

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 287.057, F.S.; exempting rating agency
4 services from competitive solicitation requirements
5 for the procurement of commodities or contractual
6 services by the department; amending s. 288.9606,
7 F.S.; authorizing Florida Development Finance
8 Corporation revenue bonds to finance acquisition or
9 construction of certain transportation facilities;
10 amending s. 334.044, F.S.; authorizing the department
11 to purchase certain promotional items; authorizing the
12 department to expend funds for certain courses and
13 fees and to adopt policies or procedures therefor;
14 amending s. 337.11, F.S.; revising the amount of
15 construction and maintenance contracts the department
16 may enter into without advertising and receiving
17 competitive bids; amending s. 339.135, F.S.; removing
18 expiration of a provision authorizing certain adopted
19 work program amendments to be approved by the chair
20 and vice chair of the Legislative Budget Commission;
21 amending s. 341.052, F.S.; requiring public transit
22 block grant program providers to establish plans
23 consistent with certain long-range transportation
24 plans; amending s. 341.071, F.S.; revising
25 requirements for public transit provider reports and

26 publication thereof; transferring control of the Santa
 27 Rosa Bay Bridge Authority to the department;
 28 transferring all remaining assets, rights, powers, and
 29 duties of the authority to the department; authorizing
 30 the department to transfer all or a portion of the
 31 bridge system to the turnpike system; repealing part
 32 IV of ch. 348, F.S., relating to the creation and
 33 operation of the Santa Rosa Bay Bridge Authority;
 34 providing effective dates.

35

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

37

38 Section 1. Paragraph (e) of subsection (3) of section
 39 287.057, Florida Statutes, is amended to read:

40 287.057 Procurement of commodities or contractual
 41 services.—

42 (3) If the purchase price of commodities or contractual
 43 services exceeds the threshold amount provided in s. 287.017 for
 44 CATEGORY TWO, purchase of commodities or contractual services
 45 may not be made without receiving competitive sealed bids,
 46 competitive sealed proposals, or competitive sealed replies
 47 unless:

48 (e) The following contractual services and commodities are
 49 not subject to the competitive-solicitation requirements of this
 50 section:

51 1. Artistic services. As used in this subsection, the term
52 "artistic services" does not include advertising or typesetting.
53 As used in this subparagraph, the term "advertising" means the
54 making of a representation in any form in connection with a
55 trade, business, craft, or profession in order to promote the
56 supply of commodities or services by the person promoting the
57 commodities or contractual services.

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

60 3. Lectures by individuals.

61 4. Legal services, including attorney, paralegal, expert
62 witness, appraisal, or mediator services.

63 5. Health services involving examination, diagnosis,
64 treatment, prevention, medical consultation, or administration.
65 The term also includes, but is not limited to, substance abuse
66 and mental health services involving examination, diagnosis,
67 treatment, prevention, or medical consultation if such services
68 are offered to eligible individuals participating in a specific
69 program that qualifies multiple providers and uses a standard
70 payment methodology. Reimbursement of administrative costs for
71 providers of services purchased in this manner are also exempt.
72 For purposes of this subparagraph, the term "providers" means
73 health professionals and health facilities, or organizations
74 that deliver or arrange for the delivery of health services.

75 6. Services provided to persons with mental or physical

76 | disabilities by not-for-profit corporations that have obtained
 77 | exemptions under s. 501(c)(3) of the United States Internal
 78 | Revenue Code or when such services are governed by Office of
 79 | Management and Budget Circular A-122. However, in acquiring such
 80 | services, the agency shall consider the ability of the vendor,
 81 | past performance, willingness to meet time requirements, and
 82 | price.

83 | 7. Medicaid services delivered to an eligible Medicaid
 84 | recipient unless the agency is directed otherwise in law.

85 | 8. Family placement services.

86 | 9. Prevention services related to mental health, including
 87 | drug abuse prevention programs, child abuse prevention programs,
 88 | and shelters for runaways, operated by not-for-profit
 89 | corporations. However, in acquiring such services, the agency
 90 | shall consider the ability of the vendor, past performance,
 91 | willingness to meet time requirements, and price.

92 | 10. Training and education services provided to injured
 93 | employees pursuant to s. 440.491(6).

94 | 11. Contracts entered into pursuant to s. 337.11.

95 | 12. Services or commodities provided by governmental
 96 | entities.

97 | 13. Statewide public service announcement programs
 98 | provided by a Florida statewide nonprofit corporation under s.
 99 | 501(c)(6) of the Internal Revenue Code which have a guaranteed
 100 | documented match of at least \$3 to \$1.

101 14. Rating agency services.

102 Section 2. Subsection (6) of section 288.9606, Florida
 103 Statutes, is amended, and paragraph (d) is added to subsection
 104 (7) of that section, to read:

105 288.9606 Issue of revenue bonds.—

106 (6) The proceeds of any bonds of the corporation may not
 107 be used, in any manner, to acquire any building or facility that
 108 will be, during the pendency of the financing, used by, occupied
 109 by, leased to, or paid for by any state, county, or municipal
 110 agency or entity. This subsection does not prohibit the use of
 111 proceeds of bonds of the corporation for the purpose of
 112 financing the acquisition or construction of a transportation
 113 facility under a public-private partnership agreement authorized
 114 by s. 334.30.

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

119 (d) Finance the costs of acquisition or construction of a
 120 transportation facility by a private entity or consortium of
 121 private entities under a public-private partnership agreement
 122 authorized by s. 334.30.

123 Section 3. Subsection (5) of section 334.044, Florida
 124 Statutes, is amended, and subsection (36) is added to that
 125 section, to read:

126 334.044 Powers and duties of the department.—The
 127 department shall have the following general powers and duties:

128 (5) To purchase, lease, or otherwise acquire property and
 129 materials, including the purchase of promotional items as part
 130 of public information and education campaigns for the promotion
 131 of scenic highways, traffic and train safety awareness,
 132 alternatives to single-occupant vehicle travel, ~~and~~ commercial
 133 motor vehicle safety, electric vehicle use and charging
 134 stations, context design, and automated vehicles; to purchase,
 135 lease, or otherwise acquire equipment and supplies; and to sell,
 136 exchange, or otherwise dispose of any property that is no longer
 137 needed by the department.

138 (36) At its discretion, to expend funds for education and
 139 certificate courses; for examination fees; and for license,
 140 permit, certification, recertification, membership, and
 141 professional registration fees for employees who are required to
 142 have a license, permit, certification, membership, or
 143 professional registration as a condition of employment. The
 144 department may develop policies or procedures for expending
 145 funds under this subsection.

146 Section 4. Paragraph (c) of subsection (6) of section
 147 337.11, Florida Statutes, is amended to read:

148 337.11 Contracting authority of department; bids;
 149 emergency repairs, supplemental agreements, and change orders;
 150 combined design and construction contracts; progress payments;

151 records; requirements of vehicle registration.—

152 (6)

153 (c) When the department determines that it is in the best
 154 interest of the public for reasons of public concern, economy,
 155 improved operations, or safety, and only when circumstances
 156 dictate rapid completion of the work, the department may, up to
 157 the amount of \$500,000 ~~\$250,000~~, enter into contracts for
 158 construction and maintenance without advertising and receiving
 159 competitive bids. The department may enter into such contracts
 160 only upon a determination that the work is necessary for one of
 161 the following reasons:

162 1. To ensure timely completion of projects or avoidance of
 163 undue delay for other projects;

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

167 3. To accomplish nonemergency work necessary to ensure
 168 avoidance of adverse conditions that affect the safe and
 169 efficient flow of traffic.

170
 171 The department shall make a good faith effort to obtain two or
 172 more quotes, if available, from qualified contractors before
 173 entering into any contract. The department shall give
 174 consideration to disadvantaged business enterprise
 175 participation. However, when the work exists within the limits

176 of an existing contract, the department shall make a good faith
177 effort to negotiate and enter into a contract with the prime
178 contractor on the existing contract.

179 Section 5. Paragraph (h) of subsection (7) of section
180 339.135, Florida Statutes, is amended to read:

181 339.135 Work program; legislative budget request;
182 definitions; preparation, adoption, execution, and amendment.—

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

184 (h)1. Any work program amendment that also adds a new
185 project, or phase thereof, to the adopted work program in excess
186 of \$3 million is subject to approval by the Legislative Budget
187 Commission. Any work program amendment submitted under this
188 paragraph must include, as supplemental information, a list of
189 projects, or phases thereof, in the current 5-year adopted work
190 program which are eligible for the funds within the
191 appropriation category being used for the proposed amendment.
192 The department shall provide a narrative with the rationale for
193 not advancing an existing project, or phase thereof, in lieu of
194 the proposed amendment.

195 2. If the department submits an amendment to the
196 Legislative Budget Commission and the commission does not meet
197 or consider the amendment within 30 days after its submittal,
198 the chair and vice chair of the commission may authorize the
199 amendment to be approved pursuant to s. 216.177. ~~This~~
200 ~~subparagraph expires July 1, 2023.~~

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

203 341.052 Public transit block grant program;
204 administration; eligible projects; limitation.—

205 (1) There is created a public transit block grant program
206 which shall be administered by the department. Block grant funds
207 shall only be provided to "Section 9" providers and "Section 18"
208 providers designated by the United States Department of
209 Transportation and community transportation coordinators as
210 defined in chapter 427. Eligible providers must establish public
211 transportation development plans consistent, to the maximum
212 extent feasible, with approved local government comprehensive
213 plans of the units of local government in which the provider is
214 located and the long-range transportation plans of the
215 metropolitan planning organization in which the provider is
216 located. In developing public transportation development plans,
217 eligible providers must solicit comments from local workforce
218 development boards established under chapter 445. The
219 development plans must address how the public transit provider
220 will work with the appropriate local workforce development board
221 to provide services to participants in the welfare transition
222 program. Eligible providers must provide information to the
223 local workforce development board serving the county in which
224 the provider is located regarding the availability of
225 transportation services to assist program participants.

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

228 341.071 Transit productivity and performance measures;
 229 reports.—

230 (2) Each public transit provider shall establish
 231 productivity and performance measures, which must be approved by
 232 the department and which must be selected from measures
 233 developed pursuant to s. 341.041(3). Each provider shall, by
 234 January 31 of each year, report to the department relative to
 235 these measures. In approving these measures, the department
 236 shall give consideration to the goals and objectives of each
 237 system, the needs of the local area, and the role for public
 238 transit in the local area. The report shall include the ~~also~~
 239 ~~specifically address potential enhancements to productivity and~~
 240 ~~performance which would have the effect of increasing farebox~~
 241 ~~recovery ratio.~~

242 (3) Each public transit provider shall publish on its
 243 ~~website in the local newspaper of its area~~ the productivity and
 244 performance measures established for the year and a report which
 245 provides quantitative data relative to the attainment of
 246 established productivity and performance measures.

247 Section 8. (1) Effective upon this act becoming a law,
 248 the governance and control of the Santa Rosa Bay Bridge
 249 Authority is transferred to the Department of Transportation.

250 (2) The authority's bridge system transferred to the

251 department under the terms of the lease-purchase agreement
252 between the department and the authority, effective as of the
253 close of business on June 30, 2022. Any remaining assets,
254 facilities, tangible and intangible property, and any rights in
255 such property, and any other legal rights of the authority, are
256 transferred to the department. The department succeeds to all
257 powers of the authority. The department may review other
258 contracts, financial obligations, and contractual obligations
259 and liabilities of the authority and may assume legal liability
260 for such obligations that are determined by the department to be
261 necessary for the continued operation of the bridge system.

262 (3) The bridge system, or any portion thereof, may be
263 transferred by the department and become part of the turnpike
264 system under the Florida Turnpike Enterprise Law.

265 Section 9. Effective upon this act becoming a law, part IV
266 of chapter 348, Florida Statutes, consisting of sections
267 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971,
268 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and
269 348.9781, is repealed.

270 Section 10. Except as otherwise expressly provided in this
271 act, this act shall take effect July 1, 2023.