

Committee Substitute for Senate Bill No. 24-B

An act relating to construction of transportation facilities; amending s. 337.107, F.S.; allowing the Department of Transportation, until July 1, 2003, to include right-of-way services as part of design-build contracts; amending s. 337.11, F.S.; broadening, until July 1, 2003, the list of transportation projects that may be awarded as design-build contracts; specifying that construction of any portion of a project under a design-build contract may not begin until title to the necessary rights-of-way and easements for that portion has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed; providing an effective date.

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

Section 1. Section 337.107, Florida Statutes, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities, or the department may include right-of-way services as part of design-build contracts awarded pursuant to s. 337.11. Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 2. Paragraph (a) of subsection (7) of section 337.11, Florida Statutes, is amended to read:

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

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the right-of-way services and design and construction phases of ~~any a building, a major bridge, or a rail corridor~~ project into a single contract, except for a resurfacing or minor bridge project the right-of-way services and design and construction phases of which may be combined under s. 337.025. Such contract is referred to as a design-build contract. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title until title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.

Section 3. Effective July 1, 2003, section 337.107, Florida Statutes, as amended by this act, is amended to read:

337.107 Contracts for right-of-way services.—The department may enter into contracts pursuant to s. 287.055 for right-of-way services on transportation corridors and transportation facilities, ~~or the department may include right-of-way services as part of design-build contracts awarded pursuant to s. 337.11.~~ Right-of-way services include negotiation and acquisition services, appraisal services, demolition and removal of improvements, and asbestos-abatement services.

Section 4. Effective July 1, 2003, paragraph (a) of subsection (7) of section 337.11, Florida Statutes, as amended by this act, is amended to read:

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

(7)(a) If the head of the department determines that it is in the best interests of the public, the department may combine the ~~right-of-way services and~~ design and construction phases of a building, a major bridge, or a rail corridor any project into a single contract, ~~except for a resurfacing or minor bridge project the right-of-way services and design and construction phases of which may be combined under s. 337.025.~~ Such contract is referred to as a design-build contract. ~~Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title until title to the necessary rights of way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the public or acquired by prescription.~~

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor November 28, 2001.

Filed in Office Secretary of State November 28, 2001.