

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

26 | more than 25 percent, of all state revenues deposited into the  
27 | State Transportation Trust Fund shall be committed annually by  
28 | the department for public transportation projects in accordance  
29 | with chapter 311, ss. 332.003-332.007, chapter 341, and chapter  
30 | 343.

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

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

35 | (26) To provide for the enhancement of environmental  
36 | benefits, including air and water quality; to prevent roadside  
37 | erosion; to conserve the natural roadside growth and scenery;  
38 | and to provide for the implementation and maintenance of  
39 | roadside conservation, enhancement, and stabilization programs.  
40 | A portion ~~At least 1.5 percent~~ of the amount contracted for new  
41 | construction and widening projects shall be allocated by the  
42 | department on a statewide basis for the purchase of plant  
43 | materials. Department districts may not expend funds for  
44 | landscaping in connection with any project that is limited to  
45 | resurfacing existing lanes unless the expenditure has been  
46 | approved by the department's secretary or the secretary's  
47 | designee. ~~To the greatest extent practical, at least 50 percent~~  
48 | ~~of the funds allocated under this subsection shall be allocated~~  
49 | ~~for large plant materials and the remaining funds for other~~  
50 | ~~plant materials.~~ Except as prohibited by applicable federal law

51 or regulation, all such plant materials shall be grown in this  
52 state and purchased from Florida commercial nursery stock in  
53 this state on a uniform competitive bid basis. The department  
54 shall develop grades and standards for landscaping materials  
55 purchased through this process. To accomplish these activities,  
56 the department may contract with nonprofit organizations having  
57 the primary purpose of developing youth employment  
58 opportunities.

59 Section 3. Paragraph (c) of subsection (6) of section  
60 337.11, Florida Statutes, is amended to read:

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

65 (6)

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

75 a.1— To ensure timely completion of projects or avoidance

76 | of undue delay for other projects;

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

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

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

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

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