or via videoconferencing.

570 (10) The members of the board shall receive compensation
571 for the performance of their duties from deposits made by the
572 parties based on an estimate of compensation by the board,
573 except that an employee of the department may not receive
574 compensation from the board. All deposits will be held in escrow
575 by the chair in advance of the hearing. Each member eligible for
576 compensation shall be compensated at \$200 per hour, up to a
577 maximum of \$1,500 per day. A member shall be reimbursed for the
578 actual cost of his or her travel expenses. The board may
579 allocate funds annually for clerical and other administrative
580 services.

581 (11) To cover the cost of administration and initial
582 compensation of the board, the party requesting arbitration
583 shall pay a filing fee to the board, according to a schedule
584 established by the board, of:

585 (a) Up to \$500 for a claim that is \$25,000 or less.

586 (b) Up to \$1,000 for a claim that is more than \$25,000 but
587 is \$50,000 or less.

588 (c) Up to \$1,500 for a claim that is more than \$50,000 but
589 is \$100,000 or less.

590 (d) Up to \$2,000 for a claim that is more than \$100,000 but



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591 is \$200,000 or less.

592 (e) Up to \$3,000 for a claim that is more than \$200,000 but
593 is \$300,000 or less.

594 (f) Up to \$4,000 for a claim that is more than \$300,000 but
595 is \$400,000 or less.

596 (g) Up to \$5,000 for a claim that is more than \$400,000.

597

598 The board may apportion the filing fees and the cost of
599 recording and preparing a transcript of the hearing among the
600 parties in its award.

601 Section 11. Part III of chapter 343, Florida Statutes,
602 consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83,
603 343.835, 343.836, 343.84, 343.85, 343.87, 343.875, 343.88,
604 343.881, 343.884, and 343.89, Florida Statutes, is repealed.

605 Section 12. Paragraph (c) of subsection (1) of section
606 348.754, Florida Statutes, is amended to read:

607 348.754 Purposes and powers.—

608 (1)

609 (c) Notwithstanding any other provision of this section to
610 the contrary, to ensure the continued financial feasibility of
611 the portion of the Wekiva Parkway to be constructed by the
612 department, the authority may not, without ~~the~~ prior
613 consultation with ~~consent~~ of the secretary of the department,
614 construct any extensions, additions, or improvements to the
615 expressway system in Lake County.

616 Section 13. Paragraph (d) of subsection (2) of section
617 349.04, Florida Statutes, is amended to read:

618 349.04 Purposes and powers.—

619 (2) The authority is hereby granted, and shall have and may



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620 exercise all powers necessary, appurtenant, convenient, or
621 incidental to the carrying out of the aforesaid purposes,
622 including, but without being limited to, the right and power:

623 (d) To enter into and make leases for terms not exceeding
624 99 ~~40~~ years, as either lessee or lessor, in order to carry out
625 the right to lease as set forth in this chapter.

626 Section 14. Present subsections (3) through (19) of section
627 378.403, Florida Statutes, are redesignated as subsections (4)
628 through (20), respectively, and a new subsection (3) is added to
629 that section, to read:

630 378.403 Definitions.—As used in this part, the term:

631 (3) "Borrow pit" means an area of land upon which
632 excavation of surface resources has been conducted, is being
633 conducted, or is planned to be conducted, as the term is
634 commonly used in the mining trade, and is not considered a mine.
635 Such resources are limited to soil, organic soil, sand, or clay
636 that can be removed with construction excavating equipment and
637 loaded on a haul truck with no additional processing.

638 Section 15. Section 378.801, Florida Statutes, is amended
639 to read:

640 378.801 Other resources; notice of intent to extract ~~mine~~
641 required.—

642 (1) An ~~No~~ operator may not begin the operation of a borrow
643 pit, or the process of extracting clay, peat, gravel, sand, or
644 any other solid substance of commercial value found in natural
645 deposits or in the earth, except fuller's earth clay, heavy
646 minerals, limestone, or phosphate, which are regulated elsewhere
647 in this chapter, at a new location ~~mine~~ without notifying the
648 secretary of the intention to extract ~~mine~~.



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649 (2) The operator's notice of intent to extract ~~mine~~ shall
650 consist of the operator's estimated life of the extraction
651 location ~~mine~~ and the operator's signed acknowledgment of the
652 performance standards provided by s. 378.803.

653 Section 16. Section 378.802, Florida Statutes, is amended
654 to read:

655 378.802 Existing extraction locations ~~mines~~.—After January
656 1, 1989, all operators of existing locations ~~mines~~ for the
657 extraction of resources as described in s. 378.801 shall meet
658 the performance standards provided by s. 378.803 for any new
659 surface area disturbed at such locations ~~mines~~.

660 Section 17. Subsection (5) of section 479.07, Florida
661 Statutes, is amended to read:

662 479.07 Sign permits.—

663 (5) (a) For each permit issued, the department shall furnish
664 to the applicant a serially numbered permanent metal permit tag.
665 The permittee is responsible for maintaining a valid permit tag
666 on each permitted sign facing at all times. The tag shall be
667 securely attached to the upper 50 percent of the sign structure,
668 and attached in such a manner as to be plainly visible from the
669 main-traveled way. The permit tag must be properly and
670 permanently displayed at the permitted site within 30 days after
671 the date of permit issuance. If the permittee fails to erect a
672 completed sign on the permitted site within 270 days after the
673 date on which the permit was issued, the permit will be void,
674 and the department may not issue a new permit to that permittee
675 for the same location for 270 days after the date on which the
676 permit becomes void.

677 (b) If a permit tag is lost, stolen, or destroyed, the



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678 permittee to whom the tag was issued must apply to the
679 department for a replacement tag. The department shall establish
680 a service fee for replacement tags in an amount that will
681 recover the actual cost of providing the replacement tag. Upon
682 receipt of the application accompanied by the service fee, the
683 department shall issue a replacement permit tag.

684 (c)1. As soon as practicable, the department shall create
685 and implement a publicly accessible electronic database to
686 include all permits issued by the department. At a minimum, the
687 database must include the name and contact information of the
688 permit operator, the structure identification number or numbers,
689 the panel or face identification number or numbers, the latitude
690 and longitude of the permitted sign, the compass bearing, images
691 of the permitted sign once constructed, and the most recent date
692 the department visually inspected the permitted sign.

693 2. Once the department creates and implements the publicly
694 accessible electronic database:

695 a. The department may not furnish permanent metal permit
696 tags or replacement tags to permittees;

697 b. The department may not enforce the provisions relating
698 to permanent metal permit tags or replacement tags specified in
699 paragraphs (a) and (b); and

700 c. Permittees are not required to return permit tags to the
701 department as provided in subsection (8).

702 Section 18. Notwithstanding any other law, the Northwest
703 Florida Transportation Corridor Authority is dissolved. The
704 authority shall discharge or make provision for the authority's
705 debts, obligations, and other liabilities; settle and close the
706 authority's activities and affairs; and provide for distribution



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707 of the authority's assets, or the proceeds of such assets, such
708 that each local general-purpose government represented on the
709 authority's board receives a distribution generally in
710 proportion to each entity's contribution to the acquisition of
711 the assets.

712 Section 19. This act shall take effect July 1, 2021.

713

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

715 And the title is amended as follows:

716 Delete everything before the enacting clause
717 and insert:

718 A bill to be entitled
719 An act relating to transportation; creating s.
720 177.107, F.S.; authorizing governing bodies of
721 municipalities and counties to abandon and convey
722 their interests in certain roads and rights-of-way
723 dedicated in a recorded residential subdivision plat
724 to community development districts under specified
725 conditions; specifying duties for community
726 development districts relating to such roads and
727 rights-of-way; providing for traffic control
728 jurisdiction of such roads; specifying that the
729 community development district has all rights, title,
730 and interest in such roads and rights-of-way upon
731 abandonment and conveyance; requiring community
732 development districts to thereafter hold such roads
733 and rights-of-way in trust; providing construction;
734 creating s. 287.05705, F.S.; providing that certain
735 governmental entities may not prohibit certain vendors



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736 from responding to competitive solicitations of
737 certain contractual services; providing applicability;
738 amending s. 316.2397, F.S.; revising provisions
739 authorizing vehicles and equipment to show or display
740 flashing lights; amending s. 319.30, F.S.; revising
741 conditions under which insurance companies are
742 authorized to receive salvage certificates of title or
743 certificates of destruction for motor vehicles and
744 mobile homes from the Department of Highway Safety and
745 Motor Vehicles; amending s. 320.06, F.S.; clarifying
746 that certain rental vehicles are authorized to elect a
747 permanent registration period; amending s. 320.27,
748 F.S.; requiring motor vehicle dealer licensees to
749 deliver copies of renewed, continued, changed, or new
750 insurance policies to the department within specified
751 timeframes under certain conditions; requiring such
752 licensees to deliver copies of renewed, continued,
753 changed, or new surety bonds or irrevocable letters of
754 credit to the department within specified timeframes
755 under certain conditions; amending s. 337.025, F.S.;
756 revising the type of transportation project contracts
757 that are subject to an annual cap; creating s.
758 337.0262, F.S.; prohibiting the Department of
759 Transportation and contractors and subcontractors of
760 the department from purchasing specified substances
761 from a borrow pit unless specified conditions are
762 satisfied; requiring certain contracts, subcontracts,
763 and purchase orders to require compliance with the
764 prohibition; requiring the department to cease



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765 acceptance of substances from a borrow pit under
766 certain conditions; authorizing the department to
767 resume acceptance of such substances under certain
768 conditions; amending s. 337.14, F.S.; requiring
769 contractors wishing to bid on certain contracts to
770 first be certified by the department as qualified;
771 revising requirements for applying for and issuing a
772 certificate of qualification; providing construction
773 with respect to submission and approval of an
774 application for such certificate; exempting airports
775 from certain restrictions regarding entities
776 performing engineering and inspection services;
777 amending s. 337.185, F.S.; revising and providing
778 definitions; revising requirements for arbitration of
779 certain contracts by the State Arbitration Board;
780 revising requirements regarding arbitration requests,
781 hearings, procedures, and awards; revising membership
782 and meeting requirements; revising compensation of
783 board members; repealing part III of ch. 343, F.S.,
784 relating to the creation and operation of the
785 Northwest Florida Transportation Corridor Authority;
786 amending s. 348.754, F.S.; prohibiting the Central
787 Florida Expressway Authority from constructing any
788 extensions, additions, or improvements to the Central
789 Florida Expressway System in Lake County without prior
790 consultation with, rather than consent of, the
791 Secretary of Transportation; amending s. 349.04, F.S.;
792 revising a limitation on the terms of leases that the
793 Jacksonville Transportation Authority may enter into



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794 and make; amending s. 378.403, F.S.; defining the term
795 "borrow pit"; amending s. 378.801, F.S.; prohibiting
796 operation of a borrow pit at a new location without
797 notifying the Secretary of Environmental Protection of
798 the intent to extract; conforming provisions to
799 changes made by the act; amending s. 378.802, F.S.;
800 revising application of provisions to exclude existing
801 locations; amending s. 479.07, F.S.; requiring the
802 department to create and implement a publicly
803 accessible electronic database for sign permit
804 information; specifying requirements for the database;
805 prohibiting the department from furnishing permanent
806 metal permit tags or replacement tags and from
807 enforcing specified provisions once the department
808 creates and implements the database; specifying that
809 permittees are not required to return permit tags to
810 the department once the department creates and
811 implements the database; dissolving the Northwest
812 Florida Transportation Corridor Authority and
813 requiring the authority to discharge its liabilities,
814 settle and close its activities and affairs, and
815 provide for the distribution of the authority's
816 assets; providing an effective date.