A bill to be entitled
An act relating to the public procurement of services;
amending s. 255.103, F.S.; revising the maximum dollar
amount for continuing contracts for construction
projects; amending s. 287.055, F.S.; redefining the
term “continuing contract” to increase certain maximum
dollar amounts for professional architectural,
engineering, landscape architectural, and surveying
and mapping services; requiring the Department of
Management Services to annually adjust by rule the
statutory caps for continuing contracts; providing an
effective date.

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

Section 1. Subsection (4) of section 255.103, Florida
Statutes, is amended to read:
255.103 Construction management or program management
entities.—
(4) A governmental entity’s authority under subsections (2)
and (3) includes entering into a continuing contract for
construction projects, pursuant to the process provided in s.
287.055, in which the estimated construction cost of each
individual project under the contract does not exceed $5
million, or the dollar amount as adjusted pursuant to s.
287.055(7)(b) $2 million. For purposes of this subsection, the
term “continuing contract” means a contract with a construction
management or program management entity for work during a
defined period on construction projects described by type which
may or may not be identified at the time of entering into the contract.

Section 2. Paragraph (g) of subsection (2) and subsection (7) of section 287.055, Florida Statutes, are amended to read:

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

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

(g) A “continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed $5 million, or the dollar amount as adjusted pursuant to paragraph (7)(b); $2 million, for study activity if the fee for professional services for each individual study under the contract does not exceed $500,000, or the dollar amount as adjusted pursuant to paragraph (7)(b); $200,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

(7) AUTHORITY AND DUTIES OF DEPARTMENT OF MANAGEMENT SERVICES.—

(a) Notwithstanding any other provision of this section, the Department of Management Services shall be the agency of
state government which is solely and exclusively authorized and
empowered to administer and perform the functions described in
subsections (3), (4), and (5) respecting all projects for which
the funds necessary to complete same are appropriated to the
Department of Management Services, irrespective of whether such
projects are intended for the use and benefit of the Department
of Management Services or any other agency of government.
However, nothing herein shall be construed to be in derogation
of any authority conferred on the Department of Management
Services by other express provisions of law. Additionally, any
agency of government may, with the approval of the Department of
Management Services, delegate to the Department of Management
Services authority to administer and perform the functions
described in subsections (3), (4), and (5). Under the terms of
the delegation, the agency may reserve its right to accept or
reject a proposed contract.

(b) The Department of Management Services shall by rule
adjust the statutory maximum dollar amounts for continuing
contracts established under paragraph (2)(g) and s. 255.103(4)
based on the Engineering News-Record’s Construction Cost Index.
The adjustment shall be made July 1 of each year, beginning in
2021, using the most recent month for which data are available
at the time of the adjustment.

Section 3. This act shall take effect July 1, 2020.