

Bill No. CS for CS for CS for SB 406, 2nd Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Boyd offered the following:

**Amendment (with title amendment)**

On page 5, line 1,

insert:

Section 1. (1) The Department of Management Services shall establish and maintain a central database to record and maintain all state-approved or reimbursed travel, including information related to each employee's origination and destination and any other information considered necessary by the department. The department may contract with an outside firm for the creation or maintenance of the database and may expend funds to develop, maintain, and improve the database. On January 1, 2001, and annually thereafter, the department shall furnish to the Legislature and the Governor a summary of all state travel and any recommendations for approving the efficiency or cost of that travel.

(2) The Comptroller shall establish object class codes that uniquely identify expenditures related to payments for air travel, car rental, and motel or hotel accommodations. All

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1 state agency personnel, including the State University System,  
2 cabinet officers and the Legislature must use their state  
3 purchasing card, if issued, and the object codes when  
4 requesting payments for the travel expenditures specified in  
5 this subsection. The Comptroller shall report expenditures  
6 made by state entities not less frequently than annually to  
7 the Department of Management Services, or at other times as  
8 necessary for contract negotiations and other management  
9 needs.

10           Section 2. The Department of Management Services may  
11 contract with an eligible air carrier for jet service or other  
12 service approved by the department to guarantee a number of  
13 seats or minimum revenue per departure or other incentive  
14 necessary to improve air service into Tallahassee beginning  
15 July 1, 2000. The department may expend funds for the purposes  
16 authorized by this section only to the extent necessary to  
17 match any public or private local funds.

18           Section 3. There are established two full time  
19 positions in the Department of Banking and Finance and the sum  
20 of \$90,000 is appropriated from recurring General Revenue Fund  
21 to the Department of Banking and Finance to implement the  
22 provisions of this act during the 2000-2001 fiscal year.

23           Section 4. Paragraphs (a) and (b) of subsection (3) of  
24 section 255.25, Florida Statutes, are amended, paragraph (c)  
25 of said subsection is redesignated as paragraph (d), and a new  
26 paragraph (c) is added to said subsection, and subsection (12)  
27 is added to said section, to read:

28           255.25 Approval required prior to construction or  
29 lease of buildings.--

30           (3)(a) Except as provided in subsection (10) and  
31 except for those leases negotiated pursuant to the pilot

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1 project established by the Department of Management Services  
2 herein, no state agency shall enter into a lease as lessee for  
3 the use of 5,000 square feet or more of space in a privately  
4 owned building except upon advertisement for and receipt of  
5 competitive bids and award to the lowest and best bidder. The  
6 Department of Management Services shall have the authority to  
7 approve a lease for 5,000 square feet or more of space that  
8 covers more than 1 fiscal year, subject to the provisions of  
9 ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease  
10 is, in the judgment of the department, in the best interests  
11 of the state. This paragraph does not apply to buildings or  
12 facilities of any size leased for the purpose of providing  
13 care and living space for persons.

14 (b) The Department of Management Services may approve  
15 extensions of an existing lease of 5,000 square feet or more  
16 of space if such extensions are determined to be in the best  
17 interests of the state, but in no case shall the total of such  
18 extensions exceed 11 months. If at the end of the 11th month  
19 an agency still needs such space, it shall be procured by  
20 competitive bid in accordance with s. 255.249(2)(b) or if an  
21 agency determines that it is in its best interest to remain in  
22 the space it currently occupies, the agency may negotiate a  
23 replacement lease with the lessor if an independent market  
24 analysis demonstrates that the rates offered are within market  
25 rates for the space offered, and if the cost of the new lease  
26 does not exceed the cost of a comparable lease plus documented  
27 moving costs. A present value analysis and the consumer price  
28 index shall be used in the calculation of lease costs. The  
29 term of the replacement lease shall not exceed the base term  
30 of the expiring lease.

31 (c) Any agency proposing to enter into a lease for

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1 office space in an area designated as part of the Front Porch  
2 Florida Initiative, or Community Redevelopment Agency (CRA)  
3 may, with the prior approval of the Department of Management  
4 Services, directly negotiate with a building owner for leased  
5 space within such area without the competitive bid requirement  
6 of subsection (3)(a).

7           (12)(a) The Department of Management Services shall  
8 undertake a pilot project in Hillsborough, Leon, Broward,  
9 Orange, and Seminole Counties for a contracted tenant broker  
10 to assist state agencies in locating suitable private sector  
11 leases. The department shall solicit qualified candidates  
12 through the request for proposals process and conduct  
13 interviews of finalists. The tenant broker shall be under  
14 contract to the department, but all fees or commissions to be  
15 paid to the tenant broker shall be paid by the ultimate  
16 private sector lessor. The department shall select a tenant  
17 broker in each county in the pilot project. Agencies may  
18 employ the services of the broker in any such county for a  
19 specified period of time for a given property procurement.  
20 Except for the exemption from competitive bidding described in  
21 subsection (3)(a) current leasing procedures would remain in  
22 effect, including the zone rate guidelines. Brokers shall be  
23 required to disclose any conflict of interest and all  
24 compensation received from transactions. Brokers'  
25 compensation shall be no more than what is customarily found  
26 in the marketplace. Contracts between the department and the  
27 broker shall be for a term of 1 year, renewable for an  
28 additional year based on a satisfactory performance review.  
29 The Department of Management Services is authorized to adopt  
30 such rules as may be necessary to carry out the intent of this  
31 section.

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- 1           (b) In designing the pilot project, the department
- 2 shall endeavor to accomplish the following goals:
- 3           1. Provide for a faster, more efficient, and
- 4 cost-effective lease procurement process.
- 5           2. Provide access for agencies to experienced brokers
- 6 with knowledge of the local marketplace.
- 7           3. Provide a documented, professional cost-benefit
- 8 analysis of all choices.
- 9           4. Provide for the ability to negotiate the best deal.
- 10          5. Provide the ability to reject any proposal which
- 11 does not meet the needs of the agency.
- 12          6. Provide that the Department of Management Services
- 13 shall have the final review and approval of all leases to
- 14 ensure quality control.

15          (c) On or before July 1, 2002, the Department of  
 16 Management Services shall report to the Legislature on the  
 17 effectiveness of the pilot project and shall make  
 18 recommendations, in the form of legislation, if necessary, for  
 19 the implementation of the project on a statewide basis.

20          (d) The pilot project shall stand repealed effective  
 21 July 1, 2002.

24 ===== T I T L E    A M E N D M E N T =====

25 And the title is amended as follows:

26           On page 1, line 2, after the semicolon,  
 27  
 28 insert:  
 29           requiring the Department of Management Services  
 30           to establish a central database to maintain a  
 31           record of all state-related travel; providing

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1 an appropriation for the development,  
2 maintenance, and improvements to the database;  
3 requiring the Comptroller to establish object  
4 codes that uniquely identify expenses related  
5 to air travel, car rental, and motel or hotel  
6 accommodations; authorizing the Department of  
7 Management Services to negotiate and contract  
8 with an air carrier for service; requiring  
9 local matching funds; providing an  
10 appropriation; amending s. 255.25, F.S.,  
11 providing an exception to competitive bidding  
12 for those leases negotiated pursuant to the  
13 department pilot project to be established;  
14 providing for negotiation of a replacement  
15 lease for currently occupied space under  
16 certain conditions; allowing agencies to  
17 negotiate leases in designated Front Porch  
18 Communities without competitive bidding;  
19 establishing a tenant broker pilot project in  
20 certain designated Florida counties to assist  
21 with property procurement and providing goals  
22 for the project; providing for automatic repeal  
23 of the pilot project;

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