A bill to be entitled
An act relating to the Department of Transportation;
amending s. 20.23, F.S.; providing additional
qualification requirements for the Secretary of
Transportation; creating s. 334.179, F.S.; prohibiting
local governments from adopting standards or
specifications that are contrary to the department
standards or specifications for permissible use of
aggregates that have been certified for use; defining
the term "certified for use"; amending s. 337.025,
F.S.; authorizing the department to establish a
program for transportation projects that demonstrate
certain innovative techniques for measuring resiliency
and structural integrity and controlling time and cost
increases; amending s. 337.14, F.S.; requiring any
contractor, instead of any person, desiring to bid for
the performance of certain construction contracts to
first be certified by the department as qualified;
conforming provisions to changes made by the act;
requiring a contractor desiring to bid on certain
contracts to have satisfactorily completed certain
projects; amending s. 337.185, F.S.; revising the
maximum amounts per contract of certain contractual
claims that must be arbitrated by the State
Arbitration Board under certain circumstances;
providing an effective date.

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

Section 1. Paragraph (b) of 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)

(b) The secretary must be a proven, effective administrator who, by a combination of education and experience, clearly possesses a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities. The secretary must be a professional engineer licensed under chapter 471 or the laws of another state or, in lieu of such licensure, must:

1. Hold an advanced degree in a related discipline, such as a Master of Business Administration, and have 5 years of relevant transportation experience; or

2. Have 10 years of relevant transportation experience.

Section 2. Section 334.179, Florida Statutes, is created to read:
334.179 Department standards or specifications for permissible use of aggregates.—Notwithstanding any law, rule, or ordinance to the contrary, a local government may not adopt standards or specifications that are contrary to the department standards or specifications for permissible use of aggregates that have been certified for use. For purposes of this section, the term "certified for use" means that the aggregates have been certified by the producer in accordance with department rules.

Section 3. Subsection (1) of section 337.025, Florida Statutes, is amended to read:

337.025 Innovative transportation highway projects; department to establish program.—

(1) The department may is authorized to establish a program for transportation highway projects demonstrating innovative techniques of highway and bridge design, construction, maintenance, and finance which have the intended effect of measuring resiliency and structural integrity and controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process
to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, before prior to using an innovative technique that is inconsistent with another provision of law, the department must document in writing the need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than $120 million in contracts annually for the purposes authorized by this section.

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 person 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 shall address the qualification of contractors persons to bid on construction contracts in excess of $250,000 and must shall include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of
the applying contractor which are applicant necessary to perform
the specific class of work for which the contractor person seeks
certification. Any contractor desiring to bid on contracts in
excess of $50 million must have satisfactorily completed two
projects, each in excess of $25 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 person is qualified to bid or the aggregate total
dollar volume of contracts such contractor person is allowed to
have under contract at any one time. Each applying contractor
applicant 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 shall be
accompanied by the latest annual financial statement of the
applying contractor applicant completed within the last 12
months. If the application or the annual financial statement
shows the financial condition of the applying contractor
applicant more than 4 months prior to the date on which the
application is received by the department, then an interim
financial statement and an updated application must be submitted
and be accompanied by an updated application. 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 applicant no more than 4 months prior to the date that the interim financial statement is received by the department. However, upon the request of by the applying contractor applicant, an application and accompanying annual or interim financial 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 applicant 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 the provisions of 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, or property.

Section 5. Subsection (1) of section 337.185, Florida Statutes, is amended to read:

337.185  State Arbitration Board.—
(1) To facilitate the prompt settlement of claims for additional compensation arising out of construction and maintenance contracts between the department and the various contractors with whom it transacts business, the Legislature does hereby establish the State Arbitration Board, referred to in this section as the "board." For the purpose of this section, the term "claim" means the aggregate of all outstanding claims by a party arising out of a construction or maintenance contract. Every contractual claim in an amount up to $250,000 per contract or, at the claimant's option, up to $1 million per contract or, upon agreement of the parties, up to $2 million per contract which cannot be resolved by negotiation between the department and the contractor must be arbitrated by the board after acceptance of the project by the department. As an exception, either party to the dispute may request that the claim be submitted to binding private arbitration. A court of law may not consider the settlement of such a claim until the process established by this section has been exhausted.

Section 6. This act shall take effect July 1, 2019.