

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 287.057, F.S.; revising the contractual
4 services and commodities that are not subject to
5 specified competitive-solicitation requirements;
6 amending s. 288.9606, F.S.; providing construction
7 regarding the proceeds of bonds of the Florida
8 Development Finance Corporation; revising purposes for
9 which the corporation may, without certain
10 authorization from a public agency, issue revenue
11 bonds or other evidence of indebtedness; amending s.
12 334.044, F.S.; revising the department's powers and
13 duties; amending s. 337.11, F.S.; increasing the
14 maximum cost of contracts for construction and
15 maintenance the department may enter into without
16 advertising and receiving competitive bids; amending
17 s. 339.135, F.S.; abrogating the expiration of
18 provisions authorizing the approval of certain work
19 program amendments submitted by the department;
20 amending s. 341.052, F.S.; requiring that public
21 transportation development plans of eligible providers
22 of public transit block grants be consistent with the
23 long-range transportation plans of the metropolitan
24 planning area in which the providers are located;
25 amending s. 341.071, F.S.; revising requirements of
26 annual public transit provider reports; requiring each
27 public transit provider to publish on its website,
28 rather than in the local newspaper, certain
29 performance measures; repealing part IV of ch. 348,

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30 F.S., relating to the Santa Rosa Bay Bridge Authority;
31 transferring the governance and control of the Santa
32 Rosa Bay Bridge Authority to the department;
33 transferring the remaining assets, facilities,
34 property, and property rights of the authority to the
35 department; providing that the department succeeds to
36 all powers of the authority; authorizing the
37 department to review other contracts, financial
38 obligations, and contractual obligations and
39 liabilities of the authority and to assume legal
40 liability for such obligations determined by the
41 department to be necessary for the continued operation
42 of the bridge system; authorizing the department to
43 transfer the bridge system, or any portion thereof, to
44 become part of the turnpike system; providing
45 effective dates.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Paragraph (e) of subsection (3) of section
50 287.057, Florida Statutes, is amended to read:

51 287.057 Procurement of commodities or contractual
52 services.—

53 (3) If the purchase price of commodities or contractual
54 services exceeds the threshold amount provided in s. 287.017 for
55 CATEGORY TWO, purchase of commodities or contractual services
56 may not be made without receiving competitive sealed bids,
57 competitive sealed proposals, or competitive sealed replies
58 unless:

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59 (e) The following contractual services and commodities are
60 not subject to the competitive-solicitation requirements of this
61 section:

62 1. Artistic services. As used in this subsection, the term
63 "artistic services" does not include advertising or typesetting.
64 As used in this subparagraph, the term "advertising" means the
65 making of a representation in any form in connection with a
66 trade, business, craft, or profession in order to promote the
67 supply of commodities or services by the person promoting the
68 commodities or contractual services.

69 2. Academic program reviews if the fee for such services
70 does not exceed \$50,000.

71 3. Lectures by individuals.

72 4. Legal services, including attorney, paralegal, expert
73 witness, appraisal, or mediator services.

74 5. Health services involving examination, diagnosis,
75 treatment, prevention, medical consultation, or administration.
76 The term also includes, but is not limited to, substance abuse
77 and mental health services involving examination, diagnosis,
78 treatment, prevention, or medical consultation if such services
79 are offered to eligible individuals participating in a specific
80 program that qualifies multiple providers and uses a standard
81 payment methodology. Reimbursement of administrative costs for
82 providers of services purchased in this manner are also exempt.
83 For purposes of this subparagraph, the term "providers" means
84 health professionals and health facilities, or organizations
85 that deliver or arrange for the delivery of health services.

86 6. Services provided to persons with mental or physical
87 disabilities by not-for-profit corporations that have obtained

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88 exemptions under s. 501(c)(3) of the United States Internal
89 Revenue Code or when such services are governed by Office of
90 Management and Budget Circular A-122. However, in acquiring such
91 services, the agency shall consider the ability of the vendor,
92 past performance, willingness to meet time requirements, and
93 price.

94 7. Medicaid services delivered to an eligible Medicaid
95 recipient unless the agency is directed otherwise in law.

96 8. Family placement services.

97 9. Prevention services related to mental health, including
98 drug abuse prevention programs, child abuse prevention programs,
99 and shelters for runaways, operated by not-for-profit
100 corporations. However, in acquiring such services, the agency
101 shall consider the ability of the vendor, past performance,
102 willingness to meet time requirements, and price.

103 10. Training and education services provided to injured
104 employees pursuant to s. 440.491(6).

105 11. Contracts entered into pursuant to s. 337.11.

106 12. Services or commodities provided by governmental
107 entities.

108 13. Statewide public service announcement programs provided
109 by a Florida statewide nonprofit corporation under s. 501(c)(6)
110 of the Internal Revenue Code which have a guaranteed documented
111 match of at least \$3 to \$1.

112 14. Rating agency services.

113 Section 2. Subsections (6) and (7) of section 288.9606,
114 Florida Statutes, are amended to read:

115 288.9606 Issue of revenue bonds.—

116 (6) The proceeds of any bonds of the corporation may not be

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117 used, in any manner, to acquire any building or facility that
118 will be, during the pendency of the financing, used by, occupied
119 by, leased to, or paid for by any state, county, or municipal
120 agency or entity. This subsection does not prohibit the use of
121 proceeds of bonds of the corporation for the purpose of
122 financing the acquisition or construction of a transportation
123 facility under a public-private partnership agreement authorized
124 under s. 334.30.

125 (7) Notwithstanding any provision of this section, the
126 corporation in its corporate capacity may, without authorization
127 from a public agency under s. 163.01(7), issue revenue bonds or
128 other evidence of indebtedness under this section to:

129 (a) Finance the undertaking of any project within the state
130 that promotes renewable energy as defined in s. 366.91 or s.
131 377.803;

132 (b) Finance the undertaking of any project within the state
133 that is a project contemplated or allowed under s. 406 of the
134 American Recovery and Reinvestment Act of 2009; ~~or~~

135 (c) If permitted by federal law, finance qualifying
136 improvement projects within the state under s. 163.08; or

137 (d) Finance the costs of acquisition or construction of a
138 transportation facility by a private entity or consortium of
139 private entities under a public-private partnership agreement
140 authorized under s. 334.30.

141 Section 3. Subsection (5) of section 334.044, Florida
142 Statutes, is amended, and subsection (36) is added to that
143 section, to read:

144 334.044 Powers and duties of the department.—The department
145 shall have the following general powers and duties:

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146 (5) To purchase, lease, or otherwise acquire property and
147 materials, including the purchase of promotional items as part
148 of public information and education campaigns for the promotion
149 of scenic highways, traffic and train safety awareness,
150 alternatives to single-occupant vehicle travel, ~~and~~ commercial
151 motor vehicle safety, electric vehicle use and charging
152 stations, autonomous vehicles, and context design for electric
153 vehicles and autonomous vehicles; to purchase, lease, or
154 otherwise acquire equipment and supplies; and to sell, exchange,
155 or otherwise dispose of any property that is no longer needed by
156 the department.

157 (36) To expend funds, within the department's discretion,
158 for training, testing, and licensing for full-time employees of
159 the department who are required to have a valid Class A or Class
160 B commercial driver license as a condition of employment with
161 the department.

162 Section 4. Paragraph (c) of subsection (6) of section
163 337.11, Florida Statutes, is amended to read:

164 337.11 Contracting authority of department; bids; emergency
165 repairs, supplemental agreements, and change orders; combined
166 design and construction contracts; progress payments; records;
167 requirements of vehicle registration.-

168 (6)

169 (c) When the department determines that it is in the best
170 interest of the public for reasons of public concern, economy,
171 improved operations, or safety, and only when circumstances
172 dictate rapid completion of the work, the department may, up to
173 the amount of \$500,000 ~~\$250,000~~, enter into contracts for
174 construction and maintenance without advertising and receiving

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175 competitive bids. The department may enter into such contracts
176 only upon a determination that the work is necessary for one of
177 the following reasons:

178 1. To ensure timely completion of projects or avoidance of
179 undue delay for other projects;

180 2. To accomplish minor repairs or construction and
181 maintenance activities for which time is of the essence and for
182 which significant cost savings would occur; or

183 3. To accomplish nonemergency work necessary to ensure
184 avoidance of adverse conditions that affect the safe and
185 efficient flow of traffic.

186

187 The department shall make a good faith effort to obtain two or
188 more quotes, if available, from qualified contractors before
189 entering into any contract. The department shall give
190 consideration to disadvantaged business enterprise
191 participation. However, when the work exists within the limits
192 of an existing contract, the department shall make a good faith
193 effort to negotiate and enter into a contract with the prime
194 contractor on the existing contract.

195 Section 5. Paragraph (h) of subsection (7) of section
196 339.135, Florida Statutes, is amended to read:

197 339.135 Work program; legislative budget request;
198 definitions; preparation, adoption, execution, and amendment.—

199 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

200 (h)1. Any work program amendment that also adds a new
201 project, or phase thereof, to the adopted work program in excess
202 of \$3 million is subject to approval by the Legislative Budget
203 Commission. Any work program amendment submitted under this

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204 paragraph must include, as supplemental information, a list of
205 projects, or phases thereof, in the current 5-year adopted work
206 program which are eligible for the funds within the
207 appropriation category being used for the proposed amendment.
208 The department shall provide a narrative with the rationale for
209 not advancing an existing project, or phase thereof, in lieu of
210 the proposed amendment.

211 2. If the department submits an amendment to the
212 Legislative Budget Commission and the commission does not meet
213 or consider the amendment within 30 days after its submittal,
214 the chair and vice chair of the commission may authorize the
215 amendment to be approved pursuant to s. 216.177. ~~This~~
216 ~~subparagraph expires July 1, 2023.~~

217 Section 6. Subsection (1) of section 341.052, Florida
218 Statutes, is amended to read:

219 341.052 Public transit block grant program; administration;
220 eligible projects; limitation.-

221 (1) There is created a public transit block grant program
222 which shall be administered by the department. Block grant funds
223 shall only be provided to "Section 9" providers and "Section 18"
224 providers designated by the United States Department of
225 Transportation and community transportation coordinators as
226 defined in chapter 427. Eligible providers must establish public
227 transportation development plans consistent, to the maximum
228 extent feasible, with approved local government comprehensive
229 plans of the units of local government in which the provider is
230 located and the long-range transportation plans of the
231 metropolitan planning area in which the provider is located. In
232 developing public transportation development plans, eligible

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233 providers must solicit comments from local workforce development
234 boards established under chapter 445. The development plans must
235 address how the public transit provider will work with the
236 appropriate local workforce development board to provide
237 services to participants in the welfare transition program.
238 Eligible providers must provide information to the local
239 workforce development board serving the county in which the
240 provider is located regarding the availability of transportation
241 services to assist program participants.

242 Section 7. Subsections (2) and (3) of section 341.071,
243 Florida Statutes, are amended to read:

244 341.071 Transit productivity and performance measures;
245 reports.—

246 (2) Each public transit provider shall establish
247 productivity and performance measures, which must be approved by
248 the department and which must be selected from measures
249 developed pursuant to s. 341.041(3). Each provider shall, by
250 January 31 of each year, report to the department relative to
251 these measures. In approving these measures, the department
252 shall give consideration to the goals and objectives of each
253 system, the needs of the local area, and the role for public
254 transit in the local area. The report must include the ~~shall~~
255 ~~also specifically address potential enhancements to productivity~~
256 ~~and performance which would have the effect of increasing~~
257 farebox recovery ratio.

258 (3) Each public transit provider shall publish on its
259 website ~~in the local newspaper of its area~~ the productivity and
260 performance measures established for the year and a report that
261 ~~which~~ provides quantitative data relative to the attainment of

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262 established productivity and performance measures.

263 Section 8. Effective upon this act becoming a law, part IV
264 of chapter 348, Florida Statutes, consisting of sections
265 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971,
266 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and
267 348.9781, Florida Statutes, is repealed.

268 Section 9. Effective upon this act becoming a law, the
269 governance and control of the Santa Rosa Bay Bridge Authority is
270 transferred to the Department of Transportation.

271 (1) Since the Santa Rosa Bay Bridge Authority's bridge
272 system was transferred to the department under the terms of the
273 lease-purchase agreement and a settlement agreement between the
274 department and the authority which was effective as of the close
275 of business on June 30, 2022, any remaining assets, facilities,
276 tangible and intangible property, and any rights in such
277 property, and other legal rights of the authority are
278 transferred to the department. The department succeeds to all
279 powers of the authority. The department may review other
280 contracts, financial obligations, and contractual obligations
281 and liabilities of the authority and may assume legal liability
282 for such obligations that are determined by the department to be
283 necessary for the continued operation of the bridge system.

284 (2) The bridge system, or any portion thereof, may be
285 transferred by the department and become part of the turnpike
286 system under the Florida Turnpike Enterprise Law, ss. 338.22-
287 338.241, Florida Statutes.

288 Section 10. Except as otherwise expressly provided in this
289 act and except for this section, which shall take effect upon
290 this act becoming a law, this act shall take effect July 1,

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291 2023.