



316282

LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 206.46, Florida
Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(3) Unless otherwise specified in the General
Appropriations Act, each fiscal year, at least a minimum of 15
percent but not more than 25 percent of all state revenues



316282

11 deposited into the State Transportation Trust Fund, excluding
12 state revenues used for matching federal grants, shall be
13 committed annually by the department for public transportation
14 projects in accordance with chapter 311, ss. 332.003-332.007,
15 chapter 341, and chapter 343.

16 Section 2. Section 337.025, Florida Statutes, is amended to
17 read:

18 337.025 Innovative transportation projects; department to
19 establish program.—

20 (1) The department may establish a program for
21 transportation projects demonstrating innovative techniques of
22 highway and bridge design, construction, maintenance, and
23 finance which have the intended effect of measuring resiliency
24 and structural integrity and controlling time and cost increases
25 on construction projects. Such techniques may include, but are
26 not limited to, state-of-the-art technology for pavement,
27 safety, and other aspects of highway and bridge design,
28 construction, and maintenance; innovative bidding and financing
29 techniques; progressive design-build contracts; accelerated
30 construction procedures; and those techniques that have the
31 potential to reduce project life cycle costs. To the maximum
32 extent practical, the department must use the existing process
33 to award and administer construction and maintenance contracts.
34 When specific innovative techniques are to be used, the
35 department is not required to adhere to those provisions of law
36 that would prevent, preclude, or in any way prohibit the
37 department from using the innovative technique. However, before
38 using an innovative technique that is inconsistent with another
39 provision of law, the department must document in writing the



316282

40 need for the exception and identify what benefits the traveling
41 public and the affected community are anticipated to receive.
42 The department may enter into no more than \$120 million in
43 contracts awarded annually for the purposes authorized by this
44 section.

45 (2) The annual cap on contracts provided in subsection (1)
46 does not apply to:

47 (a) Turnpike enterprise projects.

48 (b) Progressive design-build contracts for complex, high-
49 risk projects with a minimum contract value of \$250 million ~~Low-~~
50 ~~bid design-build milling and resurfacing contracts.~~

51 Section 3. Subsection (7) of section 337.11, Florida
52 Statutes, is amended to read:

53 337.11 Contracting authority of department; bids; emergency
54 repairs, supplemental agreements, and change orders; combined
55 design and construction contracts; progress payments; records;
56 requirements of vehicle registration.-

57 (7) (a) If the department determines that it is in the best
58 interests of the public, the department may combine the design
59 and construction phases of a ~~building, a major bridge, a limited~~
60 ~~access facility, or a rail corridor~~ project into a single
61 contract. Such contract is referred to as a design-build
62 contract.

63 (b) If the department determines that it is in the best
64 interests of the public, the department may combine the design
65 and construction phases of a project into a single contract and
66 select the design-build firm in the early stages of a project to
67 ensure that the design-build firm is part of the collaboration
68 and development of the design as part of a step-by-step



316282

69 progression through construction. Such contract is referred to
70 as a progressive design-build contract. For progressive design-
71 build contracts, the selection and award processes must include
72 a two-phase process. For phase one, the department shall
73 competitively award the contract to a design-build firm based
74 upon qualifications. For phase two, the design-build firm shall
75 competitively bid construction trade subcontractor packages and,
76 based upon these bids, negotiate with the department a fixed
77 firm price or guaranteed maximum price that meets the project
78 budget and scope as advertised in the request for
79 qualifications.

80 (c) Design-build contracts and progressive design-build
81 contracts may be advertised and awarded notwithstanding the
82 requirements of paragraph (3)(c). However, construction
83 activities may not begin on any portion of such projects for
84 which the department has not yet obtained title to the necessary
85 rights-of-way and easements for the construction of that portion
86 of the project has vested in the state or a local governmental
87 entity and all railroad crossing and utility agreements have
88 been executed. Title to rights-of-way shall be deemed to have
89 vested in the state when the title has been dedicated to the
90 public or acquired by prescription.

91 (d) ~~(b)~~ The department shall adopt by rule procedures for
92 administering design-build contracts and progressive design-
93 build contracts. Such procedures shall include, but not be
94 limited to:

- 95 1. Prequalification requirements.
- 96 2. Public announcement procedures.
- 97 3. Scope of service requirements.



316282

- 98 4. Letters of interest requirements.
- 99 5. Short-listing criteria and procedures.
- 100 6. Bid proposal requirements.
- 101 7. Technical review committee.
- 102 8. Selection and award processes.
- 103 9. Stipend requirements.

104 ~~(e)-(e)~~ The department must receive at least three letters
105 of interest in order to proceed with a request for proposals.
106 The department shall request proposals from no fewer than three
107 of the design-build firms submitting letters of interest. If a
108 design-build firm withdraws from consideration after the
109 department requests proposals, the department may continue if at
110 least two proposals are received.

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

113 337.14 Application for qualification; certificate of
114 qualification; restrictions; request for hearing.—

115 (4) If the applicant is found to possess the prescribed
116 qualifications, the department shall issue to him or her a
117 certificate of qualification that, unless thereafter revoked by
118 the department for good cause, will be valid for a period of 18
119 months after the date of the applicant's financial statement or
120 such shorter period as the department prescribes. Submission of
121 an application does and ~~subsequent approval do~~ not affect
122 expiration of the certificate of qualification, ~~the ability~~
123 ~~factor of the applicant, or the maximum capacity rating of the~~
124 ~~applicant.~~ An applicant may submit a written request with a
125 timely submitted application to keep an existing certificate of
126 qualification in place until the expiration date. If the request



316282

127 is approved by the department, the current maximum capacity
128 rating of the applicant must remain in place until expiration of
129 the current certificate of qualification. If the department
130 finds that an application is incomplete or contains inadequate
131 information or information that cannot be verified, the
132 department may request in writing that the applicant provide the
133 necessary information to complete the application or provide the
134 source from which any information in the application may be
135 verified. If the applicant fails to comply with the initial
136 written request within a reasonable period of time as specified
137 therein, the department shall request the information a second
138 time. If the applicant fails to comply with the second request
139 within a reasonable period of time as specified therein, the
140 application shall be denied.

141 Section 5. Section 337.168, Florida Statutes, is amended to
142 read:

143 337.168 Confidentiality of official estimates, ~~identities~~
144 ~~of potential bidders,~~ and bid analysis and monitoring system.-

145 (1) A document or electronic file revealing the official
146 cost estimate of the department of a project is confidential and
147 exempt from the provisions of s. 119.07(1) until the contract
148 for the project has been executed or until the project is no
149 longer under active consideration.

150 (2) ~~A document that reveals the identity of a person who~~
151 ~~has requested or obtained a bid package, plan, or specifications~~
152 ~~pertaining to any project to be let by the department is~~
153 ~~confidential and exempt from the provisions of s. 119.07(1) for~~
154 ~~the period that begins 2 working days before the deadline for~~
155 ~~obtaining bid packages, plans, or specifications and ends with~~



316282

156 ~~the letting of the bid. A document that reveals the identity of~~
157 ~~a person who has requested or obtained a bid package, plan, or~~
158 ~~specifications pertaining to any project to be let by the~~
159 ~~department before the 2 working days before the deadline for~~
160 ~~obtaining bid packages, plans, or specifications remains a~~
161 ~~public record subject to s. 119.07(1).~~

162 ~~(3)~~ The bid analysis and monitoring system of the
163 department is confidential and exempt from the provisions of s.
164 119.07(1). This exemption applies to all system documentation,
165 input, computer processes and programs, electronic data files,
166 and output, but does not apply to the actual source documents,
167 unless otherwise exempted under other provisions of law.

168 Section 6. This act shall take effect July 1, 2022.

170 ===== T I T L E A M E N D M E N T =====

171 And the title is amended as follows:

172 Delete everything before the enacting clause
173 and insert:

174 A bill to be entitled
175 An act relating to transportation projects; amending
176 s. 206.46, F.S.; revising the requirement for the
177 annual commitment of State Transportation Trust Fund
178 revenues for public transportation projects by the
179 Department of Transportation; amending s. 337.025,
180 F.S.; providing that the department's program for
181 innovative transportation projects may include
182 progressive design-build contracts; revising contracts
183 exempt from a specified annual monetary cap on
184 contracts; amending s. 337.11, F.S.; revising the



316282

185 department's authority relating to design-build
186 contracts; authorizing the department to enter into a
187 progressive design-build contract if it makes a
188 certain determination; providing procedures and
189 requirements for progressive design-build contracts;
190 exempting progressive design-build contracts from
191 certain requirements; requiring the department to
192 adopt rules; amending s. 337.14, F.S.; revising
193 procedures relating to certificates of qualification
194 issued by the department to construction contractors
195 seeking certification to bid on certain contracts;
196 amending s. 337.168, F.S.; deleting a public records
197 exemption for certain documents revealing the identity
198 of a potential bidder; providing an effective date.