

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; creating s. 339.84, F.S.; requiring the
54 allocation of funds to a workforce development program
55 provided by the department for a certain period for
56 certain purposes; providing an effective date.

57
58 Be It Enacted by the Legislature of the State of Florida:

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60 Section 1. Section 316.83, Florida Statutes, is created to
61 read:

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

76 | roads or maintenance of existing roads on the State Highway
 77 | System.

78 | Section 2. Section 334.066, Florida Statutes, is created
 79 | to read:

80 | 334.066 Implementing Solutions from Transportation
 81 | Research and Evaluating Emerging Technologies Living Lab.—

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

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

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

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

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

100 | (d) Provide by July 1, 2024, and each July 1 thereafter,

101 to the Governor, the President of the Senate, and the Speaker of
102 the House of Representatives a comprehensive report that
103 outlines its clearly defined goals and its efforts and progress
104 on reaching those goals.

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

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

110 (b) A member appointed by the Speaker of the House of
111 Representatives.

112 (c) The Secretary of Transportation or his or her
113 designee.

114 (d) The Secretary of Economic Opportunity or his or her
115 designee.

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

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

122 Section 3. Section 334.179, Florida Statutes, is amended
123 to read:

124 334.179 Department standards or specifications for
125 permissible use of aggregates; misrepresentation of

126 certification.—

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

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

140 Section 4. Section 334.181, Florida Statutes, is created
 141 to read:

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

147 Section 5. Subsections (15) and (16) of section 337.11,
 148 Florida Statutes, are renumbered as subsections (18) and (19),
 149 respectively, and new subsections (15), (16), and (17) are added
 150 to that section to read:

151 337.11 Contracting authority of department; bids;
152 emergency repairs, supplemental agreements, and change orders;
153 combined design and construction contracts; progress payments;
154 records; requirements of vehicle registration.—

155 (15) Each contract let by the department for performance
156 of bridge construction or maintenance over navigable waters must
157 contain a provision requiring marine general liability
158 insurance, in an amount to be determined by the department,
159 which covers third-party personal injury and property damage
160 caused by vessels used by the contractor in the performance of
161 the work.

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

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

176 construction cost savings realized.

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

179 337.1101 Contracting and procurement authority of the
 180 department; settlements; notification required.—

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

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

200 1. A description of the property rights, patent rights,

201 copyrights, trademarks, or the engineering design or other
 202 design work that the department will acquire or retain as a
 203 result of such settlement; and

204 2. The specific appropriation in the existing General
 205 Appropriations Act which the department intends to use to
 206 provide such payment.

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

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

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

223 337.14 Application for qualification; certificate of
 224 qualification; restrictions; request for hearing.—

225 (1) Any contractor desiring to bid for the performance of

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

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

276 | considered timely. An applying contractor desiring to bid
 277 | exclusively for the performance of construction contracts with
 278 | proposed budget estimates of less than \$2 ~~\$1~~ million may submit
 279 | reviewed annual or reviewed interim financial statements
 280 | prepared by a certified public accountant. The information
 281 | required by this subsection is confidential and exempt from s.
 282 | 119.07(1). The department shall act upon the application for
 283 | qualification within 30 days after the department determines
 284 | that the application is complete. The department may waive the
 285 | requirements of this subsection for projects having a contract
 286 | price of \$500,000 or less if the department determines that the
 287 | project is of a noncritical nature and the waiver will not
 288 | endanger public health, safety, or property.

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

301 is approved by the department, the current maximum capacity
 302 rating of the applicant must remain in place until expiration of
 303 the current certificate of qualification. If the department
 304 finds that an application is incomplete or contains inadequate
 305 information or information that cannot be verified, the
 306 department may request in writing that the applicant provide the
 307 necessary information to complete the application or provide the
 308 source from which any information in the application may be
 309 verified. If the applicant fails to comply with the initial
 310 written request within a reasonable period of time as specified
 311 therein, the department shall request the information a second
 312 time. If the applicant fails to comply with the second request
 313 within a reasonable period of time as specified therein, the
 314 application shall be denied.

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

317 337.168 Confidentiality of official estimates, ~~identities~~
 318 ~~of potential bidders,~~ and bid analysis and monitoring system.-

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

326 ~~a person who has requested or obtained a bid package, plan, or~~
327 ~~specifications pertaining to any project to be let by the~~
328 ~~department before the 2 working days before the deadline for~~
329 ~~obtaining bid packages, plans, or specifications remains a~~
330 ~~public record subject to s. 119.07(1).~~

331 Section 9. Paragraph (a) of subsection (1) of section
332 338.223, Florida Statutes, is amended to read:

333 338.223 Proposed turnpike projects.-

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

351 ~~percent complete.~~ If a proposed project or group of proposed
352 projects is found to be economically feasible, consistent, to
353 the maximum extent feasible, with approved local government
354 comprehensive plans of the local governments in which such
355 projects are located, and a favorable statement of environmental
356 feasibility has been completed, the department, with the
357 approval of the Legislature, shall, after the receipt of all
358 necessary permits, construct, maintain, and operate such
359 turnpike projects.

360 Section 10. Section 339.84, Florida Statutes, is created
361 to read:

362 339.84 Workforce development.—Beginning in the 2023-2024
363 fiscal year and annually thereafter for 5 years, a minimum of \$5
364 million from the department's existing resources shall be
365 allocated annually to the workforce development program as
366 provided in s. 334.044(35) and to promote rewarding career paths
367 in Florida's road and bridge industry.

368 Section 11. This act shall take effect July 1, 2023.