

26 | satisfactorily completed certain projects; prohibiting
 27 | a local governmental entity from contracting with a
 28 | single entity for the performance of certain services
 29 | for certain projects funded by the department;
 30 | providing an exception; amending s. 337.185, F.S.;
 31 | revising the maximum amounts per contract of certain
 32 | contractual claims that must be arbitrated by the
 33 | State Arbitration Board under certain circumstances;
 34 | amending s. 338.26, F.S.; revising provisions of an
 35 | interlocal agreement for use of specified fees to
 36 | reimburse a local governmental entity for the direct
 37 | actual costs of operating a specified fire station;
 38 | requiring a contribution by the local governmental
 39 | entity; providing for the transfer of specified
 40 | equipment; providing an effective date.

41 |

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

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44 | Section 1. Section 334.179, Florida Statutes, is created
 45 | to read:

46 | 334.179 Department standards or specifications for
 47 | permissible use of aggregates.—Notwithstanding any law, rule, or
 48 | ordinance to the contrary, a local government may not adopt
 49 | standards or specifications that are contrary to the department
 50 | standards or specifications for permissible use of aggregates

51 that have been certified for use. For purposes of this section,
52 the term "certified for use" means that the aggregates have been
53 certified by the producer in accordance with department rules.
54 This section does not apply to a multicounty independent special
55 district created by a special act of the Legislature.

56 Section 2. Subsection (5) of section 336.044, Florida
57 Statutes, is renumbered as subsection (6), and a new subsection
58 (5) is added to that section to read:

59 336.044 Use of recyclable materials in construction.—

60 (5) Notwithstanding any law, rule, or ordinance to the
61 contrary, a local governmental entity may not adopt standards or
62 specifications that are contrary to the department standards or
63 specifications for permissible use of reclaimed asphalt pavement
64 material in construction. Such material may not be considered
65 solid waste.

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

68 337.025 Innovative transportation ~~highway~~ projects;
69 department to establish program.—

70 (1) The department may ~~is authorized to~~ establish a
71 program for transportation ~~highway~~ projects demonstrating
72 innovative techniques of highway and bridge design,
73 construction, maintenance, and finance which have the intended
74 effect of measuring resiliency and structural integrity and
75 controlling time and cost increases on construction projects.

76 Such techniques may include, but are not limited to, state-of-
77 the-art technology for pavement, safety, and other aspects of
78 highway and bridge design, construction, and maintenance;
79 innovative bidding and financing techniques; accelerated
80 construction procedures; and those techniques that have the
81 potential to reduce project life cycle costs. To the maximum
82 extent practical, the department must use the existing process
83 to award and administer construction and maintenance contracts.
84 When specific innovative techniques are to be used, the
85 department is not required to adhere to those provisions of law
86 that would prevent, preclude, or in any way prohibit the
87 department from using the innovative technique. However, before
88 ~~prior to~~ using an innovative technique that is inconsistent with
89 another provision of law, the department must document in
90 writing the need for the exception and identify what benefits
91 the traveling public and the affected community are anticipated
92 to receive. The department may enter into no more than \$120
93 million in contracts annually for the purposes authorized by
94 this section.

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

97 337.14 Application for qualification; certificate of
98 qualification; restrictions; request for hearing.—

99 (1) Any contractor ~~person~~ desiring to bid for the
100 performance of any construction contract in excess of \$250,000

101 | which the department proposes to let must first be certified by
102 | the department as qualified pursuant to this section and rules
103 | of the department. The rules of the department must ~~shall~~
104 | address the qualification of contractors ~~persons~~ to bid on
105 | construction contracts in excess of \$250,000 and must ~~shall~~
106 | include requirements with respect to the equipment, past record,
107 | experience, financial resources, and organizational personnel of
108 | the applying contractor which are ~~applicant~~ necessary to perform
109 | the specific class of work for which the contractor ~~person~~ seeks
110 | certification. Any contractor who is not qualified and in good
111 | standing with the department as of January 1, 2019, and desires
112 | to bid on contracts in excess of \$50 million must have
113 | satisfactorily completed two projects, each in excess of \$15
114 | million, for the department or for any other state department of
115 | transportation. The department may limit the dollar amount of
116 | any contract upon which a contractor ~~person~~ is qualified to bid
117 | or the aggregate total dollar volume of contracts such
118 | contractor ~~person~~ is allowed to have under contract at any one
119 | time. Each applying contractor ~~applicant~~ seeking qualification
120 | to bid on construction contracts in excess of \$250,000 shall
121 | furnish the department a statement under oath, on such forms as
122 | the department may prescribe, setting forth detailed information
123 | as required on the application. Each application for
124 | certification must ~~shall~~ be accompanied by the latest annual
125 | financial statement of the applying contractor ~~applicant~~

126 completed within the last 12 months. If the application or the
127 annual financial statement shows the financial condition of the
128 applying contractor applicant more than 4 months prior to the
129 date on which the application is received by the department,
130 ~~then~~ an interim financial statement and an updated application
131 must be submitted ~~and be accompanied by an updated application~~.
132 The interim financial statement must cover the period from the
133 end date of the annual statement and must show the financial
134 condition of the applying contractor applicant no more than 4
135 months prior to the date that the interim financial statement is
136 received by the department. However, upon the request of ~~by~~ the
137 applying contractor applicant, an application and accompanying
138 annual or interim financial statement received by the department
139 within 15 days after either 4-month period under this subsection
140 shall be considered timely. Each required annual or interim
141 financial statement must be audited and accompanied by the
142 opinion of a certified public accountant. An applying contractor
143 ~~applicant~~ desiring to bid exclusively for the performance of
144 construction contracts with proposed budget estimates of less
145 than \$1 million may submit reviewed annual or reviewed interim
146 financial statements prepared by a certified public accountant.
147 The information required by this subsection is confidential and
148 exempt from ~~the provisions of~~ s. 119.07(1). The department shall
149 act upon the application for qualification within 30 days after
150 the department determines that the application is complete. The

151 department may waive the requirements of this subsection for
152 projects having a contract price of \$500,000 or less if the
153 department determines that the project is of a noncritical
154 nature and the waiver will not endanger public health, safety,
155 or property.

156 (7) A "contractor" as defined in s. 337.165(1)(d) or his
157 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
158 the department under this section may not also qualify under s.
159 287.055 or s. 337.105 to provide testing services, construction,
160 engineering, and inspection services to the department. This
161 limitation does not apply to any design-build prequalification
162 under s. 337.11(7) and does not apply when the department
163 otherwise determines by written order entered at least 30 days
164 before advertisement that the limitation is not in the best
165 interests of the public with respect to a particular contract
166 for testing services, construction, engineering, and inspection
167 services. This subsection does not authorize a contractor to
168 provide testing services, or provide construction, engineering,
169 and inspection services, to the department in connection with a
170 construction contract under which the contractor is performing
171 any work. Notwithstanding any other provision of law to the
172 contrary, for a project that is wholly or partially funded by
173 the department and administered by a local governmental entity,
174 except for a seaport listed in s. 311.09, the entity performing
175 design and construction engineering and inspection services may

176 | not be the same entity.

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

179 | 337.185 State Arbitration Board.—

180 | (1) To facilitate the prompt settlement of claims for
181 | additional compensation arising out of construction and
182 | maintenance contracts between the department and the various
183 | contractors with whom it transacts business, the Legislature
184 | does hereby establish the State Arbitration Board, referred to
185 | in this section as the "board." For the purpose of this section,
186 | the term "claim" means the aggregate of all outstanding claims
187 | by a party arising out of a construction or maintenance
188 | contract. Every contractual claim in an amount up to \$250,000
189 | per contract or, at the claimant's option, up to \$1 million
190 | ~~\$500,000~~ per contract or, upon agreement of the parties, up to
191 | \$2 million ~~\$1 million~~ per contract which ~~that~~ cannot be resolved
192 | by negotiation between the department and the contractor must
193 | ~~shall~~ be arbitrated by the board after acceptance of the project
194 | by the department. As an exception, either party to the dispute
195 | may request that the claim be submitted to binding private
196 | arbitration. A court of law may not consider the settlement of
197 | such a claim until the process established by this section has
198 | been exhausted.

199 | Section 6. Paragraph (a) of subsection (3) of section
200 | 338.26, Florida Statutes, is amended to read:

201 338.26 Alligator Alley toll road.—
 202 (3) (a) Fees generated from tolls shall be deposited in the
 203 State Transportation Trust Fund and shall be used:
 204 1. To reimburse outstanding contractual obligations;
 205 2. To operate and maintain the highway and toll
 206 facilities, including reconstruction and restoration;
 207 3. To pay for those projects that are funded with
 208 Alligator Alley toll revenues and that are contained in the
 209 1993-1994 adopted work program or the 1994-1995 tentative work
 210 program submitted to the Legislature on February 22, 1994; and
 211 4. By interlocal agreement effective July 1, 2019 ~~2014~~,
 212 through no later than June 30, 2027 ~~2019~~, to reimburse a ~~county~~
 213 ~~or another~~ local governmental entity for the direct actual costs
 214 of operating the fire station at mile marker 63 on Alligator
 215 Alley, which shall ~~may~~ be used by the ~~a county or another~~ local
 216 governmental entity to provide fire, rescue, and emergency
 217 management services exclusively to the public on Alligator
 218 Alley. The local governmental entity must contribute 10 percent
 219 of the direct actual operating costs. The amount of
 220 reimbursement to the local governmental entity may not exceed
 221 \$1.4 million in any state fiscal year. At the end of the term of
 222 the interlocal agreement, the ownership and title of all fire,
 223 rescue, and emergency equipment used at the fire station during
 224 the term of the interlocal agreement transfers to the state.
 225 Section 7. This act shall take effect July 1, 2019.