

CHAPTER 2021-188

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1194

An act relating to transportation; creating s. 177.107, F.S.; authorizing governing bodies of municipalities and counties to abandon and convey their interests in certain roads and rights-of-way dedicated in a recorded residential subdivision plat to community development districts under specified conditions; specifying duties for community development districts relating to such roads and rights-of-way; providing for traffic control jurisdiction of such roads; specifying that the community development district has all rights, title, and interest in such roads and rights-of-way upon abandonment and conveyance; requiring community development districts to thereafter hold such roads and rights-of-way in trust; providing construction; creating s. 287.05705, F.S.; providing that certain governmental entities may not prohibit certain vendors from responding to competitive solicitations of certain contractual services; providing applicability; amending s. 316.2397, F.S.; revising provisions authorizing vehicles and equipment to show or display flashing lights; amending s. 318.18, F.S.; providing fines for certain violations relating to motor vehicle noise abatement equipment modifications; amending s. 319.30, F.S.; revising conditions under which insurance companies are authorized to receive salvage certificates of title or certificates of destruction for motor vehicles and mobile homes from the Department of Highway Safety and Motor Vehicles; amending s. 320.06, F.S.; clarifying that certain rental vehicles are authorized to elect a permanent registration period; amending s. 320.27, F.S.; requiring motor vehicle dealer licensees to deliver copies of renewed, continued, changed, or new insurance policies to the department within specified timeframes under certain conditions; requiring such licensees to deliver copies of renewed, continued, changed, or new surety bonds or irrevocable letters of credit to the department within specified timeframes under certain conditions; amending s. 337.025, F.S.; revising the type of transportation project contracts that are subject to an annual cap; creating s. 337.0262, F.S.; prohibiting the Department of Transportation and contractors and subcontractors of the department from purchasing specified substances from a borrow pit unless specified conditions are satisfied; requiring certain contracts, subcontracts, and purchase orders to require compliance with the prohibition; requiring the department to cease acceptance of substances from a borrow pit under certain conditions; authorizing the department to resume acceptance of such substances under certain conditions; amending s. 337.14, F.S.; requiring contractors wishing to bid on certain contracts to first be certified by the department as qualified; revising requirements for applying for and issuing a certificate of qualification; providing construction with respect to submission and approval of an application for such certificate; exempting airports from certain restrictions regarding entities performing engineering and inspection services; amending s. 337.185,

F.S.; revising and providing definitions; revising requirements for arbitration of certain contracts by the State Arbitration Board; revising requirements regarding arbitration requests, hearings, procedures, and awards; revising membership and meeting requirements; revising compensation of board members; amending s. 338.166, F.S.; requiring that specified toll revenue be used to support certain public transportation projects; amending s. 339.175, F.S.; deleting a provision prohibiting certain metropolitan planning organizations from assessing any fees for municipalities, counties, or other governmental entities that are members of the organization; renaming the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee; deleting a requirement that the Tampa Bay Area Regional Transit Authority provide the committee with administrative support and direction; amending s. 343.92, F.S.; providing that a mayor's designated alternate may be a member of the governing board of the authority; requiring that the alternate be an elected member of the city council of the mayor's municipality and be approved by the municipality's city council; requiring a mayor's designated alternate to attend meetings under certain circumstances, in which case the alternate has full voting rights; providing that a simple majority of board members constitutes a quorum and that a simple majority of those members present is necessary for any action to be taken; deleting obsolete language; amending s. 343.922, F.S.; revising a provision requiring the authority to present the regional transit development plan and updates to specified entities; deleting a provision requiring that the authority coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives; deleting a provision requiring that the authority provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee; repealing part III of ch. 343, F.S., relating to the creation and operation of the Northwest Florida Transportation Corridor Authority; creating s. 311.25, F.S.; prohibiting a local ballot initiative or referendum from restricting maritime commerce in the seaports of this state; providing that such a local ballot initiative, referendum, or action adopted therein is prohibited, void, and expressly preempted to the state; providing for severability; amending s. 348.0304, F.S.; revising membership of the governing body of the Greater Miami Expressway Agency; amending s. 348.754, F.S.; prohibiting the Central Florida Expressway Authority from constructing any extensions, additions, or improvements to the Central Florida Expressway System in Lake County without prior consultation with, rather than consent of, the Secretary of Transportation; amending s. 349.04, F.S.; revising a limitation on the terms of leases that the Jacksonville Transportation Authority may enter into and make; amending s. 378.403, F.S.; defining the term "borrow pit"; amending s. 378.801, F.S.; prohibiting operation of a borrow pit at a new location without notifying the Secretary of Environmental Protection of the intent to extract; conforming provisions to changes made by the act; amending s.

378.802, F.S.; revising application of provisions to exclude existing locations; amending s. 479.07, F.S.; requiring the department to create and implement a publicly accessible electronic database for sign permit information; specifying requirements for the database; prohibiting the department from furnishing permanent metal permit tags or replacement tags and from enforcing specified provisions once the department creates and implements the database; specifying that permittees are not required to return permit tags to the department once the department creates and implements the database; dissolving the Northwest Florida Transportation Corridor Authority and requiring the authority to discharge its liabilities, settle and close its activities and affairs, and provide for the distribution of the authority's assets; providing an effective date.

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

Section 1. Section 177.107, Florida Statutes, is created to read:

177.107 Closing and abandonment of roads; optional conveyance to a community development district; traffic control jurisdiction.—

(1) The governing body of a municipality or county may abandon the roads and rights-of-way dedicated in a recorded residential subdivision plat and simultaneously convey the municipality's or county's interest in such roads, rights-of-way, and appurtenant drainage facilities to a community development district established under chapter 190 in which the subdivision is located, if all of the following conditions are met:

(a) The community development district has requested the abandonment and conveyance by written resolution for the purpose of converting the subdivision to a gated neighborhood with monitored public access.

(b) The community development district has received approval for the conveyance by a vote of two-thirds of the landowners who are subject to the non-ad valorem assessments of the community development district and who are present by person or proxy at a properly noticed landowners meeting.

(c) The community development district has executed an interlocal agreement with the municipality or county, as applicable, requiring the community development district to do all of the following:

1. Maintain the roads and any associated drainage, street lighting, or sidewalks identified in the interlocal agreement to municipal or county standards, as applicable.

2. Every 5 years, conduct a reserve study of the roads and any associated drainage, street lighting, or sidewalks identified in the interlocal agreement.

3. Levy annual special assessments in amounts sufficient to maintain the roads and any drainage, street lighting, or sidewalks identified in the interlocal agreement to municipal or county standards, as applicable.

4. Annually fund the amounts set forth in the reserve study.

(2) The community development district shall install, operate, maintain, repair, and replace all signs, signals, markings, striping, guardrails, and other traffic control devices necessary or useful for the roads unless an agreement has been entered into between the municipality or county and the community development district, as authorized under s. 316.006(2)(b) and (3)(b), respectively, expressly providing that the municipality or county has traffic control jurisdiction.

(3) Upon abandonment of the roads and rights-of-way and the conveyance thereof to the community development district, the community development district shall have all the rights, title, and interest in the roads and rights-of-way, including all appurtenant drainage facilities, as were previously vested in the municipality or county. Thereafter, the community development district shall hold the roads and rights-of-way in trust for the benefit of the public and owners of the property in the subdivision and shall operate, maintain, repair, and from time to time replace and reconstruct the roads and any associated street lighting, sidewalks, or drainage facilities identified in the interlocal agreement as necessary to ensure their use and enjoyment by the public and property owners, tenants, and residents of the subdivision and their guests and invitees.

(4) The provisions of this section are supplemental and additional to the powers of municipalities and counties.

Section 2. Section 287.05705, Florida Statutes, is created to read:

287.05705 Procurements of road, bridge, and other specified public construction services.—

(1) With respect to competitive solicitations for the procurement of contractual services that are limited to the classes of work for which the Department of Transportation issues certificates of qualification pursuant to s. 337.14, and which services do not involve the construction, remodeling, repair, or improvement of any building, a governmental entity procuring such services may not prohibit a response from a vendor possessing a valid certificate of qualification under s. 337.14 or license under chapter 489 corresponding to the contractual services being procured.

(2) This section applies to all competitive solicitations issued by a governmental entity on or after October 1, 2021.

Section 3. Subsections (5) and (7) of section 316.2397, Florida Statutes, are amended to read:

316.2397 Certain lights prohibited; exceptions.—

(5) Road maintenance and construction equipment and vehicles may display flashing white lights or flashing white strobe lights when in operation and where a hazard exists. Construction equipment in a work zone on roadways with a posted speed limit of 55 miles per hour or higher may show or display a combination of flashing green, amber, and red lights in conjunction with periods when workers are present. Additionally, school buses and vehicles that are used to transport farm workers may display flashing white strobe lights.

(7) Flashing lights are prohibited on vehicles except:

(a) As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;

(b) When a motorist intermittently flashes his or her vehicle’s head-lamps at an oncoming vehicle notwithstanding the motorist’s intent for doing so;

(c) During periods of extremely low visibility on roadways with a posted speed limit of 55 miles per hour or higher; and

(d)(e) For the lamps authorized under subsections (1), (2), (3), (4), and (9), s. 316.2065, or s. 316.235(6) which may flash.

Section 4. Subsection (23) is added to section 318.18, Florida Statutes, to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(23) In addition to any penalties imposed, a fine of \$200 for a first offense and a fine of \$500 for a second or subsequent offense for a violation of s. 316.293(5).

Section 5. Paragraph (b) of subsection (3) of section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(3)

(b) The owner, including persons who are self-insured, of a motor vehicle or mobile home that is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System, and, within 72 hours after receiving such

certificate of title, forward such title by the United States Postal Service, by another commercial delivery service, or by electronic means, when such means are made available by the department, to the department for processing. The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the department. Effective January 1, 2020:

1. Thirty days after payment of a claim for compensation pursuant to this paragraph, the insurance company may receive a salvage certificate of title or certificate of destruction from the department if the insurance company is unable to obtain a properly assigned certificate of title from the owner or lienholder of the motor vehicle or mobile home, if the motor vehicle or mobile home does not carry an electronic lien on the title and the insurance company:

a. Has obtained the release of all liens on the motor vehicle or mobile home;

b. Has attested on a form provided by the department that provided proof of payment of the total loss claim has been distributed; and

c. Has attested on a form provided by the department and provided an affidavit on letterhead signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail. The form affidavit must include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company's name due to payment of a total loss claim to the owner or lienholder. The attempts to contact the owner may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner's or lienholder's last known address.

2. If the owner or lienholder is notified of the request for title in person, the insurance company must provide an affidavit attesting to the in-person request for a certificate of title.

3. The request to the owner or lienholder for the certificate of title must include a complete description of the motor vehicle or mobile home and the statement that a total loss claim has been paid on the motor vehicle or mobile home.

Section 6. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, as amended by section 1 of chapter 2020-181, Laws of Florida, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period. Rental vehicles taxed pursuant to s. 320.08(6)(a) may elect a permanent registration period, provided payment of the appropriate license taxes and fees occurs annually. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

2. In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

Section 7. Subsection (3) and paragraph (a) of subsection (10) of section 320.27, Florida Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(3) APPLICATION AND FEE.—The application for the license shall be in such form as may be prescribed by the department and shall be subject to such rules with respect thereto as may be so prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name and birth date of the person or persons applying therefor; the name of the firm or copartnership, with the names and places of residence of all members thereof, if such applicant is a firm or copartnership; the names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the applicant; and prior business in which the applicant has been engaged and the location thereof. Such application shall describe the exact location of the place of business and shall state whether the place of business is owned by the applicant and when acquired, or, if leased, a true

copy of the lease shall be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence; that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale; and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which shall be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business which shall be conducted at that location. The application shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell shall be included, or an independent (nonfranchised) motor vehicle dealer. The application shall contain other relevant information as may be required by the department, including evidence that the applicant is insured under a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy, which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection. However, a salvage motor vehicle dealer as defined in subparagraph (1)(c)5. is exempt from the requirements for garage liability insurance and personal injury protection insurance on those vehicles that cannot be legally operated on roads, highways, or streets in this state. Franchise dealers must submit a garage liability insurance policy, and all other dealers must submit a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy. Such policy shall be for the license period, and evidence of a new or continued policy shall be delivered to the department at the beginning of each license period. A licensee shall deliver to the department, in the manner prescribed by the department, within 10 calendar days after any renewal or continuation of or change in such policy or within 10 calendar days after any issuance of a new policy, a copy of the renewed, continued, changed, or new policy. Upon making initial application, the applicant shall pay to the department a fee of \$300 in addition to any other fees required by law. Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of \$300 for the first year and \$75 for the second year, in addition to any other fees required by law. An applicant for renewal shall pay to the department \$75 for a 1-year renewal or \$150 for a 2-year renewal, in addition to any other fees required by law. Upon making an application for a change of location, the person shall pay a fee of \$50 in addition to any other fees now required by law. The department shall, in the case of every application for initial licensure, verify whether certain facts set forth in the application are true. Each applicant, general partner in the case of a partnership, or corporate officer and director in the case of a corporate applicant, must file a set of fingerprints with the department for the purpose of determining any prior criminal record or any outstanding warrants. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the

Federal Bureau of Investigation for federal processing. The actual cost of state and federal processing shall be borne by the applicant and is in addition to the fee for licensure. The department may issue a license to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

(10) SURETY BOND OR IRREVOCABLE LETTER OF CREDIT REQUIRED.—

(a) Annually, before any license shall be issued to a motor vehicle dealer, the applicant-dealer of new or used motor vehicles shall deliver to the department a good and sufficient surety bond or irrevocable letter of credit, executed by the applicant-dealer as principal, in the sum of \$25,000. A licensee shall deliver to the department, in the manner prescribed by the department, within 10 calendar days after any renewal or continuation of or change in such surety bond or irrevocable letter of credit or within 10 calendar days after any issuance of a new surety bond or irrevocable letter of credit, a copy of such renewed, continued, changed, or new surety bond or irrevocable letter of credit.

Section 8. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative transportation projects; department to establish program.—

(1) The department may establish a program for transportation 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 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 awarded annually for the purposes authorized by this section.

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

(a) ~~Turnpike enterprise projects, and turnpike enterprise projects shall not be counted toward the department's annual cap.~~

(b) ~~Low-bid design-build milling and resurfacing contracts Transportation projects funded by the American Recovery and Reinvestment Act of 2009.~~

Section 9. Section 337.0262, Florida Statutes, is created to read:

337.0262 Purchase and use of clay, peat, gravel, sand, or any other solid substance extracted from borrow pits.—

(1) The department, and any contractor or subcontractor of the department, may not purchase or use any clay, peat, gravel, sand, or other solid substance extracted from a borrow pit as defined in s. 378.403 unless:

(a) Certification is provided to the department, contractor, or subcontractor by the operator of the borrow pit that it is in compliance with the notice requirements and substantive requirements of s. 378.801; and

(b) The operator of the borrow pit is in compliance with the performance standards in s. 378.803, including, but not limited to, providing proof of currently valid permits required by the Department of Environmental Protection and the appropriate water management district.

(2) All contracts and purchase orders executed by the department, and all subcontracts and purchase orders executed by contractors or subcontractors after July 1, 2021, must include specific requirements for compliance with this section.

(3) In the event that the department determines that substances are being obtained and used from a borrow pit that is not in compliance with this section, the department must cease to accept any substances from that borrow pit within 48 hours after such determination. The department may resume acceptance of substances from the borrow pit once the borrow pit is in compliance with this section.

Section 10. Subsections (1), (4), and (7) of section 337.14, Florida Statutes, are amended to read:

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

(1) Any contractor 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 address the qualification of contractors to bid on construction contracts in excess of \$250,000 and must include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of

work for which the contractor seeks certification. Any contractor who desires to bid on contracts in excess of \$50 million and who is not qualified and in good standing with the department as of January 1, 2019, must first be certified by the department as qualified and desires to bid on contracts in excess of \$50 million must have satisfactorily completed two projects, each in excess of \$15 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 is qualified to bid or the aggregate total dollar volume of contracts such contractor is allowed to have under contract at any one time. Each applying contractor 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 be accompanied by audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state. The audited, certified financial statements must be for the applying contractor and must have been prepared the latest annual financial statement of the applying contractor completed within the immediately preceding last 12 months. The department may not consider any financial information of the parent entity of the applying contractor, if any. The department may not certify as qualified any applying contractor who fails to submit the audited, certified financial statements required by this subsection. If the application or the annual financial statement shows the financial condition of the applying contractor more than 4 months ~~before~~ prior to the date on which the application is received by the department, the applicant must also submit an interim audited, certified financial statements prepared in accordance with generally accepted accounting principles and auditing standards by a certified public accountant licensed in this state or another state statement and an updated application must be submitted. The interim financial statements statement must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than 4 months ~~before~~ prior to the date that the interim financial statements are statement is received by the department. However, upon the request of the applying contractor, 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 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 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.

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification that, unless thereafter revoked by the department for good cause, will be valid for a period of 18 months after the date of the applicant's financial statement or such shorter period as the department prescribes. Submission of an application and subsequent approval ~~do shall~~ not affect expiration of the certificate of qualification, the ability factor of the applicant, or the maximum capacity rating of the applicant. If the department finds that an application is incomplete or contains inadequate information or information that cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a reasonable period of time as specified therein, the application shall be denied.

(7) 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 the department under this section may not also qualify under s. 287.055 or s. 337.105 to provide testing services, construction, engineering, and inspection services to the department. This limitation does not apply to any design-build prequalification under s. 337.11(7) and does not apply when the department otherwise determines by written order entered at least 30 days before advertisement that the limitation is not in the best interests of the public with respect to a particular contract for testing services, construction, engineering, and inspection services. This subsection does not authorize a contractor to provide testing services, or provide construction, engineering, and inspection services, to the department in connection with a construction contract under which the contractor is performing any work. Notwithstanding any other provision of law to the contrary, for a project that is wholly or partially funded by the department and administered by a local governmental entity, except for a seaport listed in s. 311.09 or an airport as defined in s. 332.004, the entity performing design and construction engineering and inspection services may not be the same entity.

Section 11. Section 337.185, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 337.185, F.S., for present text.)

337.185 State Arbitration Board.—

(1) To facilitate the prompt resolution of claims arising out of or in connection with a construction or maintenance contract with the

department, the Legislature establishes the State Arbitration Board, referred to in this section as the “board.”

(2) As used in this section, the term:

(a) “Claim” means the aggregate of all outstanding written requests for additional monetary compensation, time, or other adjustments to the contract, the entitlement or impact of which is disputed by the department and could not be resolved by negotiation between the department and the contractor.

(b) “Contractor” means a person or firm having a contract for rendering services to the department relating to the construction or maintenance of a transportation facility.

(c) “Final acceptance” means that the contractor has completely performed the work provided for under the contract, the department or its agent has determined that the contractor has satisfactorily completed the work provided for under the contract, and the department or its agent has submitted written notice of final acceptance to the contractor.

(3) Every claim in an amount of up to \$250,000 per contract that could not be resolved by negotiation between the department and the contractor must be arbitrated by the board. An award issued by the board pursuant to this section is final and enforceable by a court of law.

(4) The contractor may submit a claim greater than \$250,000 up to \$1 million per contract or, upon agreement of the parties, up to \$2 million per contract to be arbitrated by the board. An award issued by the board pursuant to this subsection is final if a request for a trial de novo is not filed within the time provided by Rule 1.830, Florida Rules of Civil Procedure. At the trial de novo, the court may not admit evidence that there has been an arbitration proceeding, the nature or amount of the award, or any other matter concerning the conduct of the arbitration proceeding, except that testimony given at an arbitration hearing may be used for any purpose otherwise permitted by the Florida Evidence Code. If a request for trial de novo is not filed within the time provided, the award issued by the board is final and enforceable by a court of law.

(5) An arbitration request may not be made to the board before final acceptance but must be made to the board within 820 days after final acceptance.

(6) The board shall schedule a hearing within 45 days after an arbitration request and, if possible, shall conduct the hearing within 90 days after the request. The board may administer oaths and conduct the proceedings as provided by the rules of the court. The hearing shall be conducted informally. Presentation of testimony and evidence shall be kept to a minimum, and matters shall be presented to the arbitrators primarily through the statements and arguments of counsel. The board shall address

the scope of discovery, presentation of testimony, and evidence at a preliminary hearing by considering the size, subject matter, and complexity of the dispute. Any party to the arbitration may petition the board, for good cause shown, to issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence at the arbitration and may petition the board for orders compelling such attendance and production at the arbitration. Subpoenas shall be served and are enforceable in the manner provided by law.

(7) The board must issue an award within 45 days after the conclusion of the arbitration hearing. If all three members of the board do not agree, the award agreed to by the majority shall constitute the award of the board.

(8) The board shall be composed of three members. The first member shall be appointed by the Secretary of Transportation, and the second member shall be elected by those construction or maintenance companies that are under contract with the department. The third member shall be chosen by agreement of the first and second members. If the first or second member has a conflict of interest regarding affiliation with one of the parties to an arbitration hearing, the appointing entity shall appoint an alternate member for that hearing. If the third member has such a conflict of interest, the first and second members shall select an alternate member. Each member shall serve a 4-year term. The board shall elect a chair for each term, who shall be the administrator of the board and custodian of its records.

(9) The presence of all board members is required to conduct a meeting in person or via videoconferencing.

(10) The members of the board shall receive compensation for the performance of their duties from deposits made by the parties based on an estimate of compensation by the board, except that an employee of the department may not receive compensation from the board. All deposits will be held in escrow by the chair in advance of the hearing. Each member eligible for compensation shall be compensated at \$200 per hour, up to a maximum of \$1,500 per day. A member shall be reimbursed for the actual cost of his or her travel expenses. The board may allocate funds annually for clerical and other administrative services.

(11) To cover the cost of administration and initial compensation of the board, the party requesting arbitration shall pay a filing fee to the board, according to a schedule established by the board, of:

- (a) Up to \$500 for a claim that is \$25,000 or less.
- (b) Up to \$1,000 for a claim that is more than \$25,000 but is \$50,000 or less.
- (c) Up to \$1,500 for a claim that is more than \$50,000 but is \$100,000 or less.

(d) Up to \$2,000 for a claim that is more than \$100,000 but is \$200,000 or less.

(e) Up to \$3,000 for a claim that is more than \$200,000 but is \$300,000 or less.

(f) Up to \$4,000 for a claim that is more than \$300,000 but is \$400,000 or less.

(g) Up to \$5,000 for a claim that is more than \$400,000.

The board may apportion the filing fees and the cost of recording and preparing a transcript of the hearing among the parties in its award.

Section 12. Subsection (3) of section 338.166, Florida Statutes, is amended to read:

338.166 High-occupancy toll lanes or express lanes.—

(3) Any remaining toll revenue from the high-occupancy toll lanes or express lanes shall be used by the department for the construction, maintenance, or improvement of any road or to support public transportation projects that benefit the operation of high-occupancy toll lanes or express lanes on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

Section 13. Paragraphs (f) and (i) of subsection (6) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

~~(f)1.~~ The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

~~2.— In a county as defined in s. 125.011(1), the M.P.O. may not assess any fees for municipalities, counties, or other governmental entities that are members of the M.P.O.~~

~~(i) There is created the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee is created within the Tampa Bay Area Regional Transit Authority, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The authority shall provide administrative support and direction to the committee. The committee must, at a minimum:~~

1. Coordinate transportation projects deemed to be regionally significant by the committee.
2. Review the impact of regionally significant land use decisions on the region.
3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.
4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Section 14. Paragraph (b) of subsection (2) and subsections (8) and (9) of section 343.92, Florida Statutes, are amended to read:

343.92 Tampa Bay Area Regional Transit Authority.—

(2) The governing board of the authority shall consist of 13 voting members appointed no later than 45 days after the creation of the authority.

(b) The 13 voting members of the board shall be as follows:

1. The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties shall each appoint one county commissioner to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves elected office, a vacancy exists on the board to be filled as provided in this subparagraph within 90 days.

2.a. Two members of the board shall be the mayor, or the mayor's designated alternate, of the largest municipality within the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. The mayor's designated alternate must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council. In the event the mayor is unable to attend

a meeting, the mayor’s designated alternate shall attend the meeting on the mayor’s behalf and has the full right to vote.

3. The following independent transit agencies or their legislatively created successor agencies shall each appoint from the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person. If a member no longer meets the transit authority’s criteria for appointment, a vacancy exists on the board, which must be filled as provided in this subparagraph within 90 days.

4. The Governor shall appoint to the board four members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. Of the members initially appointed under this subparagraph, one shall serve a 1-year term, two shall serve 2-year terms, and one shall serve a term as the initial chair as provided in subsection (5). Thereafter, a member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person.

Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

(8) A simple majority ~~Seven members~~ of the board shall constitute a quorum, and a simple majority of the voting members present shall be necessary for any action to be taken by the board ~~the vote of seven members is necessary for any action to be taken by the authority~~. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all duties of the authority.

~~(9) Beginning July 1, 2017, the board must evaluate the abolishment, continuance, modification, or establishment of the following committees:~~

~~(a) Planning committee.~~

~~(b) Policy committee.~~

~~(c) Finance committee.~~

~~(d) Citizens advisory committee.~~

~~(e) Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee.~~

~~(f) Transit management committee.~~

~~(g) Technical advisory committee.~~

~~The board must submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.~~

Section 15. Paragraphs (e), (f), and (g) of subsection (3) of section 343.922, Florida Statutes, are amended to read:

343.922 Powers and duties.—

(3)

(e) The authority shall present the original regional transit development plan and updates to the governing bodies of the counties within the designated region, ~~to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee,~~ and to the legislative delegation members representing those counties within 90 days after adoption.

~~(f) The authority shall coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.~~

~~(g) The authority shall provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i).~~

Section 16. Part III of chapter 343, Florida Statutes, consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83, 343.835, 343.836, 343.84, 343.85, 343.87, 343.875, 343.88, 343.881, 343.884, and 343.89, Florida Statutes, is repealed.

Section 17. Section 311.25, Florida Statutes, is created to read:

311.25 Florida seaports; local ballot initiatives and referendums.—

(1) With respect to any port that has received or is eligible to apply for or receive state funding under this chapter, a local ballot initiative or referendum may not restrict maritime commerce in such a port, including, but not limited to, restricting such commerce based on any of the following:

(a) Vessel type, size, number, or capacity.

(b) Number, origin, nationality, embarkation, or disembarkation of passengers or crew or their entry into this state or any local jurisdiction.

(c) Source, type, loading, or unloading of cargo.

(d) Environmental or health records of a particular vessel or vessel line.

(2) Any local ballot initiative or referendum that is in conflict with subsection (1) and that was adopted before, on, or after July 1, 2021, and any local law, charter amendment, ordinance, resolution, regulation, or policy adopted in such an initiative or referendum, is prohibited, void, and expressly preempted to the state.

Section 18. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 19. Paragraphs (a) and (b) of subsection (2) of section 348.0304, Florida Statutes, are amended to read:

348.0304 Greater Miami Expressway Agency.—

(2)(a) The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of the county and may not hold, or have held in the previous 2 years, elected or appointed office in the county. Each member may only serve two terms of 4 years each. ~~Four~~ Three members shall be appointed by the Governor, one of whom must be a member of the metropolitan planning organization for the county. Two members, who must be residents of an unincorporated portion of the county residing within 15 miles of an area with the highest amount of agency toll roads, shall be appointed by the board of county commissioners of the county. ~~Two~~ Three members, who must be residents of incorporated municipalities within the county, shall be appointed by the metropolitan planning organization for the county. The district secretary of the department serving in the district that contains the county shall serve as an ex officio voting member of the governing body.

(b) Initial appointments to the governing body of the agency shall be made by July 31, 2019. For the initial appointments:

1. The Governor shall appoint one member for a term of 1 year, one member for a term of 2 years, one member for a term of 3 years, and one member for a term of 4 years.
2. The board of county commissioners shall appoint one member for a term of 1 year and one member for a term of 3 years.
3. The metropolitan planning organization shall appoint ~~one member for a term of 1 year~~, one member for a term of 2 years, and one member for a term of 4 years.

Section 20. Paragraph (c) of subsection (1) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(1)

(c) Notwithstanding any other provision of this section to the contrary, to ensure the continued financial feasibility of the portion of the Wekiva Parkway to be constructed by the department, the authority may not, without the prior consultation with ~~consent~~ of the secretary of the department, construct any extensions, additions, or improvements to the expressway system in Lake County.

Section 21. Paragraph (d) of subsection (2) of section 349.04, Florida Statutes, is amended to read:

349.04 Purposes and powers.—

(2) The authority is hereby granted, and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but without being limited to, the right and power:

(d) To enter into and make leases for terms not exceeding ~~99~~ 40 years, as either lessee or lessor, in order to carry out the right to lease as set forth in this chapter.

Section 22. Present subsections (3) through (19) of section 378.403, Florida Statutes, are redesignated as subsections (4) through (20), respectively, and a new subsection (3) is added to that section, to read:

378.403 Definitions.—As used in this part, the term:

(3) “Borrow pit” means an area of land upon which excavation of surface resources has been conducted, is being conducted, or is planned to be conducted, as the term is commonly used in the mining trade, and is not considered a mine. Such resources are limited to soil, organic soil, sand, or clay that can be removed with construction excavating equipment and loaded on a haul truck with no additional processing.

Section 23. Section 378.801, Florida Statutes, is amended to read:

378.801 Other resources; notice of intent to extract ~~mine~~ required.—

(1) An ~~No~~ operator may not begin the operation of a borrow pit, or the process of extracting clay, peat, gravel, sand, or any other solid substance of commercial value found in natural deposits or in the earth, except fuller’s earth clay, heavy minerals, limestone, or phosphate, which are regulated elsewhere in this chapter, at a new location ~~mine~~ without notifying the secretary of the intention to extract ~~mine~~.

(2) The operator’s notice of intent to extract ~~mine~~ shall consist of the operator’s estimated life of the extraction location ~~mine~~ and the operator’s signed acknowledgment of the performance standards provided by s. 378.803.

Section 24. Section 378.802, Florida Statutes, is amended to read:

378.802 Existing extraction locations mines.—After January 1, 1989, all operators of existing locations mines for the extraction of resources as described in s. 378.801 shall meet the performance standards provided by s. 378.803 for any new surface area disturbed at such locations mines.

Section 25. Subsection (5) of section 479.07, Florida Statutes, is amended to read:

479.07 Sign permits.—

(5)(a) For each permit issued, the department shall furnish to the applicant a serially numbered permanent metal permit tag. The permittee is responsible for maintaining a valid permit tag on each permitted sign facing at all times. The tag shall be securely attached to the upper 50 percent of the sign structure, and attached in such a manner as to be plainly visible from the main-traveled way. The permit tag must be properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the department may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit becomes void.

(b) If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the department for a replacement tag. The department shall establish a service fee for replacement tags in an amount that will recover the actual cost of providing the replacement tag. Upon receipt of the application accompanied by the service fee, the department shall issue a replacement permit tag.

(c)1. As soon as practicable, the department shall create and implement a publicly accessible electronic database to include all permits issued by the department. At a minimum, the database must include the name and contact information of the permit operator, the structure identification number or numbers, the panel or face identification number or numbers, the latitude and longitude of the permitted sign, the compass bearing, images of the permitted sign once constructed, and the most recent date the department visually inspected the permitted sign.

2. Once the department creates and implements the publicly accessible electronic database:

a. The department may not furnish permanent metal permit tags or replacement tags to permittees;

b. The department may not enforce the provisions relating to permanent metal permit tags or replacement tags specified in paragraphs (a) and (b); and

c. Permittees are not required to return permit tags to the department as provided in subsection (8).

Section 26. Notwithstanding any other law, the Northwest Florida Transportation Corridor Authority is dissolved. The authority shall discharge or make provision for the authority's debts, obligations, and other liabilities; settle and close the authority's activities and affairs; and provide for distribution of the authority's assets, or the proceeds of such assets, such that each local general-purpose government represented on the authority's board receives a distribution generally in proportion to each entity's contribution to the acquisition of the assets.

Section 27. This act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.