

1                            A bill to be entitled  
 2            An act relating to continuing contracts; amending s.  
 3            255.103, F.S.; revising the maximum estimated  
 4            construction cost of construction projects for which a  
 5            governmental entity may enter into a continuing  
 6            contract; amending s. 287.055, F.S.; revising the  
 7            definition of the term "continuing contract";  
 8            requiring the Department of Transportation to select a  
 9            certain number of qualified firms and authorize work  
 10           in a specified manner for certain continuing  
 11           contracts; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:  
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15            Section 1. Subsection (4) of section 255.103, Florida  
 16            Statutes, is amended, and subsections (2) and (3) of that  
 17            section are republished, to read:

18            255.103 Construction management or program management  
 19            entities.—

20            (2) A governmental entity may select a construction  
 21            management entity, pursuant to the process provided by s.  
 22            287.055, which is to be responsible for construction project  
 23            scheduling and coordination in both preconstruction and  
 24            construction phases and generally responsible for the  
 25            successful, timely, and economical completion of the

26 construction project. The construction management entity must  
27 consist of or contract with licensed or registered professionals  
28 for the specific fields or areas of construction to be  
29 performed, as required by law. The construction management  
30 entity may retain necessary design professionals selected under  
31 the process provided in s. 287.055. At the option of the  
32 governmental entity, the construction management entity, after  
33 having been selected and after competitive negotiations, may be  
34 required to offer a guaranteed maximum price and a guaranteed  
35 completion date or a lump-sum price and a guaranteed completion  
36 date, in which case, the construction management entity must  
37 secure an appropriate surety bond pursuant to s. 255.05 and must  
38 hold construction subcontracts. If a project, as defined in s.  
39 287.055(2)(f), solicited by a governmental entity under the  
40 process provided in s. 287.055 includes a grouping of  
41 substantially similar construction, rehabilitation, or  
42 renovation activities as permitted under s. 287.055(2)(f), the  
43 governmental entity, after competitive negotiations, may require  
44 the construction management entity to provide for a separate  
45 guaranteed maximum price or a separate lump-sum price and a  
46 separate guaranteed completion date for each grouping of  
47 substantially similar construction, rehabilitation, or  
48 renovation activities included within the project.

49 (3) A governmental entity may select a program management  
50 entity, pursuant to the process provided by s. 287.055, which is

51 to be responsible for schedule control, cost control, and  
52 coordination in providing or procuring planning, design, and  
53 construction services. The program management entity must  
54 consist of or contract with licensed or registered professionals  
55 for the specific areas of design or construction to be performed  
56 as required by law. The program management entity may retain  
57 necessary design professionals selected under the process  
58 provided in s. 287.055. At the option of the governmental  
59 entity, the program management entity, after having been  
60 selected and after competitive negotiations, may be required to  
61 offer a guaranteed maximum price and a guaranteed completion  
62 date or a lump-sum price and guaranteed completion date, in  
63 which case the program management entity must secure an  
64 appropriate surety bond pursuant to s. 255.05 and must hold  
65 design and construction subcontracts. If a project, as defined  
66 in s. 287.055(2)(f), solicited by a governmental entity under  
67 the process provided in s. 287.055 includes a grouping of  
68 substantially similar construction, rehabilitation, or  
69 renovation activities as permitted under s. 287.055(2)(f), the  
70 governmental entity, after competitive negotiations, may require  
71 the program management entity to provide for a separate  
72 guaranteed maximum price or a lump-sum price and a separate  
73 guaranteed completion date for each grouping of substantially  
74 similar construction, rehabilitation, or renovation activities  
75 included within the project.

76 (4) A governmental entity's authority under subsections  
 77 (2) and (3) includes entering into a continuing contract for  
 78 construction projects, pursuant to the process provided in s.  
 79 287.055, in which the estimated construction cost of each  
 80 individual project under the contract does not exceed \$7.5 ~~\$4~~  
 81 million plus an annual percentage increase based on the Annual  
 82 Consumer Price Index compiled by the United States Department of  
 83 Labor, beginning with the Annual Consumer Price Index announced  
 84 by the United States Department of Labor for the year 2026. For  
 85 purposes of this subsection, the term "continuing contract"  
 86 means a contract with a construction management or program  
 87 management entity for work during a defined period on  
 88 construction projects described by type which may or may not be  
 89 identified at the time of entering into the contract.

90 Section 2. Subsections (10) and (11) of section 287.055,  
 91 Florida Statutes, are renumbered as subsections (11) and (12),  
 92 respectively, paragraph (g) of subsection (2) is amended, and a  
 93 new subsection (10) is added to that section, to read:

94 287.055 Acquisition of professional architectural,  
 95 engineering, landscape architectural, or surveying and mapping  
 96 services; definitions; procedures; contingent fees prohibited;  
 97 penalties.—

98 (2) DEFINITIONS.—For purposes of this section:

99 (g) A "continuing contract" is a contract for professional  
 100 services entered into in accordance with all the procedures of

101 | this act between an agency and a firm whereby the firm provides  
 102 | professional services to the agency for projects in which the  
 103 | estimated construction cost of each individual project under the  
 104 | contract does not exceed \$7.5 ~~\$4~~ million plus an annual  
 105 | percentage increase based on the Annual Consumer Price Index  
 106 | compiled by the United States Department of Labor, beginning  
 107 | with the Annual Consumer Price Index announced by the United  
 108 | States Department of Labor for the year 2026;~~τ~~ for study  
 109 | activity if the fee for professional services for each  
 110 | individual study under the contract does not exceed \$500,000;~~iτ~~  
 111 | or for work of a specified nature as outlined in the contract  
 112 | required by the agency, with the contract being for a fixed term  
 113 | or with no time limitation except that the contract must provide  
 114 | a termination clause. Firms providing professional services  
 115 | under continuing contracts shall not be required to bid against  
 116 | one another.

117 | (10) APPLICABILITY TO DEPARTMENT OF TRANSPORTATION.—  
 118 | Notwithstanding any other provision of this section to the  
 119 | contrary, for a geotechnical and materials testing continuing  
 120 | contract, the Department of Transportation must select at least  
 121 | three qualified firms and award work under the contract to the  
 122 | selected firms on a sequential, rotating basis with the goal of  
 123 | equally distributing the work amongst the selected firms,  
 124 | provided such distribution is not detrimental to the interests  
 125 | of the state. If a project is not awarded on a sequential,

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126 | rotating basis, at the time the project is awarded the  
127 | department shall certify in writing the reasons for awarding the  
128 | project out-of-sequence, publish the certification on the  
129 | department's website for at least 30 days, and provide a copy to  
130 | each of the selected firms under the contract.

131 | Section 3. This act shall take effect July 1, 2024.