

1                                   A bill to be entitled  
2           An act relating to transportation; creating s. 316.83,  
3           F.S.; requiring the Department of Transportation to  
4           coordinate with certain entities to establish  
5           standards by which roads on the State Highway System  
6           shall be graded according to their compatibility with  
7           the operation of autonomous vehicles; providing  
8           factors to be considered by the department in  
9           establishing such standards; requiring established  
10          standards to be incorporated into standards for  
11          certain transportation projects; creating s. 334.066,  
12          F.S.; establishing the Implementing Solutions from  
13          Transportation Research and Evaluating Emerging  
14          Technologies Living Lab (I-STREET) within the  
15          University of Florida; specifying the duties of I-  
16          STREET; requiring I-STREET to annually provide the  
17          Governor and the Legislature with a certain report;  
18          requiring the creation of a certain advisory board;  
19          specifying the composition of the board; amending s.  
20          334.179, F.S.; limiting certification of aggregate  
21          shipments to those in compliance with specified rules  
22          of the department; prohibiting a producer of  
23          aggregates from misrepresenting certification of  
24          aggregates; creating s. 334.181, F.S.; requiring a  
25          local governmental entity to accept an electronic

26 proof of delivery as an official record for a material  
27 delivery on the local governmental entity's  
28 transportation project; amending s. 337.11, F.S.;  
29 requiring certain bridge construction or maintenance  
30 contracts to require certain marine general liability  
31 insurance; requiring the department to implement  
32 strategies to reduce certain costs and to make a  
33 record of such strategies and projected savings  
34 related thereto; authorizing the department to share a  
35 certain portion of construction cost savings with  
36 certain consultants; amending s. 337.1101, F.S.;  
37 revising procedures for resolving certain protests  
38 through settlements requiring the payment of certain  
39 amounts; amending s. 337.14, F.S.; revising a  
40 limitation on the amount of a construction contract  
41 for which a bidder may submit annual or interim  
42 financial statements prepared by a certified public  
43 accountant; revising the effect of submission and  
44 approval of an application for a certificate of  
45 qualification; authorizing submission of a written  
46 request to maintain an existing certificate; amending  
47 s. 337.168, F.S.; deleting an exemption from public  
48 records requirements for identities of potential  
49 transportation project bidders; amending s. 338.223,  
50 F.S.; deleting provisions prohibiting the department

51 from requesting legislative approval of a proposed  
52 turnpike project until the design phase is partially  
53 completed; providing an effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 316.83, Florida Statutes, is created to  
58 read:

59 316.83 Autonomous vehicle grading standards for roads on  
60 State Highway System.—The Department of Transportation shall  
61 coordinate with federal, regional, and local partners, as well  
62 as industry representatives, to establish standards by which  
63 roads on the State Highway System shall be graded according to  
64 their compatibility with the operation of autonomous vehicles.  
65 In establishing such standards, the department shall consider  
66 factors including, but not limited to, the structural adequacy  
67 and safety of each road and the particular challenges that the  
68 overall driving environment of each road may present to a fully  
69 autonomous vehicle operating with the automated driving system  
70 engaged. Autonomous vehicle grading standards established  
71 pursuant to this section shall be incorporated into standards  
72 for transportation projects involving the construction of new  
73 roads or maintenance of existing roads on the State Highway  
74 System.

75 Section 2. Section 334.066, Florida Statutes, is created

76 | to read:

77 |       334.066 Implementing Solutions from Transportation  
 78 | Research and Evaluating Emerging Technologies Living Lab.-

79 |       (1) The Implementing Solutions from Transportation  
 80 | Research and Evaluating Emerging Technologies Living Lab (I-  
 81 | STREET) is established within the University of Florida.

82 |       (2) At a minimum, I-STREET shall:

83 |       (a) Conduct and facilitate research on issues related to  
 84 | innovative transportation mobility and safety technology  
 85 | development and deployment in this state and serve as an  
 86 | information exchange and depository for the most current  
 87 | information pertaining to transportation research, education,  
 88 | workforce development, and related issues.

89 |       (b) Be a continuing resource for the Legislature, the  
 90 | department, local governments, the nation's metropolitan  
 91 | regions, and the private sector in the area of transportation  
 92 | and related research.

93 |       (c) Promote intercampus transportation and related  
 94 | research activities among Florida universities to enhance the  
 95 | ability of these universities to attract federal and private  
 96 | sector funding for transportation and related research.

97 |       (d) Provide by July 1, 2024, and each July 1 thereafter,  
 98 | to the Governor, the President of the Senate, and the Speaker of  
 99 | the House of Representatives a comprehensive report that  
 100 | outlines its clearly defined goals and its efforts and progress

101 on reaching those goals.

102 (3) An advisory board shall be created to periodically  
 103 review and advise I-STREET concerning its research program. The  
 104 board shall consist of nine members with expertise in  
 105 transportation-related areas, as follows:

106 (a) A member appointed by the President of the Senate.

107 (b) A member appointed by the Speaker of the House of  
 108 Representatives.

109 (c) The Secretary of Transportation or his or her  
 110 designee.

111 (d) The Secretary of Economic Opportunity or his or her  
 112 designee.

113 (e) A member of the Florida Transportation Commission.

114 (f) Four members nominated by the University of Florida's  
 115 College of Engineering and approved by the university's  
 116 president. The College of Engineering's nominees may include  
 117 representatives of the University of Florida, other academic and  
 118 research institutions, or private entities.

119 Section 3. Section 334.179, Florida Statutes, is amended  
 120 to read:

121 334.179 Department standards or specifications for  
 122 permissible use of aggregates; misrepresentation of  
 123 certification.—

124 (1) Notwithstanding any law, rule, or ordinance to the  
 125 contrary, a local government may not adopt standards or

126 specifications that are contrary to the department standards or  
 127 specifications for permissible use of aggregates that have been  
 128 certified for use. For purposes of this section, the term  
 129 "certified for use" means that the aggregates have been  
 130 certified by the producer in compliance ~~accordance~~ with  
 131 department rules adopted pursuant to s. 334.044(10)(d). This  
 132 section does not apply to a multicounty independent special  
 133 district created by a special act of the Legislature.

134 (2) A producer may not represent that an aggregate is  
 135 certified for use unless such aggregate is in compliance with  
 136 department rules adopted pursuant to s. 334.044(10)(d).

137 Section 4. Section 334.181, Florida Statutes, is created  
 138 to read:

139 334.181 Electronic proof of delivery.—Notwithstanding any  
 140 law, rule, or ordinance to the contrary, a local governmental  
 141 entity must accept an electronic proof of delivery as an  
 142 official record for a material delivery on the local  
 143 governmental entity's transportation project.

144 Section 5. Subsections (15) and (16) of section 337.11,  
 145 Florida Statutes, are renumbered as subsections (18) and (19),  
 146 respectively, and new subsections (15), (16), and (17) are added  
 147 to that section 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 (15) Each contract let by the department for performance  
153 of bridge construction or maintenance over navigable waters must  
154 contain a provision requiring marine general liability  
155 insurance, in an amount to be determined by the department,  
156 which covers third-party personal injury and property damage  
157 caused by vessels used by the contractor in the performance of  
158 the work.

159 (16) The department shall implement strategies to reduce  
160 the cost of all project phases, including design, construction,  
161 and inspection, while ensuring that the design and construction  
162 of projects meet applicable federal and state standards. The  
163 department shall make a record of such strategies and the  
164 projected savings related thereto.

165 (17) The department may share a portion of the  
166 construction cost savings realized due to a change in the  
167 construction contract design and scope, initiated after  
168 execution of the contract, with a design services consultant or  
169 a construction engineering and inspection services consultant to  
170 the extent that the consultant's input and involvement  
171 contributed to such savings. The amount paid to a consultant  
172 pursuant to this subsection may not exceed 10 percent of the  
173 construction cost savings realized.

174 Section 6. Subsection (1) of section 337.1101, Florida  
175 Statutes, is amended to read:

176 337.1101 Contracting and procurement authority of the  
177 department; settlements; notification required.—

178 (1) When the department, or any entity or enterprise  
179 within the department, determines that it is in the best  
180 interest of the public to resolve a protest filed in accordance  
181 with s. 120.57(3) of the award of a contract being procured  
182 pursuant to s. 337.11 or related to the purchase of personal  
183 property or contractual services being procured pursuant to s.  
184 287.057, through a settlement that requires the department to  
185 pay a nonselected responsive bidder a total sum of \$1 million or  
186 more, including any amount paid pursuant to s. 334.049, any  
187 amount paid pursuant to s. 337.11(8) which is not included in  
188 the department's work program approved by the Legislature as  
189 part of the General Appropriations Act, or any amount paid  
190 pursuant to any other law, the department must:

191 (a) Document in a written memorandum by the secretary the  
192 specific reasons that such settlement and payment to a  
193 nonselected responsive bidder is in the best interest of the  
194 state. The written memorandum must be included and maintained in  
195 the department's permanent files concerning the procurement and  
196 must include:

197 1. A description of the property rights, patent rights,  
198 copyrights, trademarks, or the engineering design or other  
199 design work that the department will acquire or retain as a  
200 result of such settlement; and



201           2. The specific appropriation in the existing General  
 202 Appropriations Act which the department intends to use to  
 203 provide such payment.

204           (b) Provide prior written notification to the President of  
 205 the Senate, the Speaker of the House of Representatives, the  
 206 Senate and House of Representatives minority leaders, the chair  
 207 and vice chair of the Legislative Budget Commission, and the  
 208 Attorney General at least 5 business days, or as soon thereafter  
 209 as practicable, before the department makes the settlement  
 210 agreement final. Such written notification must include the  
 211 written memorandum required pursuant to paragraph (a).

212           (c) Provide, at the time settlement discussions regarding  
 213 any such payment have begun in earnest, written notification of  
 214 such discussions to the President of the Senate, the Speaker of  
 215 the House of Representatives, the Senate and House of  
 216 Representatives minority leaders, the chair and vice chair of  
 217 the Legislative Budget Commission, and the Attorney General.

218           Section 7. Subsections (1) and (4) of section 337.14,  
 219 Florida Statutes, are amended to read:

220           337.14 Application for qualification; certificate of  
 221 qualification; restrictions; request for hearing.—

222           (1) Any contractor desiring to bid for the performance of  
 223 any construction contract in excess of \$250,000 which the  
 224 department proposes to let must first be certified by the  
 225 department as qualified pursuant to this section and rules of

226 the department. The rules of the department must address the  
227 qualification of contractors to bid on construction contracts in  
228 excess of \$250,000 and must include requirements with respect to  
229 the equipment, past record, experience, financial resources, and  
230 organizational personnel of the applying contractor which are  
231 necessary to perform the specific class of work for which the  
232 contractor seeks certification. Any contractor who desires to  
233 bid on contracts in excess of \$50 million and who is not  
234 qualified and in good standing with the department as of January  
235 1, 2019, must first be certified by the department as qualified  
236 and must have satisfactorily completed two projects, each in  
237 excess of \$15 million, for the department or for any other state  
238 department of transportation. The department may limit the  
239 dollar amount of any contract upon which a contractor is  
240 qualified to bid or the aggregate total dollar volume of  
241 contracts such contractor is allowed to have under contract at  
242 any one time. Each applying contractor seeking qualification to  
243 bid on construction contracts in excess of \$250,000 shall  
244 furnish the department a statement under oath, on such forms as  
245 the department may prescribe, setting forth detailed information  
246 as required on the application. Each application for  
247 certification must be accompanied by audited, certified  
248 financial statements prepared in accordance with generally  
249 accepted accounting principles and auditing standards by a  
250 certified public accountant licensed in this state or another

251 state. The audited, certified financial statements must be for  
252 the applying contractor and must have been prepared within the  
253 immediately preceding 12 months. The department may not consider  
254 any financial information of the parent entity of the applying  
255 contractor, if any. The department may not certify as qualified  
256 any applying contractor who fails to submit the audited,  
257 certified financial statements required by this subsection. If  
258 the application or the annual financial statement shows the  
259 financial condition of the applying contractor more than 4  
260 months before the date on which the application is received by  
261 the department, the applicant must also submit interim audited,  
262 certified financial statements prepared in accordance with  
263 generally accepted accounting principles and auditing standards  
264 by a certified public accountant licensed in this state or  
265 another state. The interim financial statements must cover the  
266 period from the end date of the annual statement and must show  
267 the financial condition of the applying contractor no more than  
268 4 months before the date that the interim financial statements  
269 are received by the department. However, upon the request of the  
270 applying contractor, an application and accompanying annual or  
271 interim financial statement received by the department within 15  
272 days after either 4-month period under this subsection shall be  
273 considered timely. An applying contractor desiring to bid  
274 exclusively for the performance of construction contracts with  
275 proposed budget estimates of less than \$2 ~~\$1~~ million may submit

276 reviewed annual or reviewed interim financial statements  
 277 prepared by a certified public accountant. The information  
 278 required by this subsection is confidential and exempt from s.  
 279 119.07(1). The department shall act upon the application for  
 280 qualification within 30 days after the department determines  
 281 that the application is complete. The department may waive the  
 282 requirements of this subsection for projects having a contract  
 283 price of \$500,000 or less if the department determines that the  
 284 project is of a noncritical nature and the waiver will not  
 285 endanger public health, safety, or property.

286 (4) If the applicant is found to possess the prescribed  
 287 qualifications, the department shall issue to him or her a  
 288 certificate of qualification that, unless thereafter revoked by  
 289 the department for good cause, will be valid for a period of 18  
 290 months after the date of the applicant's financial statement or  
 291 such shorter period as the department prescribes. Submission of  
 292 an application does ~~and subsequent approval do~~ not affect  
 293 expiration of the certificate of qualification, ~~the ability~~  
 294 ~~factor of the applicant, or the maximum capacity rating of the~~  
 295 ~~applicant.~~ An applicant may submit a written request with a  
 296 timely submitted application to keep an existing certificate of  
 297 qualification in place until the expiration date. If the request  
 298 is approved by the department, the current maximum capacity  
 299 rating of the applicant must remain in place until expiration of  
 300 the current certificate of qualification. If the department

301 finds that an application is incomplete or contains inadequate  
302 information or information that cannot be verified, the  
303 department may request in writing that the applicant provide the  
304 necessary information to complete the application or provide the  
305 source from which any information in the application may be  
306 verified. If the applicant fails to comply with the initial  
307 written request within a reasonable period of time as specified  
308 therein, the department shall request the information a second  
309 time. If the applicant fails to comply with the second request  
310 within a reasonable period of time as specified therein, the  
311 application shall be denied.

312 Section 8. Subsection (2) of section 337.168, Florida  
313 Statutes, is amended to read:

314 337.168 Confidentiality of official estimates, ~~identities~~  
315 ~~of potential bidders,~~ and bid analysis and monitoring system.-

316 ~~(2) A document that reveals the identity of a person who~~  
317 ~~has requested or obtained a bid package, plan, or specifications~~  
318 ~~pertaining to any project to be let by the department is~~  
319 ~~confidential and exempt from the provisions of s. 119.07(1) for~~  
320 ~~the period that begins 2 working days before the deadline for~~  
321 ~~obtaining bid packages, plans, or specifications and ends with~~  
322 ~~the letting of the bid. A document that reveals the identity of~~  
323 ~~a person who has requested or obtained a bid package, plan, or~~  
324 ~~specifications pertaining to any project to be let by the~~  
325 ~~department before the 2 working days before the deadline for~~

326 ~~obtaining bid packages, plans, or specifications remains a~~  
327 ~~public record subject to s. 119.07(1).~~

328 Section 9. Paragraph (a) of subsection (1) of section  
329 338.223, Florida Statutes, is amended to read:

330 338.223 Proposed turnpike projects.—

331 (1)(a) Any proposed project to be constructed or acquired  
332 as part of the turnpike system and any turnpike improvement  
333 shall be included in the tentative work program. A proposed  
334 project or group of proposed projects may not be added to the  
335 turnpike system unless such project or projects are determined  
336 to be economically feasible and a statement of environmental  
337 feasibility has been completed for such project or projects and  
338 such projects are determined to be consistent, to the maximum  
339 extent feasible, with approved local government comprehensive  
340 plans of the local governments in which such projects are  
341 located. The department may authorize engineering studies,  
342 traffic studies, environmental studies, and other expert studies  
343 of the location, costs, economic feasibility, and practicality  
344 of proposed turnpike projects throughout the state and may  
345 proceed with the design phase of such projects. ~~The department~~  
346 ~~may not request legislative approval of a proposed turnpike~~  
347 ~~project until the design phase of that project is at least 30~~  
348 ~~percent complete.~~ If a proposed project or group of proposed  
349 projects is found to be economically feasible, consistent, to  
350 the maximum extent feasible, with approved local government

351 comprehensive plans of the local governments in which such  
352 projects are located, and a favorable statement of environmental  
353 feasibility has been completed, the department, with the  
354 approval of the Legislature, shall, after the receipt of all  
355 necessary permits, construct, maintain, and operate such  
356 turnpike projects.

357 Section 10. This act shall take effect July 1, 2023.