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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. 318.18, F.S.; providing
24 fines for certain violations relating to motor vehicle
25 noise abatement equipment modifications; amending s.
26 319.30, F.S.; revising conditions under which
27 insurance companies are authorized to receive salvage
28 certificates of title or certificates of destruction
29 for motor vehicles and mobile homes from the

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30 Department of Highway Safety and Motor Vehicles;
31 amending s. 320.06, F.S.; clarifying that certain
32 rental vehicles are authorized to elect a permanent
33 registration period; amending s. 320.27, F.S.;

34 requiring motor vehicle dealer licensees to deliver
35 copies of renewed, continued, changed, or new
36 insurance policies to the department within specified
37 timeframes under certain conditions; requiring such
38 licensees to deliver copies of renewed, continued,
39 changed, or new surety bonds or irrevocable letters of
40 credit to the department within specified timeframes
41 under certain conditions; amending s. 337.025, F.S.;

42 revising the type of transportation project contracts
43 that are subject to an annual cap; creating s.
44 337.0262, F.S.; prohibiting the Department of
45 Transportation and contractors and subcontractors of
46 the department from purchasing specified substances
47 from a borrow pit unless specified conditions are
48 satisfied; requiring certain contracts, subcontracts,
49 and purchase orders to require compliance with the
50 prohibition; requiring the department to cease
51 acceptance of substances from a borrow pit under
52 certain conditions; authorizing the department to
53 resume acceptance of such substances under certain
54 conditions; amending s. 337.14, F.S.; requiring
55 contractors wishing to bid on certain contracts to
56 first be certified by the department as qualified;
57 revising requirements for applying for and issuing a
58 certificate of qualification; providing construction

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59 with respect to submission and approval of an
60 application for such certificate; exempting airports
61 from certain restrictions regarding entities
62 performing engineering and inspection services;
63 amending s. 337.185, F.S.; revising and providing
64 definitions; revising requirements for arbitration of
65 certain contracts by the State Arbitration Board;
66 revising requirements regarding arbitration requests,
67 hearings, procedures, and awards; revising membership
68 and meeting requirements; revising compensation of
69 board members; amending s. 338.166, F.S.; requiring
70 that specified toll revenue be used to support certain
71 public transportation projects; amending s. 339.175,
72 F.S.; deleting a provision prohibiting certain
73 metropolitan planning organizations from assessing any
74 fees for municipalities, counties, or other
75 governmental entities that are members of the
76 organization; renaming the Tampa Bay Area Regional
77 Transit Authority Metropolitan Planning Organization
78 Chairs Coordinating Committee as the Chairs
79 Coordinating Committee; deleting a requirement that
80 the Tampa Bay Area Regional Transit Authority provide
81 the committee with administrative support and
82 direction; amending s. 343.92, F.S.; providing that a
83 mayor's designated alternate may be a member of the
84 governing board of the authority; requiring that the
85 alternate be an elected member of the city council of
86 the mayor's municipality and be approved by the
87 municipality's city council; requiring a mayor's

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88 designated alternate to attend meetings under certain
89 circumstances, in which case the alternate has full
90 voting rights; providing that a simple majority of
91 board members constitutes a quorum and that a simple
92 majority of those members present is necessary for any
93 action to be taken; deleting obsolete language;
94 amending s. 343.922, F.S.; revising a provision
95 requiring the authority to present the regional
96 transit development plan and updates to specified
97 entities; deleting a provision requiring that the
98 authority coordinate plans and projects with the
99 TBARTA Metropolitan Planning Organization Chairs
100 Coordinating Committee and participate in the regional
101 M.P.O. planning process to ensure regional
102 comprehension of the authority's mission, goals, and
103 objectives; deleting a provision requiring that the
104 authority provide administrative support and direction
105 to the TBARTA Metropolitan Planning Organization
106 Chairs Coordinating Committee; repealing part III of
107 ch. 343, F.S., relating to the creation and operation
108 of the Northwest Florida Transportation Corridor
109 Authority; amending s. 348.754, F.S.; prohibiting the
110 Central Florida Expressway Authority from constructing
111 any extensions, additions, or improvements to the
112 Central Florida Expressway System in Lake County
113 without prior consultation with, rather than consent
114 of, the Secretary of Transportation; amending s.
115 349.04, F.S.; revising a limitation on the terms of
116 leases that the Jacksonville Transportation Authority

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117 may enter into and make; amending s. 378.403, F.S.;

118 defining the term "borrow pit"; amending s. 378.801,

119 F.S.; prohibiting operation of a borrow pit at a new

120 location without notifying the Secretary of

121 Environmental Protection of the intent to extract;

122 conforming provisions to changes made by the act;

123 amending s. 378.802, F.S.; revising application of

124 provisions to exclude existing locations; amending s.

125 479.07, F.S.; requiring the department to create and

126 implement a publicly accessible electronic database

127 for sign permit information; specifying requirements

128 for the database; prohibiting the department from

129 furnishing permanent metal permit tags or replacement

130 tags and from enforcing specified provisions once the

131 department creates and implements the database;

132 specifying that permittees are not required to return

133 permit tags to the department once the department

134 creates and implements the database; dissolving the

135 Northwest Florida Transportation Corridor Authority

136 and requiring the authority to discharge its

137 liabilities, settle and close its activities and

138 affairs, and provide for the distribution of the

139 authority's assets; providing an effective date.

140

141 Be It Enacted by the Legislature of the State of Florida:

142

143 Section 1. Section 177.107, Florida Statutes, is created to

144 read:

145 177.107 Closing and abandonment of roads; optional

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146 conveyance to a community development district; traffic control
147 jurisdiction.-

148 (1) The governing body of a municipality or county may
149 abandon the roads and rights-of-way dedicated in a recorded
150 residential subdivision plat and simultaneously convey the
151 municipality's or county's interest in such roads, rights-of-
152 way, and appurtenant drainage facilities to a community
153 development district established under chapter 190 in which the
154 subdivision is located, if all of the following conditions are
155 met:

156 (a) The community development district has requested the
157 abandonment and conveyance by written resolution for the purpose
158 of converting the subdivision to a gated neighborhood with
159 monitored public access.

160 (b) The community development district has received
161 approval for the conveyance by a vote of two-thirds of the
162 landowners who are subject to the non-ad valorem assessments of
163 the community development district and who are present by person
164 or proxy at a properly noticed landowners meeting.

165 (c) The community development district has executed an
166 interlocal agreement with the municipality or county, as
167 applicable, requiring the community development district to do
168 all of the following:

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

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

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175 3. Levy annual special assessments in amounts sufficient to
176 maintain the roads and any drainage, street lighting, or
177 sidewalks identified in the interlocal agreement to municipal or
178 county standards, as applicable.

179 4. Annually fund the amounts set forth in the reserve
180 study.

181 (2) The community development district shall install,
182 operate, maintain, repair, and replace all signs, signals,
183 markings, striping, guardrails, and other traffic control
184 devices necessary or useful for the roads unless an agreement
185 has been entered into between the municipality or county and the
186 community development district, as authorized under s.
187 316.006(2)(b) and (3)(b), respectively, expressly providing that
188 the municipality or county has traffic control jurisdiction.

189 (3) Upon abandonment of the roads and rights-of-way and the
190 conveyance thereof to the community development district, the
191 community development district shall have all the rights, title,
192 and interest in the roads and rights-of-way, including all
193 appurtenant drainage facilities, as were previously vested in
194 the municipality or county. Thereafter, the community
195 development district shall hold the roads and rights-of-way in
196 trust for the benefit of the public and owners of the property
197 in the subdivision and shall operate, maintain, repair, and from
198 time to time replace and reconstruct the roads and any
199 associated street lighting, sidewalks, or drainage facilities
200 identified in the interlocal agreement as necessary to ensure
201 their use and enjoyment by the public and property owners,
202 tenants, and residents of the subdivision and their guests and
203 invitees.

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

206 Section 2. Section 287.05705, Florida Statutes, is created
207 to read:

208 287.05705 Procurements of road, bridge, and other specified
209 public construction services.—

210 (1) With respect to competitive solicitations for the
211 procurement of contractual services that are limited to the
212 classes of work for which the Department of Transportation
213 issues certificates of qualification pursuant to s. 337.14, and
214 which services do not involve the construction, remodeling,
215 repair, or improvement of any building, a governmental entity
216 procuring such services may not prohibit a response from a
217 vendor possessing a valid certificate of qualification under s.
218 337.14 or license under chapter 489 corresponding to the
219 contractual services being procured.

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

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

224 316.2397 Certain lights prohibited; exceptions.—

225 (5) Road maintenance and construction equipment and
226 vehicles may display flashing white lights or flashing white
227 strobe lights when in operation and where a hazard exists.
228 Construction equipment in a work zone on roadways with a posted
229 speed limit of 55 miles per hour or higher may show or display a
230 combination of flashing green, amber, and red lights in
231 conjunction with periods when workers are present. Additionally,
232 school buses and vehicles that are used to transport farm

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233 workers may display flashing white strobe lights.

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

235 (a) As a means of indicating a right or left turn, to
236 change lanes, or to indicate that the vehicle is lawfully
237 stopped or disabled upon the highway;

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

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

243 (d)~~(e)~~ For the lamps authorized under subsections (1), (2),
244 (3), (4), and (9), s. 316.2065, or s. 316.235(6) which may
245 flash.

246 Section 4. Subsection (23) is added to section 318.18,
247 Florida Statutes, to read:

248 318.18 Amount of penalties.—The penalties required for a
249 noncriminal disposition pursuant to s. 318.14 or a criminal
250 offense listed in s. 318.17 are as follows:

251 (23) In addition to any penalties imposed, a fine of \$200
252 for a first offense and a fine of \$500 for a second or
253 subsequent offense for a violation of s. 316.293(5).

254 Section 5. Paragraph (b) of subsection (3) of section
255 319.30, Florida Statutes, is amended to read:

256 319.30 Definitions; dismantling, destruction, change of
257 identity of motor vehicle or mobile home; salvage.—

258 (3)

259 (b) The owner, including persons who are self-insured, of a
260 motor vehicle or mobile home that is considered to be salvage
261 shall, within 72 hours after the motor vehicle or mobile home

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262 becomes salvage, forward the title to the motor vehicle or
263 mobile home to the department for processing. However, an
264 insurance company that pays money as compensation for the total
265 loss of a motor vehicle or mobile home shall obtain the
266 certificate of title for the motor vehicle or mobile home, make
267 the required notification to the National Motor Vehicle Title
268 Information System, and, within 72 hours after receiving such
269 certificate of title, forward such title by the United States
270 Postal Service, by another commercial delivery service, or by
271 electronic means, when such means are made available by the
272 department, to the department for processing. The owner or
273 insurance company, as applicable, may not dispose of a vehicle
274 or mobile home that is a total loss before it obtains a salvage
275 certificate of title or certificate of destruction from the
276 department. Effective January 1, 2020:

277 1. Thirty days after payment of a claim for compensation
278 pursuant to this paragraph, the insurance company may receive a
279 salvage certificate of title or certificate of destruction from
280 the department if the insurance company is unable to obtain a
281 properly assigned certificate of title from the owner or
282 lienholder of the motor vehicle or mobile home, if the motor
283 vehicle or mobile home does not carry an electronic lien on the
284 title and the insurance company:

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

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

290 c. Has attested on a form provided by the department and

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291 ~~provided an affidavit on letterhead~~ signed by the insurance
292 company or its authorized agent stating the attempts that have
293 been made to obtain the title from the owner or lienholder and
294 further stating that all attempts are to no avail. The form
295 ~~affidavit~~ must include a request that the salvage certificate of
296 title or certificate of destruction be issued in the insurance
297 company's name due to payment of a total loss claim to the owner
298 or lienholder. The attempts to contact the owner may be by
299 written request delivered in person or by first-class mail with
300 a certificate of mailing to the owner's or lienholder's last
301 known address.

302 2. If the owner or lienholder is notified of the request
303 for title in person, the insurance company must provide an
304 affidavit attesting to the in-person request for a certificate
305 of title.

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

310 Section 6. Paragraph (b) of subsection (1) of section
311 320.06, Florida Statutes, as amended by section 1 of chapter
312 2020-181, Laws of Florida, is amended to read:

313 320.06 Registration certificates, license plates, and
314 validation stickers generally.—

315 (1)

316 (b)1. Registration license plates bearing a graphic symbol
317 and the alphanumeric system of identification shall be issued
318 for a 10-year period. At the end of the 10-year period, upon
319 renewal, the plate shall be replaced. The department shall

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320 extend the scheduled license plate replacement date from a 6-
321 year period to a 10-year period. The fee for such replacement is
322 \$28, \$2.80 of which shall be paid each year before the plate is
323 replaced, to be credited toward the next \$28 replacement fee.
324 The fees shall be deposited into the Highway Safety Operating
325 Trust Fund. A credit or refund may not be given for any prior
326 years' payments of the prorated replacement fee if the plate is
327 replaced or surrendered before the end of the 10-year period,
328 except that a credit may be given if a registrant is required by
329 the department to replace a license plate under s.

330 320.08056(8) (a). With each license plate, a validation sticker
331 shall be issued showing the owner's birth month, license plate
332 number, and the year of expiration or the appropriate renewal
333 period if the owner is not a natural person. The validation
334 sticker shall be placed on the upper right corner of the license
335 plate. The license plate and validation sticker shall be issued
336 based on the applicant's appropriate renewal period. The
337 registration period is 12 months, the extended registration
338 period is 24 months, and all expirations occur based on the
339 applicant's appropriate registration period. Rental vehicles
340 taxed pursuant to s. 320.08(6) (a) may elect a permanent
341 registration period, provided payment of the appropriate license
342 taxes and fees occurs annually. A vehicle that has an
343 apportioned registration shall be issued an annual license plate
344 and a cab card that denote the declared gross vehicle weight for
345 each apportioned jurisdiction in which the vehicle is authorized
346 to operate.

347 2. In order to retain the efficient administration of the
348 taxes and fees imposed by this chapter, the 80-cent fee increase

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349 in the replacement fee imposed by chapter 2009-71, Laws of
350 Florida, is negated as provided in s. 320.0804.

351 Section 7. Subsection (3) and paragraph (a) of subsection
352 (10) of section 320.27, Florida Statutes, are amended to read:
353 320.27 Motor vehicle dealers.—

354 (3) APPLICATION AND FEE.—The application for the license
355 shall be in such form as may be prescribed by the department and
356 shall be subject to such rules with respect thereto as may be so
357 prescribed by it. Such application shall be verified by oath or
358 affirmation and shall contain a full statement of the name and
359 birth date of the person or persons applying therefor; the name
360 of the firm or copartnership, with the names and places of
361 residence of all members thereof, if such applicant is a firm or
362 copartnership; the names and places of residence of the
363 principal officers, if the applicant is a body corporate or
364 other artificial body; the name of the state under whose laws
365 the corporation is organized; the present and former place or
366 places of residence of the applicant; and prior business in
367 which the applicant has been engaged and the location thereof.
368 Such application shall describe the exact location of the place
369 of business and shall state whether the place of business is
370 owned by the applicant and when acquired, or, if leased, a true
371 copy of the lease shall be attached to the application. The
372 applicant shall certify that the location provides an adequately
373 equipped office and is not a residence; that the location
374 affords sufficient unoccupied space upon and within which
375 adequately to store all motor vehicles offered and displayed for
376 sale; and that the location is a suitable place where the
377 applicant can in good faith carry on such business and keep and

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378 maintain books, records, and files necessary to conduct such
379 business, which shall be available at all reasonable hours to
380 inspection by the department or any of its inspectors or other
381 employees. The applicant shall certify that the business of a
382 motor vehicle dealer is the principal business which shall be
383 conducted at that location. The application shall contain a
384 statement that the applicant is either franchised by a
385 manufacturer of motor vehicles, in which case the name of each
386 motor vehicle that the applicant is franchised to sell shall be
387 included, or an independent (nonfranchised) motor vehicle
388 dealer. The application shall contain other relevant information
389 as may be required by the department, including evidence that
390 the applicant is insured under a garage liability insurance
391 policy or a general liability insurance policy coupled with a
392 business automobile policy, which shall include, at a minimum,
393 \$25,000 combined single-limit liability coverage including
394 bodily injury and property damage protection and \$10,000
395 personal injury protection. However, a salvage motor vehicle
396 dealer as defined in subparagraph (1)(c)5. is exempt from the
397 requirements for garage liability insurance and personal injury
398 protection insurance on those vehicles that cannot be legally
399 operated on roads, highways, or streets in this state. Franchise
400 dealers must submit a garage liability insurance policy, and all
401 other dealers must submit a garage liability insurance policy or
402 a general liability insurance policy coupled with a business
403 automobile policy. Such policy shall be for the license period,
404 and evidence of a new or continued policy shall be delivered to
405 the department at the beginning of each license period. A
406 licensee shall deliver to the department, in the manner

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407 prescribed by the department, within 10 calendar days after any
408 renewal or continuation of or change in such policy or within 10
409 calendar days after any issuance of a new policy, a copy of the
410 renewed, continued, changed, or new policy. Upon making initial
411 application, the applicant shall pay to the department a fee of
412 \$300 in addition to any other fees required by law. Applicants
413 may choose to extend the licensure period for 1 additional year
414 for a total of 2 years. An initial applicant shall pay to the
415 department a fee of \$300 for the first year and \$75 for the
416 second year, in addition to any other fees required by law. An
417 applicant for renewal shall pay to the department \$75 for a 1-
418 year renewal or \$150 for a 2-year renewal, in addition to any
419 other fees required by law. Upon making an application for a
420 change of location, the person shall pay a fee of \$50 in
421 addition to any other fees now required by law. The department
422 shall, in the case of every application for initial licensure,
423 verify whether certain facts set forth in the application are
424 true. Each applicant, general partner in the case of a
425 partnership, or corporate officer and director in the case of a
426 corporate applicant, must file a set of fingerprints with the
427 department for the purpose of determining any prior criminal
428 record or any outstanding warrants. The department shall submit
429 the fingerprints to the Department of Law Enforcement for state
430 processing and forwarding to the Federal Bureau of Investigation
431 for federal processing. The actual cost of state and federal
432 processing shall be borne by the applicant and is in addition to
433 the fee for licensure. The department may issue a license to an
434 applicant pending the results of the fingerprint investigation,
435 which license is fully revocable if the department subsequently

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436 determines that any facts set forth in the application are not
437 true or correctly represented.

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

439 (a) Annually, before any license shall be issued to a motor
440 vehicle dealer, the applicant-dealer of new or used motor
441 vehicles shall deliver to the department a good and sufficient
442 surety bond or irrevocable letter of credit, executed by the
443 applicant-dealer as principal, in the sum of \$25,000. A licensee
444 shall deliver to the department, in the manner prescribed by the
445 department, within 10 calendar days after any renewal or
446 continuation of or change in such surety bond or irrevocable
447 letter of credit or within 10 calendar days after any issuance
448 of a new surety bond or irrevocable letter of credit, a copy of
449 such renewed, continued, changed, or new surety bond or
450 irrevocable letter of credit.

451 Section 8. Section 337.025, Florida Statutes, is amended to
452 read:

453 337.025 Innovative transportation projects; department to
454 establish program.—

455 (1) The department may establish a program for
456 transportation projects demonstrating innovative techniques of
457 highway and bridge design, construction, maintenance, and
458 finance which have the intended effect of measuring resiliency
459 and structural integrity and controlling time and cost increases
460 on construction projects. Such techniques may include, but are
461 not limited to, state-of-the-art technology for pavement,
462 safety, and other aspects of highway and bridge design,
463 construction, and maintenance; innovative bidding and financing
464 techniques; accelerated construction procedures; and those

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465 techniques that have the potential to reduce project life cycle
466 costs. To the maximum extent practical, the department must use
467 the existing process to award and administer construction and
468 maintenance contracts. When specific innovative techniques are
469 to be used, the department is not required to adhere to those
470 provisions of law that would prevent, preclude, or in any way
471 prohibit the department from using the innovative technique.
472 However, before using an innovative technique that is
473 inconsistent with another provision of law, the department must
474 document in writing the need for the exception and identify what
475 benefits the traveling public and the affected community are
476 anticipated to receive. The department may enter into no more
477 than \$120 million in contracts awarded annually for the purposes
478 authorized by this section.

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

481 (a) Turnpike enterprise projects, ~~and turnpike enterprise~~
482 ~~projects shall not be counted toward the department's annual~~
483 ~~cap.~~

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

487 Section 9. Section 337.0262, Florida Statutes, is created
488 to read:

489 337.0262 Purchase and use of clay, peat, gravel, sand, or
490 any other solid substance extracted from borrow pits.-

491 (1) The department, and any contractor or subcontractor of
492 the department, may not purchase or use any clay, peat, gravel,
493 sand, or other solid substance extracted from a borrow pit as

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494 defined in s. 378.403 unless:

495 (a) Certification is provided to the department,
496 contractor, or subcontractor by the operator of the borrow pit
497 that it is in compliance with the notice requirements and
498 substantive requirements of s. 378.801; and

499 (b) The operator of the borrow pit is in compliance with
500 the performance standards in s. 378.803, including, but not
501 limited to, providing proof of currently valid permits required
502 by the Department of Environmental Protection and the
503 appropriate water management district.

504 (2) All contracts and purchase orders executed by the
505 department, and all subcontracts and purchase orders executed by
506 contractors or subcontractors after July 1, 2021, must include
507 specific requirements for compliance with this section.

508 (3) In the event that the department determines that
509 substances are being obtained and used from a borrow pit that is
510 not in compliance with this section, the department must cease
511 to accept any substances from that borrow pit within 48 hours
512 after such determination. The department may resume acceptance
513 of substances from the borrow pit once the borrow pit is in
514 compliance with this section.

515 Section 10. Subsections (1), (4), and (7) of section
516 337.14, Florida Statutes, are amended to read:

517 337.14 Application for qualification; certificate of
518 qualification; restrictions; request for hearing.—

519 (1) Any contractor desiring to bid for the performance of
520 any construction contract in excess of \$250,000 which the
521 department proposes to let must first be certified by the
522 department as qualified pursuant to this section and rules of

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523 the department. The rules of the department must address the
524 qualification of contractors to bid on construction contracts in
525 excess of \$250,000 and must include requirements with respect to
526 the equipment, past record, experience, financial resources, and
527 organizational personnel of the applying contractor which are
528 necessary to perform the specific class of work for which the
529 contractor seeks certification. Any contractor who desires to
530 bid on contracts in excess of \$50 million and who is not
531 qualified and in good standing with the department as of January
532 1, 2019, must first be certified by the department as qualified
533 ~~and desires to bid on contracts in excess of \$50 million~~ must
534 have satisfactorily completed two projects, each in excess of
535 \$15 million, for the department or for any other state
536 department of transportation. The department may limit the
537 dollar amount of any contract upon which a contractor is
538 qualified to bid or the aggregate total dollar volume of
539 contracts such contractor is allowed to have under contract at
540 any one time. Each applying contractor seeking qualification to
541 bid on construction contracts in excess of \$250,000 shall
542 furnish the department a statement under oath, on such forms as
543 the department may prescribe, setting forth detailed information
544 as required on the application. Each application for
545 certification must be accompanied by audited, certified
546 financial statements prepared in accordance with generally
547 accepted accounting principles and auditing standards by a
548 certified public accountant licensed in this state or another
549 state. The audited, certified financial statements must be for
550 the applying contractor and must have been prepared ~~the latest~~
551 ~~annual financial statement of the applying contractor completed~~

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552 within the immediately preceding ~~last~~ 12 months. The department
553 may not consider any financial information of the parent entity
554 of the applying contractor, if any. The department may not
555 certify as qualified any applying contractor who fails to submit
556 the audited, certified financial statements required by this
557 subsection. If the application or the annual financial statement
558 shows the financial condition of the applying contractor more
559 than 4 months before ~~prior to~~ the date on which the application
560 is received by the department, the applicant must also submit an
561 interim audited, certified financial statements prepared in
562 accordance with generally accepted accounting principles and
563 auditing standards by a certified public accountant licensed in
564 this state or another state ~~statement and an updated application~~
565 ~~must be submitted.~~ The interim financial statements ~~statement~~
566 must cover the period from the end date of the annual statement
567 and must show the financial condition of the applying contractor
568 no more than 4 months before ~~prior to~~ the date that the interim
569 financial statements are ~~statement is~~ received by the
570 department. However, upon the request of the applying
571 contractor, an application and accompanying annual or interim
572 financial statement received by the department within 15 days
573 after either 4-month period under this subsection shall be
574 considered timely. ~~Each required annual or interim financial~~
575 ~~statement must be audited and accompanied by the opinion of a~~
576 ~~certified public accountant.~~ An applying contractor desiring to
577 bid exclusively for the performance of construction contracts
578 with proposed budget estimates of less than \$1 million may
579 submit reviewed annual or reviewed interim financial statements
580 prepared by a certified public accountant. The information

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581 required by this subsection is confidential and exempt from s.
582 119.07(1). The department shall act upon the application for
583 qualification within 30 days after the department determines
584 that the application is complete. The department may waive the
585 requirements of this subsection for projects having a contract
586 price of \$500,000 or less if the department determines that the
587 project is of a noncritical nature and the waiver will not
588 endanger public health, safety, or property.

589 (4) If the applicant is found to possess the prescribed
590 qualifications, the department shall issue to him or her a
591 certificate of qualification that, unless thereafter revoked by
592 the department for good cause, will be valid for a period of 18
593 months after the date of the applicant's financial statement or
594 such shorter period as the department prescribes. Submission of
595 an application and subsequent approval do ~~shall~~ not affect
596 expiration of the certificate of qualification, the ability
597 factor of the applicant, or the maximum capacity rating of the
598 applicant. If the department finds that an application is
599 incomplete or contains inadequate information or information
600 that cannot be verified, the department may request in writing
601 that the applicant provide the necessary information to complete
602 the application or provide the source from which any information
603 in the application may be verified. If the applicant fails to
604 comply with the initial written request within a reasonable
605 period of time as specified therein, the department shall
606 request the information a second time. If the applicant fails to
607 comply with the second request within a reasonable period of
608 time as specified therein, the application shall be denied.

609 (7) A "contractor" as defined in s. 337.165(1)(d) or his or

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610 her "affiliate" as defined in s. 337.165(1)(a) qualified with
611 the department under this section may not also qualify under s.
612 287.055 or s. 337.105 to provide testing services, construction,
613 engineering, and inspection services to the department. This
614 limitation does not apply to any design-build prequalification
615 under s. 337.11(7) and does not apply when the department
616 otherwise determines by written order entered at least 30 days
617 before advertisement that the limitation is not in the best
618 interests of the public with respect to a particular contract
619 for testing services, construction, engineering, and inspection
620 services. This subsection does not authorize a contractor to
621 provide testing services, or provide construction, engineering,
622 and inspection services, to the department in connection with a
623 construction contract under which the contractor is performing
624 any work. Notwithstanding any other provision of law to the
625 contrary, for a project that is wholly or partially funded by
626 the department and administered by a local governmental entity,
627 except for a seaport listed in s. 311.09 or an airport as
628 defined in s. 332.004, the entity performing design and
629 construction engineering and inspection services may not be the
630 same entity.

631 Section 11. Section 337.185, Florida Statutes, is amended
632 to read:

633 (Substantial rewording of section. See
634 s. 337.185, F.S., for present text.)
635 337.185 State Arbitration Board.-

636 (1) To facilitate the prompt resolution of claims arising
637 out of or in connection with a construction or maintenance
638 contract with the department, the Legislature establishes the

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639 State Arbitration Board, referred to in this section as the
640 "board."

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

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

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

650 (c) "Final acceptance" means that the contractor has
651 completely performed the work provided for under the contract,
652 the department or its agent has determined that the contractor
653 has satisfactorily completed the work provided for under the
654 contract, and the department or its agent has submitted written
655 notice of final acceptance to the contractor.

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

661 (4) The contractor may submit a claim greater than \$250,000
662 up to \$1 million per contract or, upon agreement of the parties,
663 up to \$2 million per contract to be arbitrated by the board. An
664 award issued by the board pursuant to this subsection is final
665 if a request for a trial de novo is not filed within the time
666 provided by Rule 1.830, Florida Rules of Civil Procedure. At the
667 trial de novo, the court may not admit evidence that there has

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668 been an arbitration proceeding, the nature or amount of the
669 award, or any other matter concerning the conduct of the
670 arbitration proceeding, except that testimony given at an
671 arbitration hearing may be used for any purpose otherwise
672 permitted by the Florida Evidence Code. If a request for trial
673 de novo is not filed within the time provided, the award issued
674 by the board is final and enforceable by a court of law.

675 (5) An arbitration request may not be made to the board
676 before final acceptance but must be made to the board within 820
677 days after final acceptance.

678 (6) The board shall schedule a hearing within 45 days after
679 an arbitration request and, if possible, shall conduct the
680 hearing within 90 days after the request. The board may
681 administer oaths and conduct the proceedings as provided by the
682 rules of the court. The hearing shall be conducted informally.
683 Presentation of testimony and evidence shall be kept to a
684 minimum, and matters shall be presented to the arbitrators
685 primarily through the statements and arguments of counsel. The
686 board shall address the scope of discovery, presentation of
687 testimony, and evidence at a preliminary hearing by considering
688 the size, subject matter, and complexity of the dispute. Any
689 party to the arbitration may petition the board, for good cause
690 shown, to issue subpoenas for the attendance of witnesses and
691 the production of books, records, documents, and other evidence
692 at the arbitration and may petition the board for orders
693 compelling such attendance and production at the arbitration.
694 Subpoenas shall be served and are enforceable in the manner
695 provided by law.

696 (7) The board must issue an award within 45 days after the

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697 conclusion of the arbitration hearing. If all three members of
698 the board do not agree, the award agreed to by the majority
699 shall constitute the award of the board.

700 (8) The board shall be composed of three members. The first
701 member shall be appointed by the Secretary of Transportation,
702 and the second member shall be elected by those construction or
703 maintenance companies that are under contract with the
704 department. The third member shall be chosen by agreement of the
705 first and second members. If the first or second member has a
706 conflict of interest regarding affiliation with one of the
707 parties to an arbitration hearing, the appointing entity shall
708 appoint an alternate member for that hearing. If the third
709 member has such a conflict of interest, the first and second
710 members shall select an alternate member. Each member shall
711 serve a 4-year term. The board shall elect a chair for each
712 term, who shall be the administrator of the board and custodian
713 of its records.

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

716 (10) The members of the board shall receive compensation
717 for the performance of their duties from deposits made by the
718 parties based on an estimate of compensation by the board,
719 except that an employee of the department may not receive
720 compensation from the board. All deposits will be held in escrow
721 by the chair in advance of the hearing. Each member eligible for
722 compensation shall be compensated at \$200 per hour, up to a
723 maximum of \$1,500 per day. A member shall be reimbursed for the
724 actual cost of his or her travel expenses. The board may
725 allocate funds annually for clerical and other administrative

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726 services.

727 (11) To cover the cost of administration and initial
728 compensation of the board, the party requesting arbitration
729 shall pay a filing fee to the board, according to a schedule
730 established by the board, of:

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

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

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

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

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

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

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

743

744 The board may apportion the filing fees and the cost of
745 recording and preparing a transcript of the hearing among the
746 parties in its award.

747 Section 12. Subsection (3) of section 338.166, Florida
748 Statutes, is amended to read:

749 338.166 High-occupancy toll lanes or express lanes.—

750 (3) Any remaining toll revenue from the high-occupancy toll
751 lanes or express lanes shall be used by the department for the
752 construction, maintenance, or improvement of any road or to
753 support public transportation projects that benefit the
754 operation of high-occupancy toll lanes or express lanes on the

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755 State Highway System within the county or counties in which the
756 toll revenues were collected or to support express bus service
757 on the facility where the toll revenues were collected.

758 Section 13. Paragraphs (f) and (i) of subsection (6) of
759 section 339.175, Florida Statutes, are amended to read:

760 339.175 Metropolitan planning organization.—

761 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
762 privileges, and authority of an M.P.O. are those specified in
763 this section or incorporated in an interlocal agreement
764 authorized under s. 163.01. Each M.P.O. shall perform all acts
765 required by federal or state laws or rules, now and subsequently
766 applicable, which are necessary to qualify for federal aid. It
767 is the intent of this section that each M.P.O. shall be involved
768 in the planning and programming of transportation facilities,
769 including, but not limited to, airports, intercity and high-
770 speed rail lines, seaports, and intermodal facilities, to the
771 extent permitted by state or federal law.

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

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

779 (i) There is created the Tampa Bay Area Regional Transit
780 Authority Metropolitan Planning Organization Chairs Coordinating
781 Committee ~~is created within the Tampa Bay Area Regional Transit~~
782 ~~Authority~~, composed of the M.P.O.'s serving Citrus, Hernando,
783 Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota

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784 Counties. ~~The authority shall provide administrative support and~~
785 ~~direction to the committee.~~ The committee must, at a minimum:

786 1. Coordinate transportation projects deemed to be
787 regionally significant by the committee.

788 2. Review the impact of regionally significant land use
789 decisions on the region.

790 3. Review all proposed regionally significant
791 transportation projects in the respective transportation
792 improvement programs which affect more than one of the M.P.O.'s
793 represented on the committee.

794 4. Institute a conflict resolution process to address any
795 conflict that may arise in the planning and programming of such
796 regionally significant projects.

797 Section 14. Paragraph (b) of subsection (2) and subsections
798 (8) and (9) of section 343.92, Florida Statutes, are amended to
799 read:

800 343.92 Tampa Bay Area Regional Transit Authority.—

801 (2) The governing board of the authority shall consist of
802 13 voting members appointed no later than 45 days after the
803 creation of the authority.

804 (b) The 13 voting members of the board shall be as follows:

805 1. The county commissions of Hernando, Hillsborough,
806 Manatee, Pasco, and Pinellas Counties shall each appoint one
807 county commissioner to the board. Members appointed under this
808 subparagraph shall serve 2-year terms with not more than three
809 consecutive terms being served by any person. If a member under
810 this subparagraph leaves elected office, a vacancy exists on the
811 board to be filled as provided in this subparagraph within 90
812 days.

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813 2.a. Two members of the board shall be the mayor, or the
814 mayor's designated alternate, of the largest municipality within
815 the service area of each of the following independent transit
816 agencies or their legislatively created successor agencies:
817 Pinellas Suncoast Transit Authority and Hillsborough Area
818 Regional Transit Authority. The largest municipality is that
819 municipality with the largest population as determined by the
820 most recent United States Decennial Census.

821 b. The mayor's designated alternate must be an elected
822 member of the municipality's city council and approved as the
823 mayor's designated alternate by the municipality's city council.
824 In the event the mayor is unable to attend a meeting, the
825 mayor's designated alternate shall attend the meeting on the
826 mayor's behalf and has the full right to vote.

827 3. The following independent transit agencies or their
828 legislatively created successor agencies shall each appoint from
829 the membership of their governing bodies one member to the
830 board: Pinellas Suncoast Transit Authority and Hillsborough Area
831 Regional Transit Authority. Each member appointed under this
832 subparagraph shall serve a 2-year term with not more than three
833 consecutive terms being served by any person. If a member no
834 longer meets the transit authority's criteria for appointment, a
835 vacancy exists on the board, which must be filled as provided in
836 this subparagraph within 90 days.

837 4. The Governor shall appoint to the board four members
838 from the regional business community, each of whom must reside
839 in one of the counties governed by the authority and may not be
840 an elected official. Of the members initially appointed under
841 this subparagraph, one shall serve a 1-year term, two shall

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842 serve 2-year terms, and one shall serve a term as the initial
843 chair as provided in subsection (5). Thereafter, a member
844 appointed under this subparagraph shall serve a 2-year term with
845 not more than three consecutive terms being served by any
846 person.

847
848 Appointments may be staggered to avoid mass turnover at the end
849 of any 2-year or 4-year period. A vacancy during a term shall be
850 filled within 90 days in the same manner as the original
851 appointment for the remainder of the unexpired term.

852 (8) A simple majority ~~Seven members~~ of the board shall
853 constitute a quorum, and a simple majority of the voting members
854 present shall be necessary for any action to be taken by the
855 board ~~the vote of seven members is necessary for any action to~~
856 ~~be taken by the authority.~~ The authority may meet upon the
857 constitution of a quorum. A vacancy does not impair the right of
858 a quorum of the board to exercise all rights and the ability to
859 perform all duties of the authority.

860 (9) ~~Beginning July 1, 2017, the board must evaluate the~~
861 ~~abolishment, continuance, modification, or establishment of the~~
862 ~~following committees:~~

863 ~~(a) Planning committee.~~

864 ~~(b) Policy committee.~~

865 ~~(c) Finance committee.~~

866 ~~(d) Citizens advisory committee.~~

867 ~~(e) Tampa Bay Area Regional Transit Authority Metropolitan~~
868 ~~Planning Organization Chairs Coordinating Committee.~~

869 ~~(f) Transit management committee.~~

870 ~~(g) Technical advisory committee.~~

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871
872 ~~The board must submit its recommendations for abolishment,~~
873 ~~continuance, modification, or establishment of the committees to~~
874 ~~the President of the Senate and the Speaker of the House of~~
875 ~~Representatives before the beginning of the 2018 Regular~~
876 ~~Session.~~

877 Section 15. Paragraphs (e), (f), and (g) of subsection (3)
878 of section 343.922, Florida Statutes, are amended to read:

879 343.922 Powers and duties.—

880 (3)

881 (e) The authority shall present the ~~original~~ regional
882 transit development plan and updates to the governing bodies of
883 the counties within the designated region, ~~to the TBARTA~~
884 ~~Metropolitan Planning Organization Chairs Coordinating~~
885 ~~Committee,~~ and to the legislative delegation members
886 representing those counties within 90 days after adoption.

887 ~~(f) The authority shall coordinate plans and projects with~~
888 ~~the TBARTA Metropolitan Planning Organization Chairs~~
889 ~~Coordinating Committee, to the extent practicable, and~~
890 ~~participate in the regional M.P.O. planning process to ensure~~
891 ~~regional comprehension of the authority's mission, goals, and~~
892 ~~objectives.~~

893 ~~(g) The authority shall provide administrative support and~~
894 ~~direction to the TBARTA Metropolitan Planning Organization~~
895 ~~Chairs Coordinating Committee as provided in s. 339.175(6)(i).~~

896 Section 16. Part III of chapter 343, Florida Statutes,
897 consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83,
898 343.835, 343.836, 343.84, 343.85, 343.87, 343.875, 343.88,
899 343.881, 343.884, and 343.89, Florida Statutes, is repealed.

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900 Section 17. Paragraph (c) of subsection (1) of section
901 348.754, Florida Statutes, is amended to read:

902 348.754 Purposes and powers.—

903 (1)

904 (c) Notwithstanding any other provision of this section to
905 the contrary, to ensure the continued financial feasibility of
906 the portion of the Wekiva Parkway to be constructed by the
907 department, the authority may not, without ~~the~~ prior
908 consultation with consent of the secretary of the department,
909 construct any extensions, additions, or improvements to the
910 expressway system in Lake County.

911 Section 18. Paragraph (d) of subsection (2) of section
912 349.04, Florida Statutes, is amended to read:

913 349.04 Purposes and powers.—

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

918 (d) To enter into and make leases for terms not exceeding
919 99 ~~40~~ years, as either lessee or lessor, in order to carry out
920 the right to lease as set forth in this chapter.

921 Section 19. Present subsections (3) through (19) of section
922 378.403, Florida Statutes, are redesignated as subsections (4)
923 through (20), respectively, and a new subsection (3) is added to
924 that section, to read:

925 378.403 Definitions.—As used in this part, the term:

926 (3) "Borrow pit" means an area of land upon which
927 excavation of surface resources has been conducted, is being
928 conducted, or is planned to be conducted, as the term is

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929 commonly used in the mining trade, and is not considered a mine.
930 Such resources are limited to soil, organic soil, sand, or clay
931 that can be removed with construction excavating equipment and
932 loaded on a haul truck with no additional processing.

933 Section 20. Section 378.801, Florida Statutes, is amended
934 to read:

935 378.801 Other resources; notice of intent to extract mine
936 required.—

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

944 (2) The operator's notice of intent to extract mine shall
945 consist of the operator's estimated life of the extraction
946 location ~~mine~~ and the operator's signed acknowledgment of the
947 performance standards provided by s. 378.803.

948 Section 21. Section 378.802, Florida Statutes, is amended
949 to read:

950 378.802 Existing extraction locations ~~mines~~.—After January
951 1, 1989, all operators of existing locations ~~mines~~ for the
952 extraction of resources as described in s. 378.801 shall meet
953 the performance standards provided by s. 378.803 for any new
954 surface area disturbed at such locations ~~mines~~.

955 Section 22. Subsection (5) of section 479.07, Florida
956 Statutes, is amended to read:

957 479.07 Sign permits.—

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958 (5) (a) For each permit issued, the department shall furnish
959 to the applicant a serially numbered permanent metal permit tag.
960 The permittee is responsible for maintaining a valid permit tag
961 on each permitted sign facing at all times. The tag shall be
962 securely attached to the upper 50 percent of the sign structure,
963 and attached in such a manner as to be plainly visible from the
964 main-traveled way. The permit tag must be properly and
965 permanently displayed at the permitted site within 30 days after
966 the date of permit issuance. If the permittee fails to erect a
967 completed sign on the permitted site within 270 days after the
968 date on which the permit was issued, the permit will be void,
969 and the department may not issue a new permit to that permittee
970 for the same location for 270 days after the date on which the
971 permit becomes void.

972 (b) If a permit tag is lost, stolen, or destroyed, the
973 permittee to whom the tag was issued must apply to the
974 department for a replacement tag. The department shall establish
975 a service fee for replacement tags in an amount that will
976 recover the actual cost of providing the replacement tag. Upon
977 receipt of the application accompanied by the service fee, the
978 department shall issue a replacement permit tag.

979 (c)1. As soon as practicable, the department shall create
980 and implement a publicly accessible electronic database to
981 include all permits issued by the department. At a minimum, the
982 database must include the name and contact information of the
983 permit operator, the structure identification number or numbers,
984 the panel or face identification number or numbers, the latitude
985 and longitude of the permitted sign, the compass bearing, images
986 of the permitted sign once constructed, and the most recent date

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987 the department visually inspected the permitted sign.

988 2. Once the department creates and implements the publicly
989 accessible electronic database:

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

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

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

997 Section 23. Notwithstanding any other law, the Northwest
998 Florida Transportation Corridor Authority is dissolved. The
999 authority shall discharge or make provision for the authority's
1000 debts, obligations, and other liabilities; settle and close the
1001 authority's activities and affairs; and provide for distribution
1002 of the authority's assets, or the proceeds of such assets, such
1003 that each local general-purpose government represented on the
1004 authority's board receives a distribution generally in
1005 proportion to each entity's contribution to the acquisition of
1006 the assets.

1007 Section 24. This act shall take effect July 1, 2021.