

By the Appropriations Committee on Education

602-02851-23

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1 A bill to be entitled
2 An act relating to higher education finances; amending
3 s. 1001.706, F.S.; requiring the Board of Governors to
4 develop regulations for university boards of trustees
5 relating to contracting for the construction of new
6 facilities or for work on existing facilities;
7 amending s. 1009.26, F.S.; authorizing a state
8 university to waive the out-of-state fee for a student
9 who is an intercollegiate athlete receiving a
10 scholarship; amending ss. 1011.45 and 1013.841, F.S.;
11 revising the list of authorized expenditures that may
12 be included in a carry forward spending plan for state
13 universities and Florida College System institutions,
14 respectively; amending s. 1012.976, F.S.; revising a
15 limitation on compensation for state university
16 employees; amending s. 1013.45, F.S.; providing that
17 certain educational facility contracting and
18 construction techniques applicable to school districts
19 also apply to Florida College System institutions;
20 amending s. 1013.64, F.S.; deleting cost and size
21 limitations applicable to minor facilities; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (a) of subsection (7) of section
27 1001.706, Florida Statutes, is amended to read:
28 1001.706 Powers and duties of the Board of Governors.—
29 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

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30 (a) The Board of Governors shall develop guidelines for
31 university boards of trustees relating to the acquisition of
32 real and personal property and the sale and disposal thereof and
33 the approval and execution of contracts for the purchase, sale,
34 lease, license, or acquisition of commodities, goods, equipment,
35 contractual services, leases of real and personal property, and
36 construction. The acquisition may include purchase by
37 installment or lease-purchase. Such contracts may provide for
38 payment of interest on the unpaid portion of the purchase price.
39 Title to all real property acquired before ~~prior to~~ January 7,
40 2003, and to all real property acquired with funds appropriated
41 by the Legislature shall be vested in the Board of Trustees of
42 the Internal Improvement Trust Fund and shall be transferred and
43 conveyed by it. The Board of Governors shall develop regulations
44 for university boards of trustees relating to the procedures for
45 contracting for the construction of new facilities, or for
46 additions, remodeling, renovation, maintenance, or repairs to
47 existing facilities. The regulations must include, but are not
48 limited to, competitive bids, design-build, and selection of a
49 construction management entity ~~Notwithstanding any other~~
50 ~~provisions of this subsection, each board of trustees shall~~
51 ~~comply with the provisions of s. 287.055 for the procurement of~~
52 ~~professional services as defined therein. Any acquisition~~
53 ~~pursuant to this paragraph is subject to the provisions of s.~~
54 ~~1010.62.~~

55 Section 2. Subsection (21) is added to section 1009.26,
56 Florida Statutes, to read:

57 1009.26 Fee waivers.—

58 (21) A state university may waive the out-of-state fee for

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59 a student who is an intercollegiate athlete receiving an
60 athletic scholarship.

61 Section 3. Subsection (3) of section 1011.45, Florida
62 Statutes, is amended to read:

63 1011.45 End of year balance of funds.—Unexpended amounts in
64 any fund in a university current year operating budget shall be
65 carried forward and included as the balance forward for that
66 fund in the approved operating budget for the following year.

67 (3) A university's carry forward spending plan must ~~shall~~
68 include the estimated cost per planned expenditure and a
69 timeline for completion of the expenditure. Authorized
70 expenditures in a carry forward spending plan may include:

71 (a) Commitment of funds to a public education capital
72 outlay project ~~for which an appropriation has previously been~~
73 ~~provided that requires additional funds for completion and which~~
74 ~~is included in the list required by s. 1001.706(12)(d);~~

75 (b) Completion of a renovation, repair, or maintenance
76 project that is consistent with ~~the provisions of s. 1013.64(1),~~
77 ~~up to \$5 million per project~~ and replacement of a minor facility
78 ~~that does not exceed 10,000 gross square feet in size up to \$2~~
79 ~~million;~~

80 (c) Completion of a remodeling or infrastructure project,
81 including a project for a developmental research school, ~~up to~~
82 ~~\$10 million per project,~~ if such project is survey recommended
83 pursuant to s. 1013.31;

84 (d) Completion of a repair or replacement project necessary
85 due to damage caused by a natural disaster for buildings
86 included in the inventory required pursuant to s. 1013.31;

87 (e) Operating expenditures that support the university's

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88 ~~university mission and that are nonrecurring;~~

89 (f) Any purpose specified by the board or in the General
90 Appropriations Act, including the requirements in s.

91 1001.706(12)(c) or similar requirements pursuant to Board of
92 Governors regulations; and

93 (g) A commitment of funds to a contingency reserve for
94 expenses incurred as a result of a state of emergency declared
95 by the Governor pursuant to s. 252.36.

96 Section 4. Subsection (4) of section 1013.841, Florida
97 Statutes, is amended to read:

98 1013.841 End of year balance of Florida College System
99 institution funds.—

100 (4) A Florida College System institution identified in
101 paragraph (3)(b) must include in its carry forward spending plan
102 the estimated cost per planned expenditure and a timeline for
103 completion of the expenditure. Authorized expenditures in a
104 carry forward spending plan may include:

105 (a) Commitment of funds to a public education capital
106 outlay project ~~for which an appropriation was previously~~
107 ~~provided, which requires additional funds for completion, and~~
108 ~~which is included in the list required by s. 1001.03(18)(d);~~

109 (b) Completion of a renovation, repair, or maintenance
110 project that is consistent with ~~the provisions of s. 1013.64(1)~~
111 and replacement of a minor facility, up to \$5 million per
112 project;

113 (c) Completion of a remodeling or infrastructure project,
114 ~~up to \$10 million per project,~~ if such project is survey
115 recommended pursuant to s. 1013.31;

116 (d) Completion of a repair or replacement project necessary

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117 due to damage caused by a natural disaster for buildings
118 included in the inventory required pursuant to s. 1013.31;

119 (e) Operating expenditures that support the Florida College
120 System institution's mission ~~which are nonrecurring;~~

121 (f) Any purpose approved by the state board or specified in
122 the General Appropriations Act; and

123 (g) A commitment of funds to a contingency reserve for
124 expenses incurred as a result of a state of emergency declared
125 by the Governor pursuant to s. 252.36.

126 Section 5. Subsection (2) of section 1012.976, Florida
127 Statutes, is amended to read:

128 1012.976 Remuneration of state university employees;
129 limitations.—

130 (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
131 law, resolution, or rule to the contrary, a state university
132 employee may not receive more than \$250,000 ~~\$200,000~~ in
133 remuneration annually from appropriated state funds. Only
134 compensation, as such term is defined in s. 121.021(22),
135 provided to a state university employee may be used in
136 calculating benefits under chapter 121.

137 Section 6. Section 1013.45, Florida Statutes, is amended to
138 read:

139 1013.45 Educational facilities contracting and construction
140 techniques for school districts and Florida College System
141 institutions.—

142 (1) District school boards and boards of trustees of
143 Florida College System institutions may employ procedures to
144 contract for construction of new facilities, or for additions,
145 remodeling, renovation, maintenance, or repairs to existing

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146 facilities, which ~~that will~~ include, but are not ~~be~~ limited to:

147 (a) Competitive bids.

148 (b) Design-build pursuant to s. 287.055.

149 (c) Selecting a construction management entity, pursuant to
150 s. 255.103 or the process provided by s. 287.055, that would be
151 responsible for all scheduling and coordination in both design
152 and construction phases and is generally responsible for the
153 successful, timely, and economical completion of the
154 construction project. The construction management entity must
155 consist of or contract with licensed or registered professionals
156 for the specific fields or areas of construction to be
157 performed, as required by law. At the option of the board, the
158 construction management entity, after having been selected, may
159 be required to offer a guaranteed maximum price or a guaranteed
160 completion date; in which case, the construction management
161 entity must secure an appropriate surety bond pursuant to s.
162 255.05 and must hold construction subcontracts. The criteria for
163 selecting a construction management entity may ~~shall~~ not
164 unfairly penalize an entity that has relevant experience in the
165 delivery of construction projects of similar size and complexity
166 by methods of delivery other than construction management.

167 (d) Selecting a program management entity, pursuant to s.
168 255.103 or the process provided by s. 287.055, that would act as
169 the agent of the board and would be responsible for schedule
170 control, cost control, and coordination in providing or
171 procuring planning, design, and construction services. The
172 program management entity must consist of or contract with
173 licensed or registered professionals for the specific areas of
174 design or construction to be performed as required by law. The

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175 program management entity may retain necessary design
176 professionals selected under the process provided in s. 287.055.
177 At the option of the board, the program management entity, after
178 having been selected, may be required to offer a guaranteed
179 maximum price or a guaranteed completion date, in which case the
180 program management entity must secure an appropriate surety bond
181 pursuant to s. 255.05 and must hold design and construction
182 subcontracts. The criteria for selecting a program management
183 entity may ~~shall~~ not unfairly penalize an entity that has
184 relevant experience in the delivery of construction programs of
185 similar size and complexity by methods of delivery other than
186 program management.

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

191 (2) For the purposes of this section, "day-labor contract"
192 means a project constructed using persons employed directly by a
193 board or by contracted labor.

194 (3) Contractors, design-build firms, contract management
195 entities, program management entities, or any other person under
196 contract to construct facilities or major additions to
197 facilities may use any construction techniques allowed by
198 contract and not prohibited by law, including, but not limited
199 to, those techniques known as fast-track construction
200 scheduling, use of components, and systems building process.

201 (4) Except as otherwise provided in this section and s.
202 481.229, the services of a registered architect must be used for
203 the development of plans for the erection, enlargement, or

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204 alteration of any educational facility. The services of a
205 registered architect are not required for a minor renovation
206 project for which the construction cost is less than \$50,000 or
207 for the placement or hookup of relocatable educational
208 facilities that conform to ~~with~~ standards adopted under s.
209 1013.37. However, boards must provide compliance with building
210 code requirements and ensure that these structures are
211 adequately anchored for wind resistance as required by law. A
212 district school board shall reuse existing construction
213 documents or design criteria packages if such reuse is feasible
214 and practical. If a school district's 5-year educational
215 facilities work plan includes the construction of two or more
216 new schools for students in the same grade group and program,
217 such as elementary, middle, or high school, the district school
218 board must ~~shall~~ require that prototype design and construction
219 be used for the construction of these schools. Notwithstanding
220 s. 287.055, a board may purchase the architectural services for
221 the design of educational or ancillary facilities under an
222 existing contract agreement for professional services held by a
223 district school board in the State of Florida, provided that the
224 purchase is to the economic advantage of the purchasing board,
225 the services conform to the standards prescribed by rules of the
226 State Board of Education, and such reuse is not without notice
227 to, and permission from, the architect of record whose plans or
228 design criteria are being reused. Plans must ~~shall~~ be reviewed
229 for compliance with the State Requirements for Educational
230 Facilities. Rules adopted under this section must establish
231 uniform prequalification, selection, bidding, and negotiation
232 procedures applicable to construction management contracts and

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233 the design-build process. This section does not supersede any
234 small, woman-owned, or minority-owned business enterprise
235 preference program adopted by a board. Except as otherwise
236 provided in this section, the negotiation procedures applicable
237 to construction management contracts and the design-build
238 process must conform to the requirements of s. 287.055. A board
239 may not modify any rules regarding construction management
240 contracts or the design-build process.

241 Section 7. Paragraph (h) of subsection (1) of section
242 1013.64, Florida Statutes, is amended to read:

243 1013.64 Funds for comprehensive educational plant needs;
244 construction cost maximums for school district capital
245 projects.—Allocations from the Public Education Capital Outlay
246 and Debt Service Trust Fund to the various boards for capital
247 outlay projects shall be determined as follows:

248 (1)

249 (h) University boards of trustees may utilize funds
250 appropriated pursuant to this section for replacement of minor
251 facilities ~~provided that such projects do not exceed \$1 million~~
252 ~~in cost or 10,000 gross square feet in size.~~ Minor facilities
253 may not be replaced from funds provided pursuant to this section
254 unless the board determines that the cost of repair or
255 renovation is greater than or equal to the cost of replacement.

256 Section 8. This act shall take effect July 1, 2023.