

**By** the Committees on Appropriations; and Transportation; and  
Senator Hooper

576-04243-21

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1                                   A bill to be entitled  
2       An act relating to transportation; creating s.  
3       177.107, F.S.; authorizing governing bodies of  
4       municipalities and counties to abandon and convey  
5       their interests in certain roads and rights-of-way  
6       dedicated in a recorded residential subdivision plat  
7       to community development districts under specified  
8       conditions; specifying duties for community  
9       development districts relating to such roads and  
10      rights-of-way; providing for traffic control  
11      jurisdiction of such roads; specifying that the  
12      community development district has all rights, title,  
13      and interest in such roads and rights-of-way upon  
14      abandonment and conveyance; requiring community  
15      development districts to thereafter hold such roads  
16      and rights-of-way in trust; providing construction;  
17      creating s. 287.05705, F.S.; providing that certain  
18      governmental entities may not prohibit certain vendors  
19      from responding to competitive solicitations of  
20      certain contractual services; providing applicability;  
21      amending s. 316.2397, F.S.; revising provisions  
22      authorizing vehicles and equipment to show or display  
23      flashing lights; amending s. 319.30, F.S.; revising  
24      conditions under which insurance companies are  
25      authorized to receive salvage certificates of title or  
26      certificates of destruction for motor vehicles and  
27      mobile homes from the Department of Highway Safety and  
28      Motor Vehicles; amending s. 320.06, F.S.; clarifying  
29      that certain rental vehicles are authorized to elect a

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30 permanent registration period; amending s. 320.27,  
31 F.S.; requiring motor vehicle dealer licensees to  
32 deliver copies of renewed, continued, changed, or new  
33 insurance policies to the department within specified  
34 timeframes under certain conditions; requiring such  
35 licensees to deliver copies of renewed, continued,  
36 changed, or new surety bonds or irrevocable letters of  
37 credit to the department within specified timeframes  
38 under certain conditions; amending s. 337.025, F.S.;  
39 revising the type of transportation project contracts  
40 that are subject to an annual cap; creating s.  
41 337.0262, F.S.; prohibiting the Department of  
42 Transportation and contractors and subcontractors of  
43 the department from purchasing specified substances  
44 from a borrow pit unless specified conditions are  
45 satisfied; requiring certain contracts, subcontracts,  
46 and purchase orders to require compliance with the  
47 prohibition; requiring the department to cease  
48 acceptance of substances from a borrow pit under  
49 certain conditions; authorizing the department to  
50 resume acceptance of such substances under certain  
51 conditions; amending s. 337.14, F.S.; requiring  
52 contractors wishing to bid on certain contracts to  
53 first be certified by the department as qualified;  
54 revising requirements for applying for and issuing a  
55 certificate of qualification; providing construction  
56 with respect to submission and approval of an  
57 application for such certificate; exempting airports  
58 from certain restrictions regarding entities

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59 performing engineering and inspection services;  
60 amending s. 337.185, F.S.; revising and providing  
61 definitions; revising requirements for arbitration of  
62 certain contracts by the State Arbitration Board;  
63 revising requirements regarding arbitration requests,  
64 hearings, procedures, and awards; revising membership  
65 and meeting requirements; revising compensation of  
66 board members; amending s. 338.166, F.S.; requiring  
67 that specified toll revenue be used to support certain  
68 public transportation projects; amending s. 339.175,  
69 F.S.; deleting a provision prohibiting certain  
70 metropolitan planning organizations from assessing any  
71 fees for municipalities, counties, or other  
72 governmental entities that are members of the  
73 organization; repealing part III of ch. 343, F.S.,  
74 relating to the creation and operation of the  
75 Northwest Florida Transportation Corridor Authority;  
76 amending s. 348.754, F.S.; prohibiting the Central  
77 Florida Expressway Authority from constructing any  
78 extensions, additions, or improvements to the Central  
79 Florida Expressway System in Lake County without prior  
80 consultation with, rather than consent of, the  
81 Secretary of Transportation; amending s. 349.04, F.S.;  
82 revising a limitation on the terms of leases that the  
83 Jacksonville Transportation Authority may enter into  
84 and make; amending s. 378.403, F.S.; defining the term  
85 "borrow pit"; amending s. 378.801, F.S.; prohibiting  
86 operation of a borrow pit at a new location without  
87 notifying the Secretary of Environmental Protection of

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88 the intent to extract; conforming provisions to  
89 changes made by the act; amending s. 378.802, F.S.;  
90 revising application of provisions to exclude existing  
91 locations; amending s. 479.07, F.S.; requiring the  
92 department to create and implement a publicly  
93 accessible electronic database for sign permit  
94 information; specifying requirements for the database;  
95 prohibiting the department from furnishing permanent  
96 metal permit tags or replacement tags and from  
97 enforcing specified provisions once the department  
98 creates and implements the database; specifying that  
99 permittees are not required to return permit tags to  
100 the department once the department creates and  
101 implements the database; dissolving the Northwest  
102 Florida Transportation Corridor Authority and  
103 requiring the authority to discharge its liabilities,  
104 settle and close its activities and affairs, and  
105 provide for the distribution of the authority's  
106 assets; providing an effective date.

107  
108 Be It Enacted by the Legislature of the State of Florida:

109  
110 Section 1. Section 177.107, Florida Statutes, is created to  
111 read:

112 177.107 Closing and abandonment of roads; optional  
113 conveyance to a community development district; traffic control  
114 jurisdiction.-

115 (1) The governing body of a municipality or county may  
116 abandon the roads and rights-of-way dedicated in a recorded

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117 residential subdivision plat and simultaneously convey the  
118 municipality's or county's interest in such roads, rights-of-  
119 way, and appurtenant drainage facilities to a community  
120 development district established under chapter 190 in which the  
121 subdivision is located, if all of the following conditions are  
122 met:

123 (a) The community development district has requested the  
124 abandonment and conveyance by written resolution for the purpose  
125 of converting the subdivision to a gated neighborhood with  
126 monitored public access.

127 (b) The community development district has received  
128 approval for the conveyance by a vote of two-thirds of the  
129 landowners who are subject to the non-ad valorem assessments of  
130 the community development district and who are present by person  
131 or proxy at a properly noticed landowners meeting.

132 (c) The community development district has executed an  
133 interlocal agreement with the municipality or county, as  
134 applicable, requiring the community development district to do  
135 all of the following:

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

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

142 3. Levy annual special assessments in amounts sufficient to  
143 maintain the roads and any drainage, street lighting, or  
144 sidewalks identified in the interlocal agreement to municipal or  
145 county standards, as applicable.

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146 4. Annually fund the amounts set forth in the reserve  
147 study.

148 (2) The community development district shall install,  
149 operate, maintain, repair, and replace all signs, signals,  
150 markings, striping, guardrails, and other traffic control  
151 devices necessary or useful for the roads unless an agreement  
152 has been entered into between the municipality or county and the  
153 community development district, as authorized under s.  
154 316.006(2)(b) and (3)(b), respectively, expressly providing that  
155 the municipality or county has traffic control jurisdiction.

156 (3) Upon abandonment of the roads and rights-of-way and the  
157 conveyance thereof to the community development district, the  
158 community development district shall have all the rights, title,  
159 and interest in the roads and rights-of-way, including all  
160 appurtenant drainage facilities, as were previously vested in  
161 the municipality or county. Thereafter, the community  
162 development district shall hold the roads and rights-of-way in  
163 trust for the benefit of the public and owners of the property  
164 in the subdivision and shall operate, maintain, repair, and from  
165 time to time replace and reconstruct the roads and any  
166 associated street lighting, sidewalks, or drainage facilities  
167 identified in the interlocal agreement as necessary to ensure  
168 their use and enjoyment by the public and property owners,  
169 tenants, and residents of the subdivision and their guests and  
170 invitees.

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

173 Section 2. Section 287.05705, Florida Statutes, is created  
174 to read:

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175 287.05705 Procurements of road, bridge, and other specified  
176 public construction services.-

177 (1) With respect to competitive solicitations for the  
178 procurement of contractual services that are limited to the  
179 classes of work for which the Department of Transportation  
180 issues certificates of qualification pursuant to s. 337.14, and  
181 which services do not involve the construction, remodeling,  
182 repair, or improvement of any building, a governmental entity  
183 procuring such services may not prohibit a response from a  
184 vendor possessing a valid certificate of qualification under s.  
185 337.14 or license under chapter 489 corresponding to the  
186 contractual services being procured.

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

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

191 316.2397 Certain lights prohibited; exceptions.-

192 (5) Road maintenance and construction equipment and  
193 vehicles may display flashing white lights or flashing white  
194 strobe lights when in operation and where a hazard exists.  
195 Construction equipment in a work zone on roadways with a posted  
196 speed limit of 55 miles per hour or higher may show or display a  
197 combination of flashing green, amber, and red lights in  
198 conjunction with periods when workers are present. Additionally,  
199 school buses and vehicles that are used to transport farm  
200 workers may display flashing white strobe lights.

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

202 (a) As a means of indicating a right or left turn, to  
203 change lanes, or to indicate that the vehicle is lawfully

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204 stopped or disabled upon the highway;

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

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

210 (d)~~(e)~~ For the lamps authorized under subsections (1), (2),  
211 (3), (4), and (9), s. 316.2065, or s. 316.235(6) which may  
212 flash.

213 Section 4. Paragraph (b) of subsection (3) of section  
214 319.30, Florida Statutes, is amended to read:

215 319.30 Definitions; dismantling, destruction, change of  
216 identity of motor vehicle or mobile home; salvage.—

217 (3)

218 (b) The owner, including persons who are self-insured, of a  
219 motor vehicle or mobile home that is considered to be salvage  
220 shall, within 72 hours after the motor vehicle or mobile home  
221 becomes salvage, forward the title to the motor vehicle or  
222 mobile home to the department for processing. However, an  
223 insurance company that pays money as compensation for the total  
224 loss of a motor vehicle or mobile home shall obtain the  
225 certificate of title for the motor vehicle or mobile home, make  
226 the required notification to the National Motor Vehicle Title  
227 Information System, and, within 72 hours after receiving such  
228 certificate of title, forward such title by the United States  
229 Postal Service, by another commercial delivery service, or by  
230 electronic means, when such means are made available by the  
231 department, to the department for processing. The owner or  
232 insurance company, as applicable, may not dispose of a vehicle



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233 or mobile home that is a total loss before it obtains a salvage  
234 certificate of title or certificate of destruction from the  
235 department. Effective January 1, 2020:

236 1. Thirty days after payment of a claim for compensation  
237 pursuant to this paragraph, the insurance company may receive a  
238 salvage certificate of title or certificate of destruction from  
239 the department if the insurance company is unable to obtain a  
240 properly assigned certificate of title from the owner or  
241 lienholder of the motor vehicle or mobile home, if the motor  
242 vehicle or mobile home does not carry an electronic lien on the  
243 title and the insurance company:

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

246 b. Has attested on a form provided by the department that  
247 ~~provided proof of~~ payment of the total loss claim has been  
248 distributed; and

249 c. Has attested on a form provided by the department and  
250 ~~provided an affidavit on letterhead~~ signed by the insurance  
251 company or its authorized agent stating the attempts that have  
252 been made to obtain the title from the owner or lienholder and  
253 further stating that all attempts are to no avail. The form  
254 ~~affidavit~~ must include a request that the salvage certificate of  
255 title or certificate of destruction be issued in the insurance  
256 company's name due to payment of a total loss claim to the owner  
257 or lienholder. The attempts to contact the owner may be by  
258 written request delivered in person or by first-class mail with  
259 a certificate of mailing to the owner's or lienholder's last  
260 known address.

261 2. If the owner or lienholder is notified of the request

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262 for title in person, the insurance company must provide an  
263 affidavit attesting to the in-person request for a certificate  
264 of title.

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

269 Section 5. Paragraph (b) of subsection (1) of section  
270 320.06, Florida Statutes, as amended by section 1 of chapter  
271 2020-181, Laws of Florida, is amended to read:

272 320.06 Registration certificates, license plates, and  
273 validation stickers generally.—

274 (1)

275 (b)1. Registration license plates bearing a graphic symbol  
276 and the alphanumeric system of identification shall be issued  
277 for a 10-year period. At the end of the 10-year period, upon  
278 renewal, the plate shall be replaced. The department shall  
279 extend the scheduled license plate replacement date from a 6-  
280 year period to a 10-year period. The fee for such replacement is  
281 \$28, \$2.80 of which shall be paid each year before the plate is  
282 replaced, to be credited toward the next \$28 replacement fee.  
283 The fees shall be deposited into the Highway Safety Operating  
284 Trust Fund. A credit or refund may not be given for any prior  
285 years' payments of the prorated replacement fee if the plate is  
286 replaced or surrendered before the end of the 10-year period,  
287 except that a credit may be given if a registrant is required by  
288 the department to replace a license plate under s.

289 320.08056(8) (a). With each license plate, a validation sticker  
290 shall be issued showing the owner's birth month, license plate

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291 number, and the year of expiration or the appropriate renewal  
292 period if the owner is not a natural person. The validation  
293 sticker shall be placed on the upper right corner of the license  
294 plate. The license plate and validation sticker shall be issued  
295 based on the applicant's appropriate renewal period. The  
296 registration period is 12 months, the extended registration  
297 period is 24 months, and all expirations occur based on the  
298 applicant's appropriate registration period. Rental vehicles  
299 taxed pursuant to s. 320.08(6)(a) may elect a permanent  
300 registration period, provided payment of the appropriate license  
301 taxes and fees occurs annually. A vehicle that has an  
302 apportioned registration shall be issued an annual license plate  
303 and a cab card that denote the declared gross vehicle weight for  
304 each apportioned jurisdiction in which the vehicle is authorized  
305 to operate.

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

310 Section 6. Subsection (3) and paragraph (a) of subsection  
311 (10) of section 320.27, Florida Statutes, are amended to read:  
312 320.27 Motor vehicle dealers.—

313 (3) APPLICATION AND FEE.—The application for the license  
314 shall be in such form as may be prescribed by the department and  
315 shall be subject to such rules with respect thereto as may be so  
316 prescribed by it. Such application shall be verified by oath or  
317 affirmation and shall contain a full statement of the name and  
318 birth date of the person or persons applying therefor; the name  
319 of the firm or copartnership, with the names and places of

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320 residence of all members thereof, if such applicant is a firm or  
321 copartnership; the names and places of residence of the  
322 principal officers, if the applicant is a body corporate or  
323 other artificial body; the name of the state under whose laws  
324 the corporation is organized; the present and former place or  
325 places of residence of the applicant; and prior business in  
326 which the applicant has been engaged and the location thereof.  
327 Such application shall describe the exact location of the place  
328 of business and shall state whether the place of business is  
329 owned by the applicant and when acquired, or, if leased, a true  
330 copy of the lease shall be attached to the application. The  
331 applicant shall certify that the location provides an adequately  
332 equipped office and is not a residence; that the location  
333 affords sufficient unoccupied space upon and within which  
334 adequately to store all motor vehicles offered and displayed for  
335 sale; and that the location is a suitable place where the  
336 applicant can in good faith carry on such business and keep and  
337 maintain books, records, and files necessary to conduct such  
338 business, which shall be available at all reasonable hours to  
339 inspection by the department or any of its inspectors or other  
340 employees. The applicant shall certify that the business of a  
341 motor vehicle dealer is the principal business which shall be  
342 conducted at that location. The application shall contain a  
343 statement that the applicant is either franchised by a  
344 manufacturer of motor vehicles, in which case the name of each  
345 motor vehicle that the applicant is franchised to sell shall be  
346 included, or an independent (nonfranchised) motor vehicle  
347 dealer. The application shall contain other relevant information  
348 as may be required by the department, including evidence that

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349 the applicant is insured under a garage liability insurance  
350 policy or a general liability insurance policy coupled with a  
351 business automobile policy, which shall include, at a minimum,  
352 \$25,000 combined single-limit liability coverage including  
353 bodily injury and property damage protection and \$10,000  
354 personal injury protection. However, a salvage motor vehicle  
355 dealer as defined in subparagraph (1)(c)5. is exempt from the  
356 requirements for garage liability insurance and personal injury  
357 protection insurance on those vehicles that cannot be legally  
358 operated on roads, highways, or streets in this state. Franchise  
359 dealers must submit a garage liability insurance policy, and all  
360 other dealers must submit a garage liability insurance policy or  
361 a general liability insurance policy coupled with a business  
362 automobile policy. Such policy shall be for the license period,  
363 and evidence of a new or continued policy shall be delivered to  
364 the department at the beginning of each license period. A  
365 licensee shall deliver to the department, in the manner  
366 prescribed by the department, within 10 calendar days after any  
367 renewal or continuation of or change in such policy or within 10  
368 calendar days after any issuance of a new policy, a copy of the  
369 renewed, continued, changed, or new policy. Upon making initial  
370 application, the applicant shall pay to the department a fee of  
371 \$300 in addition to any other fees required by law. Applicants  
372 may choose to extend the licensure period for 1 additional year  
373 for a total of 2 years. An initial applicant shall pay to the  
374 department a fee of \$300 for the first year and \$75 for the  
375 second year, in addition to any other fees required by law. An  
376 applicant for renewal shall pay to the department \$75 for a 1-  
377 year renewal or \$150 for a 2-year renewal, in addition to any

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378 other fees required by law. Upon making an application for a  
379 change of location, the person shall pay a fee of \$50 in  
380 addition to any other fees now required by law. The department  
381 shall, in the case of every application for initial licensure,  
382 verify whether certain facts set forth in the application are  
383 true. Each applicant, general partner in the case of a  
384 partnership, or corporate officer and director in the case of a  
385 corporate applicant, must file a set of fingerprints with the  
386 department for the purpose of determining any prior criminal  
387 record or any outstanding warrants. The department shall submit  
388 the fingerprints to the Department of Law Enforcement for state  
389 processing and forwarding to the Federal Bureau of Investigation  
390 for federal processing. The actual cost of state and federal  
391 processing shall be borne by the applicant and is in addition to  
392 the fee for licensure. The department may issue a license to an  
393 applicant pending the results of the fingerprint investigation,  
394 which license is fully revocable if the department subsequently  
395 determines that any facts set forth in the application are not  
396 true or correctly represented.

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

398 (a) Annually, before any license shall be issued to a motor  
399 vehicle dealer, the applicant-dealer of new or used motor  
400 vehicles shall deliver to the department a good and sufficient  
401 surety bond or irrevocable letter of credit, executed by the  
402 applicant-dealer as principal, in the sum of \$25,000. A licensee  
403 shall deliver to the department, in the manner prescribed by the  
404 department, within 10 calendar days after any renewal or  
405 continuation of or change in such surety bond or irrevocable  
406 letter of credit or within 10 calendar days after any issuance

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407 of a new surety bond or irrevocable letter of credit, a copy of  
408 such renewed, continued, changed, or new surety bond or  
409 irrevocable letter of credit.

410 Section 7. Section 337.025, Florida Statutes, is amended to  
411 read:

412 337.025 Innovative transportation projects; department to  
413 establish program.—

414 (1) The department may establish a program for  
415 transportation projects demonstrating innovative techniques of  
416 highway and bridge design, construction, maintenance, and  
417 finance which have the intended effect of measuring resiliency  
418 and structural integrity and controlling time and cost increases  
419 on construction projects. Such techniques may include, but are  
420 not limited to, state-of-the-art technology for pavement,  
421 safety, and other aspects of highway and bridge design,  
422 construction, and maintenance; innovative bidding and financing  
423 techniques; accelerated construction procedures; and those  
424 techniques that have the potential to reduce project life cycle  
425 costs. To the maximum extent practical, the department must use  
426 the existing process to award and administer construction and  
427 maintenance contracts. When specific innovative techniques are  
428 to be used, the department is not required to adhere to those  
429 provisions of law that would prevent, preclude, or in any way  
430 prohibit the department from using the innovative technique.  
431 However, before using an innovative technique that is  
432 inconsistent with another provision of law, the department must  
433 document in writing the need for the exception and identify what  
434 benefits the traveling public and the affected community are  
435 anticipated to receive. The department may enter into no more

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436 than \$120 million in contracts awarded annually for the purposes  
437 authorized by this section.

438 (2) The annual cap on contracts provided in subsection (1)  
439 does ~~shall~~ not apply to:

440 (a) Turnpike enterprise projects, ~~and turnpike enterprise~~  
441 ~~projects shall not be counted toward the department's annual~~  
442 ~~cap.~~

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

446 Section 8. Section 337.0262, Florida Statutes, is created  
447 to read:

448 337.0262 Purchase and use of clay, peat, gravel, sand, or  
449 any other solid substance extracted from borrow pits.-

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

454 (a) Certification is provided to the department,  
455 contractor, or subcontractor by the operator of the borrow pit  
456 that it is in compliance with the notice requirements and  
457 substantive requirements of s. 378.801; and

458 (b) The operator of the borrow pit is in compliance with  
459 the performance standards in s. 378.803, including, but not  
460 limited to, providing proof of currently valid permits required  
461 by the Department of Environmental Protection and the  
462 appropriate water management district.

463 (2) All contracts and purchase orders executed by the  
464 department, and all subcontracts and purchase orders executed by



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465 contractors or subcontractors after July 1, 2021, must include  
466 specific requirements for compliance with this section.

467 (3) In the event that the department determines that  
468 substances are being obtained and used from a borrow pit that is  
469 not in compliance with this section, the department must cease  
470 to accept any substances from that borrow pit within 48 hours  
471 after such determination. The department may resume acceptance  
472 of substances from the borrow pit once the borrow pit is in  
473 compliance with this section.

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

476 337.14 Application for qualification; certificate of  
477 qualification; restrictions; request for hearing.—

478 (1) Any contractor desiring to bid for the performance of  
479 any construction contract in excess of \$250,000 which the  
480 department proposes to let must first be certified by the  
481 department as qualified pursuant to this section and rules of  
482 the department. The rules of the department must address the  
483 qualification of contractors to bid on construction contracts in  
484 excess of \$250,000 and must include requirements with respect to  
485 the equipment, past record, experience, financial resources, and  
486 organizational personnel of the applying contractor which are  
487 necessary to perform the specific class of work for which the  
488 contractor seeks certification. Any contractor who desires to  
489 bid on contracts in excess of \$50 million and who is not  
490 qualified and in good standing with the department as of January  
491 1, 2019, must first be certified by the department as qualified  
492 ~~and desires to bid on contracts in excess of \$50 million~~ must  
493 have satisfactorily completed two projects, each in excess of

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494 \$15 million, for the department or for any other state  
495 department of transportation. The department may limit the  
496 dollar amount of any contract upon which a contractor is  
497 qualified to bid or the aggregate total dollar volume of  
498 contracts such contractor is allowed to have under contract at  
499 any one time. Each applying contractor seeking qualification to  
500 bid on construction contracts in excess of \$250,000 shall  
501 furnish the department a statement under oath, on such forms as  
502 the department may prescribe, setting forth detailed information  
503 as required on the application. Each application for  
504 certification must be accompanied by audited, certified  
505 financial statements prepared in accordance with generally  
506 accepted accounting principles and auditing standards by a  
507 certified public accountant licensed in this state or another  
508 state. The audited, certified financial statements must be for  
509 the applying contractor and must have been prepared the latest  
510 annual financial statement of the applying contractor completed  
511 within the immediately preceding last 12 months. The department  
512 may not consider any financial information of the parent entity  
513 of the applying contractor, if any. The department may not  
514 certify as qualified any applying contractor who fails to submit  
515 the audited, certified financial statements required by this  
516 subsection. If the application or the annual financial statement  
517 shows the financial condition of the applying contractor more  
518 than 4 months before ~~prior to~~ the date on which the application  
519 is received by the department, the applicant must also submit an  
520 interim audited, certified financial statements prepared in  
521 accordance with generally accepted accounting principles and  
522 auditing standards by a certified public accountant licensed in

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523 ~~this state or another state statement and an updated application~~  
524 ~~must be submitted.~~ The interim financial statements ~~statement~~  
525 must cover the period from the end date of the annual statement  
526 and must show the financial condition of the applying contractor  
527 no more than 4 months before ~~prior to~~ the date that the interim  
528 financial statements are ~~statement is~~ received by the  
529 department. However, upon the request of the applying  
530 contractor, an application and accompanying annual or interim  
531 financial statement received by the department within 15 days  
532 after either 4-month period under this subsection shall be  
533 considered timely. ~~Each required annual or interim financial~~  
534 ~~statement must be audited and accompanied by the opinion of a~~  
535 ~~certified public accountant.~~ An applying contractor desiring to  
536 bid exclusively for the performance of construction contracts  
537 with proposed budget estimates of less than \$1 million may  
538 submit reviewed annual or reviewed interim financial statements  
539 prepared by a certified public accountant. The information  
540 required by this subsection is confidential and exempt from s.  
541 119.07(1). The department shall act upon the application for  
542 qualification within 30 days after the department determines  
543 that the application is complete. The department may waive the  
544 requirements of this subsection for projects having a contract  
545 price of \$500,000 or less if the department determines that the  
546 project is of a noncritical nature and the waiver will not  
547 endanger public health, safety, or property.

548 (4) If the applicant is found to possess the prescribed  
549 qualifications, the department shall issue to him or her a  
550 certificate of qualification that, unless thereafter revoked by  
551 the department for good cause, will be valid for a period of 18

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552 months after the date of the applicant's financial statement or  
553 such shorter period as the department prescribes. Submission of  
554 an application and subsequent approval do ~~shall~~ not affect  
555 expiration of the certificate of qualification, the ability  
556 factor of the applicant, or the maximum capacity rating of the  
557 applicant. If the department finds that an application is  
558 incomplete or contains inadequate information or information  
559 that cannot be verified, the department may request in writing  
560 that the applicant provide the necessary information to complete  
561 the application or provide the source from which any information  
562 in the application may be verified. If the applicant fails to  
563 comply with the initial written request within a reasonable  
564 period of time as specified therein, the department shall  
565 request the information a second time. If the applicant fails to  
566 comply with the second request within a reasonable period of  
567 time as specified therein, the application shall be denied.

568 (7) A "contractor" as defined in s. 337.165(1)(d) or his or  
569 her "affiliate" as defined in s. 337.165(1)(a) qualified with  
570 the department under this section may not also qualify under s.  
571 287.055 or s. 337.105 to provide testing services, construction,  
572 engineering, and inspection services to the department. This  
573 limitation does not apply to any design-build prequalification  
574 under s. 337.11(7) and does not apply when the department  
575 otherwise determines by written order entered at least 30 days  
576 before advertisement that the limitation is not in the best  
577 interests of the public with respect to a particular contract  
578 for testing services, construction, engineering, and inspection  
579 services. This subsection does not authorize a contractor to  
580 provide testing services, or provide construction, engineering,

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581 and inspection services, to the department in connection with a  
582 construction contract under which the contractor is performing  
583 any work. Notwithstanding any other provision of law to the  
584 contrary, for a project that is wholly or partially funded by  
585 the department and administered by a local governmental entity,  
586 except for a seaport listed in s. 311.09 or an airport as  
587 defined in s. 332.004, the entity performing design and  
588 construction engineering and inspection services may not be the  
589 same entity.

590 Section 10. Section 337.185, Florida Statutes, is amended  
591 to read:

592 (Substantial rewording of section. See  
593 s. 337.185, F.S., for present text.)  
594 337.185 State Arbitration Board.-

595 (1) To facilitate the prompt resolution of claims arising  
596 out of or in connection with a construction or maintenance  
597 contract with the department, the Legislature establishes the  
598 State Arbitration Board, referred to in this section as the  
599 "board."

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

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

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

609 (c) "Final acceptance" means that the contractor has

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610 completely performed the work provided for under the contract,  
611 the department or its agent has determined that the contractor  
612 has satisfactorily completed the work provided for under the  
613 contract, and the department or its agent has submitted written  
614 notice of final acceptance to the contractor.

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

620 (4) The contractor may submit a claim greater than \$250,000  
621 up to \$1 million per contract or, upon agreement of the parties,  
622 up to \$2 million per contract to be arbitrated by the board. An  
623 award issued by the board pursuant to this subsection is final  
624 if a request for a trial de novo is not filed within the time  
625 provided by Rule 1.830, Florida Rules of Civil Procedure. At the  
626 trial de novo, the court may not admit evidence that there has  
627 been an arbitration proceeding, the nature or amount of the  
628 award, or any other matter concerning the conduct of the  
629 arbitration proceeding, except that testimony given at an  
630 arbitration hearing may be used for any purpose otherwise  
631 permitted by the Florida Evidence Code. If a request for trial  
632 de novo is not filed within the time provided, the award issued  
633 by the board is final and enforceable by a court of law.

634 (5) An arbitration request may not be made to the board  
635 before final acceptance but must be made to the board within 820  
636 days after final acceptance.

637 (6) The board shall schedule a hearing within 45 days after  
638 an arbitration request and, if possible, shall conduct the

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639 hearing within 90 days after the request. The board may  
640 administer oaths and conduct the proceedings as provided by the  
641 rules of the court. The hearing shall be conducted informally.  
642 Presentation of testimony and evidence shall be kept to a  
643 minimum, and matters shall be presented to the arbitrators  
644 primarily through the statements and arguments of counsel. The  
645 board shall address the scope of discovery, presentation of  
646 testimony, and evidence at a preliminary hearing by considering  
647 the size, subject matter, and complexity of the dispute. Any  
648 party to the arbitration may petition the board, for good cause  
649 shown, to issue subpoenas for the attendance of witnesses and  
650 the production of books, records, documents, and other evidence  
651 at the arbitration and may petition the board for orders  
652 compelling such attendance and production at the arbitration.  
653 Subpoenas shall be served and are enforceable in the manner  
654 provided by law.

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

659 (8) The board shall be composed of three members. The first  
660 member shall be appointed by the Secretary of Transportation,  
661 and the second member shall be elected by those construction or  
662 maintenance companies that are under contract with the  
663 department. The third member shall be chosen by agreement of the  
664 first and second members. If the first or second member has a  
665 conflict of interest regarding affiliation with one of the  
666 parties to an arbitration hearing, the appointing entity shall  
667 appoint an alternate member for that hearing. If the third

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668 member has such a conflict of interest, the first and second  
669 members shall select an alternate member. Each member shall  
670 serve a 4-year term. The board shall elect a chair for each  
671 term, who shall be the administrator of the board and custodian  
672 of its records.

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

675 (10) The members of the board shall receive compensation  
676 for the performance of their duties from deposits made by the  
677 parties based on an estimate of compensation by the board,  
678 except that an employee of the department may not receive  
679 compensation from the board. All deposits will be held in escrow  
680 by the chair in advance of the hearing. Each member eligible for  
681 compensation shall be compensated at \$200 per hour, up to a  
682 maximum of \$1,500 per day. A member shall be reimbursed for the  
683 actual cost of his or her travel expenses. The board may  
684 allocate funds annually for clerical and other administrative  
685 services.

686 (11) To cover the cost of administration and initial  
687 compensation of the board, the party requesting arbitration  
688 shall pay a filing fee to the board, according to a schedule  
689 established by the board, of:

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

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

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

695 (d) Up to \$2,000 for a claim that is more than \$100,000 but  
696 is \$200,000 or less.



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

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

701 (g) Up to \$5,000 for a claim that is more than \$400,000.  
702

703 The board may apportion the filing fees and the cost of  
704 recording and preparing a transcript of the hearing among the  
705 parties in its award.

706 Section 11. Subsection (3) of section 338.166, Florida  
707 Statutes, is amended to read:

708 338.166 High-occupancy toll lanes or express lanes.—

709 (3) Any remaining toll revenue from the high-occupancy toll  
710 lanes or express lanes shall be used by the department for the  
711 construction, maintenance, or improvement of any road or to  
712 support public transportation projects that benefit the  
713 operation of high-occupancy toll lanes or express lanes on the  
714 State Highway System within the county or counties in which the  
715 toll revenues were collected or to support express bus service  
716 on the facility where the toll revenues were collected.

717 Section 12. Paragraph (f) of subsection (6) of section  
718 339.175, Florida Statutes, is amended to read:

719 339.175 Metropolitan planning organization.—

720 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
721 privileges, and authority of an M.P.O. are those specified in  
722 this section or incorporated in an interlocal agreement  
723 authorized under s. 163.01. Each M.P.O. shall perform all acts  
724 required by federal or state laws or rules, now and subsequently  
725 applicable, which are necessary to qualify for federal aid. It

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726 is the intent of this section that each M.P.O. shall be involved  
727 in the planning and programming of transportation facilities,  
728 including, but not limited to, airports, intercity and high-  
729 speed rail lines, seaports, and intermodal facilities, to the  
730 extent permitted by state or federal law.

731 (f)~~1~~. The department shall allocate to each M.P.O., for the  
732 purpose of accomplishing its transportation planning and  
733 programming duties, an appropriate amount of federal  
734 transportation planning funds.

735 ~~2. In a county as defined in s. 125.011(1), the M.P.O. may~~  
736 ~~not assess any fees for municipalities, counties, or other~~  
737 ~~governmental entities that are members of the M.P.O.~~

738 Section 13. Part III of chapter 343, Florida Statutes,  
739 consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83,  
740 343.835, 343.836, 343.84, 343.85, 343.87, 343.875, 343.88,  
741 343.881, 343.884, and 343.89, Florida Statutes, is repealed.

742 Section 14. Paragraph (c) of subsection (1) of section  
743 348.754, Florida Statutes, is amended to read:

744 348.754 Purposes and powers.—

745 (1)

746 (c) Notwithstanding any other provision of this section to  
747 the contrary, to ensure the continued financial feasibility of  
748 the portion of the Wekiva Parkway to be constructed by the  
749 department, the authority may not, without ~~the~~ prior  
750 consultation with ~~consent~~ of the secretary of the department,  
751 construct any extensions, additions, or improvements to the  
752 expressway system in Lake County.

753 Section 15. Paragraph (d) of subsection (2) of section  
754 349.04, Florida Statutes, is amended to read:

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755 349.04 Purposes and powers.—

756 (2) The authority is hereby granted, and shall have and may  
757 exercise all powers necessary, appurtenant, convenient, or  
758 incidental to the carrying out of the aforesaid purposes,  
759 including, but without being limited to, the right and power:

760 (d) To enter into and make leases for terms not exceeding  
761 99 ~~40~~ years, as either lessee or lessor, in order to carry out  
762 the right to lease as set forth in this chapter.

763 Section 16. Present subsections (3) through (19) of section  
764 378.403, Florida Statutes, are redesignated as subsections (4)  
765 through (20), respectively, and a new subsection (3) is added to  
766 that section, to read:

767 378.403 Definitions.—As used in this part, the term:

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

775 Section 17. Section 378.801, Florida Statutes, is amended  
776 to read:

777 378.801 Other resources; notice of intent to extract ~~mine~~  
778 required.—

779 (1) An ~~No~~ operator may not begin the operation of a borrow  
780 pit, or the process of extracting clay, peat, gravel, sand, or  
781 any other solid substance of commercial value found in natural  
782 deposits or in the earth, except fuller's earth clay, heavy  
783 minerals, limestone, or phosphate, which are regulated elsewhere

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784 in this chapter, at a new location ~~mine~~ without notifying the  
785 secretary of the intention to extract ~~mine~~.

786 (2) The operator's notice of intent to extract ~~mine~~ shall  
787 consist of the operator's estimated life of the extraction  
788 location ~~mine~~ and the operator's signed acknowledgment of the  
789 performance standards provided by s. 378.803.

790 Section 18. Section 378.802, Florida Statutes, is amended  
791 to read:

792 378.802 Existing extraction locations ~~mines~~.—After January  
793 1, 1989, all operators of existing locations ~~mines~~ for the  
794 extraction of resources as described in s. 378.801 shall meet  
795 the performance standards provided by s. 378.803 for any new  
796 surface area disturbed at such locations ~~mines~~.

797 Section 19. Subsection (5) of section 479.07, Florida  
798 Statutes, is amended to read:

799 479.07 Sign permits.—

800 (5) (a) For each permit issued, the department shall furnish  
801 to the applicant a serially numbered permanent metal permit tag.  
802 The permittee is responsible for maintaining a valid permit tag  
803 on each permitted sign facing at all times. The tag shall be  
804 securely attached to the upper 50 percent of the sign structure,  
805 and attached in such a manner as to be plainly visible from the  
806 main-traveled way. The permit tag must be properly and  
807 permanently displayed at the permitted site within 30 days after  
808 the date of permit issuance. If the permittee fails to erect a  
809 completed sign on the permitted site within 270 days after the  
810 date on which the permit was issued, the permit will be void,  
811 and the department may not issue a new permit to that permittee  
812 for the same location for 270 days after the date on which the

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813 permit becomes void.

814 (b) If a permit tag is lost, stolen, or destroyed, the  
815 permittee to whom the tag was issued must apply to the  
816 department for a replacement tag. The department shall establish  
817 a service fee for replacement tags in an amount that will  
818 recover the actual cost of providing the replacement tag. Upon  
819 receipt of the application accompanied by the service fee, the  
820 department shall issue a replacement permit tag.

821 (c)1. As soon as practicable, the department shall create  
822 and implement a publicly accessible electronic database to  
823 include all permits issued by the department. At a minimum, the  
824 database must include the name and contact information of the  
825 permit operator, the structure identification number or numbers,  
826 the panel or face identification number or numbers, the latitude  
827 and longitude of the permitted sign, the compass bearing, images  
828 of the permitted sign once constructed, and the most recent date  
829 the department visually inspected the permitted sign.

830 2. Once the department creates and implements the publicly  
831 accessible electronic database:

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

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

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

839 Section 20. Notwithstanding any other law, the Northwest  
840 Florida Transportation Corridor Authority is dissolved. The  
841 authority shall discharge or make provision for the authority's

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842 debts, obligations, and other liabilities; settle and close the  
843 authority's activities and affairs; and provide for distribution  
844 of the authority's assets, or the proceeds of such assets, such  
845 that each local general-purpose government represented on the  
846 authority's board receives a distribution generally in  
847 proportion to each entity's contribution to the acquisition of  
848 the assets.

849 Section 21. This act shall take effect July 1, 2021.