

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
GOVERNMENTAL OVERSIGHT AND ACCOUNTABILITY
Senator Brandes, Chair
Senator Gruters, Vice Chair

MEETING DATE: Wednesday, October 13, 2021

TIME: 9:00—11:30 a.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Brandes, Chair; Senator Gruters, Vice Chair; Senators Farmer, Mayfield, Stargel, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation by J. Todd Inman, Florida Secretary of Management Services, providing an overview of fleet management and identifying any potential modifications to the fleet management program, including legislative proposals, for FY 2021-2022 and FY 2022-23.		Presented
2	Presentation by J. Todd Inman, Florida Secretary of Management Services, providing an overview of the Facilities Program and identifying any potential modifications to the program, including legislative proposals, for FY 2021-2022 and FY 2022-23.		Presented
3	Presentation by the Department of State providing an overview of the following divisions within the department and identifying any legislative proposals relating to these divisions: Division of Historical Resources Division of Library and Information Services Division of Cultural Affairs		Presented
Other Related Meeting Documents			

Fleet Management

Senate Governmental Oversight and Accountability
Committee

October 13, 2021

Fleet Management and Federal Property Assistance

What We Do

- Review and oversight of the purchase of all state-owned vehicles.
- Administer the state's fleet management information system – FleetWave.
- Administer the disposal (by auction or scrapping) of all state-owned vehicles.

What We Don't Do

- Agencies are responsible for acquiring the funding and spending authority from the Legislature to purchase vehicles.
- Agencies decide what motor vehicle they want to purchase from the state term contract.
- Agencies determine their disposition mechanism.

DMS Process

- Review agency vehicle procurement requests to ensure agency needs are met based on asset use, and compliance with the applicable statutes, rules, state-term contracts and general procurement processes.
- Work in conjunction with DMS State Purchasing and agency procurement teams to provide subject matter expertise for specification review and consulting on procurement bids, solicitations, contract amendments and price modifications.
- New motor vehicle contract expected to be awarded on Oct. 19.

FY 2020 - 2021

- Processed 1,605 acquisitions.
- Acquisition Value: \$56,159,826.
- Acquisitions included motor vehicles, heavy equipment, and heavy equipment leasing (lifts, roller choppers, and other items agencies use for agriculture and construction purposes).

Fleet Management and Federal Property Assistance: Fleet Management



DMS Process

- DMS is transitioning from an asset management system to a cloud-based fleet management system.
 - End-to-end management and automation of the state's vehicles and equipment.
 - Improve the user experience and functionality.
- The system will provide cost information and reports used to manage the effective and efficient use, operation, maintenance, repair, and replacement of motor vehicles, watercraft, and aircraft.
- The new system also comes at a lower cost to DMS compared to our previous asset management system. The system is funded by a \$1.75 per asset per month charge to agencies.

DMS Process

- Once agencies identify assets for disposition, they report them to DMS and the bureau manages the disposal of all used/replaced vehicles and mobile equipment. The number of vehicles and equipment surplus every month varies based on the needs of state agencies.

FY 2020 - 2021

- Auctioned 1,562 assets, an average of 130 assets per month.
- Gross auction proceeds: \$5,500,744.
- DMS works in coordination with state agencies to choose the surplus method that best suits their needs.
 - Auction and online sale options are available to agencies.

- Growth of Telematics & GPS Tracking
 - Telematics helps fleet managers determine diagnostic levels in real-time, tracking vehicle health and efficiency
- Vehicle Chip Shortage
 - Shortage expected to last into 2022
 - High-tech vehicles can require up to 1,500 chips depending on design
 - The combination of low inventories and increasing consumer demand has increased new and used vehicle pricing
- Retail/Used Vehicle Sales
 - Inventory is low and demand is high
 - DMS is working with customers to identify alternative contracts to fulfill need
 - Sparse selection, higher prices, longer waits, and little wiggle room for negotiating
 - Agencies are keeping assets longer, until they can find vehicles that meet needs

We Serve Those Who Serve Florida

For questions, please contact:

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Statutory Provisions Dealing with Fleet Management

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287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(1)(a) To canvass all sources of supply and contract for the purchase, lease, or acquisition, including purchase by installment sales or lease-purchase contracts which may provide for the payment of interest on unpaid portions of the purchase price of all commodities and contractual services required by any agency under this chapter. Any contract providing for deferred payments and the payment of interest is subject to specific rules adopted by the department.

...

(c) In order to promote cost-effective procurement of commodities and contractual services, the department or an agency may enter into contracts that limit the liability of a vendor consistent with s. [672.719](#).

...

(h)1. The department may collect fees for the use of its electronic information services. The fees may be imposed on an individual transaction basis or as a fixed subscription for a designated period of time. At a minimum, the fees shall be determined in an amount sufficient to cover the department's projected costs of the services, including overhead in accordance with the policies of the department for computing its administrative assessment. All fees collected under this paragraph shall be deposited in the Operating Trust Fund for disbursement as provided by law.

...

(2)(a) To establish purchasing agreements and procure state term contracts for commodities and contractual services, pursuant to s. [287.057](#), under which state agencies shall, and eligible users may, make purchases pursuant to s. [287.056](#). The department may restrict purchases from some term contracts to state agencies only for those term contracts where the inclusion of other governmental entities will have an adverse effect on competition or to those federal facilities located in this state. In such planning or purchasing the Office of Supplier Diversity may monitor to ensure that opportunities are afforded for contracting with minority business enterprises. The department, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified minority business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Commission for the Transportation Disadvantaged, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive solicitation requirements otherwise applying to their purchases.

...

(3) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

...

(5) To prescribe specific commodities and quantities to be purchased locally.

(6)(a) To govern the purchase by any agency of any commodity or contractual service and to establish standards and specifications for any commodity.

(b) Except for the purchase of insurance, the department may delegate to agencies the authority for the procurement of and contracting for commodities or contractual services.

(7) To establish definitions and classes of commodities and contractual services. Agencies shall follow the definitions and classes of commodities and contractual services established by the department in acquiring or purchasing commodities or contractual services. The authority of the department under this section shall not be construed to impair or interfere with the determination by state agencies of their need for, or their use of, services including particular specifications.

...

(10) To prepare statistical data concerning the method of procurement, terms, usage, and disposition of commodities and contractual services by agencies. All agencies shall furnish such information for this purpose to the office and to the department, as the department or office may call for, but no less frequently than annually, on such forms or in such manner as the department may prescribe.

...

(14) To procure and distribute federal surplus tangible personal property allocated to the state by the Federal Government.

(15) To lead or enter into joint agreements with governmental entities for the purchase of commodities or contractual services that can be used by multiple agencies.

...

(17)(a) To enter into contracts pursuant to chapter 957 for the designing, financing, acquiring, leasing, constructing, or operating of private correctional facilities. The department shall enter into a contract or contracts with one contractor per facility for the designing, acquiring, financing, leasing, constructing, and operating of that facility or may, if specifically authorized by the Legislature, separately contract for any such services.

(b) To manage and enforce compliance with existing or future contracts entered into pursuant to chapter 957.

The department may not delegate the responsibilities conferred by this subsection.

287.057 Procurement of commodities or contractual services.—

(1) The competitive solicitation processes authorized in this section shall be used for procurement of commodities or contractual services in excess of the threshold amount provided for CATEGORY TWO in s. [287.017](#). Any competitive solicitation shall be made available simultaneously to all vendors, must include the time and date for the receipt of bids, proposals, or replies and of the public opening, and must include all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining acceptability and relative merit of the bid, proposal, or reply.

...

(c) All agencies shall consider the use of price preferences of up to 10 percent, weighted preference formulas, or other preferences for vendors as determined appropriate pursuant to guidelines established in accordance with s. [287.09451](#)(4) to increase the participation of minority business enterprises.

(d) All agencies shall avoid any undue concentration of contracts or purchases in categories of commodities or contractual services in order to meet the minority business enterprise purchasing goals in s. [287.09451](#).

(9) An agency may reserve any contract for competitive solicitation only among vendors who agree to use certified minority business enterprises as subcontractors or subvendors. The percentage of funds, in terms of gross contract amount and revenues, which must be expended with the certified minority business enterprise subcontractors and subvendors shall be determined by the agency before such contracts may be reserved. In order to bid on a contract so reserved, the vendor shall identify those

certified minority business enterprises which will be utilized as subcontractors or subvendors by sworn statement. At the time of performance or project completion, the contractor shall report by sworn statement the payments and completion of work for all certified minority business enterprises used in the contract.

(10) An agency shall not divide the solicitation of commodities or contractual services so as to avoid the requirements of subsections (1)-(3).

(11) A contract for commodities or contractual services may be awarded without competition if state or federal law prescribes with whom the agency must contract or if the rate of payment or the recipient of the funds is established during the appropriations process.

(12) If two equal responses to a solicitation or a request for quote are received and one response is from a certified minority business enterprise, the agency shall enter into a contract with the certified minority business enterprise.

(13) Extension of a contract for commodities or contractual services must be in writing for a period not to exceed 6 months and is subject to the same terms and conditions set forth in the initial contract and any written amendments signed by the parties. There may be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the contractor.

(14) Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever is longer. Renewal of a contract for commodities or contractual services must be in writing and is subject to the same terms and conditions set forth in the initial contract and any written amendments signed by the parties. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed must be specified in the bid, proposal, or reply, except that an agency may negotiate lower pricing. A renewal contract may not include any compensation for costs associated with the renewal. Renewals are contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to paragraphs (3)(a) and (c) may not be renewed. With the exception of subsection (11), if a contract amendment results in a longer contract term or increased payments, a state agency may not renew or amend a contract for the outsourcing of a service or activity that has an original term value exceeding \$5 million before submitting a written report concerning contract performance to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before execution of the renewal or amendment.

(15)(a) For each contractual services contract, the agency shall designate an employee to function as contract manager who is responsible for enforcing performance of the contract terms and conditions and serves as a liaison between the contractor and the agency. The contract manager may not be an individual who has been employed, within the previous 5 years, by the vendor awarded the contractual services contract. The primary responsibilities of a contract manager include:

1. Participating in the solicitation development and review of contract documents.
2. Monitoring the contractor's progress and performance to ensure procured products and services conform to the contract requirements and keep timely records of findings.
3. Managing and documenting any changes to the contract through the amendment process authorized by the terms of the contract.
4. Monitoring the contract budget to ensure sufficient funds are available throughout the term of the contract.
5. Exercising applicable remedies, as appropriate, when a contractor's performance is deficient.

(b) Each contract manager who is responsible for contracts in excess of the threshold amount for CATEGORY TWO must, at a minimum, complete training conducted by the Chief Financial Officer for accountability in contracts and grant management. The Chief Financial Officer shall evaluate such training every 5 years to assess its effectiveness and update the training curriculum. The Chief Financial Officer shall establish and disseminate uniform procedures pursuant to s. [17.03\(3\)](#) to ensure that contractual services have been rendered in accordance with the contract terms before the agency processes the invoice for payment. The procedures must include, but need not be limited to, procedures for monitoring and documenting contractor performance, reviewing and documenting all deliverables for which payment is requested by vendors, and providing written certification by contract managers of the agency's receipt of goods and services.

...

(16) Each agency shall designate at least one employee who shall serve as a contract administrator responsible for maintaining a contract file and financial information on all contractual services contracts and who shall serve as a liaison with the contract managers and the department. For a contract of \$500,000 or less annually, the contract administrator may also serve as the contract manager if he or she has completed the required training. For a contract in excess of \$500,000 annually, the contract administrator may not serve as both the contract administrator and the contract manager.

(17)(a) For a contract in excess of the threshold amount provided in s. [287.017](#) for CATEGORY FOUR, the agency head shall appoint:

1. At least three persons to independently evaluate proposals and replies who collectively have experience and knowledge in the program areas and service requirements for the commodity or contractual services sought.
2. At least three persons to a negotiation team to conduct negotiations during a competitive sealed reply procurement. The negotiation team members must collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for the commodity or contractual services sought.

(b)1. If the value of a contract is in excess of \$1 million in any fiscal year, at least one of the persons conducting negotiations must be a certified contract negotiator.

2. If the value of a contract is in excess of \$10 million in any fiscal year, at least one of the persons conducting negotiations must be a Project Management Professional, as certified by the Project Management Institute. The Project Management Professional shall provide guidance based on his or her experience, education, and competency to lead and direct complex projects.

...

(20) Each agency shall establish a review and approval process for all contractual services contracts costing more than the threshold amount provided for in s. [287.017](#) for CATEGORY THREE which shall include, but not be limited to, program, financial, and legal review and approval. Such reviews and approvals shall be obtained before the contract is executed.

(21) In any procurement that costs more than the threshold amount provided for in s. [287.017](#) for CATEGORY TWO and is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.

...

(24) The department, in consultation with the Chief Financial Officer and the state chief information officer, shall maintain a program for online procurement of commodities and contractual services. To enable the state to promote open competition and leverage its buying power, agencies shall participate in the online procurement program, and eligible users may participate in the program. Only vendors prequalified as meeting mandatory requirements and qualifications criteria may participate in online procurement.

(a) The department may contract for equipment and services necessary to develop and implement online procurement.

(b) The department shall adopt rules to administer the program for online procurement. The rules must include, but not be limited to:

1. Determining the requirements and qualification criteria for prequalifying vendors.
2. Establishing the procedures for conducting online procurement.
3. Establishing the criteria for eligible commodities and contractual services.
4. Establishing the procedures for providing access to online procurement.
5. Determining the criteria warranting any exceptions to participation in the online procurement program.

(c) The department may impose and shall collect all fees for the use of the online procurement systems.

1. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of the services, including administrative and project service costs in accordance with the policies of the department.

2. If the department contracts with a provider for online procurement, the department, pursuant to appropriation, shall compensate the provider from the fees after the department has satisfied all ongoing costs. The provider shall report transaction data to the department each month so that the department may determine the amount due and payable to the department from each vendor.

3. All fees that are due and payable to the state on a transactional basis or as a fixed percentage of the cost savings generated are subject to s. [215.31](#) and must be remitted within 40 days after receipt of payment for which the fees are due. For fees that are not remitted within 40 days, the vendor shall pay interest at the rate established under s. [55.03](#)(1) on the unpaid balance from the expiration of the 40-day period until the fees are remitted.

4. All fees and surcharges collected under this paragraph shall be deposited in the Operating Trust Fund as provided by law.

...

(26)(a) For each contractual services contract of \$5 million or greater, the agency head shall establish a continuing oversight team after the contract has been awarded. The agency head shall appoint at least four persons, one of whom must be the certified contract manager, to the continuing oversight team. If the value of the contractual services contract is \$10 million or greater, at least one of the persons on the continuing oversight team must possess at least 5 years of experience in managing contracts of a similar scope or size. If the value of the contractual services contract is \$20 million or greater, the continuing oversight team shall consist of at least five persons; at least one of the persons on the continuing oversight team must be from an agency other than the agency or agencies participating in the contract. Members of the continuing oversight team must be agency employees and must collectively have experience and knowledge in contract management, contract administration, contract enforcement, and the program areas and service requirements for the contractual services purchased.

- (b)1. For contracts of \$5 million or greater, each continuing oversight team must meet at least quarterly.
2. For contracts of \$10 million or greater, each continuing oversight team must meet at least monthly. A representative of the contractor must be made available to members of the continuing oversight team for at least one meeting every calendar quarter to respond to any questions or requests for information from the continuing oversight team concerning contractor performance.
- (c)1. Within 30 days after the formation of the continuing oversight team, the continuing oversight team must convene an initial meeting with representatives of the contractor to achieve a mutual understanding of the contract requirements; to provide the contractor with an orientation to the contract management process; and to provide an explanation of the role of the continuing oversight team, contract manager, and contract administrator.
2. The continuing oversight team must meet to discuss the status of the contract, the pace of deliverables, the quality of deliverables, contractor responsiveness, and contractor performance. The contract administrator must be present at each meeting with the contract file and all applicable financial information. The continuing oversight team may submit written questions to the contractor concerning any items discussed during a continuing oversight team meeting. The contractor must respond to the team's questions within 10 business days after receiving the written questions. The questions and responses must be included in the contract file.
- (d) The continuing oversight team must notify, in writing:
 1. The agency head and the department of any deficiency in a contractor's performance which substantially affects the pace of deliverables or the likelihood of the successful completion of the contract.
 2. The agency head, the department, and the Office of Policy and Budget in the Executive Office of the Governor of any significant change in contract scope or any increase in the cost of the contract that is 5 percent of the planned contract cost or greater within the fiscal year for contractual service contracts of at least \$5 million.
 3. The agency head, the department, the Office of Policy and Budget in the Executive Office of the Governor, and the legislative appropriations committees of any significant change in contract scope or any increase in the cost of the contract that is 5 percent of the planned contract cost or greater within the fiscal year for contractual service contracts of \$10 million or greater.

287.083 Purchase of commodities.—

- (1) It shall be the policy of the state for the Department of Management Services to consider the life-cycle cost of commodities purchased by the state, when applicable and feasible as determined by the department.
- (2) Definitions.—For the purpose of this section:
 - (a) "Major energy-consuming product" means any article so designated by the department.
 - (b) "Energy-efficiency standard" means a performance standard which prescribes the relationship of the energy use of a product to its useful output of services.
- (3)(a) The department is authorized to establish by rule energy-efficiency standards for major energy-consuming products.
- (b) When federal energy-efficiency standards exist, the department shall, when feasible, adopt standards at least as stringent as the federal standards.
- (4) When energy-efficiency standards are established, life-cycle costs shall be used by the department in contracting for major energy-consuming products.

(5) In determining the life-cycle cost, the department may consider the acquisition cost of the product; the energy consumption and the projected cost of energy over the useful life of the product; and the anticipated trade-in, resale, or salvage value of the product.

287.0831 Limitation on purchases to replace damaged state agency equipment; assessment protocols.—

(1) It is the intent of the Legislature that purchases of new equipment, machinery, or inventory by any state agency as a result of damage from fire, smoke, water, or any other similar incident be limited to purchases that are absolutely necessary because the damaged equipment, machinery, or inventory is in irreparable condition.

(2) By January 1, 2012, each state agency shall develop and adopt assessment protocols for evaluating and determining whether equipment, machinery, or any other inventory must be repaired or restored before any request to purchase replacement equipment, machinery, or any other inventory is approved.

287.14 Purchase of motor vehicles by state officers and employees.—

(1) It is the intent of the Legislature that this section has applied and shall continue to apply to state officers and employees of the executive and judicial branches of state government.

(2) The term “motor vehicle” as used in this section includes any automobile or light truck. This definition also includes any airplane or other vehicle designed primarily for transporting persons.

(3) It is unlawful for any state officer or employee to authorize the purchase or continuous lease of any motor vehicle to be paid for out of funds of the state or any department thereof unless funds therefor have been appropriated by the Legislature. This subsection does not apply to motor vehicles needed to meet unforeseen or emergency situations, if approved by the Executive Office of the Governor after consultation with the legislative appropriations committees.

(4) Motor vehicles for which replacement funds have been appropriated may not be retained in service unless they are required to meet emergency or major unforeseen needs. All replaced vehicles which are retained to meet emergency or unforeseen needs shall be reported to the Legislature in subsequent agency budget request documents, detailing the specific justification for the retention of each vehicle.

(5) Motor vehicles shall not be acquired on a deferred payment contract which requires the payment of interest or its equivalent, except when specifically approved by the Executive Office of the Governor after consultation with the legislative appropriations committees as in the best interest of the state.

287.15 Purchase or lease of motor vehicles, watercraft, or aircraft; prior approval of the Department of Management Services.—No state agency shall purchase, lease, or acquire any motor vehicle, watercraft, or aircraft of any type unless prior approval is first obtained from the Department of Management Services. However, nothing herein shall prohibit the lease for casual use of motor vehicles, or remove the requirement that all purchases be in compliance with the rules and regulations of the Department of Management Services.

287.151 Limitation on classes of motor vehicles procured.—

(1) All motor vehicles purchased or leased by the state with funds provided in the General Appropriations Act shall be of the subcompact class except vehicles used for law enforcement purposes by law enforcement officers of the state, used as tow vehicles, routinely used to transport more than three

adults or bulk materials, or vehicles operated frequently on unpaved roads. All vehicles purchased shall be of the smallest class that can safely and adequately meet the transportation requirements.

(2) No funds in the General Appropriations Act shall be used to purchase any vehicle at prices in excess of the standard prices negotiated by the Department of Management Services.

287.16 Powers and duties of department.—The Department of Management Services shall have the following powers, duties, and responsibilities:

(1) To obtain the most effective and efficient use of motor vehicles, watercraft, and aircraft for state purposes.

(2) To establish and operate central facilities for the acquisition, disposal, operation, maintenance, repair, storage, supervision, control, and regulation of all state-owned or state-leased aircraft, watercraft, and motor vehicles and to operate any state facilities for those purposes. Acquisition may be by purchase, lease, loan, or in any other legal manner. The department may contract for the maintenance of motor vehicles.

(3) In its discretion, to require every state agency to transfer its ownership, custody, and control of every aircraft and motor vehicle, and associated maintenance facilities and equipment, except those used principally for law enforcement, state fire marshal, or fire control purposes, to the Department of Management Services, including all right, title, interest, and equity therein.

(4) Upon requisition and showing of need, to assign suitable aircraft or motor vehicles, on a temporary (for a period up to and including 1 month) or permanent (for a period from 1 month up to and including 1 full year) basis, to any state agency.

(5) To allocate and charge fees to the state agencies to which aircraft or motor vehicles are furnished, based upon any reasonable criteria.

(6) To adopt and enforce rules and regulations for the efficient and safe use, operation, maintenance, repair, disposal, and replacement of all state-owned or state-leased aircraft, watercraft, and motor vehicles and to require the placement of appropriate stickers, decals, or other markings upon them. The department may delegate to the respective heads of the agencies to which aircraft, watercraft, and motor vehicles are assigned the duty of enforcing the rules and regulations adopted by the department.

(7) To contract for specialized maintenance services.

(8) To require any state agency to keep records and make reports regarding aircraft and motor vehicles to the department as may be required. The Department of Highway Safety and Motor Vehicles shall use a reporting system approved by the department.

(9) To establish and operate central facilities to determine the mode of transportation to be used by state employees traveling on official state business and to schedule and coordinate use of state-owned or state-leased aircraft and passenger-carrying vehicles to assure maximum utilization of state aircraft, motor vehicles, and employee time by assuring that employees travel by the most practical and economical mode of travel. The department shall consider the number of employees making the trip to the same location, the most efficient and economical means of travel considering the time of the employee, transportation cost and subsistence required, the urgency of the trip, and the nature and purpose of the trip.

(10) To calculate biennially the break-even mileage at which it becomes cost-effective for the state to provide assigned motor vehicles to employees. The Support Program shall provide the information to agency heads and agency inspectors general to assist them in meeting the reporting requirements of s. [20.055](#).

(11) To conduct, in coordination with the Department of Transportation, an analysis of fuel additive and biofuel use by the Department of Transportation through its central fueling facilities. The department shall encourage other state government entities to analyze transportation fuel usage, including the different types and percentages of fuels consumed, and report such information to the department.

287.17 Limitation on use of motor vehicles and aircraft.—

(1) The aircraft and motor vehicles owned, leased, or operated by any state agency, as defined in s. [287.012](#), shall be available for official state business only as authorized by agency heads, as defined in s. [287.012](#).

(2) The following criteria shall be considered in determining appropriate uses of motor vehicles and aircraft:

(a) Whether the use of a motor vehicle or aircraft is necessary to carry out state official or employee job assignments.

(b) Whether the use of a motor vehicle or aircraft is for transporting an employee, state official, or other person authorized by the agency head for purposes of conducting official state business or for purposes of performing services for the state.

(c) Whether the Department of Law Enforcement has been directed by the agency head to provide security or transportation pursuant to s. [943.68](#).

(d) Whether an emergency exists requiring the use of a motor vehicle or aircraft for the protection of life or property.

(3)(a) The term “official state business” may not be construed to permit the use of a motor vehicle or aircraft for commuting purposes, unless special assignment of a motor vehicle is authorized as a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation.

(b) For motor vehicles used by a state employee whose duties are those of a law enforcement officer, as defined in s. [943.10](#), the term “official state business” shall be construed to permit the use of the vehicle during normal duty hours to and from lunch or meal breaks and incidental stops for personal errands, but not substantial deviations from official state business, if such use is at the direction of or with the permission of the agency head.

(4) An agency head, as defined in s. [287.012](#), shall comply with the following criteria for the special assignment of motor vehicles:

(a) An agency head may assign a motor vehicle to a state officer or employee only if the officer or employee is projected to drive the motor vehicle a minimum of 10,000 miles annually on official state business, unless an agency head annually provides written justification for the need of the assignment of a motor vehicle. Commuting mileage incidental to use of the motor vehicle on official state business shall be excluded from calculating the projected mileage. Priority in assigning motor vehicles shall be given to those employees who drive over 15,000 miles annually on state business.

(b) An agency head may assign motor vehicles to state officers and employees who perform duties related to law enforcement. However, the agency head shall not assign a pursuit motor vehicle to an officer or employee whose job duties do not routinely require performance of a patrol or law enforcement function requiring a pursuit vehicle.

(5) A person who is not otherwise authorized in this section may accompany the Governor, the Lieutenant Governor, a member of the Cabinet, the President of the Senate, the Speaker of the House of

Representatives, or the Chief Justice of the Supreme Court when such official is traveling on state aircraft for official state business and the aircraft is traveling with seats available. Transportation of a person accompanying any official specified in this subsection shall be approved by the official, who shall also guarantee payment of the transportation charges. When the person accompanying such official is not traveling on official state business as provided in this section, the transportation charge shall be a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such state aircraft. The spouse or immediate family members of any official specified in this subsection may, with payment of transportation charges, accompany the official when such official is traveling for official state business and the aircraft has seats available.

(6) It is the intention of the Legislature that persons traveling on state aircraft for purposes consistent with, but not necessarily constituting, official state business may travel only when accompanying persons who are traveling on official state business and that such persons shall pay the state for all costs associated with such travel. A person traveling on state aircraft for purposes other than official state business shall pay for any trip not exclusively for state business by paying a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft.

287.18 Repair and service of motor vehicles and aircraft.—The Secretary of Management Services or his or her designee may require a department or any state agency having facilities for the repair of aircraft or motor vehicles and for the storage and distribution of gasoline and other petroleum products to repair aircraft and motor vehicles and to furnish gasoline and other petroleum products to any other department or agency and shall compensate for the cost of such services and products.

The Florida Senate

APPEARANCE RECORD

Fleet + REDM

10/13/2021

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Governmental Oversight + Accountability
Committee

Amendment Barcode (if applicable)

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City

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State

32399
Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Department of Management
Services

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

Real Estate Development and Management

Senate Governmental Oversight and Accountability
Committee

October 13, 2021

Real Estate Development and Management: Program Responsibilities



Florida Facilities Pool

- Bonded building pool established in 1985-86.
- 112 facilities, largely multi-tenant office space, including laboratories, and other specialty space.
- Total Division Staff: 267.50 FTEs
 - Regional Facilities FTEs: 59
 - Tallahassee FTEs: 208.50



Lease Administration: 1,500 leases

- \$244 million in commercial leases.
- 6.1 million sq. ft. of Pool leased space.
- 6.25 million sq. ft. of private leased space.
- 1 million sq. ft. of other governmental leased space.
- 25,000 parking contracts.



Operations and Maintenance

- Maintain 12.6 million sq. ft. of day-to-day operations



Building Construction

- Design, construction management, and budget oversight on state facilities.
- \$431 million in construction projects.
- New construction and like kind replacements.



Building Systems

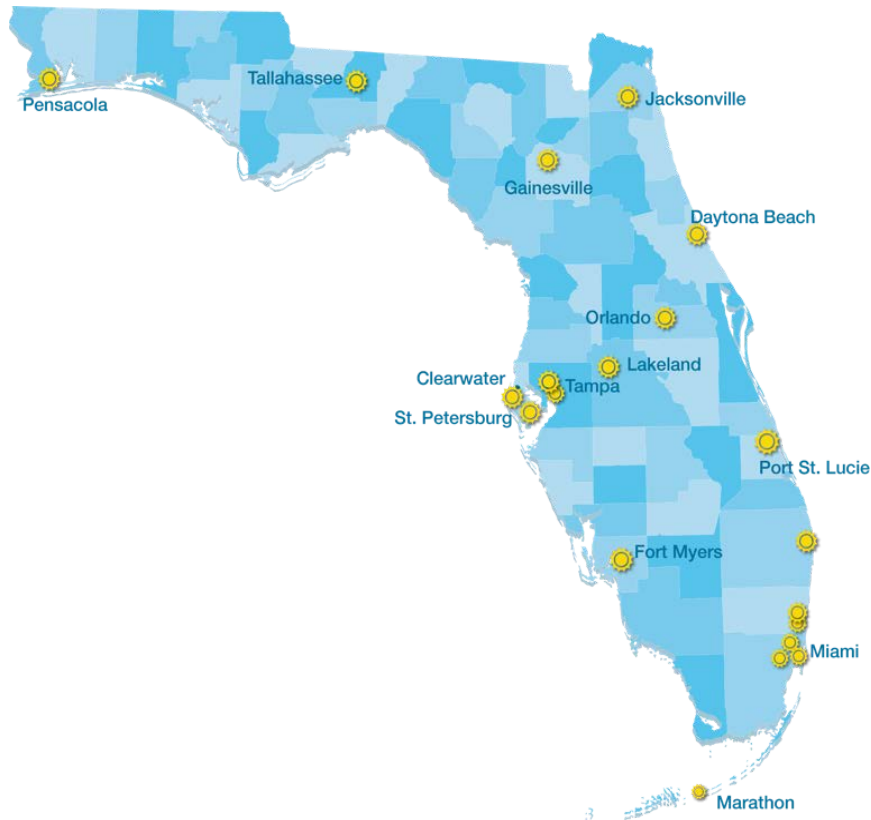
- Building automation.
- HVAC controls.
- Transition to Smart Building – Internet of Things.
- Fire and Life Safety.



Business Support Services

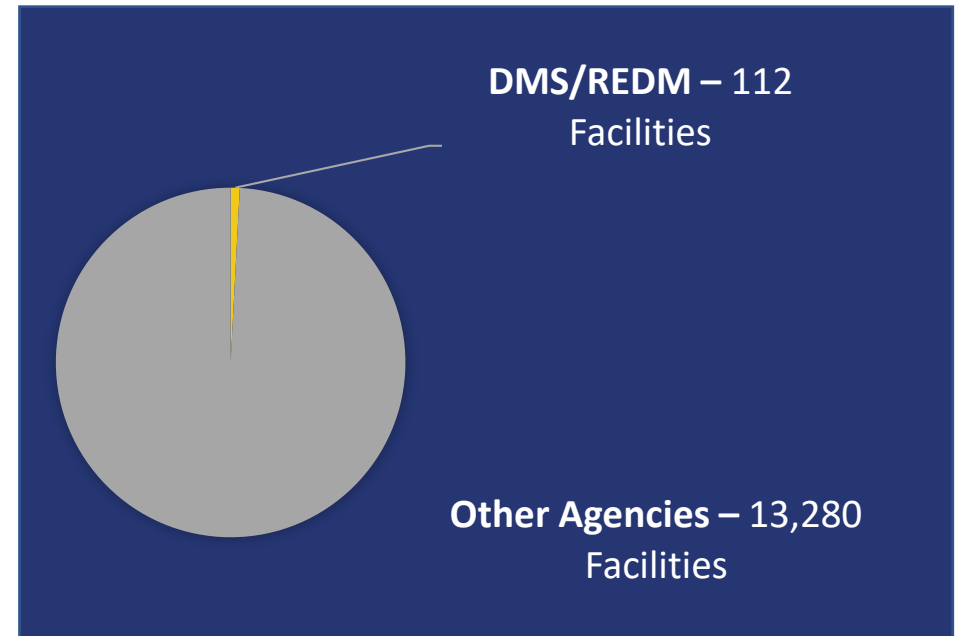
- Budget, procurement, contract management, administrative duties, special projects.
- Vendor Contracts: \$13 million
- Operating Budget: \$128.5 million

Real Estate Development and Management: DMS Maintained Facility Locations



Diverse portfolio including:

- Capitol Complex
- Office buildings and regional service centers
- Laboratories
- Museums
- Warehouse space

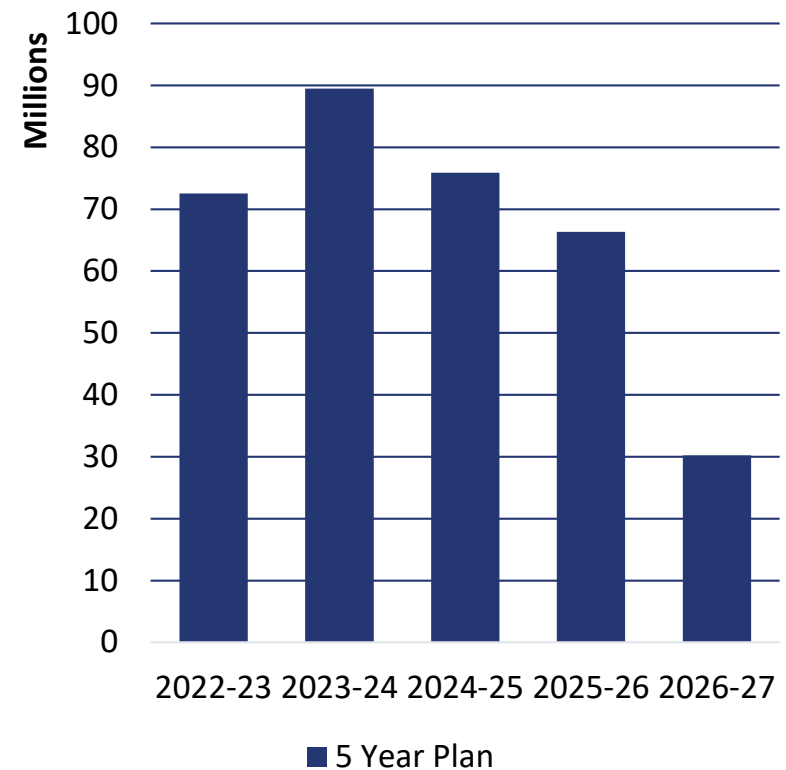


Real Estate Development and Management: 5-Year Plan - Fixed Capital Outlay Needs

	5 –Year Totals	
ADA Projects	\$34,765,500	ADA
Life Safety Projects	\$14,698,337	Life
Building Systems Projects	\$389,258,936	Building
Current List	\$438,722,773	

5-Year Deferred Maintenance Needs

\$438.7M





Real Estate Development and Management: Major Fixed Capital Outlay Projects

Upcoming/Ongoing Construction Projects

- 2nd District of Court of Appeal
- FDLE Tampa Bay Regional Operation Center
- FDVA – Lake Baldwin Community Living Center
- Capitol Mechanical Renovations (HVAC)
- Capitol Windows
- Emergency Operations Center

Capitol Windows/HVAC Schedules

Capitol HVAC Modernization:

- Demolition Phase: Work scheduled to begin after 2022 Session.
- New ductwork and Variable Air Volume units will be installed.
- New ceilings will be installed.
- Project completion is scheduled for 2025.

Capitol Window Replacements:

- Phase I: Chamber Wings and House Office Building – Design is complete. Estimated completion date September 2023.
- Phase II: Tower – Design will be completed Dec. 2021. Estimated completion date December 2023.



Trends and Opportunities

Leasing:

- Agencies issue competitive solicitations and often require the space be built out to meet their needs.
- Currently, agencies require landlords to provide turn-key buildouts in which the landlord pays for all tenant improvement costs upfront.
- A recent analysis shows that state agencies could save between 7 and 13 percent on rental costs if they have funds up front to pay for these build out costs.
- DMS' tenant brokers believe fewer buildout requests could also increase competition among landlords.
- DMS is also working on its standard leasing ITN documentation used by agencies in order to increase competition among landlords.

Construction:

- According to the U.S. Department of Labor, the construction industry lost more than 1 million workers in 2020 and industry groups believe more than 1 million workers are needed over the next two years to keep up with demand.
- According to the Associated General Contractors of America, 88 percent of firms are experiencing project delays and 93 percent are seeing rising material prices.
- In addition, 58 percent of federal construction contractors saw projects canceled, postponed, or scaled back.

We Serve Those Who Serve Florida

For questions, please contact:

Tyler Russell, Deputy Chief of Staff

Tyler.Russell@dms.fl.gov

Executive Summary

The 2021 State Facilities Inventory (SFI) and Disposition of State Lands annual reports provide summary-level information of state-owned facilities and lands, as stipulated in sections 216.0152 and 216.0153, Florida Statutes (F.S.).

Subsection 216.0152(1), F.S., requires the Department of Management Services (DMS) to develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by a state agency, the judicial branch, or water management districts (WMDs).

Subsection 216.0153(3), F.S., requires the Division of State Lands in the Department of Environmental Protection (DEP) to submit by Oct. 1, 2010, and annually thereafter a report that lists the state-owned real property recommended for disposition, including a report by DMS of surplus buildings recommended for disposition. This report shall include specific information that documents the valuation and analysis process used to identify the specific state-owned real property recommended for disposition and shall be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives.



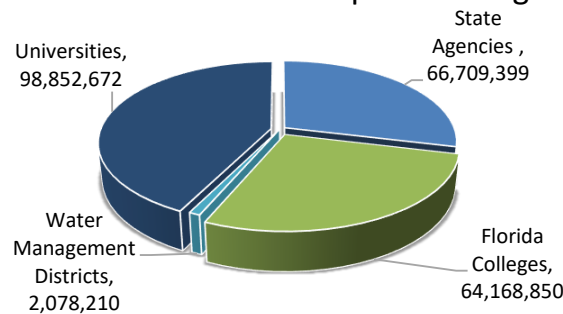
Summary of Owned Inventory

Section 216.0152, F.S., defines a facility as “buildings, structures, and building systems, but does not include transportation facilities of the state transportation system.”

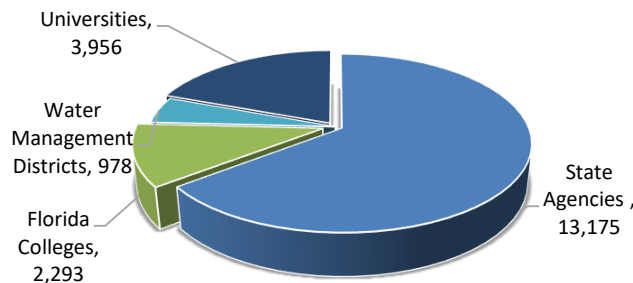
As of June 30, 2021, agencies reported the following in the Florida State Owned Lands and Records Information System (FL-SOLARIS):

- The State of Florida owns 20,402 structures totaling 231,809,131 square feet. This portfolio includes facilities owned by state agencies, WMDs, the Florida College System, the State University System of Florida, and the Board of Governors (BOG).
- State agencies own 13,175 facilities throughout Florida’s 67 counties, totaling 66,709,399 square feet.
 - Alachua County has the largest number of facilities (1,706) while Miami-Dade County has the most square-footage (30,341,461). Glades County has the fewest facilities (59), and Indian River has the lowest square footage (238,204).
 - Agencies reported 9 candidates for disposition, totaling more than 36,000 square feet.
 - The average age of all agency-owned facilities is 34.6 years (as reported by agencies), and there are approximately \$875 million in reported capital improvement projects. Agencies reported \$283.4 million in operating expenses for this reporting cycle and \$111.1 million in utility expenses.

State Portfolio - Total Square Footage



State Portfolio - Total Facility Count



State-Owned Portfolio

The following table provides the reporting state government entity and the entity's gross square footage.

Government Entity	Facility Count	Facility Count as a Percent of Total Inventory	Gross Square Footage	Square Footage as Percent of Total Inventory
<i>State Agencies</i>	<i>13,175</i>	<i>64.58%</i>	<i>66,709,399</i>	<i>28.78%</i>
Agency for Persons with Disabilities	416	2.04%	1,546,024	0.67%
Department of Agriculture and Consumer Service	1,607	7.88%	4,568,288	1.97%
Department of Children and Families	539	2.64%	4,582,052	1.98%
Department of Citrus	3	0.01%	25,929	0.01%
Department of Corrections	4,122	20.20%	20,371,007	8.79%
Department of Economic Opportunity	17	0.08%	492,443	0.21%
Department of Education	17	0.08%	394,507	0.17%
Department of Environmental Protection	3,671	17.99%	3,509,256	1.51%
Department of Financial Services	25	0.12%	111,640	0.05%
Department of Health	281	1.38%	4,024,484	1.74%
Department of Highway Safety and Motor Vehicle	94	0.46%	750,870	0.32%
Department of Juvenile Justice	495	2.43%	2,330,543	1.01%
Department of Law Enforcement	1	0.00%	111,610	0.05%
Department of Management Services	228	1.12%	14,785,808	6.38%
Department of Military Affairs	369	1.81%	2,275,858	0.98%
Department of State	32	0.16%	167,504	0.07%
Department of Transportation	624	3.06%	3,812,441	1.64%
Department of Veterans' Affairs	10	0.05%	718,010	0.31%
Fish and Wildlife Conservation Commission	564	2.76%	1,012,366	0.44%
Florida School for the Deaf and the Blind	55	0.27%	769,029	0.33%
State Courts System	5	0.02%	349,730	0.15%

State-Owned Portfolio (Continued)

The following table provides the reporting state government entity and the entity's gross square footage.

Government Entity	Facility Count	Facility Count as a Percent of Total Inventory	Gross Square Footage	Square Footage as Percent of Total Inventory
<i>Florida Colleges</i>	<i>2,293</i>	<i>11.24%</i>	<i>64,168,850</i>	<i>27.68%</i>
Broward College	125	0.61%	6,988,021	3.01%
Chipola College	49	0.24%	573,812	0.25%
College of Central Florida	72	0.35%	945,021	0.41%
Daytona State College	83	0.41%	1,698,354	0.73%
Eastern Florida State College	74	0.36%	3,126,326	1.35%
Florida Gateway College	87	0.43%	486,071	0.21%
Florida SouthWestern State College	87	0.43%	1,313,529	0.57%
Florida State College at Jacksonville	122	0.60%	3,087,760	1.33%
Gulf Coast State College	44	0.22%	753,316	0.32%
Hillsborough Community College	90	0.44%	1,843,003	0.80%
Indian River State College	93	0.46%	1,625,435	0.70%
Lake-Sumter State College	40	0.20%	821,315	0.35%
Miami Dade College	258	1.26%	15,899,121	6.86%
North Florida College	33	0.16%	425,046	0.18%
Northwest Florida State College	78	0.38%	1,335,008	0.58%
Palm Beach State College	142	0.70%	2,197,559	0.95%
Pasco-Hernando State College	85	0.42%	1,137,704	0.49%
Pensacola State College	71	0.35%	1,246,044	0.54%
Polk State College	36	0.18%	976,401	0.42%
Santa Fe College	72	0.35%	2,181,633	0.94%
Seminole State College of Florida	88	0.43%	3,845,258	1.66%
South Florida State College	88	0.43%	697,293	0.30%
St. Johns River State College	43	0.21%	635,280	0.27%
St. Petersburg College	80	0.39%	2,434,538	1.05%
State College of Florida, Manatee-Sarasota	63	0.31%	2,911,948	1.26%
Tallahassee Community College	72	0.35%	2,112,356	0.91%
The College of the Florida Keys	32	0.16%	266,533	0.11%
Valencia College	86	0.42%	2,605,165	1.12%

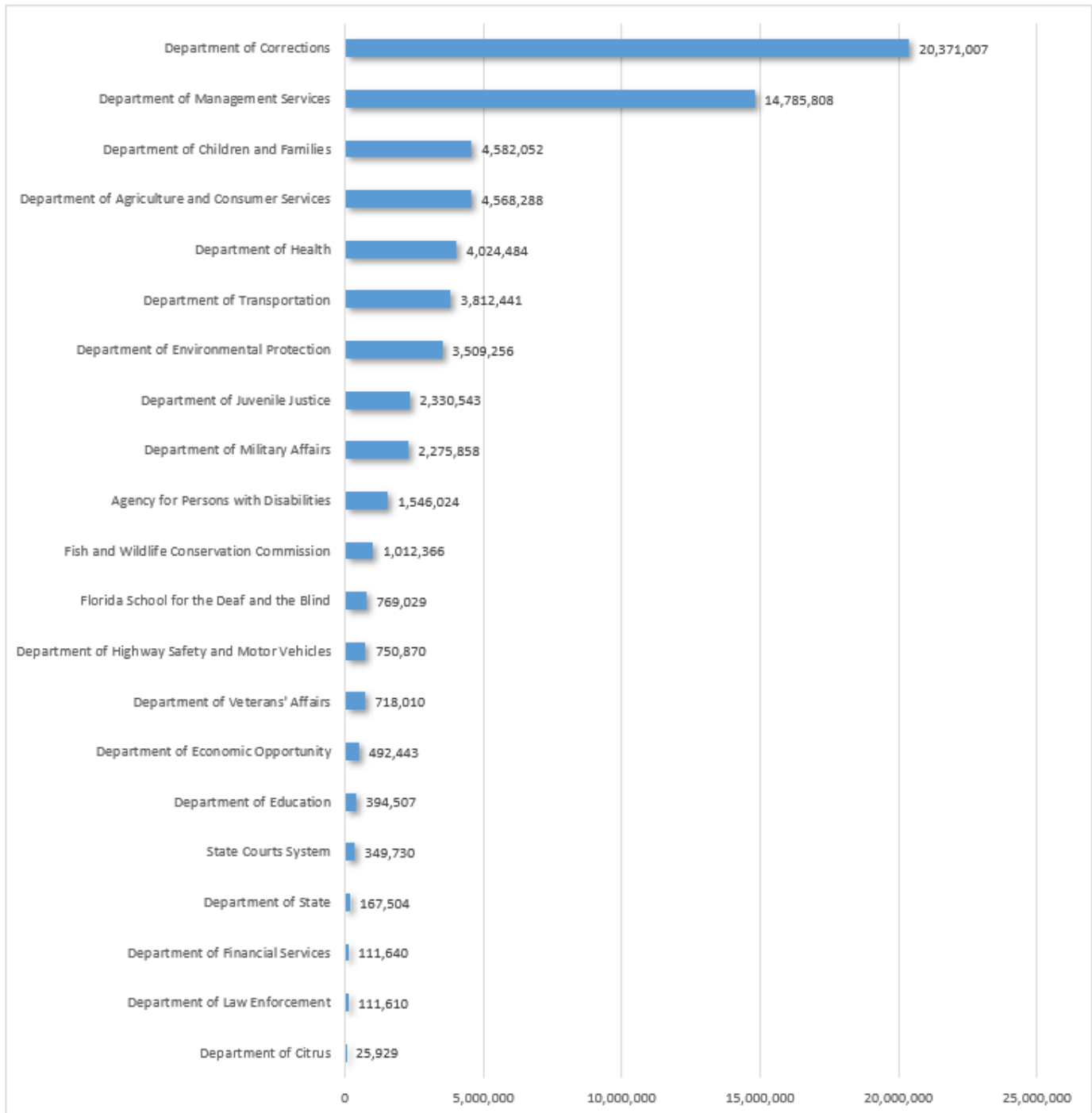
State-Owned Portfolio (Continued)

The following table provides the reporting state government entity and the entity's gross square footage.

Government Entity	Facility Count	Facility Count as a Percent of Total Inventory	Gross Square Footage	Square Footage as Percent of Total Inventory
Universities	3,956	19.39%	98,852,672	42.64%
Florida A&M University	148	0.73%	3,896,146	1.68%
Florida Atlantic University	248	1.22%	6,869,488	2.96%
Florida Gulf Coast University	170	0.83%	4,683,233	2.02%
Florida International University	193	0.95%	10,086,363	4.35%
Florida Polytechnic University	15	0.07%	482,474	0.21%
Florida State University	371	1.82%	14,588,181	6.29%
New College	58	0.28%	665,197	0.29%
University of Central Florida	281	1.38%	13,165,056	5.68%
University of Florida	1,897	9.30%	25,142,329	10.85%
University of North Florida	98	0.48%	4,653,410	2.01%
University of South Florida	296	1.45%	12,122,466	5.23%
University of West Florida	181	0.89%	2,498,329	1.08%
Water Management Districts	978	4.79%	2,078,210	0.90%
Northwest Florida WMD	65	0.32%	58,056	0.03%
South Florida WMD	783	3.84%	1,280,451	0.55%
Southwest Florida WMD	58	0.28%	346,060	0.15%
St. Johns River WMD	41	0.20%	329,164	0.14%
Suwannee River WMD	31	0.15%	64,479	0.03%
Grand Total	20,402	100.00%	231,809,131	100.00%

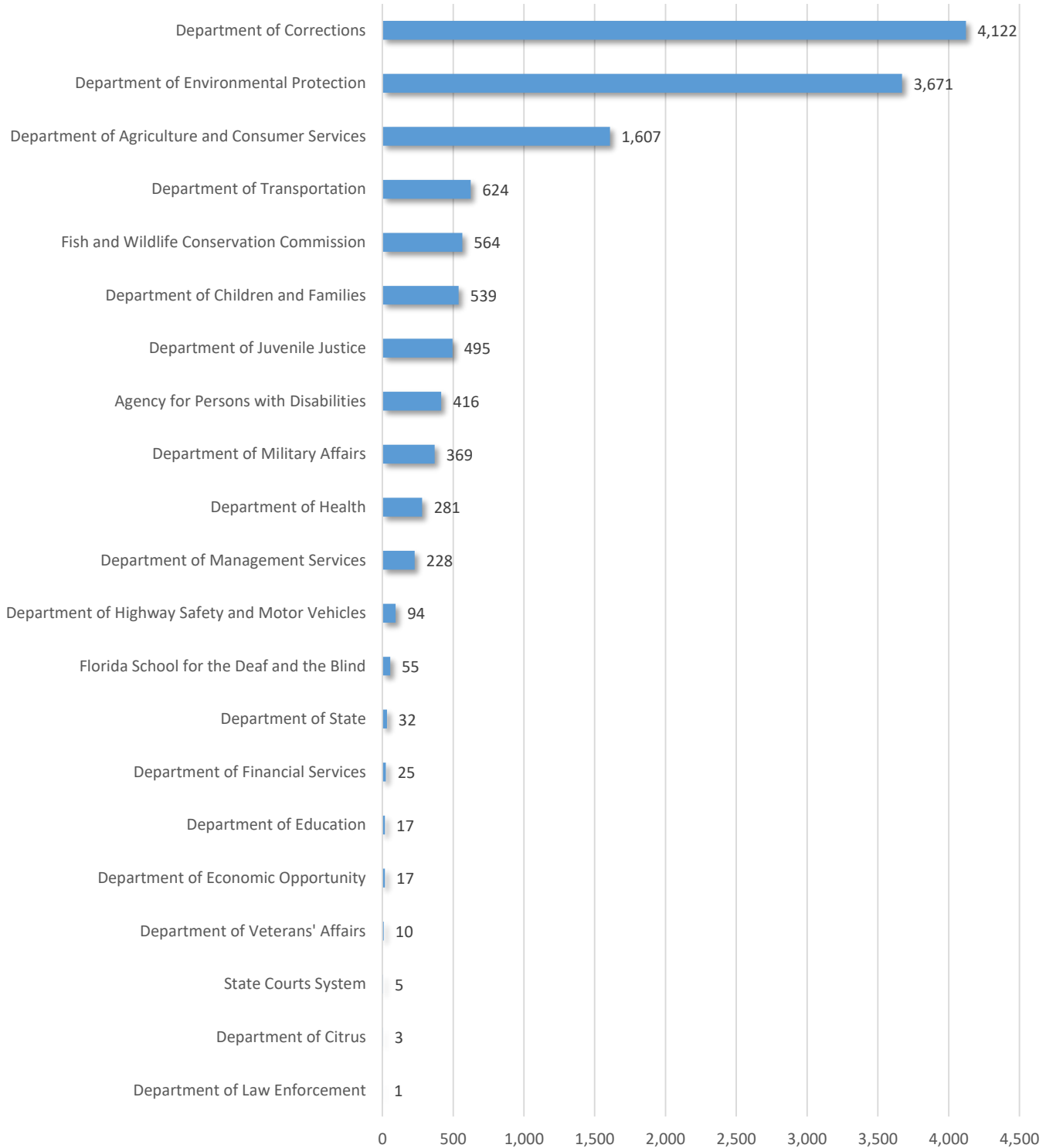
State Agency Portfolio

Total Gross Square Footage by State Agency



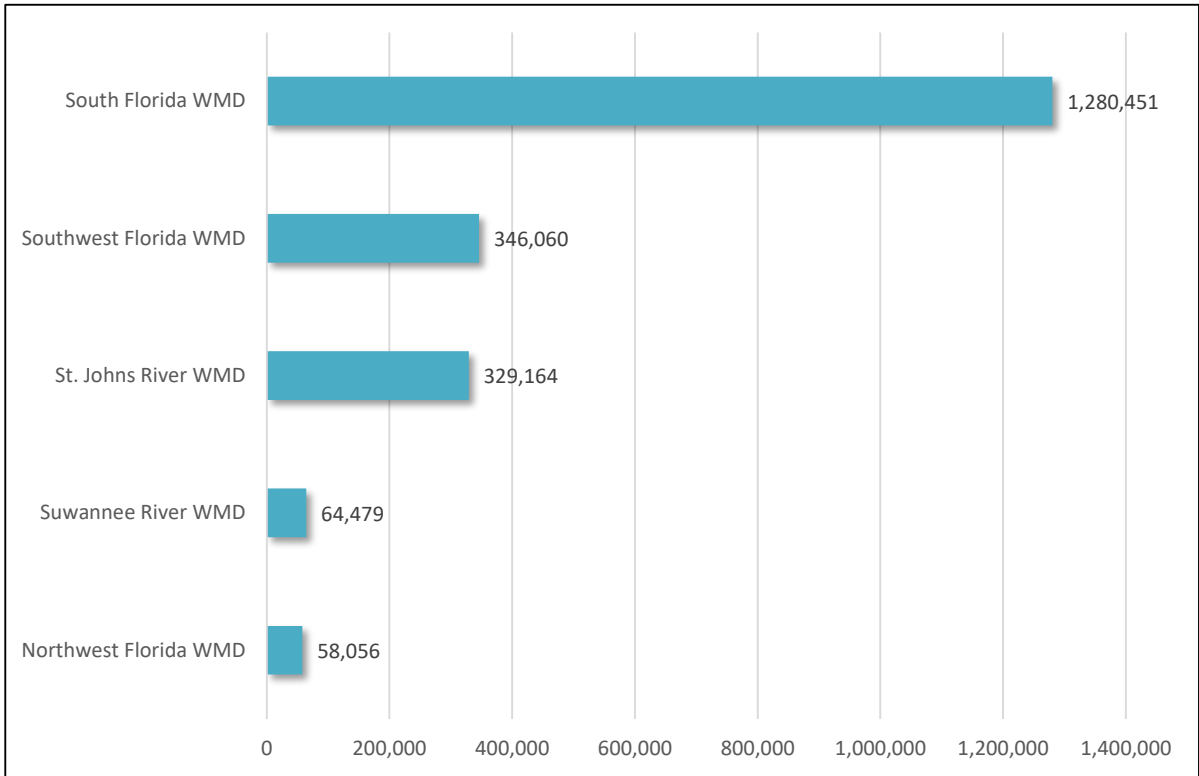
State Agency Portfolio

Total Facility Count by State Agency

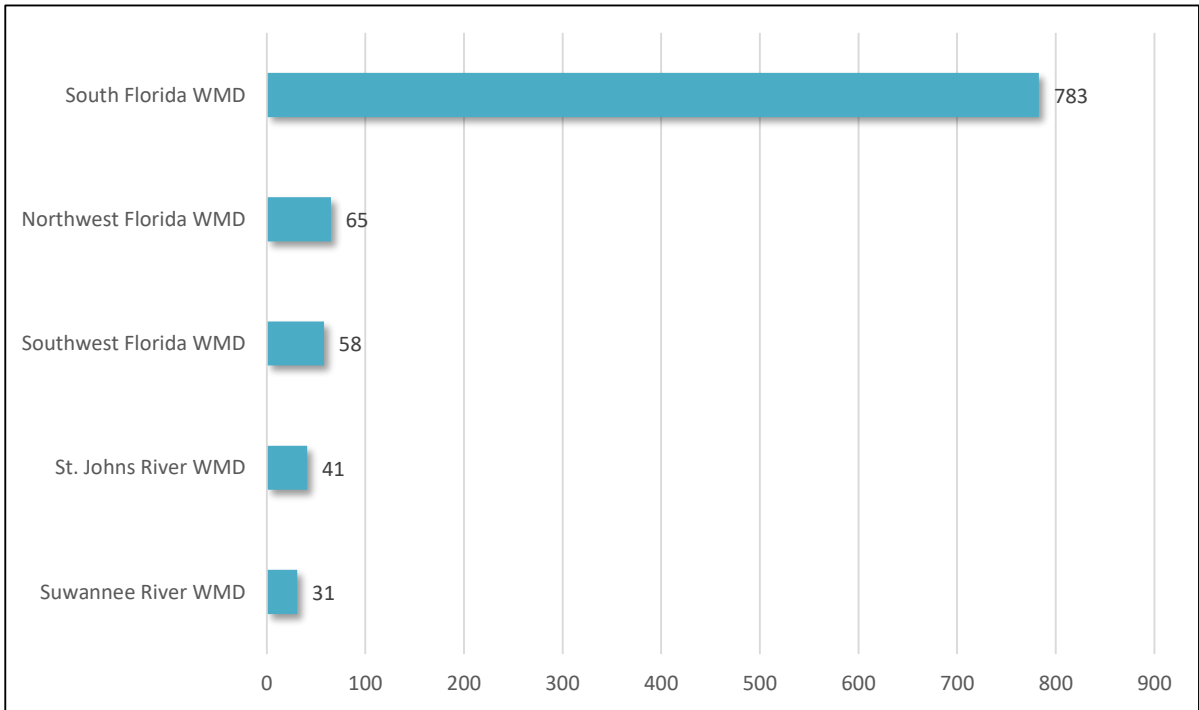


Water Management District Portfolio

Total Gross Square Footage by WMD

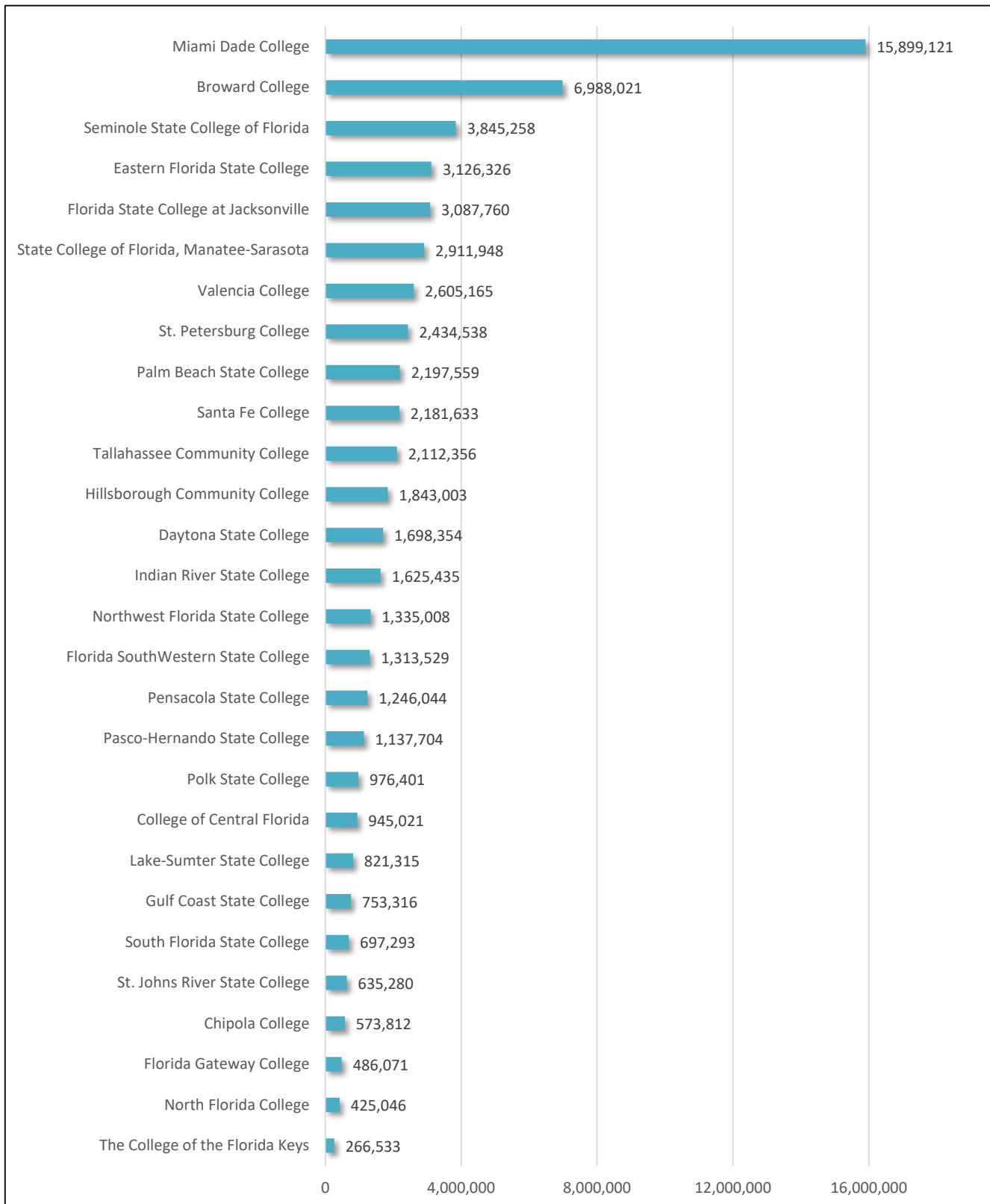


Total Facility Count by WMD



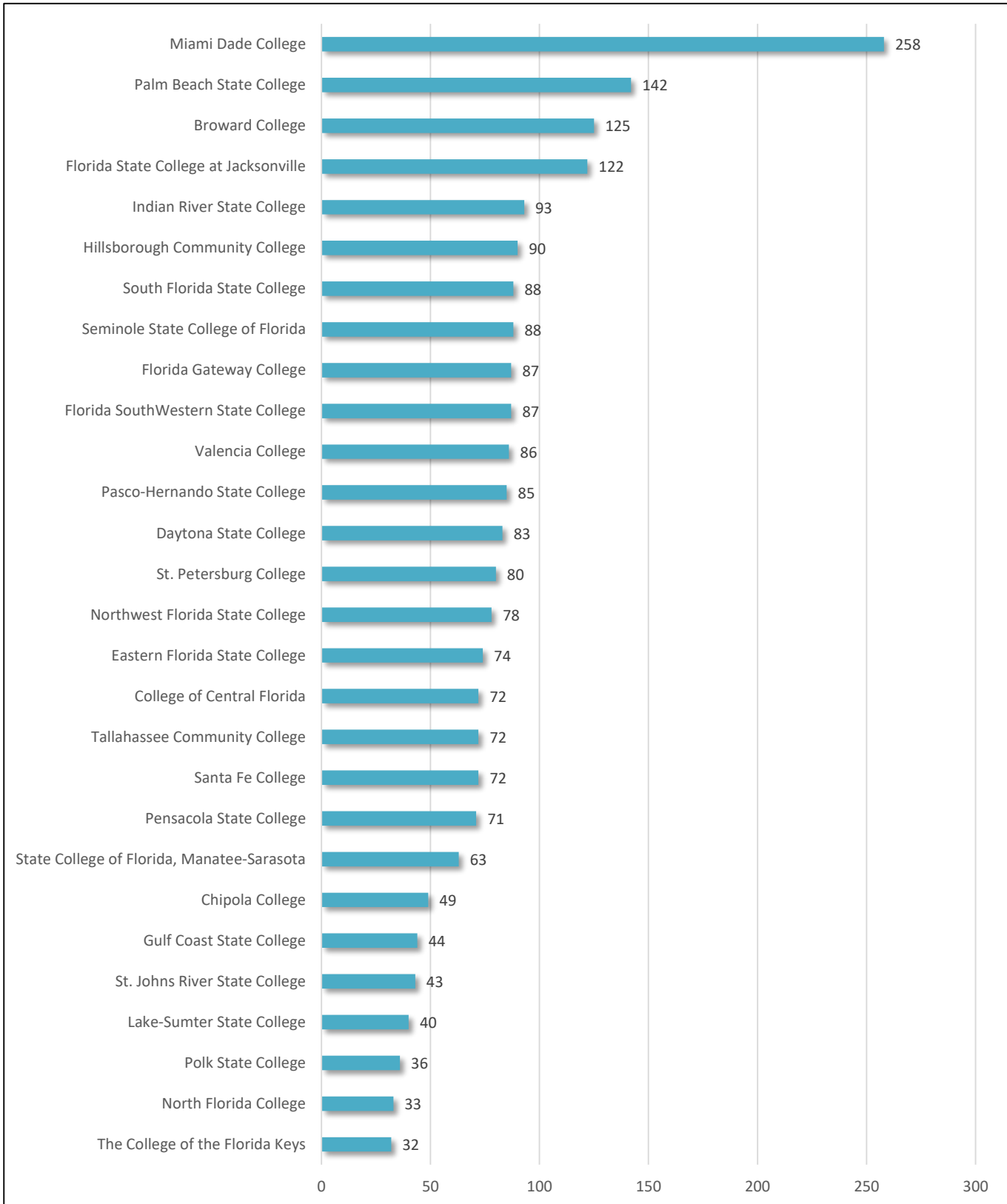
Florida College System Portfolio

Total Gross Square Footage by Florida College



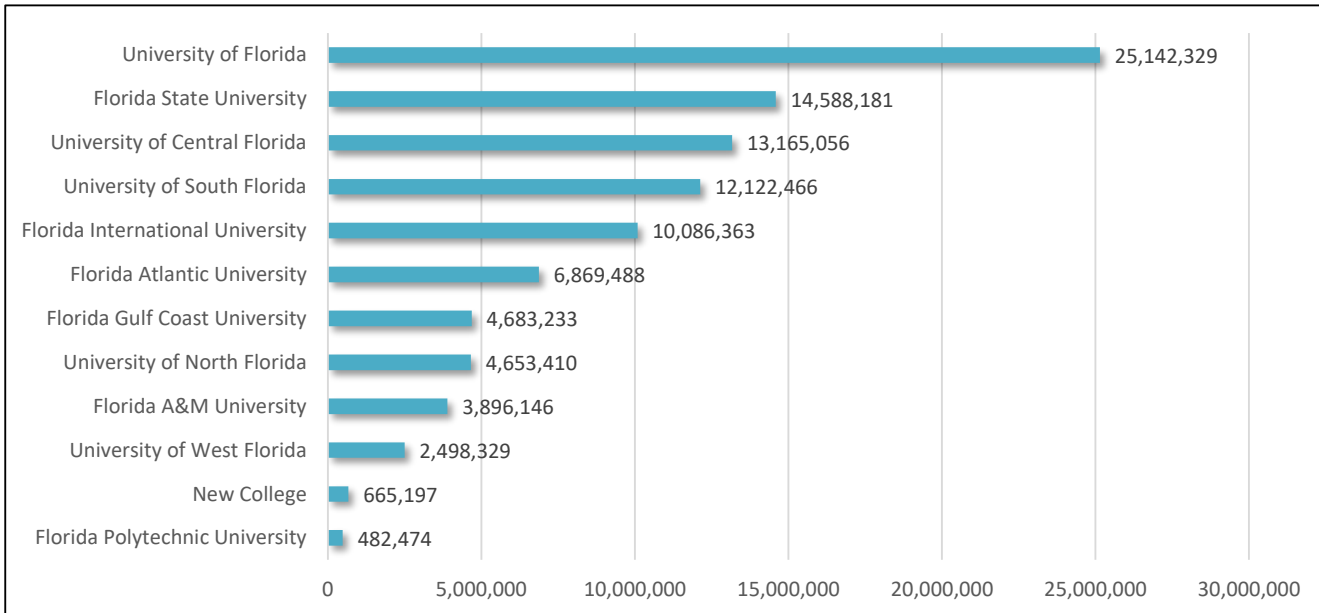
Florida College System Portfolio

Total Facility Count by Florida College

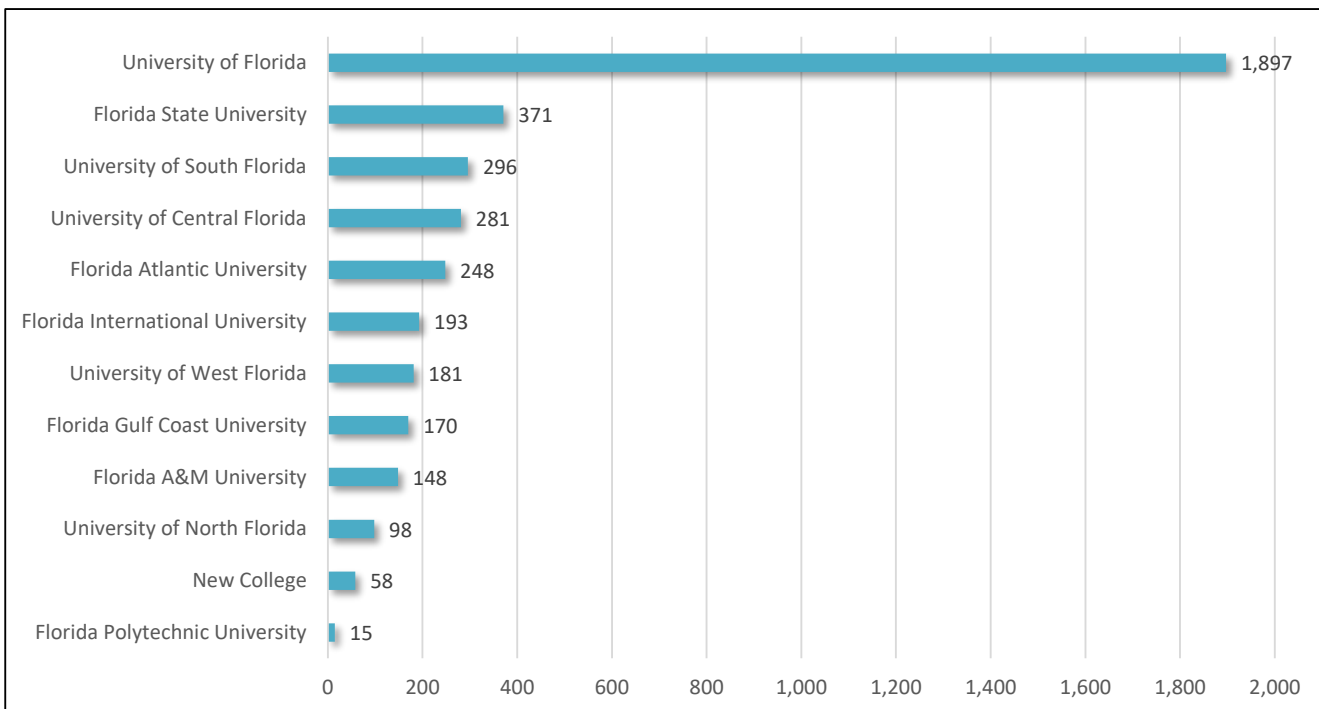


Board of Governors Portfolio

Total Gross Square Footage by University

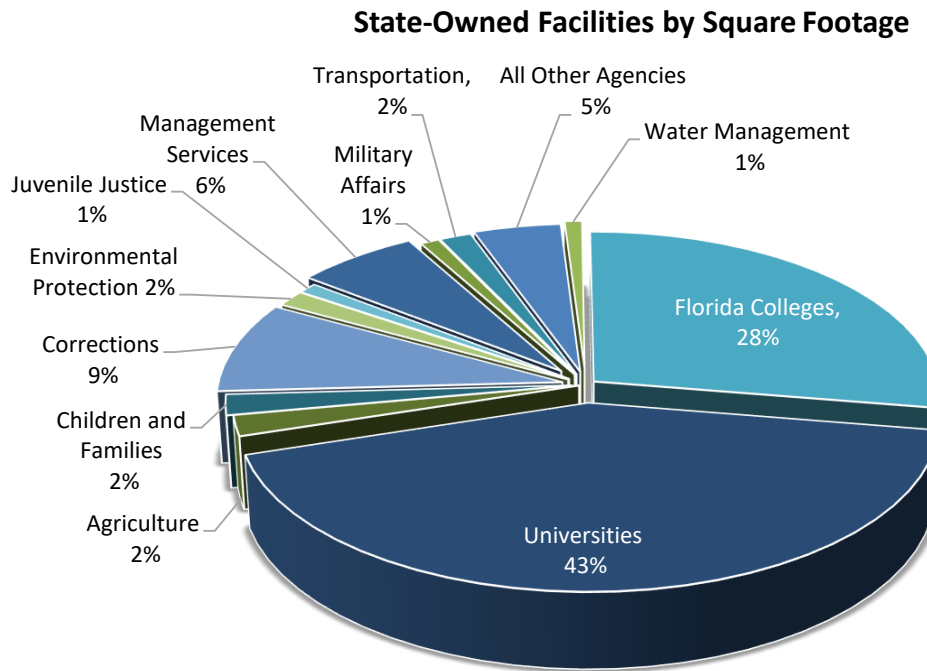


Total Facility Count by University



State-Owned Facility Portfolios by Size

The following chart displays each state government entity's square footage as a percentage of the total state-owned inventory.



Note: Final numbers may not equal 100% due to rounding.

All Other Agencies includes the following:

- Agency for Persons with Disabilities;
- Department of Citrus;
- Department of Economic Opportunity;
- Department of Education;
- Department of Financial Services;
- Department of Health;
- Department of Highway Safety and Motor Vehicles;
- Department of Law Enforcement;
- Department of State;
- Department of Veterans' Affairs;
- Florida School for the Deaf and Blind;
- Florida Fish and Wildlife Conservation Commission; and
- State Courts System.

State-Owned Facilities by County

County	Facility Count	Total Gross Square Footage	County	Facility Count	Total Gross Square Footage
Alachua	1,706	26,425,710	Lee	457	6,567,134
Baker	204	1,072,935	Leon	851	29,564,956
Bay	220	1,543,919	Levy	160	514,301
Bradford	196	1,351,927	Liberty	116	364,650
Brevard	195	3,609,253	Madison	151	805,899
Broward	465	9,827,606	Manatee	165	2,489,230
Calhoun	76	330,323	Marion	683	2,764,841
Charlotte	160	671,172	Martin	303	896,643
Citrus	197	366,182	Miami-Dade	1,051	30,341,461
Clay	236	576,864	Monroe	255	685,989
Collier	212	923,229	Nassau	115	280,382
Columbia	357	1,692,480	Okaloosa	235	1,887,416
DeSoto	158	917,182	Okeechobee	252	863,510
Dixie	149	363,284	Orange	666	17,902,913
Duval	391	9,287,887	Osceola	158	766,419
Escambia	401	4,237,917	Palm Beach	851	10,660,591
Flagler	89	264,686	Pasco	160	1,341,919
Franklin	233	539,633	Pinellas	325	4,877,758
Gadsden	484	3,092,967	Polk	677	4,271,911
Gilchrist	109	299,574	Putnam	228	769,585
Glades	59	308,725	Santa Rosa	334	1,670,357
Gulf	219	715,320	Sarasota	243	2,418,798
Hamilton	189	648,266	Seminole	129	3,996,698
Hardee	155	642,422	St. Johns	242	1,571,639
Hendry	165	273,270	St. Lucie	327	2,515,911
Hernando	275	948,916	Sumter	166	746,430
Highlands	235	830,847	Suwannee	215	720,730
Hillsborough	609	14,396,877	Taylor	151	645,058
Holmes	119	399,570	Union	377	1,806,915
Indian River	60	238,204	Volusia	350	3,247,621
Jackson	571	2,802,262	Wakulla	171	762,005
Jefferson	70	282,319	Walton	258	551,075
Lafayette	116	348,634	Washington	194	856,641
Lake	306	1,451,383	Grand Total	20,402	231,809,131

State-Owned Facilities by Space Type

The table below provides the 21 predominant space types, the facility count, and associated gross square footage. The state's predominant space type is educational, as indicated below.

Predominant Space Type	Facility Count by Space Type	Gross Square Footage
Educational	5,540	141,525,468
Penal	4,471	24,801,738
Office	1,174	19,244,984
Residential	992	9,779,696
Unenclosed structure	1,177	9,575,711
Unconditioned Storage	1,215	5,399,437
NOC	2,152	4,086,646
Agricultural	543	3,268,276
Medical care	183	3,247,221
Gym/Exercise/Sports Venue	90	2,187,266
Labs	120	2,076,399
Recreational	602	1,331,208
Armory	55	1,303,170
Utility	1,317	1,019,376
Workshop	223	1,014,987
Conditioned Storage	241	913,442
Food Services	39	458,115
Museum/Exhibits	54	249,232
Conference Center	23	215,662
Data Center	8	82,183
Informational	183	28,914
Grand Total	20,402	231,809,131

State-Owned Facility Operating and Utility Expenses by Space Type

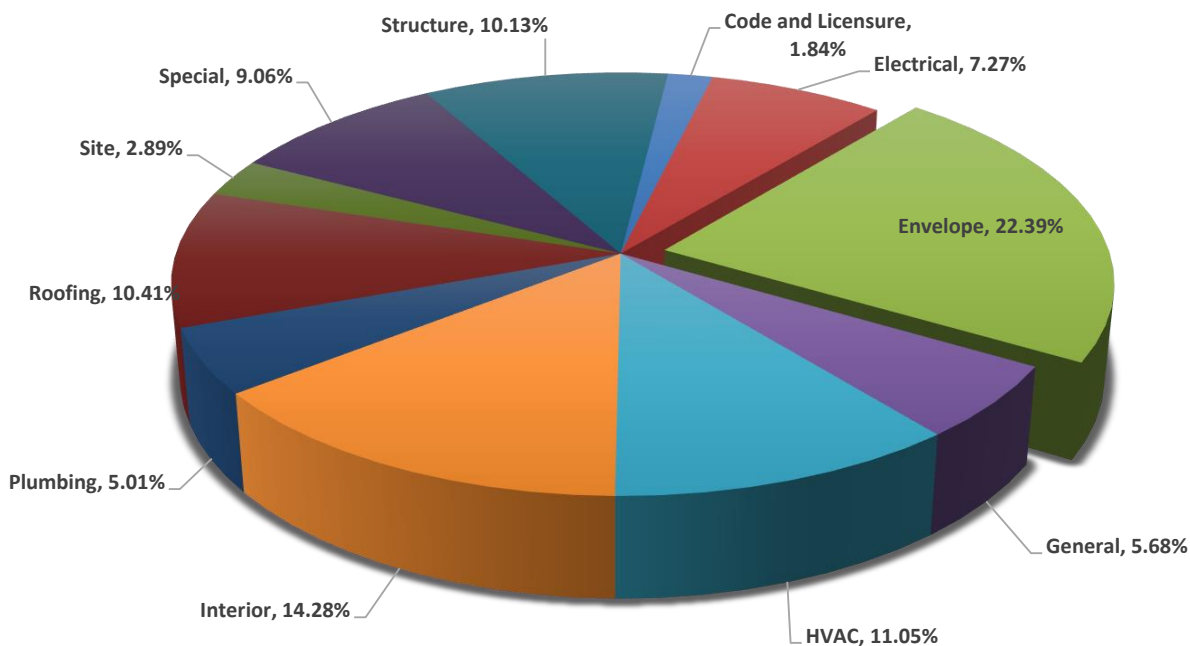
Predominant Space Type	Facility Count	Gross Square Footage	Operating Cost	Average Operating Cost/ Square Foot	Utility Cost	Average Utility Cost/ Square Foot
Agricultural	543	3,268,276	\$ 1,360,643.81	\$ 0.42	\$ 412,512.50	\$ 0.13
Armory	55	1,303,170	\$ 4,033,235.44	\$ 1.23	\$ 2,951,301.59	\$ 0.90
Conditioned Storage	241	913,442	\$ 1,751,640.21	\$ 0.54	\$ 776,267.61	\$ 0.24
Conference Center	23	215,662	\$ 216,540.71	\$ 0.07	\$ 60,079.35	\$ 0.02
Data Center	8	82,183	\$ 161,309.12	\$ 0.05	\$ 188,753.74	\$ 0.06
Educational	5,540	141,525,468	\$ 18,741,168.36	\$ 5.73	\$ 3,010,361.64	\$ 0.92
Food Services	39	458,115	\$ 10,083,864.27	\$ 3.09	\$ 345,999.18	\$ 0.11
Gym/Exercise/Sports Venue	90	2,187,266	\$ 6,773,720.82	\$ 2.07	\$ 257,196.95	\$ 0.08
Informational	183	28,914	\$ -	\$ -	\$ -	\$ -
Labs	120	2,076,399	\$ 2,600,365.17	\$ 0.80	\$ 2,063,167.46	\$ 0.63
Medical care	183	3,247,221	\$ 8,510,609.45	\$ 2.60	\$ 2,783,370.55	\$ 0.85
Museum/Exhibits	54	249,232	\$ 837,842.98	\$ 0.26	\$ 458,244.80	\$ 0.14
NOC	2,152	4,086,646	\$ 4,103,230.37	\$ 1.26	\$ 7,993,397.42	\$ 2.45
Office	1,174	19,244,984	\$ 87,710,556.75	\$ 26.84	\$ 24,021,163.09	\$ 7.35
Penal	4,471	24,801,738	\$ 40,421,182.77	\$ 12.37	\$ 58,121,867.81	\$ 17.78
Recreational	602	1,331,208	\$ 1,821,125.86	\$ 0.56	\$ 499,207.49	\$ 0.15
Residential	992	9,779,696	\$ 76,874,147.37	\$ 23.52	\$ 3,818,977.46	\$ 1.17
Unconditioned Storage	1,215	5,399,437	\$ 2,634,387.55	\$ 0.81	\$ 1,345,331.20	\$ 0.41
Unenclosed structure	1,177	9,575,711	\$ 7,595,284.56	\$ 2.32	\$ 337,962.10	\$ 0.10
Utility	1,317	1,019,376	\$ 2,183,514.15	\$ 0.67	\$ 1,109,211.41	\$ 0.34
Workshop	223	1,014,987	\$ 5,035,504.42	\$ 1.54	\$ 557,534.50	\$ 0.17
Grand Total	20,402	231,809,131	\$283,449,874.14	\$ 1.22	\$ 111,111,907.85	\$ 0.48

State-Owned Facilities Deficiency Summary

Building deficiencies refer to any known building repair or improvement. The table below identifies the number of agency-reported deficiencies by category and includes an estimated cost. For a full list of agency-reported facility deficiencies, see **Appendix 1 – List of Facility Deficiencies as of June 30, 2021.**

Deficiency Category	Number of Deficiencies by Category	Sum of Estimated Cost
Code and Licensure	128	\$ 16,084,937.93
Electrical	369	\$ 63,568,395.89
Envelope	443	\$ 195,848,914.51
General	692	\$ 49,648,399.08
HVAC	451	\$ 96,686,015.85
Interior	742	\$ 124,870,548.08
Plumbing	278	\$ 43,820,221.12
Roofing	540	\$ 91,019,778.41
Site	303	\$ 25,235,952.06
Special	228	\$ 79,266,040.90
Structure	340	\$ 88,631,403.86
Grand Total	4,514	\$ 874,680,607.69

Deficiencies by Percent of Total Cost



255.249. Department of Management Services; responsibility; department rules

- (1) The department shall have responsibility and authority for the operation, custodial care, preventive maintenance, repair, alteration, modification, and allocation of space for all buildings in the Florida Facilities Pool and adjacent grounds.
- (2) A state agency may not lease space in a private building that is to be constructed for state use without first obtaining prior approval of the architectural design and preliminary construction from the department.
- (3) The department shall require a state agency planning to terminate a lease for the purpose of occupying space in a new state-owned office building to state why the proposed relocation is in the best interest of the state.
- (4) An agency that intends to terminate a lease of privately owned space before the expiration of its base term must notify the department 90 days before the termination. The department shall, to the extent feasible, coordinate the vacation of privately owned leased space with the expiration of the lease on that space and, when a lease is terminated before expiration of its base term, will make a reasonable effort to place another state agency in the space vacated. A state agency may lease the space in any building that was subject to a lease terminated by a state agency for a period of time equal to the remainder of the base term without competitive solicitation.
- (5) The department may direct a state agency to occupy, or relocate to, space in any state-owned office building, including all state-owned space identified in the Florida State-Owned Lands and Records Information System managed by the Department of Environmental Protection. The Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services are excluded from this subsection. However, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services may elect to comply with the provisions of this subsection in whole or in part. Any relocation of an agency at the direction of the department shall be implemented within existing appropriations of the agency and shall not require a transfer of any funds pursuant to chapter 216.
- (6) The department shall develop and implement a strategic leasing plan. The strategic leasing plan must forecast space needs for all state agencies and identify opportunities for reducing costs through consolidation, relocation, reconfiguration, capital investment, and the renovation, building, or acquisition of state-owned space.
- (7) The department shall annually publish a master leasing report that includes the strategic leasing plan created under subsection (6). The department shall annually submit the leasing report to the Executive Office of the Governor and the Legislature by October 1. The report must provide:
 - (a) A list, by agency and by geographic market, of all leases that are due to expire within 24 months.

(b) Details of each lease, including location, size, cost per leased square foot, lease-expiration date, and a determination of whether sufficient state-owned office space will be available at the expiration of the lease to accommodate affected employees.

(c) A list of amendments and supplements to and waivers of terms and conditions in lease agreements that have been approved pursuant to s. 255.25(2) during the previous 12 months and an associated comprehensive analysis, including financial implications, showing that any amendment, supplement, or waiver is in the state's long-term best interest.

(d) Financial impacts to the Florida Facilities Pool rental rate due to the sale, removal, acquisition, or construction of pool facilities.

(e) Changes in occupancy rate, maintenance costs, and efficiency costs of leases in the state portfolio. Changes to occupancy costs in leased space by market and changes to space consumption by agency and by market.

(f) An analysis of portfolio supply and demand.

(g) Cost-benefit analyses of acquisition, build, and consolidation opportunities, recommendations for strategic consolidation, and strategic recommendations for disposition, acquisition, and building.

(h) Recommendations for using capital improvement funds to implement the consolidation of state agencies into state-owned office buildings.

(i) The updated plan required by s. 255.25(4)(c).

(8) Annually, by June 30:

(a) Each state agency shall provide to the department all information regarding agency programs affecting the need for or use of space by that agency, reviews of lease-expiration schedules for each geographic area, active and planned full-time equivalent data, business case analyses related to consolidation plans by an agency, a telework program under s. 110.171, and current occupancy and relocation costs, inclusive of furnishings, fixtures and equipment, data, and communications. State agencies may use the services of a tenant broker in preparing this information.

(b) The title entity or managing agency shall report to the department any vacant or underutilized space for all state-owned office buildings and any restrictions that apply to any other agency occupying the vacant or underutilized space. The title entity or managing agency shall also notify the department of any significant changes to its occupancy for the coming fiscal year. The Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services are excluded from this subsection. However, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services may elect to comply with the provisions of this subsection in whole or in part.

(9) The department shall adopt rules providing:

(a) Methods for accomplishing the duties outlined in subsection (1).

(b) Procedures for soliciting and accepting competitive solicitations for leased space of 5,000 square feet or more in privately owned buildings, for evaluating proposals received, for exemption from competitive solicitations requirements of any lease for the provision of care and living space for persons or emergency space needs as provided in s. 255.25(10), and for securing at least three documented quotes for a lease that is not required to be competitively solicited.

(c) A standard method for determining square footage or any other measurement used as the basis for lease payments or other charges.

(d) Methods of allocating space in both state-owned office buildings and privately owned buildings leased by the state based on use, personnel, and office equipment.

(e) Acceptable terms and conditions for inclusion in lease agreements. At a minimum, such terms and conditions must include the following clauses, which may not be amended, supplemented, or waived:

1. As provided in s. 255.2502, "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

2. "The lessee has the right to terminate this lease, without penalty, if a state-owned building becomes available to the lessee for occupancy and the lessee has given 6 months' advance written notice to the lessor by certified mail, return receipt requested."

(f) A standard method for the assessment of rent to state agencies and other authorized occupants of state-owned office space, notwithstanding the source of funds.

(g) For full disclosure of the names and the extent of interest of the owners holding a 4 percent or more interest in privately owned property leased to the state or in the entity holding title to the property, for exemption from such disclosure of any beneficial interest that is represented by stock in a corporation registered with the Securities and Exchange Commission or registered pursuant to chapter 517 which is for sale to the general public, and for exemption from such disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

(h) For full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state or in the entity holding title to the property, and the nature and extent of their interest, for exemption from such disclosure of any beneficial interest that is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to chapter 517 which is for sale to the general public, and for exemption from such disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

(i) A method for reporting leases for nominal or no consideration.

(j) For a lease of less than 5,000 square feet, a method for certification by the agency head or the agency head's designated representative that all criteria for leasing have been fully complied with and for filing a copy of such lease and all supporting documents with the department for its review and approval as to technical sufficiency and whether it is in the best interests of the state.

(k) A standardized format for state agency reporting of the information required by paragraph (8)(a).

(10) The department shall prepare a form listing all conditions and requirements adopted pursuant to this chapter which must be met by any state agency leasing any building or part thereof. Before executing any lease, this form must be certified by the agency head or the agency head's designated representative and submitted to the department.

(11) The department may contract for real estate consulting or tenant brokerage services in order to carry out its duties relating to the strategic leasing plan under subsection (6). The contract must be procured pursuant to s. 287.057. The vendor awarded the contract shall be compensated subject to the provisions of the contract, and such compensation is subject to appropriation by the Legislature. A real estate consultant or tenant broker may not receive compensation directly from a lessor for services that are rendered pursuant to the contract. Moneys paid by a lessor to the department under a facility-leasing arrangement are not subject to the charges imposed under s. 215.20.

255.25. Approval required before construction or lease of buildings

(1) During the term of existing leases, each agency shall consult with the department regarding opportunities for consolidation, use of state-owned space, build-to-suit space, and potential acquisitions; shall monitor market conditions; and shall initiate a competitive solicitation or, if appropriate, lease-renewal negotiations for each lease held in the private sector to effect the best overall lease terms reasonably available to that agency.

(a) Amendments to leases may be permitted to modify any lease provisions or other terms or conditions unless specifically prohibited under this chapter.

(b) The department shall serve as a mediator in lease-renewal negotiations if the agency and the lessor are unable to reach a compromise within 6 months after renegotiation and if the agency or lessor requests intervention by the department.

(c) If authorized by the General Appropriations Act, and in accordance with s. 255.2501, if applicable, the department may approve a lease-purchase, sale-leaseback, or tax-exempt leveraged lease contract or other financing technique for the acquisition, renovation, or construction of a state fixed capital outlay project if it is in the best interest of the state.

(2) Except as provided in ss. 255.249 and 255.2501, a state agency may not lease a building or any part thereof unless prior approval of the lease conditions and of the need for the lease is first obtained from the department. An approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by the department, subject to final approval by the head of the department and s. 255.2502.

(a) For the lease of less than 5,000 square feet of space, including space leased for nominal or no consideration, a state agency must notify the department at least 90 days before the execution of the lease. The department shall review the lease and determine whether suitable space is available in a state-owned or state-leased building located in the same geographic region. If the department determines that space is not available, the department shall determine whether the state agency lease is in the best interests of the state. If the department determines that the execution of the lease is not in the best interests of the state, the department shall notify the agency proposing the lease, the Governor, the President of the Senate, and the Speaker of the House of Representatives of such finding in writing. A lease that is for a term extending beyond the end of a fiscal year is subject to ss. 216.311, 255.2502, and 255.2503.

(b) The department shall adopt uniform leasing procedures by rule for use by each state agency. Each state agency shall ensure that the leasing practices of that agency are in substantial compliance with the uniform leasing rules adopted under this section and ss. 255.249, 255.2502, and 255.2503.

(c) The department may not approve any term or condition in a lease agreement which has been amended, supplemented, or waived unless a comprehensive analysis, including financial implications, demonstrates that such amendment, supplement, or

waiver is in the state's long-term best interest. An approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by the department, subject to final approval by the head of the department, and the provisions of s. 255.2502.

(3)(a) Except as provided in subsection (10), a state agency may not enter into a lease as lessee for the use of 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive solicitations.

1. a. An invitation to bid must be made available simultaneously to all lessors and include a detailed description of the space sought; the time and date for the receipt of bids and of the public opening; and all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining the acceptability of the bid. If the agency contemplates renewing the contract, that fact must be stated in the invitation to bid. The bid must include the price for each year for which the contract may be renewed. Evaluation of bids must include consideration of the total cost for each year as submitted by the lessor. Criteria that were not set forth in the invitation to bid may not be used in determining the acceptability of the bid.

b. The contract shall be awarded with reasonable promptness by written notice to the responsible and responsive lessor that submits the lowest responsive bid. The contract file must contain a written determination that the bid meets the requirements and criteria set forth in the invitation to bid.

2. a. If an agency determines in writing that the use of an invitation to bid is not practicable, leased space shall be procured by competitive sealed proposals. A request for proposals shall be made available simultaneously to all lessors and must include a statement of the space sought; the time and date for the receipt of proposals and of the public opening; and all contractual terms and conditions applicable to the procurement, including the criteria, which must include, but need not be limited to, price, to be used in determining the acceptability of the proposal. The relative importance of price and other evaluation criteria must be indicated. If the agency contemplates renewing the contract, that fact must be stated in the request for proposals. The proposal must include the price for each year for which the contract may be renewed. Evaluation of proposals must include consideration of the total cost for each year as submitted by the lessor.

b. The contract shall be awarded to the responsible and responsive lessor whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price and the other criteria set forth in the request for proposals. The contract file must contain documentation supporting the basis on which the award is made.

3. a. If the agency determines in writing that the use of an invitation to bid or a request for proposals will not result in the best leasing value to the state, the agency may procure leased space by competitive sealed replies. The agency's written determination must specify reasons why negotiation may be necessary in order for the state to achieve the best leasing value and must be approved in writing by the agency head or his or her designee before advertisement of an invitation to negotiate. Cost

savings related to the agency procurement process are not sufficient justification for using an invitation to negotiate. An invitation to negotiate shall be made available to all lessors simultaneously and must include a statement of the space sought; the time and date for the receipt of replies and of the public opening; and all terms and conditions applicable to the procurement, including the criteria to be used in determining the acceptability of the reply. If the agency contemplates renewing the contract, that fact must be stated in the invitation to negotiate. The reply must include the price for each year for which the contract may be renewed.

b. The agency shall evaluate and rank responsive replies against all evaluation criteria set forth in the invitation to negotiate and select, based on the ranking, one or more lessors with which to commence negotiations. After negotiations are conducted, the agency shall award the contract to the responsible and responsive lessor that the agency determines will provide the best leasing value to the state. The contract file must contain a short, plain statement that explains the basis for lessor selection and sets forth the lessor's deliverables and price pursuant to the contract, and an explanation of how these deliverables and price provide the best leasing value to the state.

(b) The department shall have the authority to approve a lease for 5,000 square feet or more of space which covers more than 12 consecutive months, subject to ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the department, in the best interests of the state. In determining best interest, the department shall consider availability of state-owned space and analyses of build-to-suit and acquisition opportunities. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space to individuals.

(c) The department may approve extensions of an existing lease of 5,000 square feet or more of space if such extensions are determined to be in the best interests of the state; however, the total of such extensions may not exceed 11 months. If at the end of the 11th month an agency still needs that space, it must be procured by competitive bid in accordance with s. 255.249(9)(b). However, if the Department of Agriculture and Consumer Services, the Department of Financial Services, or the Department of Legal Affairs determines that it is in its best interest to remain in the space it currently occupies, it may negotiate a replacement lease with the lessor if an independent comparative market analysis demonstrates that the rates offered are within market rates for the space and the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. A present-value analysis and the consumer price index shall be used in the calculation of lease costs. The term of the replacement lease may not exceed the base term of the expiring lease. For those agencies for which the department may approve lease actions, the department may approve a replacement lease with a lessor for an agency to remain in the space it currently occupies if such lease is, in the judgment of the department, in the best interests of the state. In determining best interest, the department shall consider availability of state-owned space and analyses of build-to-suit and acquisition opportunities. The term of the replacement lease may not exceed the base term of the

expiring lease. Any relocation of an agency at the direction of the department shall be within existing appropriations and shall not require a transfer of any funds pursuant to chapter 216.

(d) Any person who files an action protesting a decision or intended decision pertaining to a competitive solicitation for space to be leased by the agency pursuant to s. 120.57(3)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or \$5,000, whichever is greater, which bond is conditioned on the payment of all costs that may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the agency prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges, which must be included in the final order or judgment, excluding attorney fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the agency all costs and charges, which must be included in the final order of judgment, excluding attorney fees.

(e) The agency and the lessor, when entering into a lease for 5,000 or more square feet of a privately owned building, shall, before the effective date of the lease, agree upon and separately state the cost of tenant improvements which may qualify for reimbursement if the lease is terminated before the expiration of its base term. The department shall serve as mediator if the agency and the lessor are unable to agree. The amount agreed upon and stated shall, if appropriated, be amortized over the original base term of the lease on a straight-line basis.

(f) The unamortized portion of tenant improvements, if appropriated, shall be paid in equal monthly installments over the remaining term of the lease. If any portion of the original leased premises is occupied after termination but during the original term by a tenant who does not require material changes to the premises, the repayment of the cost of tenant improvements applicable to the occupied but unchanged portion shall be abated during occupancy. The portion of the repayment to be abated must be based on the ratio of leased space to unleased space.

(g) Notwithstanding s. 287.056(1), a state agency may, at the sole discretion of the agency head or his or her designee, use the services of a tenant broker to assist with a competitive solicitation undertaken by the agency. In making its determination whether to use a tenant broker, a state agency shall consult with the department. A state agency may not use the services of a tenant broker unless the tenant broker is under a term contract with the state which complies with paragraph (h). If a state agency uses the services of a tenant broker with respect to a transaction, the agency may not enter into a lease with any landlord to which the tenant broker is providing brokerage services for that transaction.

(h) The Department of Management Services may, pursuant to s. 287.042(2)(a), procure a term contract for real estate consulting and brokerage services. A state

agency may not purchase services from the contract unless the contract has been procured under s. 287.057(1) after March 1, 2007, and contains the following provisions or requirements:

1. Awarded brokers must maintain an office or presence in the market served. In awarding the contract, preference must be given to brokers that are licensed in this state under chapter 475 and that have 3 or more years of experience in the market served. The contract may be made with up to three tenant brokers in order to serve the marketplace in the north, central, and south areas of the state.
2. Each contracted tenant broker shall work under the direction, supervision, and authority of the state agency, subject to the rules governing lease procurements.
3. The department shall provide training for the awarded tenant brokers concerning the rules governing the procurement of leases.
4. Tenant brokers must comply with all applicable provisions of s. 475.278.
5. Real estate consultants and tenant brokers shall be compensated by the state agency, subject to the provisions of the term contract, and such compensation is subject to appropriation by the Legislature. A real estate consultant or tenant broker may not receive compensation directly from a lessor for services that are rendered under the term contract. Moneys paid by a lessor to the state agency under a facility leasing arrangement are not subject to the charges imposed under s. 215.20. All terms relating to the compensation of the real estate consultant or tenant broker shall be specified in the term contract and may not be supplemented or modified by the state agency using the contract.
6. The department shall conduct periodic customer-satisfaction surveys.
7. Each state agency shall report the following information to the department:
 - a. The number of leases that adhere to the goal of the workspace-management initiative of 180 square feet per FTE.
 - b. The quality of space leased and the adequacy of tenant-improvement funds.
 - c. The timeliness of lease procurement, measured from the date of the agency's request to the finalization of the lease.
 - d. Whether cost-benefit analyses were performed before execution of the lease in order to ensure that the lease is in the best interest of the state.
 - e. The lease costs compared to market rates for similar types and classifications of space according to the official classifications of the Building Owners and Managers Association.
- (4)(a) The department shall not authorize any state agency to enter into a lease agreement for space in a privately owned building when suitable space is available in a state-owned building located in the same geographic region, except upon presentation to the department of sufficient written justification, acceptable to the department, that a separate space is required in order to fulfill the statutory duties of the agency

making such request. The term “state-owned building” as used in this subsection means any state-owned facility regardless of use or control.

(b) State agencies shall cooperate with local governmental units by using suitable, existing publicly owned facilities, subject to the provisions of ss. 255.2501, 255.2502, and 255.2503. Agencies may utilize unexpended funds appropriated for lease payments to:

1. Pay their proportion of operating costs.
2. Renovate applicable spaces.

(c) Because the state has a substantial financial investment in state-owned buildings, it is legislative policy and intent that when state-owned buildings meet the needs of state agencies, agencies must fully use such buildings before leasing privately owned buildings. By September 15, 2006, the Department of Management Services shall create a 5-year plan for implementing this policy. The department shall update this plan annually, detailing proposed departmental actions to meet the plan’s goals, and shall furnish this plan annually as part of the master leasing report.

(5) Before construction or renovation of any state-owned building or state-leased space is commenced, the department shall determine, through the submission of proposed plans to the Division of State Fire Marshal for review, whether the proposed construction or renovation plan complies with the uniform firesafety standards required by the division. The review of construction or renovation plans for state-leased space must be completed within 10 calendar days after receipt of the plans by the division. The review of construction or renovation plans for a state-owned building must be completed within 30 calendar days after receipt of the plans by the division. The responsibility for submission and retrieval of the plans may not be imposed on the design architect or engineer, but is the responsibility of the two agencies. If the division determines that a construction or renovation plan is not in compliance with uniform firesafety standards, the division may issue an order to cease all construction or renovation activities until compliance is obtained, except those activities required to achieve compliance. The lessor shall provide the department with documentation certifying that the facility meets all of the uniform firesafety standards. The cost of all modifications or renovations made for the purpose of bringing leased property into compliance with the uniform firesafety standards is borne by the lessor. The state may not take occupancy without the division’s final approval.

(6) Before construction or substantial improvement of any state-owned building is commenced, the department must determine that the proposed construction or substantial improvement complies with the flood plain management criteria for mitigation of flood hazards, as prescribed in the October 1, 1986, rules and regulations of the Federal Emergency Management Agency, and the department shall monitor the project to assure compliance with the criteria. The department shall adopt rules necessary to ensure that all proposed state construction and substantial improvement of state buildings in designated flood-prone areas complies with the flood plain management criteria. If the department determines that a construction or substantial improvement project is not in compliance with such criteria, the

department may issue an order to cease all construction or improvement activities until compliance is obtained, except those activities required to achieve such compliance.

(7) This section does not apply to any lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property.

(8) An agency may not enter into more than one lease for space in the same privately owned facility or complex within any 12-month period except upon competitive solicitation.

(9) Specialized educational facilities, excluding classrooms, are exempt from the competitive bid requirements for leasing pursuant to this section if the executive head of a state agency certifies in writing that the facility is available from a single source and that the competitive bid requirements would be detrimental to the state. Such certification must include documentation of evidence of steps taken to determine sole-source status.

(10) The department may approve emergency acquisition of space without competitive bids if existing state-owned or state-leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, or structural failure, or by legal action, or if the agency head certifies in writing that there is an immediate danger to the public health, safety, or welfare, or if other substantial loss to the state requires emergency action and the chief administrator of the state agency or the chief administrator's designated representative certifies in writing that no other agency-controlled space is available to meet this emergency need; however, the lease for such space may not exceed 11 months. If the lessor elects not to replace or renovate the destroyed or uninhabitable facility, the agency shall procure the needed space by competitive bid in accordance with s. 255.249(9)(b). If the lessor elects to replace or renovate the destroyed or uninhabitable facility and the construction or renovations will not be complete at the end of the 11-month lease, the agency may modify the lease to extend it on a month-to-month basis for up to 6 months to allow completion of such construction or renovations.

(11) In any leasing of space which occurs without competition, the individuals taking part in the development or selection of criteria for evaluation, in the evaluation, and in the award processes must attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.

255.28. Department authority to acquire land with or for facility thereon

(1) For the purposes of this section:

(a) “Agency” means any state board, commission, department, division, or bureau.

(b) “Party” means any individual, partnership, corporation, association, or other business entity which is licensed by the Department of State to do business in the state.

(c) “Building” or “facility” means those construction projects under the purview of the Department of Management Services. It shall not include environmentally endangered land, recreational land, or roads and highway construction under the purview of the Department of Transportation.

(d) “Department” means the Department of Management Services.

(2) The department may acquire lands by gift, donation, or dedication or otherwise enter into agreements with any person, the Federal Government, or any other agency for acquiring such lands for constructing a building or other state facility thereon. Lands shall be acquired by the department in accordance with acquisition procedures for state lands provided for in s. 253.025.

(3) In administering such authority, the department may enter into a contract with a party who shall be authorized to assist in the purchase of land containing, or to be used for constructing, a building or other facility thereon.

(4) The department shall prescribe, by administrative rule, procedures for adequate public notice concerning all acquisitions of land or construction of a building or facility by any state agency.

255.503. Powers of the Department of Management Services

The Department of Management Services shall have all the authority necessary to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the authority to:

- (1) Collect reasonable rentals or charges for the use of and services provided for facilities in the pool in accordance with the provisions of this act exclusively for the purpose of paying the expenses of improving, repairing, maintaining, and operating facilities and paying debt service charges in connection with its obligations.
- (2) Prescribe for the use of facilities in the pool, prescribe the amount of rentals or charges, and make and enter into contracts with any political subdivision or agency, for the use of and services provided for such facilities.
- (3) Acquire facilities pursuant to s. 11(f), Art. VII of the State Constitution and own, operate, and finance such facilities in accordance with this act through the issuance of obligations by the division under this act; to utilize rentals or charges from such facilities, as well as any appropriated state or other public funds; and to pledge revenue from such facilities to finance the acquisition of facilities pursuant to the provisions of this act.
- (4) Operate existing state-owned facilities in the pool and to pledge rentals or charges for such facilities to finance the acquisition of facilities pursuant to the provisions of this act.
- (5) Pledge, hypothecate, or otherwise encumber rentals or charges as may be agreed as security for obligations issued under this act and enter into trust agreements or indentures for the benefit of the holders of such obligations.
- (6) Borrow money or accept advances, loans, gifts, grants, devises, or bequests from any legal source; enter into contracts or agreements with any party; and hold and apply advances, loans, gifts, grants, devises, or bequests according to the terms thereof. Such advances, loans, gifts, grants, devises, or bequests of real estate may be in fee simple or of any lesser estate and may be subject to any reasonable reservations. Any advances or loans received from any source may be repaid in accordance with the terms of such advance or loan.
- (7) Sell, lease, release, or otherwise dispose of facilities in the pool in accordance with applicable law.
- (8) Create and establish funds and accounts for the purpose of debt service reserves, for the matching of the timing and the amount of available funds and debt service charges, for sinking funds, for capital depreciation reserves, for operating reserves, for capitalized interest and moneys not required for immediate disbursement to acquire all or a portion of any facility, and for any other reserves, funds, or accounts reasonably necessary to carry out the provisions of this act and to invest in authorized investments any moneys held in such funds and accounts, provided such investments will be made on behalf of the Department of Management Services by the State Board of Administration or the Chief Financial Officer, as appropriate.

(9) Engage the services of consultants for rendering professional and technical assistance and advice and to engage services of professionals in connection with the acquisition or financing of any facility or the operation and activities of the Department of Management Services, including attorneys, auditors, consultants, and accountants.

(10) Lease all or any portion of any facility to an agency or to any political subdivision.

(11) Promulgate all rules necessary to implement the provisions of this act.

(12) Do all other acts reasonably necessary to carry out the provisions of this act.

255.504. Use of facilities

(1) Any facility which is acquired and approved pursuant to s. 11(f), Art. VII of the State Constitution and financed under this act, and any facility in the pool shall be occupied to the extent that space is available, by agencies as authorized by the Department of Management Services.

(2) Any agency occupying space in facilities in the pool shall contract for such space and pay rental for such space at the rental rate applicable in accordance with the provisions of this act.

255.505. Creation of the pool

The Department of Management Services is hereby authorized and directed to create the Florida Facilities Pool in order that agencies may participate, and thereby pool the rentals to be paid by such agencies, at uniform rates with additional charges for services provided, and to authorize the issuance of obligations secured by and payable from such rentals and charges. Participation in the pool shall be in accordance with the provisions of this act.

255.506. Facilities in pool

The following facilities shall be entered into the pool:

- (1) All existing state-owned facilities under the jurisdiction of the Department of Management Services shall be entered into the pool upon the creation of the pool.
- (2) Each facility the acquisition of which is financed under this act and which has not already been entered into the pool shall be entered into the pool upon the earlier of:
 - (a) The completion of such acquisition; or
 - (b) The commencement of accrual of rent for all or any portion of such facility.
- (3) Any agency may submit all, but not less than all, of the eligible facilities under its jurisdiction for entry into the pool. Each of such eligible facilities which is determined by the Department of Management Services to be a qualified facility shall be entered into the pool upon such determination.
- (4) Any agency which requests the issuance of obligations under this act for the financing of the acquisition of a facility shall submit all, but not less than all, of the eligible facilities under its jurisdiction for entry into the pool. Each of such eligible facilities which is determined by the Department of Management Services to be a qualified facility shall be entered into the pool upon such a determination.

255.507. Determination of qualified facilities

The Department of Management Services, in making determinations under s. 255.502(14)(b), shall determine a facility to be a qualified facility if the facility meets either of the following standards:

(1) The facility is in compliance with the firesafety standards established by the State Fire Marshal for state-owned buildings, is in compliance with flood management criteria if it is located in a flood-prone area, and is in good operating condition in relation to its intended use.

(2) The facility's economic benefit to the pool will be equal to or greater than the cost of restoring the facility to the condition described in subsection (1). For purposes of this subsection, achieving such economic benefit means that the rent to be paid by the occupants of the facility will be adequate to repay the restoration costs within 5 years.

255.508. Participation in pool

To participate in the pool, an agency head shall submit a request to the Department of Management Services and to the division pursuant to rules adopted by the Department of Management Services pursuant to this act.

255.51. Determination of rental rates

The Department of Management Services shall determine and establish rental rates charged and computed on a per square foot basis for all facilities in the pool whether or not of new construction, and such rates shall be applied uniformly to all agencies using or occupying space in facilities in the pool with additional charges based upon the elements of service and special requests as provided. Separate rates and charges may be established for warehouse space and parking space incidental to facilities in the pool.

The Florida Senate

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Presentation on Fleet

Bill Number or Topic

2 REDM

Amendment Barcode (if applicable)

10/13/2021
Meeting Date
Governmental Oversight &
Committee Accountability

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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



FLORIDA DEPARTMENT *of* STATE

SECRETARY OF STATE
LAUREL M. LEE

Senate Governmental Oversight and Accountability

October 13, 2021

Senate Governmental Oversight and Accountability

October 13, 2021



FLORIDA
DEPARTMENT
of STATE



DIVISION OF
LIBRARY and
INFORMATION SERVICES

Senate Governmental Oversight and Accountability

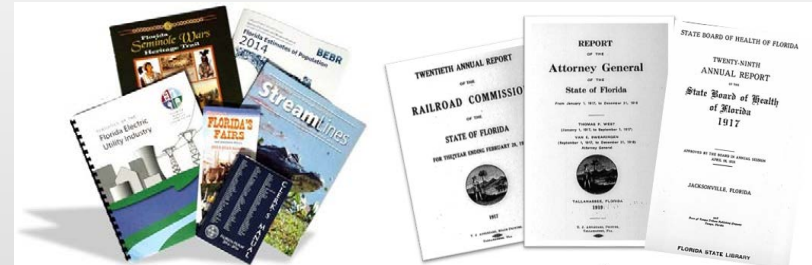
October 13, 2021

Bureau of Library and Network Services

State Library of Florida



State Publications Program



Statewide Resource Sharing



FLIN SHAREit



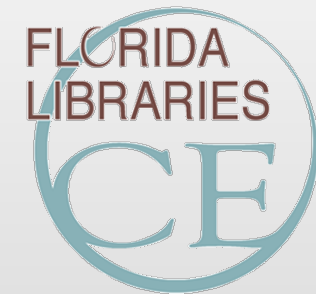
Senate Governmental Oversight and Accountability

October 13, 2021



Bureau of Library Development

Library Leadership Institutes



Florida Electronic Library

Senate Governmental Oversight and Accountability

October 13, 2021

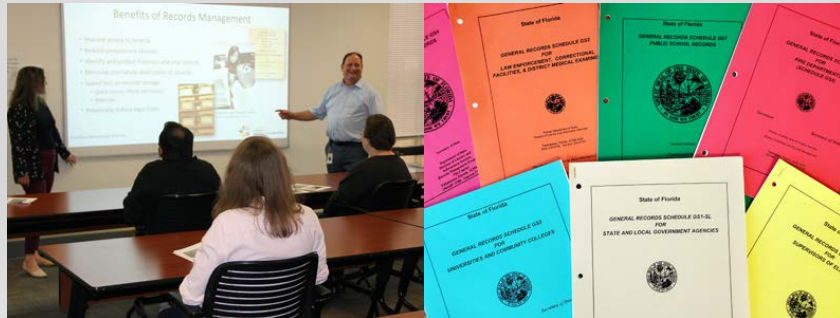


Bureau of Archives and Records Management

State Archives of Florida



Records Analysis and Training



State Records Center



Senate Governmental Oversight and Accountability

October 13, 2021



FLORIDA
DEPARTMENT
of STATE



Senate Governmental Oversight and Accountability

October 13, 2021

Bureau of Historical Museums



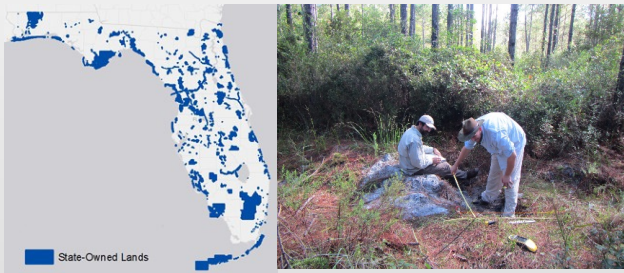
Senate Governmental Oversight and Accountability

October 13, 2021



Bureau of Archaeological Research

Public Lands



Underwater



Collections and Conservation



Education



Senate Governmental Oversight and Accountability

October 13, 2021

Bureau of Historic Preservation

National Register of Historic Places



Historical Markers

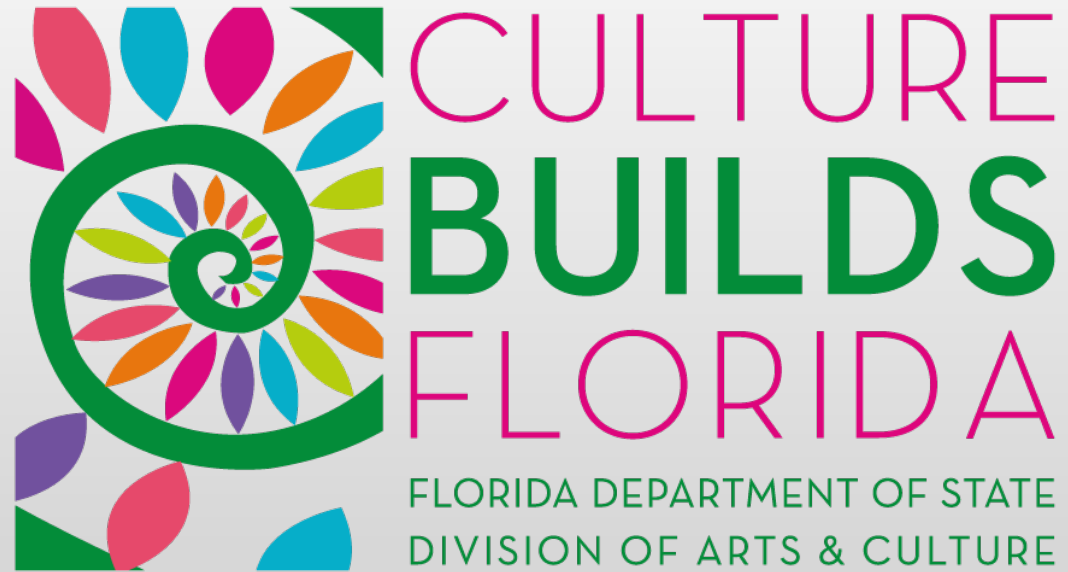


Florida Main Street





FLORIDA
DEPARTMENT
of STATE



Senate Governmental Oversight and Accountability

October 13, 2021



Florida Division of Arts and Culture

Florida Artists Hall of Fame



Poetry Out Loud



Exhibitions

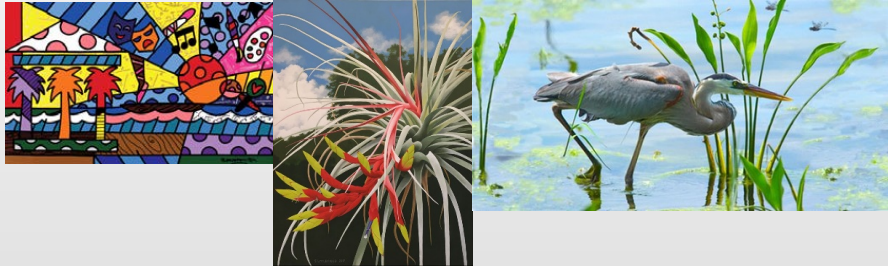


Senate Governmental Oversight and Accountability

October 13, 2021

Florida Division of Arts and Culture

DOS Art Collection



Creative Forces



Florida Folklife





FLORIDA DEPARTMENT *of* STATE

Thank you.

October 13, 2021

The Florida Senate

APPEARANCE RECORD

Presentation

Meeting Date

Bill Number or Topic

Senate **Gov. Oversight**

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Accountability

Amendment Barcode (if applicable)

Name

Secretary Laurel M. Lee

Phone

850-245-6500

Address

500 South Bronough Street

Email

Street

Tallahassee

FL

32399

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Department of State

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education, *Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations Subcommittee on Education
Banking and Insurance
Commerce and Tourism
Regulated Industries
Rules

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining

SENATOR JOE GRUTERS

23rd District

October 7, 2021

The Honorable Jeff Brandes, Chair
Committee on Governmental Oversight and Accountability
330 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Brandes:

I am writing to request an excused absence from the Governmental Oversight and Accountability Committee meeting on 10/13/2021.

Please do not hesitate to reach out to me if you have any questions.

Thank you,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Joe Gruters

cc: Joe McVaney, Staff Director
Virginia Ponder, Deputy Staff Director
Tamra Redig, Committee Administrative Assistant

REPLY TO:

- ☐ 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- ☐ 316 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Committee on Governmental Oversight & Accountability

Judge:

Started: 10/13/2021 9:00:32 AM

Ends: 10/13/2021 10:57:48 AM

Length: 01:57:17

9:00:34 AM	Meeting called to order by Chair Brandes
9:00:42 AM	Roll call by the Committee Administrative Asst (CAA)
9:00:52 AM	Comments from Chair
9:01:08 AM	Tab 1 - Presentation by Secretary J. Todd Inman, Dept of Management Services
9:01:13 AM	Secretary Inman provides an overview of the fleet management program
9:07:34 AM	Chair Brandes in Questions
9:07:47 AM	Response of Presenter
9:08:00 AM	Back and forth in questions
9:25:16 AM	Sen Stargel in questions
9:25:24 AM	Response of Presenter
9:26:19 AM	Chair Brandes in questions
9:26:27 AM	Response of Presenter
9:27:35 AM	Back and forth in questions
9:28:09 AM	Sen Torres in questions
9:28:16 AM	Response of Presenter
9:28:54 AM	Back and forth in questions
9:29:21 AM	Comments from Chair
9:31:50 AM	Comments from Presenter
9:33:03 AM	Comments from Chair
9:33:45 AM	Tab 2 - Presentation by Secretary Inman regarding Real Estate Development and Management
9:48:52 AM	Chair Brandes in questions
9:49:02 AM	Response of Presenter
9:53:02 AM	Back and forth in questions
9:58:54 AM	Sen Torres in questions
9:58:59 AM	Response of Presenter
10:00:36 AM	Back and forth in questions
10:05:54 AM	Sen Farmer in questions
10:06:01 AM	Response of Presenter
10:08:41 AM	Back and forth in questions
10:09:36 AM	Comments from Chair
10:10:40 AM	Tab 3 - Presentation by Secretary Laurel Lee, Florida Department of State
10:50:08 AM	Sen Torres in questions
10:51:33 AM	Back and forth in questions
10:54:09 AM	Sen Stargel in comments
10:54:46 AM	Chair Brandes in questions
10:55:09 AM	Response of Presenter
10:55:15 AM	Sen Farmer in comments
10:55:55 AM	Response from Presenter
10:56:30 AM	Closing comments from Chair Brandes
10:57:35 AM	Meeting is adjourned