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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Lee) recommended the following:

Senate Amendment (with title amendment)

Between lines 398 and 399

insert:

Section 11. Subsection (7) of section 337.14, Florida
Statutes, is amended to read:

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

(7) (a) A "contractor" as defined in s. 337.165(1) (d) or his
or her "affiliate" as defined in s. 337.165(1) (a) qualified with



11 the department under this section may not also qualify under s.
12 287.055 or s. 337.105 to provide testing services, construction,
13 engineering, and inspection services to the department. This
14 limitation does not apply to any design-build prequalification
15 under s. 337.11(7) and does not apply when the department
16 otherwise determines by written order entered at least 30 days
17 before advertisement that the limitation is not in the best
18 interests of the public with respect to a particular contract
19 for testing services, construction, engineering, and inspection
20 services. This subsection does not authorize a contractor to
21 provide testing services, or provide construction, engineering,
22 and inspection services, to the department in connection with a
23 construction contract under which the contractor is performing
24 any work.

25 (b) Notwithstanding any other provision of law to the
26 contrary, for a project that is wholly or partially funded by
27 the department and administered by a local governmental entity,
28 except for a seaport listed in s. 311.09 or an airport as
29 defined in s. 332.004, the entity performing design and
30 construction engineering and inspection services may not be the
31 same entity.

32 1. By January 1, 2021, each seaport and airport shall adopt
33 necessary controls for oversight and prevention of conflicts of
34 interest when an entity is engaged to provide design services
35 and to provide construction engineering and inspection services
36 for the same seaport or airport project.

37 2. Conflict of interest controls must, at a minimum,
38 address:

39 a. Conflict of interest guidance and policies for



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40 contracting entities.
41 b. Conflict of interest identification, disclosure, and
42 mitigation requirements for both the seaport or airport staff
43 and the entity's staff.
44 c. Management and oversight resources and guidance.
45 d. Monitoring and evaluating compliance with applicable
46 federal and state laws and regulations.
47 e. Training requirements and programs for seaport or
48 airport staff and the entity's staff on contract management.
49 3. Conflict of interest controls required by subparagraphs
50 1. and 2. shall be incorporated by reference into any contract
51 entered into by a seaport or an airport under this paragraph.
52 The contract must also clearly define each contracting party's
53 roles, responsibilities, and duties for a project.
54 4. The requirements of this paragraph apply only to
55 contracts executed after January 1, 2021, under which an entity
56 is providing design services and construction engineering and
57 inspection services on the same project.
58 5. Upon the request of a seaport or an airport, the
59 department may provide technical assistance in developing the
60 conflict of interest controls required by this paragraph.

61
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:
64 Between lines 43 and 44
65 insert:
66 amending s. 337.14, F.S.; expanding an exception to a
67 certain prohibition on contracting to include airport
68 projects; requiring seaports and airports, by a



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69 specified date, to adopt conflict of interest
70 controls; specifying requirements for such controls;
71 requiring that such controls be incorporated by
72 reference in certain contracts entered into by
73 seaports and airports; providing applicability;
74 authorizing the department to provide technical
75 assistance upon the request of a seaport or an
76 airport;