



446124

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/08/2023	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

316.83 Autonomous vehicle grading standards for roads on
State Highway System.—The Department of Transportation shall
coordinate with federal, regional, and local partners, as well
as industry representatives, to establish standards by which



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11 roads on the State Highway System must be graded according to
12 their compatibility with the operation of autonomous vehicles.
13 In establishing such standards, the department shall consider
14 factors including, but not limited to, the structural adequacy
15 and safety of each road and the particular challenges that the
16 overall driving environment of each road may present to a fully
17 autonomous vehicle operating with the automated driving system
18 engaged. Autonomous vehicle grading standards established
19 pursuant to this section must be incorporated into standards for
20 transportation projects involving the construction of new roads
21 or maintenance of existing roads on the State Highway System.

22 Section 2. Section 334.066, Florida Statutes, is created to
23 read:

24 334.066 Implementing Solutions from Transportation Research
25 and Evaluating Emerging Technologies Living Lab.—

26 (1) The Implementing Solutions from Transportation Research
27 and Evaluating Emerging Technologies Living Lab (I-STREET) is
28 established within the University of Florida.

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

30 (a) Conduct and facilitate research on issues related to
31 innovative transportation mobility and safety technology
32 development and deployment in this state and serve as an
33 information exchange and depository for the most current
34 information pertaining to transportation research, education,
35 workforce development, and related issues.

36 (b) Be a continuing resource for the Legislature, the
37 department, local governments, the nation's metropolitan
38 regions, and the private sector in the area of transportation
39 and related research.



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40 (c) Promote intercampus transportation and related research
41 activities among Florida universities to enhance their ability
42 to attract federal and private-sector funding for transportation
43 and related research.

44 (d) By July 1, 2024, and each July 1 thereafter, provide to
45 the Governor, the President of the Senate, and the Speaker of
46 the House of Representatives a comprehensive report that
47 outlines the clearly defined goals of the living lab and its
48 efforts and progress in reaching these goals.

49 (3) An advisory board is created to periodically review and
50 advise I-STREET concerning its research program. The board shall
51 consist of nine members with expertise in transportation-related
52 areas, as follows:

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

54 (b) A member appointed by the Speaker of the House of
55 Representatives.

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

57 (d) The Secretary of Economic Opportunity or his or her
58 designee.

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

60 (f) Four members nominated by the University of Florida's
61 College of Engineering and approved by the university's
62 president. The College of Engineering's nominees may include
63 representatives of the University of Florida, other academic and
64 research institutions, and private entities.

65 Section 3. Section 334.179, Florida Statutes, is amended to
66 read:

67 334.179 Department standards or specifications for
68 permissible use of aggregates.—



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69 (1) Notwithstanding any law, rule, or ordinance to the
70 contrary, a local government may not adopt standards or
71 specifications that are contrary to the department standards or
72 specifications for permissible use of aggregates that have been
73 certified for use. For purposes of this section, the term
74 "certified for use" means that the aggregates have been
75 certified by the producer in compliance ~~accordance~~ with
76 department rules. This section does not apply to a multicounty
77 independent special district created by a special act of the
78 Legislature.

79 (2) A producer may not certify any shipment of aggregates
80 to a customer other than the department unless such shipment is
81 in compliance with department rules. Notwithstanding this
82 section, producer certification of aggregates must be in
83 accordance with rules adopted pursuant to s. 334.044(10).

84 Section 4. Section 334.180, Florida Statutes, is created to
85 read:

86 334.180 Department electronic tickets.—An electronic ticket
87 generated by a system used by the department serves as an
88 official record for material deliveries on local government
89 projects. Notwithstanding any law, rule, or ordinance to the
90 contrary, a local government may not refuse to accept such
91 electronic ticket.

92 Section 5. Present subsections (15) and (16) of section
93 337.11, Florida Statutes, are redesignated as subsections (18)
94 and (19), respectively, and new subsections (15) and (16) and
95 subsection (17) are added to that section, to read:

96 337.11 Contracting authority of department; bids; emergency
97 repairs, supplemental agreements, and change orders; combined



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98 design and construction contracts; progress payments; records;
99 requirements of vehicle registration.—

100 (15) Each contract let by the department for performance of
101 bridge construction or maintenance over navigable waters must
102 contain a provision requiring marine general liability
103 insurance, in an amount to be determined by the department, that
104 covers third-party personal injury and property damage caused by
105 vessels used by the contractor in the performance of the work.

106 (16) The department shall implement strategies to reduce
107 the cost of all project phases, including design, construction,
108 and inspection, while ensuring that the design and construction
109 of projects meet applicable federal and state standards, and
110 shall track such strategies and the projected savings.

111 (17) The department may share with a design services
112 consultant or a construction engineering and inspection services
113 consultant a portion of the construction cost savings realized
114 due to a change in the construction contract design and scope
115 which is initiated after execution of the contract. Payments
116 made under this subsection must be calculated taking into
117 consideration the extent that the consultant's input and
118 involvement contributed to such savings. The amount paid to a
119 consultant pursuant to this subsection may not exceed 10 percent
120 of the construction cost savings realized.

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

123 337.1101 Contracting and procurement authority of the
124 department; settlements; notification required.—

125 (1) When the department, or any entity or enterprise within
126 the department, determines that it is in the best interest of



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127 the public to resolve a protest filed in accordance with s.
128 120.57(3) of the award of a contract being procured pursuant to
129 s. 337.11 or related to the purchase of personal property or
130 contractual services being procured pursuant to s. 287.057,
131 through a settlement that requires the department to pay a
132 nonselected responsive bidder a total sum of \$1 million or more,
133 including any amount paid pursuant to s. 334.049, any amount
134 paid pursuant to s. 337.11(8) which is not included in the
135 department's work program approved by the Legislature as part of
136 the General Appropriations Act, or any amount paid pursuant to
137 any other law, the department must:

138 (a) Document in a written memorandum by the secretary the
139 specific reasons that such settlement and payment to a
140 nonselected responsive bidder is in the best interest of the
141 state. The written memorandum must be included and maintained in
142 the department's permanent files concerning the procurement and
143 must include:

144 1. A description of the property rights, patent rights,
145 copyrights, trademarks, or the engineering design or other
146 design work that the department will acquire or retain as a
147 result of such settlement; and

148 2. The specific appropriation in the existing General
149 Appropriations Act which the department intends to use to
150 provide such payment.

151 (b) Provide prior written notification to the President of
152 the Senate, the Speaker of the House of Representatives, the
153 Senate and House of Representatives minority leaders, the chair
154 and vice chair of the Legislative Budget Commission, and the
155 Attorney General at least 5 business days, or as soon thereafter



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156 as practicable, before the department makes the settlement
157 agreement final. Such written notification must include the
158 written memorandum required pursuant to paragraph (a).

159 (c) Provide, at the time settlement discussions regarding
160 any such payment have begun in earnest, written notification of
161 such discussions to the President of the Senate, the Speaker of
162 the House of Representatives, the Senate and House of
163 Representatives minority leaders, the chair and vice chair of
164 the Legislative Budget Commission, and the Attorney General.

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

167 337.14 Application for qualification; certificate of
168 qualification; restrictions; request for hearing.—

169 (1) ~~A~~ Any contractor desiring to bid for the performance of
170 any construction contract in excess of \$250,000 which the
171 department proposes to let must first be certified by the
172 department as qualified pursuant to this section and rules of
173 the department. The rules of the department must address the
174 qualification of contractors to bid on construction contracts in
175 excess of \$250,000 and must include requirements with respect to
176 the equipment, past record, experience, financial resources, and
177 organizational personnel of the applying contractor which are
178 necessary to perform the specific class of work for which the
179 contractor seeks certification. Any contractor who desires to
180 bid on contracts in excess of \$50 million and who is not
181 qualified and in good standing with the department as of January
182 1, 2019, must first be certified by the department as qualified
183 and must have satisfactorily completed two projects, each in
184 excess of \$15 million, for the department or for any other state



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185 department of transportation. The department may limit the
186 dollar amount of any contract upon which a contractor is
187 qualified to bid or the aggregate total dollar volume of
188 contracts such contractor is allowed to have under contract at
189 any one time. Each applying contractor seeking qualification to
190 bid on construction contracts in excess of \$250,000 shall
191 furnish the department a statement under oath, on such forms as
192 the department may prescribe, setting forth detailed information
193 as required on the application. Each application for
194 certification must be accompanied by audited, certified
195 financial statements prepared in accordance with generally
196 accepted accounting principles and auditing standards by a
197 certified public accountant licensed in this state or another
198 state. The audited, certified financial statements must be for
199 the applying contractor and must have been prepared within the
200 immediately preceding 12 months. The department may not consider
201 any financial information of the parent entity of the applying
202 contractor, if any. The department may not certify as qualified
203 any applying contractor who fails to submit the audited,
204 certified financial statements required by this subsection. If
205 the application or the annual financial statement shows the
206 financial condition of the applying contractor more than 4
207 months before the date on which the application is received by
208 the department, the applicant must also submit interim audited,
209 certified financial statements prepared in accordance with
210 generally accepted accounting principles and auditing standards
211 by a certified public accountant licensed in this state or
212 another state. The interim financial statements must cover the
213 period from the end date of the annual statement and must show



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214 the financial condition of the applying contractor no more than
215 4 months before the date that the interim financial statements
216 are received by the department. However, upon the request of the
217 applying contractor, an application and accompanying annual or
218 interim financial statement received by the department within 15
219 days after either 4-month period under this subsection must
220 ~~shall~~ be considered timely. An applying contractor desiring to
221 bid exclusively for the performance of construction contracts
222 with proposed budget estimates of less than \$2 ~~\$1~~ million may
223 submit reviewed annual or reviewed interim financial statements
224 prepared by a certified public accountant. The information
225 required by this subsection is confidential and exempt from s.
226 119.07(1). The department shall act upon the application for
227 qualification within 30 days after the department determines
228 that the application is complete. The department may waive the
229 requirements of this subsection for projects having a contract
230 price of \$500,000 or less if the department determines that the
231 project is of a noncritical nature and that the waiver will not
232 endanger public health, safety, or property.

233 (4) If the applicant is found to possess the prescribed
234 qualifications, the department must ~~shall~~ issue to him or her a
235 certificate of qualification that, unless thereafter revoked by
236 the department for good cause, will be valid for a period of 18
237 months after the date of the applicant's financial statement or
238 such shorter period as the department prescribes. Submission of
239 an application does ~~and subsequent approval do~~ not affect
240 expiration of the certificate of qualification. An applicant may
241 submit a written request with a timely submitted application to
242 keep an existing certificate of qualification in place until the



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243 expiration date. If the request is approved by the department,
244 the current maximum capacity rating of the applicant must remain
245 in place until expiration of the current certificate of
246 qualification, the ability factor of the applicant, or the
247 ~~maximum capacity rating of the applicant.~~ If the department
248 finds that an application is incomplete or contains inadequate
249 information or information that cannot be verified, the
250 department may request in writing that the applicant provide the
251 necessary information to complete the application or provide the
252 source from which any information in the application may be
253 verified. If the applicant fails to comply with the initial
254 written request within a reasonable period of time as specified
255 therein, the department must ~~shall~~ request the information a
256 second time. If the applicant fails to comply with the second
257 request within a reasonable period of time as specified therein,
258 the application must ~~shall~~ be denied.

259 Section 8. Section 337.168, Florida Statutes, is amended to
260 read:

261 337.168 Confidentiality of official estimates, the
262 ~~identities of potential bidders, and bid analysis,~~ and
263 monitoring system.—

264 (1) A document or electronic file revealing the official
265 cost estimate of the department of a project is confidential and
266 exempt from ~~the provisions of s. 119.07(1)~~ until the contract
267 for the project has been executed or until the project is no
268 longer under active consideration.

269 ~~(2) A document that reveals the identity of a person who~~
270 ~~has requested or obtained a bid package, plan, or specifications~~
271 ~~pertaining to any project to be let by the department is~~



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272 ~~confidential and exempt from the provisions of s. 119.07(1) for~~
273 ~~the period that begins 2 working days before the deadline for~~
274 ~~obtaining bid packages, plans, or specifications and ends with~~
275 ~~the letting of the bid. A document that reveals the identity of~~
276 ~~a person who has requested or obtained a bid package, plan, or~~
277 ~~specifications pertaining to any project to be let by the~~
278 ~~department before the 2 working days before the deadline for~~
279 ~~obtaining bid packages, plans, or specifications remains a~~
280 ~~public record subject to s. 119.07(1).~~

281 ~~(3)~~ The bid analysis and monitoring system of the
282 department is confidential and exempt from ~~the provisions of s.~~
283 119.07(1). This exemption applies to all system documentation,
284 input, computer processes and programs, electronic data files,
285 and output, but does not apply to the actual source documents,
286 unless otherwise exempted under other provisions of law.

287 Section 9. Paragraph (a) of subsection (1) of section
288 338.223, Florida Statutes, is amended to read:

289 338.223 Proposed turnpike projects.—

290 (1) (a) Any proposed project to be constructed or acquired
291 as part of the turnpike system and any turnpike improvement must
292 ~~shall~~ be included in the tentative work program. A proposed
293 project or group of proposed projects may not be added to the
294 turnpike system unless such project or projects are determined
295 to be economically feasible and a statement of environmental
296 feasibility has been completed for such project or projects and
297 such projects are determined to be consistent, to the maximum
298 extent feasible, with approved local government comprehensive
299 plans of the local governments in which such projects are
300 located. The department may authorize engineering studies,



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301 traffic studies, environmental studies, and other expert studies
302 of the location, costs, economic feasibility, and practicality
303 of proposed turnpike projects throughout this ~~the~~ state and may
304 proceed with the design phase of such projects. ~~The department~~
305 ~~may not request legislative approval of a proposed turnpike~~
306 ~~project until the design phase of that project is at least 30~~
307 ~~percent complete.~~ If a proposed project or group of proposed
308 projects is found to be economically feasible, consistent, to
309 the maximum extent feasible, with approved local government
310 comprehensive plans of the local governments in which such
311 projects are located, and a favorable statement of environmental
312 feasibility has been completed, the department, with the
313 approval of the Legislature, must ~~shall~~, after the receipt of
314 all necessary permits, construct, maintain, and operate such
315 turnpike projects.

316 Section 10. Section 339.84, Florida Statutes, is created to
317 read:

318 339.84 Workforce development.—Beginning in the 2023-2024
319 fiscal year and annually thereafter for 5 years, \$5 million
320 shall be allocated to the workforce development program to
321 provide a road and bridge construction workforce development
322 program as provided in s. 334.044(35) and to promote rewarding
323 career paths in Florida’s road and bridge construction industry.

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

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

326 And the title is amended as follows:

327 Delete everything before the enacting clause
328 and insert:

329 A bill to be entitled



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330 An act relating to the Department of Transportation;
331 creating s. 316.83, F.S.; requiring the department to
332 coordinate with certain entities to establish certain
333 standards relating to grading certain roads'
334 compatibility with the operation of autonomous
335 vehicles; requiring the department to consider certain
336 factors in establishing such standards; requiring such
337 standards to be incorporated into standards for
338 certain transportation projects; creating s. 334.066,
339 F.S.; establishing the Implementing Solutions from
340 Transportation Research and Evaluating Emerging
341 Technologies Living Lab (I-STREET) within the
342 University of Florida; specifying requirements for I-
343 STREET; creating an advisory board to review and
344 advise I-STREET; specifying the composition of the
345 advisory board; amending s. 334.179, F.S.; revising
346 the definition of the term "certified for use" in
347 regard to permissible use of aggregates; prohibiting a
348 producer from certifying shipments of aggregates which
349 are not in compliance with department rules; requiring
350 a producer to certify aggregates in accordance with
351 specified rules; creating s. 334.180, F.S.; specifying
352 that an electronic ticket generated by a system used
353 by the department serves as a certain official record;
354 prohibiting local governments from refusing to accept
355 such electronic tickets; amending s. 337.11, F.S.;
356 requiring that contracts let by the department for
357 performance of bridge construction or maintenance over
358 navigable waters contain certain insurance



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359 requirements; requiring the department to implement
360 and track strategies to reduce the cost of projects
361 while ensuring that such projects meet federal and
362 state standards; authorizing the department to share a
363 portion of cost savings with certain consultants under
364 specified circumstances; providing that payments to
365 consultants may not exceed a specified amount;
366 amending s. 337.1101, F.S.; revising the calculation
367 of a certain settlement paid to a nonselected
368 responsive bidder which requires the department to
369 maintain certain records and provide certain notices
370 to the Legislature and the Attorney General; amending
371 s. 337.14, F.S.; increasing the proposed budget
372 estimates of construction contracts for which an
373 applying contractor may submit certain financial
374 statements; revising procedures relating to
375 certificates of qualification issued by the department
376 to construction contractors seeking certification to
377 bid on certain contracts; amending s. 337.168, F.S.;
378 deleting a public records exemption for certain
379 documents that reveal the identity of a potential
380 bidder; amending s. 338.223, F.S.; deleting a
381 requirement regarding the department's request for
382 legislative approval of proposed turnpike projects;
383 creating s. 339.84, F.S.; requiring a specified amount
384 to be allocated to the workforce development program
385 for specified purposes; providing an effective date.