

FOR CONSIDERATION By the Appropriations Committee on Education

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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.