A bill to be entitled
An act relating to transportation; amending s. 20.23, F.S.; revising requirements for determining the salaries of the secretary of the Department of Transportation and assistant secretaries; specifying the secretary's minimum salary; amending s. 119.071, F.S.; revising the time period during which sealed bids, proposals, or replies received by the department pursuant to a competitive solicitation are exempt from public records requirements; amending s. 316.2397, F.S.; authorizing certain vehicles to show or display certain lights under certain circumstances; amending s. 337.14, F.S.; requiring certain contractors to be certified by the department as qualified; revising the financial statements required to accompany an application for certification; prohibiting the department from considering certain financial information; requiring the contractor to submit interim financial statements under certain circumstances; providing requirements for such statements; amending s. 337.195, F.S.; specifying conditions under which limitation on liability of the department for personal injury, property damage, or death applies; amending s. 338.155, F.S.; authorizing the Governor to suspend payment of tolls when
necessary to assist emergency evacuation; providing for automatic reinstatement of tolls; authorizing the Governor to override the automatic reinstatement in extraordinary circumstances; providing an effective date.

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

Section 1. Subsection (1) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1) The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor from among three persons nominated by the Florida Transportation Commission and shall be subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

The secretary shall be a proven, effective administrator who, by a combination of education and experience, shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities.
(c) The secretary shall provide to the Florida Transportation Commission or its staff such assistance, information, and documents as are requested by the commission or its staff to enable the commission to fulfill its duties and responsibilities.

(d) The secretary may appoint up to three assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are assigned by the secretary. The secretary shall designate to an assistant secretary the duties related to enhancing economic prosperity, including, but not limited to, the responsibility of liaison with the head of economic development in the Executive Office of the Governor. Such assistant secretary shall be directly responsible for providing the Executive Office of the Governor with investment opportunities and transportation projects that expand the state's role as a global hub for trade and investment and enhance the supply chain system in the state to process, assemble, and ship goods to markets throughout the eastern United States, Canada, the Caribbean, and Latin America. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.

(a)(e) The any secretary appointed after July 5, 1989, and the assistant secretaries are shall be exempt from the provisions of part III of chapter 110 and shall receive compensation commensurate with their qualifications and
competitive with compensation for comparable responsibility in other public sector organizations and in the private sector. (b) Upon this act becoming a law, the Florida Transportation Commission shall establish and adjust the salary of the secretary according to a market analysis focused on comparably skilled individuals in other public sector organizations, including, but not limited to, expressway authorities, aviation authorities, and port authorities, and on comparably skilled individuals in the private sector. The market analysis shall serve as a basis for ascertaining compensation levels required to retain the secretary in the position within the department and to attract external individuals whose talents can fulfill the department's mission and effect change. Such market analysis shall be updated before the appointment of a new secretary. The salary of the secretary shall be a minimum of $180,000 per year.

Section 2. Paragraph (b) of subsection (1) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(b)1. For purposes of this paragraph, "competitive solicitation" means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of

CODING: Words stricken are deletions; words underlined are additions.
2. Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days, or 90 days for a competitive solicitation under s. 337.11, after opening the bids, proposals, or final replies, whichever is earlier.

3. If an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

Section 3. Subsections (2) and (7) of section 316.2397, Florida Statutes, are amended to read:

316.2397 Certain lights prohibited; exceptions.—
(2) It is expressly prohibited for any vehicle or equipment, except police vehicles, to show or display blue lights, except that:
(a) Police vehicles may show or display blue lights.

(b) However, Vehicles owned, operated, or leased by the Department of Corrections or any county correctional agency may show or display blue lights when responding to emergencies.

(c) Construction vehicles within a work zone on roadways with a posted speed limit of 55 miles per hour or more may show or display flashing blue lights in conjunction with paving operations or where a hazard exists.

(d) Portable radar speed display units in advance of a work zone on roadways with a posted speed limit of 55 miles per hour or more may show or display flashing red and blue lights when workers are present.

(7) Flashing lights are prohibited on vehicles except:

(a) As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;

(b) When a motorist intermittently flashes his or her vehicle's headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so;

(c) During periods of extreme low visibility on roadways with a posted speed limit of 55 miles per hour or more; and

(d) For the lamps authorized under subsections (1), (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which may flash.

Section 4. Subsection (1) of section 337.14, Florida
Statutes, is amended to read:

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

(1) Any contractor desiring to bid for the performance of any construction contract in excess of $250,000 which the department proposes to let must first be certified by the department as qualified pursuant to this section and rules of the department. The rules of the department must address the qualification of contractors to bid on construction contracts in excess of $250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the contractor seeks certification. Any contractor who desires to bid on contracts in excess of $50 million and is not qualified and in good standing with the department as of January 1, 2019, must first be certified by the department as qualified and desires to bid on contracts in excess of $50 million must have satisfactorily completed two projects, each in excess of $15 million, for the department or for any other state department of transportation. The department may limit the dollar amount of any contract upon which a contractor is qualified to bid or the aggregate total dollar volume of contracts such contractor is allowed to have under contract at any one time. Each applying contractor seeking qualification to bid on construction
contracts in excess of $250,000 shall furnish the department a statement under oath, on such forms as the department may prescribe, setting forth detailed information as required on the application. Each application for certification must be accompanied by audited, certified financial statements prepared in accordance with United States generally accepted accounting principles and United States generally accepted auditing standards by a certified public accountant licensed by this state or another state the latest annual financial statement of the applying contractor completed within the last 12 months. The audited, certified financial statements must be for the applying contractor specifically and must have been prepared within the immediately preceding 12 months. The department may not consider any financial information relating to the parent entity of the applying contractor, if any. The department shall not certify as qualified any applying contractor that fails to submit the audited, certified financial statements required by this subsection. If the application or the annual financial statement shows the financial condition of the applying contractor more than 4 months before prior to the date on which the application is received by the department, the applying contractor must also submit interim audited, certified financial statements prepared in accordance with United States generally accepted accounting principles and United States generally accepted auditing standards by a certified public accountant licensed by this state or another state.
state or another state an interim financial statement and an updated application must be submitted. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than 4 months before prior to the date that the interim financial statements are statement is received by the department. However, upon the request of the applying contractor, an application and accompanying annual or interim financial statements statement received by the department within 15 days after either 4-month period under this subsection shall be considered timely. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant. An applying contractor desiring to bid exclusively for the performance of construction contracts with proposed budget estimates of less than $1 million may submit reviewed annual or reviewed interim financial statements prepared by a certified public accountant. The information required by this subsection is confidential and exempt from s. 119.07(1). The department shall act upon the application for qualification within 30 days after the department determines that the application is complete. The department may waive the requirements of this subsection for projects having a contract price of $500,000 or less if the department determines that the project is of a noncritical nature and the waiver will not endanger public health, safety,
Section 5. Subsection (2) of section 337.195, Florida Statutes, is amended to read:

337.195 Limits on liability.—

(2) In all cases involving personal injury, property damage, or death, a contractor who constructs, maintains, or repairs a highway, road, street, bridge, or other transportation facility for the Department of Transportation is not liable to a claimant for personal injury, property damage, or death arising from the performance of the construction, maintenance, or repair if, at the time of the personal injury, property damage, or death, the contractor was in compliance with contract documents material to the condition that was the proximate cause of the personal injury, property damage, or death.

(a) The limitation on liability contained in this subsection applies when the contractor is deemed in compliance with the contract and the Department of Transportation Contractor's Past Performance Rating (CPPR) indicates conformance with the contract documents at the time of the personal injury, property damage, or death.

(b)(a) The limitation on liability contained in this subsection does not apply when the proximate cause of the personal injury, property damage, or death is a latent condition, defect, error, or omission that was created by the contractor and not a defect, error, or omission in the contract.
documents or when the proximate cause of the personal injury, property damage, or death was the contractor's failure to perform, update, or comply with the maintenance of the traffic safety plan as required by the contract documents.

(c) Nothing in This subsection does not relieve the contractor of any obligation to provide the Department of Transportation with written notice of any apparent error or omission in the contract documents.

(d) Nothing in This subsection does not relieve the contractor of any obligation to provide the Department of Transportation with written notice of any apparent error or omission in the contract documents.

(e) This subsection does not affect any claim of any entity against such contractor, which claim is associated with such entity's facilities on or in Department of Transportation roads or other transportation facilities.

Section 6. Paragraph (b) of subsection (1) of section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1)

(b) The Governor or the secretary's designee may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. Such tolls shall automatically be reinstated when the county in which such tolls
are collected resumes a Level 3 activation of the State
Emergency Operations Center. The Governor may override the
automatic reinstatement in extraordinary circumstances.
Section 7. This act shall take effect July 1, 2020.