

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.