

1                                   A bill to be entitled  
 2           An act relating to university construction management;  
 3           amending s. 1013.45, F.S.; authorizing a state  
 4           university board of trustees to use other factors,  
 5           including price, for the selection of a construction  
 6           or program management entity; requiring certain  
 7           procedures to conform to specified requirements;  
 8           deleting a provision requiring the adoption of uniform  
 9           rules for negotiation; deleting a provision  
 10          prohibiting boards from modifying specified rules;  
 11          providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Subsections (1) and (4) of section 1013.45,  
 16 Florida Statutes, are amended to read:

17           1013.45 Educational facilities contracting and  
 18 construction techniques.—

19           (1) Boards may employ procedures to contract for  
 20 construction of new facilities, or for additions, remodeling,  
 21 renovation, maintenance, or repairs to existing facilities, that  
 22 will include, but not be limited to:

- 23           (a) Competitive bids.
- 24           (b) Design-build pursuant to s. 287.055.
- 25           (c) Selecting a construction management entity, pursuant

26 | to s. 255.103 or the process provided by s. 287.055, that would  
27 | be responsible for all scheduling and coordination in both  
28 | design and construction phases and is generally responsible for  
29 | the successful, timely, and economical completion of the  
30 | construction project. The construction management entity must  
31 | consist of or contract with licensed or registered professionals  
32 | for the specific fields or areas of construction to be  
33 | performed, as required by law. At the option of the board, the  
34 | construction management entity, after having been selected, may  
35 | be required to offer a guaranteed maximum price or a guaranteed  
36 | completion date; in which case, the construction management  
37 | entity must secure an appropriate surety bond pursuant to s.  
38 | 255.05 and must hold construction subcontracts. The criteria for  
39 | selecting a construction management entity shall not unfairly  
40 | penalize an entity that has relevant experience in the delivery  
41 | of construction projects of similar size and complexity by  
42 | methods of delivery other than construction management.

43 | (d) Selecting a program management entity, pursuant to s.  
44 | 255.103 or the process provided by s. 287.055, that would act as  
45 | the agent of the board and would be responsible for schedule  
46 | control, cost control, and coordination in providing or  
47 | procuring planning, design, and construction services. The  
48 | program management entity must consist of or contract with  
49 | licensed or registered professionals for the specific areas of  
50 | design or construction to be performed as required by law. The

51 program management entity may retain necessary design  
 52 professionals selected under the process provided in s. 287.055.  
 53 At the option of the board, the program management entity, after  
 54 having been selected, may be required to offer a guaranteed  
 55 maximum price or a guaranteed completion date, in which case the  
 56 program management entity must secure an appropriate surety bond  
 57 pursuant to s. 255.05 and must hold design and construction  
 58 subcontracts. The criteria for selecting a program management  
 59 entity shall not unfairly penalize an entity that has relevant  
 60 experience in the delivery of construction programs of similar  
 61 size and complexity by methods of delivery other than program  
 62 management.

63 (e) Day-labor contracts not exceeding \$280,000 for  
 64 construction, renovation, remodeling, or maintenance of existing  
 65 facilities. This amount shall be adjusted annually based upon  
 66 changes in the Consumer Price Index.

67  
 68 Notwithstanding this subsection, a state university board of  
 69 trustees may use other factors, including price, for selecting a  
 70 construction or program management entity as specified in, and  
 71 in accordance with, regulations of the Board of Governors.

72 (4) Except as otherwise provided in this section and s.  
 73 481.229, the services of a registered architect must be used for  
 74 the development of plans for the erection, enlargement, or  
 75 alteration of any educational facility. The services of a

76 registered architect are not required for a minor renovation  
77 project for which the construction cost is less than \$50,000 or  
78 for the placement or hookup of relocatable educational  
79 facilities that conform with standards adopted under s. 1013.37.  
80 However, boards must provide compliance with building code  
81 requirements and ensure that these structures are adequately  
82 anchored for wind resistance as required by law. A district  
83 school board shall reuse existing construction documents or  
84 design criteria packages if such reuse is feasible and  
85 practical. If a school district's 5-year educational facilities  
86 work plan includes the construction of two or more new schools  
87 for students in the same grade group and program, such as  
88 elementary, middle, or high school, the district school board  
89 shall require that prototype design and construction be used for  
90 the construction of these schools. Notwithstanding s. 287.055, a  
91 board may purchase the architectural services for the design of  
92 educational or ancillary facilities under an existing contract  
93 agreement for professional services held by a district school  
94 board in the State of Florida, provided that the purchase is to  
95 the economic advantage of the purchasing board, the services  
96 conform to the standards prescribed by rules of the State Board  
97 of Education, and such reuse is not without notice to, and  
98 permission from, the architect of record whose plans or design  
99 criteria are being reused. Plans shall be reviewed for  
100 compliance with the State Requirements for Educational

HB 1131

2021

101 Facilities. Rules adopted under this section must establish  
102 uniform prequalification, selection, and bidding, ~~and~~  
103 ~~negotiation~~ procedures applicable to construction management  
104 ~~contracts~~ and the design-build process. This section does not  
105 supersede any small, woman-owned or minority-owned business  
106 enterprise preference program adopted by a board. Except as  
107 otherwise provided in this section, the ~~negotiation~~ procedures  
108 applicable to construction management, program management,  
109 ~~contracts~~ and the design-build process must conform to the  
110 requirements of s. 287.055. ~~A board may not modify any rules~~  
111 ~~regarding construction management contracts or the design-build~~  
112 ~~process.~~

113 Section 2. This act shall take effect July 1, 2021.