

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to transportation projects; amending
3 s. 206.46, F.S.; limiting the amount of State
4 Transportation Trust Fund revenues to be committed for
5 certain public transportation projects; amending s.
6 334.044, F.S.; revising the amount of funding
7 allocated by the Department of Transportation to
8 transportation construction projects for the purchase
9 of plant materials; revising the types of projects
10 receiving such allocation; removing a requirement that
11 a certain amount of such allocation be for the
12 purchase of large plant materials; requiring purchased
13 plant materials to be grown in this state; amending s.
14 337.11, F.S.; authorizing the department to enter into
15 certain contracts without advertising and receiving
16 competitive bids under certain circumstances;
17 authorizing the department to combine certain work
18 phases; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Subsection (3) of section 206.46, Florida
23 Statutes, is amended to read:

24 206.46 State Transportation Trust Fund.—

25 (3) Each fiscal year, a minimum of 15 percent, but not more
26 than 25 percent, of all state revenues deposited into the State
27 Transportation Trust Fund shall be committed annually by the
28 department for public transportation projects in accordance with
29 chapter 311, ss. 332.003-332.007, chapter 341, and chapter 343.

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30 Section 2. Subsection (26) of section 334.044, Florida
31 Statutes, is amended to read:

32 334.044 Powers and duties of the department.—The department
33 shall have the following general powers and duties:

34 (26) To provide for the enhancement of environmental
35 benefits, including air and water quality; to prevent roadside
36 erosion; to conserve the natural roadside growth and scenery;
37 and to provide for the implementation and maintenance of
38 roadside conservation, enhancement, and stabilization programs.
39 A portion ~~At least 1.5 percent~~ of the amount contracted for new
40 construction and widening projects shall be allocated by the
41 department on a statewide basis for the purchase of plant
42 materials. Department districts may not expend funds for
43 landscaping in connection with any project that is limited to
44 resurfacing existing lanes unless the expenditure has been
45 approved by the department's secretary or the secretary's
46 designee. ~~To the greatest extent practical, at least 50 percent~~
47 ~~of the funds allocated under this subsection shall be allocated~~
48 ~~for large plant materials and the remaining funds for other~~
49 ~~plant materials.~~ Except as prohibited by applicable federal law
50 or regulation, all such plant materials shall be grown in this
51 state and purchased from Florida commercial nursery stock in
52 this state on a uniform competitive bid basis. The department
53 shall develop grades and standards for landscaping materials
54 purchased through this process. To accomplish these activities,
55 the department may contract with nonprofit organizations having
56 the primary purpose of developing youth employment
57 opportunities.

58 Section 3. Paragraph (c) of subsection (6) of section

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59 337.11, Florida Statutes, is amended to read:

60 337.11 Contracting authority of department; bids; emergency
61 repairs, supplemental agreements, and change orders; combined
62 design and construction contracts; progress payments; records;
63 requirements of vehicle registration.-

64 (6)

65 (c)1. When the department determines that it is in the best
66 interest of the public for reasons of public concern, economy,
67 improved operations, or safety, and only when circumstances
68 dictate rapid completion of the work, the department may, up to
69 the amount of \$250,000, enter into contracts for construction
70 and maintenance without advertising and receiving competitive
71 bids. The department may enter into such contracts only upon a
72 determination that the work is necessary for one of the
73 following reasons:

74 ~~a.1.~~ To ensure timely completion of projects or avoidance
75 of undue delay for other projects;

76 ~~b.2.~~ To accomplish minor repairs or construction and
77 maintenance activities for which time is of the essence and for
78 which significant cost savings would occur; or

79 ~~c.3.~~ To accomplish nonemergency work necessary to ensure
80 avoidance of adverse conditions that affect the safe and
81 efficient flow of traffic.

82 2. When the department determines that work is necessary to
83 repair or improve conditions on portions of a roadway which may
84 have contributed to one or more fatalities, the department may,
85 up to the amount of \$1 million, enter into contracts for
86 construction without advertising and receiving competitive bids.
87 The department may combine the design and construction phases of

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88 such work.

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90 The department shall make a good faith effort to obtain two or
91 more quotes, if available, from qualified contractors before
92 entering into any contract. The department shall give
93 consideration to disadvantaged business enterprise
94 participation. However, when the work exists within the limits
95 of an existing contract, the department shall make a good faith
96 effort to negotiate and enter into a contract with the prime
97 contractor on the existing contract.

98 Section 4. This act shall take effect July 1, 2021.