

20237026er

1
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; requiring the board to develop a regulation;
24 amending s. 1013.841, F.S.; revising the list of
25 authorized expenditures that may be included in a
26 carry forward spending plan for Florida College System
27 institutions; amending s. 1012.976, F.S.; revising
28 definitions; defining the term "public funds";
29 revising a limitation on compensation for state

20237026er

30 university employees; amending s. 1013.45, F.S.;

31 providing that certain educational facility

32 contracting and construction techniques applicable to

33 school districts also apply to Florida College System

34 institutions; amending s. 1013.64, F.S.; deleting cost

35 and size limitations applicable to minor facilities;

36 providing an effective date.

37

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

39

40 Section 1. Paragraph (a) of subsection (7) of section

41 1001.706, Florida Statutes, is amended to read:

42 1001.706 Powers and duties of the Board of Governors.—

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

44 (a) The Board of Governors shall develop guidelines for

45 university boards of trustees relating to the acquisition of

46 real and personal property and the sale and disposal thereof and

47 the approval and execution of contracts for the purchase, sale,

48 lease, license, or acquisition of commodities, goods, equipment,

49 contractual services, leases of real and personal property, and

50 construction. The acquisition may include purchase by

51 installment or lease-purchase. Such contracts may provide for

52 payment of interest on the unpaid portion of the purchase price.

53 Title to all real property acquired before ~~prior to~~ January 7,

54 2003, and to all real property acquired with funds appropriated

55 by the Legislature shall be vested in the Board of Trustees of

56 the Internal Improvement Trust Fund and shall be transferred and

57 conveyed by it.

58 1. No later than October 1, 2023, the Board of Governors

20237026er

59 shall develop regulations for university boards of trustees
60 relating to the procedures for contracting for professional
61 services as defined in s. 287.055 and for the construction of
62 new facilities or for the remodeling, renovation, or maintenance
63 of or additions or repairs to existing facilities. The
64 regulations must include, but are not limited to, competitive
65 bids, design-build, and selection of a construction management
66 entity. Contracts executed, extended, or amended on or before
67 September 30, 2023, must comply with the requirements of s.
68 287.055.

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

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

77 1009.26 Fee waivers.—

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

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

20237026er

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

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

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

101 1011.45 End of year balance of funds.—Unexpended amounts in
102 any fund in a university current year operating budget shall be
103 carried forward and included as the balance forward for that
104 fund in the approved operating budget for the following year.

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

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

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

20237026er

117 ~~up to \$2 million;~~

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

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

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

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

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

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

136 1012.886 Remuneration of Florida College System institution
137 administrative employees; limitations.-

138 (2) LIMITATION ON COMPENSATION.-Notwithstanding any other
139 law, resolution, or rule to the contrary, a Florida College
140 System institution administrative employee may not receive more
141 than \$250,000 ~~\$200,000~~ in remuneration annually from
142 appropriated state funds. Only compensation, as such term is
143 defined in s. 121.021(22), provided to a Florida College System
144 institution administrative employee may be used in calculating
145 benefits under chapter 121.

20237026er

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

148 1012.978 Bonuses for state university system employees.—
149 Notwithstanding s. 215.425(3), a university board of trustees
150 may implement a bonus scheme based on awards for work
151 performance or employee recruitment and retention. The board of
152 trustees must submit an annual report to the Board of Governors
153 when awarding bonuses ~~the bonus scheme, including the evaluation~~
154 ~~criteria by which a bonus will be awarded.~~ The Board of
155 Governors shall develop a regulation to ensure consistency in
156 the implementation of this section ~~must approve any bonus scheme~~
157 ~~created under this section before its implementation.~~

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

160 1013.841 End of year balance of Florida College System
161 institution funds.—

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

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

171 (b) Completion of a renovation, repair, or maintenance
172 project that is consistent with ~~the provisions of s. 1013.64(1)~~
173 or replacement of a minor facility, up to \$5 million per
174 project;

20237026er

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

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

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

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

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

188 Section 7. Section 1012.976, Florida Statutes, is amended
189 to read:

190 1012.976 Remuneration of state university employees;
191 limitations.—

192 (1) DEFINITIONS.—As used in this section, the term:

193 (a) ~~"Appropriated state funds" means funds appropriated~~
194 ~~from the General Revenue Fund or funds appropriated from state~~
195 ~~trust funds.~~

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

198 (b) "Public funds" means funds appropriated from the
199 General Revenue Fund, funds appropriated from state trust funds,
200 or tuition and fees.

201 (c) "Remuneration" means salary, bonuses, and cash-
202 equivalent compensation paid to a state university employee by
203 his or her employer for work performed, excluding health

20237026er

204 insurance benefits and retirement benefits.

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

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

228 Section 8. Section 1013.45, Florida Statutes, is amended to
229 read:

230 1013.45 Educational facilities contracting and construction
231 techniques for school districts and Florida College System
232 institutions.—

20237026er

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

238 (a) Competitive bids.

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

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

258 (d) Selecting a program management entity, pursuant to s.
259 255.103 or the process provided by s. 287.055, that would act as
260 the agent of the board and would be responsible for schedule
261 control, cost control, and coordination in providing or

20237026er

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

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

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

285 (3) Contractors, design-build firms, contract management
286 entities, program management entities, or any other person under
287 contract to construct facilities or major additions to
288 facilities may use any construction techniques allowed by
289 contract and not prohibited by law, including, but not limited
290 to, those techniques known as fast-track construction

20237026er

291 scheduling, use of components, and systems building process.
292 (4) Except as otherwise provided in this section and s.
293 481.229, the services of a registered architect must be used for
294 the development of plans for the erection, enlargement, or
295 alteration of any educational facility. The services of a
296 registered architect are not required for a minor renovation
297 project for which the construction cost is less than \$50,000 or
298 for the placement or hookup of relocatable educational
299 facilities that conform to ~~with~~ standards adopted under s.
300 1013.37. However, boards must provide compliance with building
301 code requirements and ensure that these structures are
302 adequately anchored for wind resistance as required by law. A
303 district school board shall reuse existing construction
304 documents or design criteria packages if such reuse is feasible
305 and practical. If a school district's 5-year educational
306 facilities work plan includes the construction of two or more
307 new schools for students in the same grade group and program,
308 such as elementary, middle, or high school, the district school
309 board must ~~shall~~ require that prototype design and construction
310 be used for the construction of these schools. Notwithstanding
311 s. 287.055, a board may purchase the architectural services for
312 the design of educational or ancillary facilities under an
313 existing contract agreement for professional services held by a
314 district school board in the State of Florida, provided that the
315 purchase is to the economic advantage of the purchasing board,
316 the services conform to the standards prescribed by rules of the
317 State Board of Education, and such reuse is not without notice
318 to, and permission from, the architect of record whose plans or
319 design criteria are being reused. Plans must ~~shall~~ be reviewed

20237026er

320 for compliance with the State Requirements for Educational
321 Facilities. Rules adopted under this section must establish
322 uniform prequalification, selection, bidding, and negotiation
323 procedures applicable to construction management contracts and
324 the design-build process. This section does not supersede any
325 small, woman-owned, or minority-owned business enterprise
326 preference program adopted by a board. Except as otherwise
327 provided in this section, the negotiation procedures applicable
328 to construction management contracts and the design-build
329 process must conform to the requirements of s. 287.055. A board
330 may not modify any rules regarding construction management
331 contracts or the design-build process.

332 Section 9. Paragraph (h) of subsection (1) of section
333 1013.64, Florida Statutes, is amended to read:

334 1013.64 Funds for comprehensive educational plant needs;
335 construction cost maximums for school district capital
336 projects.—Allocations from the Public Education Capital Outlay
337 and Debt Service Trust Fund to the various boards for capital
338 outlay projects shall be determined as follows:

339 (1)

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

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