

20237026e1

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 providing requirements for certain contracts executed
8 or amended before a specified date; amending s.
9 1009.26, F.S.; providing that certain fee waivers
10 apply to Florida College System institutions in
11 addition to state universities; authorizing a state
12 university or Florida College System institution to
13 waive the out-of-state fee for a student who is an
14 intercollegiate athlete receiving a scholarship;
15 amending s. 1011.45, F.S.; revising the list of
16 authorized expenditures that may be included in a
17 carry forward spending plan for state universities;
18 amending s. 1012.886, F.S.; revising the amount a
19 Florida College System administrative employee may
20 receive in remuneration; amending s. 1012.978, F.S.;
21 requiring university boards of trustees to submit an
22 annual report to the Board of Governors when awarding
23 bonuses; specifying a limit on the use of state funds
24 in a bonus that may be awarded; requiring the board to
25 develop a regulation; amending s. 1013.841, F.S.;
26 revising the list of authorized expenditures that may
27 be included in a carry forward spending plan for
28 Florida College System institutions; amending s.
29 1012.976, F.S.; revising definitions; defining the

20237026e1

30 term "public funds"; revising a limitation on
31 compensation for state university employees; amending
32 s. 1013.45, F.S.; providing that certain educational
33 facility contracting and construction techniques
34 applicable to school districts also apply to Florida
35 College System institutions; amending s. 1013.64,
36 F.S.; deleting cost and size limitations applicable to
37 minor facilities; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

41 Section 1. Paragraph (a) of subsection (7) of section
42 1001.706, Florida Statutes, is amended to read:

43 1001.706 Powers and duties of the Board of Governors.—

44 (7) POWERS AND DUTIES RELATING TO PROPERTY.—

45 (a) The Board of Governors shall develop guidelines for
46 university boards of trustees relating to the acquisition of
47 real and personal property and the sale and disposal thereof and
48 the approval and execution of contracts for the purchase, sale,
49 lease, license, or acquisition of commodities, goods, equipment,
50 contractual services, leases of real and personal property, and
51 construction. The acquisition may include purchase by
52 installment or lease-purchase. Such contracts may provide for
53 payment of interest on the unpaid portion of the purchase price.
54 Title to all real property acquired before ~~prior to~~ January 7,
55 2003, and to all real property acquired with funds appropriated
56 by the Legislature shall be vested in the Board of Trustees of
57 the Internal Improvement Trust Fund and shall be transferred and
58 conveyed by it.

20237026e1

59 1. No later than October 1, 2023, the Board of Governors
60 shall develop regulations for university boards of trustees
61 relating to the procedures for contracting for professional
62 services as defined in s. 287.055 and for the construction of
63 new facilities or for the remodeling, renovation, or maintenance
64 of or additions or repairs to existing facilities. The
65 regulations must include, but are not limited to, competitive
66 bids, design-build, and selection of a construction management
67 entity. Contracts executed, extended, or amended on or before
68 September 30, 2023, must comply with the requirements of s.
69 287.055.

70 2. Notwithstanding any other provisions of this subsection,
71 each board of trustees shall comply with the provisions of s.
72 287.055 for the procurement of professional services as defined
73 therein. any acquisition pursuant to this paragraph is subject
74 to the provisions of s. 1010.62.

75 Section 2. Subsections (2) and (4) of section 1009.26,
76 Florida Statutes, are amended, and subsection (21) is added to
77 that section, to read:

78 1009.26 Fee waivers.—

79 (2) A state university or Florida College System
80 institution may waive any ~~or all~~ application, tuition, or ~~and~~
81 related fees for persons who supervise student interns for a
82 state university.

83 (4) A state university or Florida College System
84 institution may waive any ~~or all~~ application, tuition, or ~~and~~
85 related fees for persons 60 years of age or older who are
86 residents of this state and who attend classes for credit. ~~No~~
87 Academic credit may not ~~shall~~ be awarded for attendance in

20237026e1

88 classes for which fees are waived under this subsection. This
89 privilege may be granted only on a space-available basis, if
90 such classes are not filled as of the close of registration. A
91 university may limit or deny the privilege for courses that
92 ~~which~~ are in programs for which the Board of Governors has
93 established selective admissions criteria. Persons paying full
94 fees and state employees taking courses on a space-available
95 basis shall have priority over those persons whose fees are
96 waived in all cases where classroom spaces are limited.

97 (21) A state university or Florida College System
98 institution may waive the out-of-state fee for a student who is
99 an intercollegiate athlete receiving an athletic scholarship.

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

102 1011.45 End of year balance of funds.—Unexpended amounts in
103 any fund in a university current year operating budget shall be
104 carried forward and included as the balance forward for that
105 fund in the approved operating budget for the following year.

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

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

114 (b) Completion of a renovation, repair, or maintenance
115 project that is consistent with ~~the provisions of s. 1013.64(1)~~
116 or, up to \$5 million per project and replacement of a minor

20237026e1

117 facility ~~that does not exceed 10,000 gross square feet in size~~
118 ~~up to \$2 million;~~

119 (c) Completion of a remodeling or infrastructure project,
120 including a project for a developmental research school, ~~up to~~
121 ~~\$10 million per project,~~ if such project is survey recommended
122 pursuant to s. 1013.31;

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

126 (e) Operating expenditures that support the university's
127 ~~university mission and that are nonrecurring;~~

128 (f) Any purpose specified by the board or in the General
129 Appropriations Act, including the requirements in s.
130 1001.706(12)(c) or similar requirements pursuant to Board of
131 Governors regulations; and

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

135 Section 4. Subsection (2) of section 1012.886, Florida
136 Statutes, is amended to read:

137 1012.886 Remuneration of Florida College System institution
138 administrative employees; limitations.—

139 (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
140 law, resolution, or rule to the contrary, a Florida College
141 System institution administrative employee may not receive more
142 than \$250,000 ~~\$200,000~~ in remuneration annually from
143 appropriated state funds. Only compensation, as such term is
144 defined in s. 121.021(22), provided to a Florida College System
145 institution administrative employee may be used in calculating

20237026e1

146 benefits under chapter 121.

147 Section 5. Section 1012.978, Florida Statutes, is amended
148 to read:

149 1012.978 Bonuses for state university system employees.—
150 Notwithstanding s. 215.425(3), a university board of trustees
151 may implement a bonus scheme based on awards for work
152 performance or employee recruitment and retention. The board of
153 trustees must submit an annual report to the Board of Governors
154 when awarding bonuses ~~the bonus scheme, including the evaluation~~
155 ~~criteria by which a bonus will be awarded.~~ The use of state
156 funds for the award of a bonus may not exceed 5 percent of the
157 employee's salary. The Board of Governors shall develop a
158 regulation to ensure consistency in the implementation of this
159 section ~~must approve any bonus scheme created under this section~~
160 ~~before its implementation.~~

161 Section 6. Subsection (4) of section 1013.841, Florida
162 Statutes, is amended to read:

163 1013.841 End of year balance of Florida College System
164 institution funds.—

165 (4) A Florida College System institution identified in
166 paragraph (3)(b) must include in its carry forward spending plan
167 the estimated cost per planned expenditure and a timeline for
168 completion of the expenditure. Authorized expenditures in a
169 carry forward spending plan may include:

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

174 (b) Completion of a renovation, repair, or maintenance

20237026e1

175 project that is consistent with ~~the provisions of s. 1013.64(1)~~
176 or replacement of a minor facility, up to \$5 million per
177 project;

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

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

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

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

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

191 Section 7. Section 1012.976, Florida Statutes, is amended
192 to read:

193 1012.976 Remuneration of state university employees;
194 limitations.-

195 (1) DEFINITIONS.-As used in this section, the term:

196 (a) ~~"Appropriated state funds" means funds appropriated~~
197 ~~from the General Revenue Fund or funds appropriated from state~~
198 ~~trust funds.~~

199 ~~(b)~~ "Cash-equivalent compensation" means any benefit that
200 may be assigned an equivalent cash value.

201 (b) "Public funds" means funds appropriated from the
202 General Revenue Fund, funds appropriated from state trust funds,
203 or tuition and fees.

20237026e1

204 (c) "Remuneration" means salary, bonuses, and cash-
205 equivalent compensation paid to a state university employee by
206 his or her employer for work performed, excluding health
207 insurance benefits and retirement benefits.

208 (2) LIMITATION ON COMPENSATION.—Notwithstanding any other
209 law, resolution, or rule to the contrary, a state university
210 employee may not receive more than \$250,000 ~~\$200,000~~ in
211 remuneration annually from public ~~appropriated state~~ funds. Only
212 compensation, as such term is defined in s. 121.021(22),
213 provided to a state university employee may be used in
214 calculating benefits under chapter 121.

215 (3) EXCEPTIONS.—This section does not prohibit any party
216 from providing cash or cash-equivalent compensation from funds
217 that are not public ~~appropriated state~~ funds to a state
218 university employee in excess of the limit in subsection (2). If
219 a party is unable or unwilling to fulfill an obligation to
220 provide cash or cash-equivalent compensation to a state
221 university employee as permitted under this subsection, public
222 ~~appropriated state~~ funds may not be used to fulfill such
223 obligation. This section does not apply to university teaching
224 faculty in instructional programs classified as Computer
225 Information Sciences and Support Services; Engineering;
226 Engineering Technologies and Engineering-Related Fields; Florida
227 Mental Health Institute; Health Professions and Related
228 Programs; Homeland Security, Law Enforcement, Firefighting, and
229 Related Fields; Mathematics; Nursing; or Physical Sciences; or
230 to medical school faculty or staff.

231 Section 8. Section 1013.45, Florida Statutes, is amended to
232 read:

20237026e1

233 1013.45 Educational facilities contracting and construction
234 techniques for school districts and Florida College System
235 institutions.—

236 (1) District school boards and boards of trustees of
237 Florida College System institutions may employ procedures to
238 contract for construction of new facilities, or for additions,
239 remodeling, renovation, maintenance, or repairs to existing
240 facilities, which ~~that will~~ include, but are not ~~be~~ limited to:

241 (a) Competitive bids.

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

243 (c) Selecting a construction management entity, pursuant to
244 s. 255.103 or the process provided by s. 287.055, that would be
245 responsible for all scheduling and coordination in both design
246 and construction phases and is generally responsible for the
247 successful, timely, and economical completion of the
248 construction project. The construction management entity must
249 consist of or contract with licensed or registered professionals
250 for the specific fields or areas of construction to be
251 performed, as required by law. At the option of the board, the
252 construction management entity, after having been selected, may
253 be required to offer a guaranteed maximum price or a guaranteed
254 completion date; in which case, the construction management
255 entity must secure an appropriate surety bond pursuant to s.
256 255.05 and must hold construction subcontracts. The criteria for
257 selecting a construction management entity may ~~shall~~ not
258 unfairly penalize an entity that has relevant experience in the
259 delivery of construction projects of similar size and complexity
260 by methods of delivery other than construction management.

261 (d) Selecting a program management entity, pursuant to s.

20237026e1

262 255.103 or the process provided by s. 287.055, that would act as
263 the agent of the board and would be responsible for schedule
264 control, cost control, and coordination in providing or
265 procuring planning, design, and construction services. The
266 program management entity must consist of or contract with
267 licensed or registered professionals for the specific areas of
268 design or construction to be performed as required by law. The
269 program management entity may retain necessary design
270 professionals selected under the process provided in s. 287.055.
271 At the option of the board, the program management entity, after
272 having been selected, may be required to offer a guaranteed
273 maximum price or a guaranteed completion date, in which case the
274 program management entity must secure an appropriate surety bond
275 pursuant to s. 255.05 and must hold design and construction
276 subcontracts. The criteria for selecting a program management
277 entity may ~~shall~~ not unfairly penalize an entity that has
278 relevant experience in the delivery of construction programs of
279 similar size and complexity by methods of delivery other than
280 program management.

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

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

288 (3) Contractors, design-build firms, contract management
289 entities, program management entities, or any other person under
290 contract to construct facilities or major additions to

20237026e1

291 facilities may use any construction techniques allowed by
292 contract and not prohibited by law, including, but not limited
293 to, those techniques known as fast-track construction
294 scheduling, use of components, and systems building process.

295 (4) Except as otherwise provided in this section and s.
296 481.229, the services of a registered architect must be used for
297 the development of plans for the erection, enlargement, or
298 alteration of any educational facility. The services of a
299 registered architect are not required for a minor renovation
300 project for which the construction cost is less than \$50,000 or
301 for the placement or hookup of relocatable educational
302 facilities that conform to ~~with~~ standards adopted under s.
303 1013.37. However, boards must provide compliance with building
304 code requirements and ensure that these structures are
305 adequately anchored for wind resistance as required by law. A
306 district school board shall reuse existing construction
307 documents or design criteria packages if such reuse is feasible
308 and practical. If a school district's 5-year educational
309 facilities work plan includes the construction of two or more
310 new schools for students in the same grade group and program,
311 such as elementary, middle, or high school, the district school
312 board must ~~shall~~ require that prototype design and construction
313 be used for the construction of these schools. Notwithstanding
314 s. 287.055, a board may purchase the architectural services for
315 the design of educational or ancillary facilities under an
316 existing contract agreement for professional services held by a
317 district school board in the State of Florida, provided that the
318 purchase is to the economic advantage of the purchasing board,
319 the services conform to the standards prescribed by rules of the

20237026e1

320 State Board of Education, and such reuse is not without notice
321 to, and permission from, the architect of record whose plans or
322 design criteria are being reused. Plans must ~~shall~~ be reviewed
323 for compliance with the State Requirements for Educational
324 Facilities. Rules adopted under this section must establish
325 uniform prequalification, selection, bidding, and negotiation
326 procedures applicable to construction management contracts and
327 the design-build process. This section does not supersede any
328 small, woman-owned, or minority-owned business enterprise
329 preference program adopted by a board. Except as otherwise
330 provided in this section, the negotiation procedures applicable
331 to construction management contracts and the design-build
332 process must conform to the requirements of s. 287.055. A board
333 may not modify any rules regarding construction management
334 contracts or the design-build process.

335 Section 9. Paragraph (h) of subsection (1) of section
336 1013.64, Florida Statutes, is amended to read:

337 1013.64 Funds for comprehensive educational plant needs;
338 construction cost maximums for school district capital
339 projects.—Allocations from the Public Education Capital Outlay
340 and Debt Service Trust Fund to the various boards for capital
341 outlay projects shall be determined as follows:

342 (1)

343 (h) University boards of trustees may utilize funds
344 appropriated pursuant to this section for replacement of minor
345 facilities ~~provided that such projects do not exceed \$1 million~~
346 ~~in cost or 10,000 gross square feet in size.~~ Minor facilities
347 may not be replaced from funds provided pursuant to this section
348 unless the board determines that the cost of repair or

20237026e1

349 renovation is greater than or equal to the cost of replacement.

350 Section 10. This act shall take effect July 1, 2023.