

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;~~7~~ for study
 109 | activity if the fee for professional services for each
 110 | individual study under the contract does not exceed \$500,000, or
 111 | 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,

PCS for HB 149

ORIGINAL

2024

126 | rotational 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, shall publish the certification on the
129 | department's website for no less than 30 days, and shall provide
130 | a copy on each of the selected firms under the contract.

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