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17 recognition system are at the sole expense of the requesting law
18 enforcement agency. The Department of Transportation is not
19 liable for any damages caused to any person by the requesting
20 law enforcement agency's operation of such system.

21 (d) Records containing images and data generated through
22 the use of an automated license plate recognition system may not
23 be retained longer than the maximum period provided in the
24 retention schedule established pursuant to s. 316.0778.

25 Section 3. Effective upon this act becoming a law,
26 paragraphs (d) through (g) of subsection (1) of section 330.30,
27 Florida Statutes, are redesignated as paragraphs (e) through
28 (h), respectively, and a new paragraph (d) is added to that
29 subsection to read:

30 330.30 Approval of airport sites; registration and
31 licensure of airports.—

32 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
33 REVOCATION.—

34 (d) For the purpose of granting site approval, the
35 department may not require an applicant to provide a written
36 memorandum of understanding or letter of agreement with other
37 airport sites regarding air traffic pattern separation
38 procedures unless such memorandum or letter is required by the
39 Federal Aviation Administration or is deemed necessary by the
40 department.

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41 Section 4. Subsection (5) of section 334.044, Florida
42 Statutes, is amended, and subsection (36) is added to that
43 section, to read:

44 334.044 Powers and duties of the department.—The
45 department shall have the following general powers and duties:

46 (5) To purchase, lease, or otherwise acquire property and
47 materials, including the purchase of promotional items as part
48 of public information and education campaigns for the promotion
49 of scenic highways, traffic and train safety awareness,
50 alternatives to single-occupant vehicle travel, ~~and~~ commercial
51 motor vehicle safety, electric vehicle use and charging
52 stations, autonomous vehicles, and context design for electric
53 vehicles and autonomous vehicles; to purchase, lease, or
54 otherwise acquire equipment and supplies; and to sell, exchange,
55 or otherwise dispose of any property that is no longer needed by
56 the department.

57 (36) To expend funds, within its discretion, for training,
58 testing, and licensing for full-time employees of the department
59 who are required to have a valid Class A or Class B commercial
60 driver license as a condition of employment with the department.

61 Section 5. Section 337.025, Florida Statutes, is amended to
62 read:

63 337.025 Innovative transportation projects; department to
64 establish program.—

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65 (1) The department may establish a program for
66 transportation projects demonstrating innovative techniques of
67 highway and bridge design, construction, maintenance, and
68 finance which have the intended effect of measuring resiliency
69 and structural integrity and controlling time and cost increases
70 on construction projects. Such techniques may include, but are
71 not limited to, state-of-the-art technology for pavement,
72 safety, and other aspects of highway and bridge design,
73 construction, and maintenance; innovative bidding and financing
74 techniques; accelerated construction procedures; and those
75 techniques that have the potential to reduce project life cycle
76 costs. To the maximum extent practical, the department must use
77 the existing process to award and administer construction and
78 maintenance contracts. When specific innovative techniques are
79 to be used, the department is not required to adhere to those
80 provisions of law that would prevent, preclude, or in any way
81 prohibit the department from using the innovative technique.
82 However, before using an innovative technique that is
83 inconsistent with another provision of law, the department must
84 document in writing the need for the exception and identify what
85 benefits the traveling public and the affected community are
86 anticipated to receive. The department may enter into no more
87 than \$200 ~~\$120~~ million in contracts awarded annually for the
88 purposes authorized by this section.

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89 (2) The annual cap on contracts provided in subsection (1)
90 does not apply to:

91 (a) Turnpike enterprise projects.

92 (b) Low-bid design-build milling and resurfacing
93 contracts.

94 (c) Contracts awarded pursuant to 337.11(7)(a).

95 Section 6. Paragraph (c) of subsection (6) and subsection
96 (7) of section 337.11, Florida Statutes, is amended to read:

97 337.11 Contracting authority of department; bids;
98 emergency repairs, supplemental agreements, and change orders;
99 combined design and construction contracts; progress payments;
100 records; requirements of vehicle registration.-

101 (6)

102 (c) When the department determines that it is in the best
103 interest of the public for reasons of public concern, economy,
104 improved operations, or safety, and only when circumstances
105 dictate rapid completion of the work, the department may, up to
106 the amount of \$500,000 ~~\$250,000~~, enter into contracts for
107 construction and maintenance without advertising and receiving
108 competitive bids. The department may enter into such contracts
109 only upon a determination that the work is necessary for one of
110 the following reasons:

111 1. To ensure timely completion of projects or avoidance of
112 undue delay for other projects;

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

116 3. To accomplish nonemergency work necessary to ensure
117 avoidance of adverse conditions that affect the safe and
118 efficient flow of traffic.

119
120 The department shall make a good faith effort to obtain two or
121 more quotes, if available, from qualified contractors before
122 entering into any contract. The department shall give
123 consideration to disadvantaged business enterprise
124 participation. However, when the work exists within the limits
125 of an existing contract, the department shall make a good faith
126 effort to negotiate and enter into a contract with the prime
127 contractor on the existing contract.

128 (7)(a) If the department determines that it is in the best
129 interests of the public, the department may combine the design
130 and construction phases of ~~a building, a major bridge, a limited
131 access facility, or a rail corridor~~ project into a single
132 contract. Such contract is referred to as a design-build
133 contract. ~~Design-build contracts may be advertised and awarded
134 notwithstanding the requirements of paragraph (3)(c). However,
135 construction activities may not begin on any portion of such
136 projects for which the department has not yet obtained title to
137 the necessary rights-of-way and easements for the construction~~

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Published On: 4/14/2023 7:23:00 PM

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138 ~~of that portion of the project has vested in the state or a~~
139 ~~local governmental entity and all railroad crossing, and utility~~
140 ~~agreements have been executed. Title to rights-of-way shall be~~
141 ~~deemed to have vested in the state when the title has been~~
142 ~~dedicated to the public or acquired by prescription.~~

143 (b) If the department determines that it is in the best
144 interests of the public, the department may combine the design
145 and construction phases of a project fully funded in the work
146 program into a single contract and select the design-build firm
147 in the early stages of a project to ensure that the design-build
148 firm is part of the collaboration and development of the design
149 as part of a step-by-step progression through construction. Such
150 a contract is referred to as a phased design-build contract. For
151 phased design-build contracts, selection and award must include
152 a two-phase process. For phase one, the department shall
153 competitively award the contract to a design-build firm based
154 upon qualifications. For phase two, the design-build firm shall
155 competitively bid construction trade subcontractor packages and,
156 based upon these bids, negotiate with the department a fixed
157 firm price or guaranteed maximum price that meets the project
158 budget and scope as advertised in the request for
159 qualifications.

160 (c) Design-build contracts and phased design-build
161 contracts may be advertised and awarded notwithstanding the
162 requirements of paragraph (3)(c). However, construction

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163 activities may not begin on any portion of such projects for
164 which the department has not yet obtained title to the necessary
165 rights-of-way and easements for the construction of that portion
166 of the project has vested in the state or a local governmental
167 entity and all railroad crossing, and utility agreements have
168 been executed. Title to rights-of-way shall be deemed to have
169 vested in the state when the title has been dedicated to the

170 (d)-(b) The department shall adopt by rule procedures for
171 administering design-build and phased design-build contracts.
172 Such procedures shall include, but not be limited to:

- 173 1. Prequalification requirements.
- 174 2. Public announcement procedures.
- 175 3. Scope of service requirements.
- 176 4. Letters of interest requirements.
- 177 5. Short-listing criteria and procedures.
- 178 6. Bid proposal requirements.
- 179 7. Technical review committee.
- 180 8. Selection and award processes.
- 181 9. Stipend requirements.

182 (e)-(e) The department must receive at least three letters
183 of interest in order to proceed with a request for proposals.
184 The department shall request proposals from no fewer than three
185 of the design-build and phased design-build firms submitting
186 letters of interest. If a design-build firm withdraws from

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187 consideration after the department requests proposals, the
188 department may continue if at least two proposals are received.

189 Section 7. Subsection (2) of section 206.46, Florida
190 Statutes, is amended to read:

191 206.46 State Transportation Trust Fund.—

192 (2) Notwithstanding any other law, from the revenues
193 deposited into the State Transportation Trust Fund a maximum of
194 7 percent in each fiscal year shall be transferred into the
195 Right-of-Way Acquisition and Bridge Construction Trust Fund
196 created in s. 215.605, as needed to meet the requirements of the
197 documents authorizing the bonds issued or proposed to be issued
198 under ss. 215.605 and 337.276 or at a minimum amount sufficient
199 to pay for the debt service coverage requirements of outstanding
200 bonds. Notwithstanding the 7 percent annual transfer authorized
201 in this subsection, the annual amount transferred under this
202 subsection may not exceed an amount necessary to provide the
203 required debt service coverage levels for a maximum debt service
204 not to exceed \$425 ~~\$350~~ million. Such transfer shall be payable
205 primarily from the motor and diesel fuel taxes transferred to
206 the State Transportation Trust Fund from the Fuel Tax Collection
207 Trust Fund.

208 Section 8. Subsection (3) of section 215.616, Florida
209 Statutes, is amended to read:

210 215.616 State bonds for federal aid highway construction.—

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211 (3) The term of the bonds shall not exceed a term of 18 ~~12~~
212 years. Prior to the issuance of bonds, the Department of
213 Transportation shall determine that annual debt service on all
214 bonds issued pursuant to this section does not exceed 10 percent
215 of annual apportionments to the department for federal highway
216 aid in accordance with the provisions of Title 23 of the United
217 States Code.

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T I T L E A M E N D M E N T

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Remove lines 11-30 and insert:

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providing that such systems may not be used for

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specified purposes; requiring such installation to be

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in accordance with placement and installation

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guidelines developed by the department; requiring

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removal of such system within a specified timeframe

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upon notification by the department; exempting the

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department from liability for damages resulting from

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operation of such system; providing for a maximum

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period of retention of certain records generated

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through the use of such system; amending s. 330.30,

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F.S.; prohibiting the department from requiring that

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an applicant for airport site approval provide a

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written memorandum of understanding or letter of

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agreement with other airport sites except under

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1305 (2023)

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236 specified circumstances; amending s. 334.044, F.S.;

237 authorizing the department to purchase certain

238 promotional items; authorizing the department to

239 expend funds for certain training, testing, and

240 licensing; amending s. 337.025, F.S.; revising the

241 annual cap for contracts awarded for specified

242 purposes; providing exceptions to such cap; amending

243 s. 337.11, F.S.; revising the amount of construction

244 and maintenance contracts the department may enter

245 into without advertising and receiving competitive

246 bids; revising requirements for design-build

247 contracts; authorizing the department under specified

248 circumstances to enter into phased design-build

249 contracts; providing requirements for phased design-

250 build contracts; requiring the department to adopt

251 certain rules relating to phased design-build

252 contracts; amending s. 206.46, F.S.; increasing the

253 maximum amount of debt service coverage that may be

254 transferred from the State Transportation Trust Fund

255 to the Right-of-Way Acquisition and Bridge

256 Construction Trust Fund; amending s. 215.616, F.S.,

257 increasing the maximum term of state bonds for federal

258 aid highway construction; amending s. 341.052, F.S.;

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