

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 providing an effective date.

9

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

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12 Section 1. Subsection (4) of section 255.103, Florida
 13 Statutes, is amended, and subsections (2) and (3) of that
 14 section are republished, to read:

15 255.103 Construction management or program management
 16 entities.—

17 (2) A governmental entity may select a construction
 18 management entity, pursuant to the process provided by s.
 19 287.055, which is to be responsible for construction project
 20 scheduling and coordination in both preconstruction and
 21 construction phases and generally responsible for the
 22 successful, timely, and economical completion of the
 23 construction project. The construction management entity must
 24 consist of or contract with licensed or registered professionals
 25 for the specific fields or areas of construction to be

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

46 (3) A governmental entity may select a program management
47 entity, pursuant to the process provided by s. 287.055, which is
48 to be responsible for schedule control, cost control, and
49 coordination in providing or procuring planning, design, and
50 construction services. The program management entity must

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

73 (4) A governmental entity's authority under subsections
74 (2) and (3) includes entering into a continuing contract for
75 construction projects, pursuant to the process provided in s.

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

87 | Section 2. Paragraph (g) of subsection (2) of section
 88 | 287.055, Florida Statutes, is amended to read:

89 | 287.055 Acquisition of professional architectural,
 90 | engineering, landscape architectural, or surveying and mapping
 91 | services; definitions; procedures; contingent fees prohibited;
 92 | penalties.—

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

94 | (g) A "continuing contract" is a contract for professional
 95 | services entered into in accordance with all the procedures of
 96 | this act between an agency and a firm whereby the firm provides
 97 | professional services to the agency for projects in which the
 98 | estimated construction cost of each individual project under the
 99 | contract does not exceed \$7.5 ~~\$4~~ million plus an annual
 100 | percentage increase based on the Annual Consumer Price Index

101 compiled by the United States Department of Labor, beginning
102 with the Annual Consumer Price Index announced by the United
103 States Department of Labor for the year 2026;~~7~~ for study
104 activity if the fee for professional services for each
105 individual study under the contract does not exceed \$500,000;~~7~~
106 or for work of a specified nature as outlined in the contract
107 required by the agency, with the contract being for a fixed term
108 or with no time limitation except that the contract must provide
109 a termination clause. Firms providing professional services
110 under continuing contracts shall not be required to bid against
111 one another.

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