

Bill No. CS for SB 1132

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Gutman moved the following amendment:

**Senate Amendment (with title amendment)**

On page 41, line 24, through  
page 43, line 21, delete those lines

and insert:

Section 26. Paragraph (b) of subsection (2) and  
subsection (3) of section 255.25, Florida Statutes, are  
amended to read:

255.25 Approval required prior to construction or  
lease of buildings.--

(2)

(b) The approval of the Department ~~Division~~ of  
~~Facilities~~ Management Services, except for technical  
sufficiency, need not be obtained for the lease of less than  
5,000 ~~3,000~~ square feet of space within a privately owned  
building, provided the agency head or the agency head's  
designated representative has certified compliance with  
applicable leasing criteria as may be provided pursuant to s.  
255.249(2)(k) and has determined such lease to be in the best

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1 interest of the state. Such a lease which is for a term  
2 extending beyond the end of a fiscal year is subject to the  
3 provisions of ss. 216.311, 255.2502, and 255.2503.

4 (3)(a) Except as provided in subsection (10) and  
5 except for those leases negotiated pursuant to the pilot  
6 project for contracted tenant brokers established by the  
7 Department of Management Services in this act, no state agency  
8 shall enter into a lease as lessee for the use of 5,000 ~~3,000~~  
9 square feet or more of space in a privately owned building  
10 except upon advertisement for and receipt of competitive bids  
11 and award to the lowest and best bidder. The Department of  
12 Management Services ~~Division of Facilities Management~~ shall  
13 have the authority to approve a lease for 5,000 ~~3,000~~ square  
14 feet or more of space that covers more than 1 fiscal year,  
15 subject to the provisions of ss. 216.311, 255.2501, 255.2502,  
16 and 255.2503, if such lease is, in the judgment of the  
17 department ~~division~~, in the best interests of the state. This  
18 paragraph does not apply to buildings or facilities of any  
19 size leased for the purpose of providing care and living space  
20 for persons.

21 (b) The Department ~~Division~~ of ~~Facilities~~ Management  
22 Services may approve extensions of an existing lease of 5,000  
23 ~~3,000~~ square feet or more of space if such extensions are  
24 determined to be in the best interests of the state, but in no  
25 case shall the total of such extensions exceed 11 months. If  
26 at the end of the 11th month an agency still needs space, it  
27 shall be procured by competitive bid in accordance with s.  
28 255.249(2)(b).

29 (c) Any person who files an action protesting a  
30 decision or intended decision pertaining to a competitive bid  
31 for space to be leased by the agency pursuant to s.

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1 120.57(3)(b) shall post with the state agency at the time of  
2 filing the formal written protest a bond payable to the agency  
3 in an amount equal to 1 percent of the estimated total rental  
4 of the basic lease period or \$5,000, whichever is greater  
5 ~~less~~, which bond shall be conditioned upon the payment of all  
6 costs which may be adjudged against him or her in the  
7 administrative hearing in which the action is brought and in  
8 any subsequent appellate court proceeding. If the agency  
9 prevails after completion of the administrative hearing  
10 process and any appellate court proceedings, it shall recover  
11 all costs and charges which shall be included in the final  
12 order or judgment, excluding attorney's fees. Upon payment of  
13 such costs and charges by the person protesting the award, the  
14 bond shall be returned to him or her. If the person  
15 protesting the award prevails, the bond shall be returned to  
16 that person and he or she shall recover from the agency all  
17 costs and charges which shall be included in the final order  
18 of judgment, excluding attorney's fees.

19 Section 27. Contracted tenant brokers; pilot  
20 project.--

21 (1) The Department of Management Services shall  
22 undertake a pilot project in Hillsborough, Leon, Levy, and  
23 Orange Counties for a contracted tenant broker to assist state  
24 agencies in locating suitable private sector leases. The  
25 department shall solicit qualified candidates through the  
26 request for proposals process and conduct interviews of  
27 finalists. The tenant broker shall be under contract to the  
28 department, but all fees or commissions to be paid to the  
29 tenant broker shall be paid by the ultimate private sector  
30 lessor. The department shall select two brokers in each county  
31 in the pilot project. Agencies may employ the services of

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1 either broker in any such county for a specified period of  
2 time for a given property procurement. Except for the  
3 exemption from competitive bidding as described in s.  
4 255.25(3)(a), Florida Statutes, current leasing procedures  
5 would remain in effect, including the zone rate guidelines.  
6 Brokers shall be required to disclose any conflict of interest  
7 and all compensation received from transactions. Brokers'  
8 compensation shall be no more than what is customarily found  
9 in the marketplace. Contracts between the department and the  
10 brokers shall be for a term of 1 year, renewable for an  
11 additional year based on a satisfactory performance review.  
12 The Department of Management Services is authorized to adopt  
13 such rules as may be necessary to carry out the intent of this  
14 section.

15 (2) In designing the pilot project, the department  
16 shall endeavor to accomplish the following goals:

17 (a) Provide for a faster, more efficient, and  
18 cost-effective lease procurement process.

19 (b) Provide access for agencies to experienced brokers  
20 with knowledge of the local marketplace.

21 (c) Provide a documented, professional cost/benefit  
22 analysis of all choices.

23 (d) Provide for the ability to negotiate the best  
24 deal.

25 (e) Provide the ability to reject any proposal which  
26 does not meet the needs of the agency.

27 (f) Provide that the Department of Management Services  
28 shall have final review and approval of all leases to ensure  
29 quality control.

30 (3) On or before July 1, 2000, the Department of  
31 Management Services shall report to the Legislature on the

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1 effectiveness of the pilot project and shall make  
2 recommendations, in the form of legislation, if necessary, for  
3 the implementation of the project on a statewide basis.

4 (4) The pilot project shall stand repealed effective  
5 July 1, 2000.

6  
7 (Redesignate subsequent sections.)

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9  
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 3, line 10, after the first semicolon,

13  
14 insert:

15 exempting certain leases from the competitive  
16 bidding process; providing for a pilot project  
17 under the Department of Management Services for  
18 contracted tenant brokers to assist state  
19 agencies in locating suitable private-sector  
20 leases; providing requirements of the project;  
21 providing for a report; providing for future  
22 repeal;

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