

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Transportation; and Senator Hooper

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 creating s. 316.83, F.S.; requiring the department to
4 coordinate with certain entities to establish certain
5 standards relating to grading certain roads'
6 compatibility with the operation of autonomous
7 vehicles; requiring the department to consider certain
8 factors in establishing such standards; requiring such
9 standards to be incorporated into standards for
10 certain transportation projects; creating s. 334.066,
11 F.S.; establishing the Implementing Solutions from
12 Transportation Research and Evaluating Emerging
13 Technologies Living Lab (I-STREET) within the
14 University of Florida; specifying requirements for I-
15 STREET; creating an advisory board to review and
16 advise I-STREET; specifying the composition of the
17 advisory board; amending s. 334.179, F.S.; revising
18 the definition of the term "certified for use" in
19 regard to permissible use of aggregates; prohibiting a
20 producer from certifying shipments of aggregates which
21 are not in compliance with department rules; requiring
22 a producer to certify aggregates in accordance with
23 specified rules; creating s. 334.180, F.S.; specifying
24 that an electronic ticket generated by a system used
25 by the department serves as a certain official record;
26 prohibiting local governments from refusing to accept
27 such electronic tickets; amending s. 337.11, F.S.;
28 requiring that contracts let by the department for
29 performance of bridge construction or maintenance over

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30 navigable waters contain certain insurance
31 requirements; requiring the department to implement
32 and track strategies to reduce the cost of projects
33 while ensuring that such projects meet federal and
34 state standards; authorizing the department to share a
35 portion of cost savings with certain consultants under
36 specified circumstances; providing that payments to
37 consultants may not exceed a specified amount;
38 amending s. 337.1101, F.S.; revising the calculation
39 of a certain settlement paid to a nonselected
40 responsive bidder which requires the department to
41 maintain certain records and provide certain notices
42 to the Legislature and the Attorney General; amending
43 s. 337.14, F.S.; increasing the proposed budget
44 estimates of construction contracts for which an
45 applying contractor may submit certain financial
46 statements; revising procedures relating to
47 certificates of qualification issued by the department
48 to construction contractors seeking certification to
49 bid on certain contracts; amending s. 337.168, F.S.;
50 deleting a public records exemption for certain
51 documents that reveal the identity of a potential
52 bidder; amending s. 338.223, F.S.; deleting a
53 requirement regarding the department's request for
54 legislative approval of proposed turnpike projects;
55 creating s. 339.84, F.S.; requiring a specified amount
56 to be allocated to the workforce development program
57 for specified purposes; providing an effective date.
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59 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

82 (1) The Implementing Solutions from Transportation Research
83 and Evaluating Emerging Technologies Living Lab (I-STREET) is
84 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

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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 research
97 activities among Florida universities to enhance their ability
98 to attract federal and private-sector funding for transportation
99 and related research.

100 (d) By July 1, 2024, and each July 1 thereafter, provide to
101 the Governor, the President of the Senate, and the Speaker of
102 the House of Representatives a comprehensive report that
103 outlines the clearly defined goals of the living lab and its
104 efforts and progress in reaching these goals.

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

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

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

116 (f) Four members nominated by the University of Florida's

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117 College of Engineering and approved by the university's
118 president. The College of Engineering's nominees may include
119 representatives of the University of Florida, other academic and
120 research institutions, and private entities.

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

123 334.179 Department standards or specifications for
124 permissible use of aggregates.—

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

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

140 Section 4. Section 334.180, Florida Statutes, is created to
141 read:

142 334.180 Department electronic tickets.—An electronic ticket
143 generated by a system used by the department serves as an
144 official record for material deliveries on local government
145 projects. Notwithstanding any law, rule, or ordinance to the

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146 contrary, a local government may not refuse to accept such
147 electronic ticket.

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

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

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

167 (17) The department may share with a design services
168 consultant or a construction engineering and inspection services
169 consultant a portion of the construction cost savings realized
170 due to a change in the construction contract design and scope
171 which is initiated after execution of the contract. Payments
172 made under this subsection must be calculated taking into
173 consideration the extent that the consultant's input and
174 involvement contributed to such savings. The amount paid to a

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175 consultant pursuant to this subsection may not exceed 10 percent
176 of the 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 within
182 the department, determines that it is in the best interest of
183 the public to resolve a protest filed in accordance with s.
184 120.57(3) of the award of a contract being procured pursuant to
185 s. 337.11 or related to the purchase of personal property or
186 contractual services being procured pursuant to s. 287.057,
187 through a settlement that requires the department to pay a
188 nonselected responsive bidder a total sum of \$1 million or more,
189 including any amount paid pursuant to s. 334.049, any amount
190 paid pursuant to s. 337.11(8) which is not included in the
191 department's work program approved by the Legislature as part of
192 the General Appropriations Act, or any amount paid pursuant to
193 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

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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) A ~~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

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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

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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 must
276 ~~shall~~ be considered timely. An applying contractor desiring to
277 bid exclusively for the performance of construction contracts
278 with proposed budget estimates of less than \$2 ~~\$1~~ million may
279 submit 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 that 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 must ~~shall~~ issue to him or her a

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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. An applicant may
297 submit a written request with a timely submitted application to
298 keep an existing certificate of qualification in place until the
299 expiration date. If the request is approved by the department,
300 the current maximum capacity rating of the applicant must remain
301 in place until expiration of the current certificate of
302 qualification, the ability factor of the applicant, or the
303 ~~maximum capacity rating of the applicant.~~ 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 must ~~shall~~ request the information a
312 second time. If the applicant fails to comply with the second
313 request within a reasonable period of time as specified therein,
314 the application must ~~shall~~ be denied.

315 Section 8. Section 337.168, Florida Statutes, is amended to
316 read:

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

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320 (1) A document or electronic file revealing the official
321 cost estimate of the department of a project is confidential and
322 exempt from ~~the provisions of~~ s. 119.07(1) until the contract
323 for the project has been executed or until the project is no
324 longer under active consideration.

325 ~~(2) A document that reveals the identity of a person who~~
326 ~~has requested or obtained a bid package, plan, or specifications~~
327 ~~pertaining to any project to be let by the department is~~
328 ~~confidential and exempt from the provisions of s. 119.07(1) for~~
329 ~~the period that begins 2 working days before the deadline for~~
330 ~~obtaining bid packages, plans, or specifications and ends with~~
331 ~~the letting of the bid. A document that reveals the identity of~~
332 ~~a person who has requested or obtained a bid package, plan, or~~
333 ~~specifications pertaining to any project to be let by the~~
334 ~~department before the 2 working days before the deadline for~~
335 ~~obtaining bid packages, plans, or specifications remains a~~
336 ~~public record subject to s. 119.07(1).~~

337 ~~(3)~~ The bid analysis and monitoring system of the
338 department is confidential and exempt from ~~the provisions of~~ s.
339 119.07(1). This exemption applies to all system documentation,
340 input, computer processes and programs, electronic data files,
341 and output, but does not apply to the actual source documents,
342 unless otherwise exempted under other provisions of law.

343 Section 9. Paragraph (a) of subsection (1) of section
344 338.223, Florida Statutes, is amended to read:

345 338.223 Proposed turnpike projects.—

346 (1) (a) Any proposed project to be constructed or acquired
347 as part of the turnpike system and any turnpike improvement must
348 ~~shall~~ be included in the tentative work program. A proposed

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349 project or group of proposed projects may not be added to the
350 turnpike system unless such project or projects are determined
351 to be economically feasible and a statement of environmental
352 feasibility has been completed for such project or projects and
353 such projects are determined to be consistent, to the maximum
354 extent feasible, with approved local government comprehensive
355 plans of the local governments in which such projects are
356 located. The department may authorize engineering studies,
357 traffic studies, environmental studies, and other expert studies
358 of the location, costs, economic feasibility, and practicality
359 of proposed turnpike projects throughout this ~~the~~ state and may
360 proceed with the design phase of such projects. ~~The department~~
361 ~~may not request legislative approval of a proposed turnpike~~
362 ~~project until the design phase of that project is at least 30~~
363 ~~percent complete.~~ If a proposed project or group of proposed
364 projects is found to be economically feasible, consistent, to
365 the maximum extent feasible, with approved local government
366 comprehensive plans of the local governments in which such
367 projects are located, and a favorable statement of environmental
368 feasibility has been completed, the department, with the
369 approval of the Legislature, must ~~shall~~, after the receipt of
370 all necessary permits, construct, maintain, and operate such
371 turnpike projects.

372 Section 10. Section 339.84, Florida Statutes, is created to
373 read:

374 339.84 Workforce development.—Beginning in the 2023-2024
375 fiscal year and annually thereafter for 5 years, \$5 million
376 shall be allocated to the workforce development program to
377 provide a road and bridge construction workforce development

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378 program as provided in s. 334.044(35) and to promote rewarding
379 career paths in Florida's road and bridge construction industry.

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