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## MEMORANDUM

TO: Florida Association of County Engineers and Road Superintendents

FROM: Mike Kivlin, President  
National Utility Contractors Association of Florida

DATE: June 11, 2020

RE: Aggregates

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This memorandum is intended to inform local government engineers of new legislation affecting the use of FDOT-certified aggregates for local government transportation projects.

During the 2019 Regular Session, the Florida Legislature passed HB 905 by Rep. Alex Andrade. The bill was subsequently approved by Governor Ron DeSantis. The bill addressed several Florida Department of Transportation (FDOT) issues, including an issue regarding FDOT-certified aggregates.

HB 905 created Section 334.179, Florida Statutes, to read:

334.179 Department standards or specifications for permissible use of aggregates. — Notwithstanding any law, rule, or ordinance to the contrary, a local government may not adopt standards or specifications that are contrary to the department standards or specifications for permissible use of aggregates that have been certified for use. For purposes of this section, the term "certified for use" means that the aggregates have been certified by the producer in accordance with department rules. This section does not apply to a multicounty independent special district created by a special act of the Legislature.

Prior to HB 905, there was no provision in state law requiring local governments to accept aggregates certified pursuant to FDOT's rules. There have been instances when local governments have not permitted a contractor to use certain FDOT-certified materials on the local government's transportation projects. Many times, local governments arbitrarily disqualified certain aggregates certified for use by FDOT without scientific basis or created their own standards for aggregates. These instances brought subjectivity and a lack of uniform standards to the road material supply industry.

This new legislation creates simplicity and fairness for materials provided on road construction projects. Any type of acceptable, approved and certified- for- use material should be considered and not be subject to bias. This is not only the right thing for Florida's construction industry, but a benefit to any taxpayer as this will be a measure in construction jobs remaining cost efficient.

Thank you.