

1 A bill to be entitled
2 An act relating to state facilities; amending
3 s. 255.25, F.S.; authorizing state agencies to
4 execute certain replacement leases; providing
5 guidelines for the execution of such leases;
6 providing an effective date.

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

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10 Section 1. Subsection (3) of section 255.25, Florida
11 Statutes, is amended to read:

12 255.25 Approval required prior to construction or
13 lease of buildings.--

14 (3)(a) Except as provided in subsection (10), no state
15 agency shall enter into a lease as lessee for the use of 5,000
16 square feet or more of space in a privately owned building
17 except upon advertisement for and receipt of competitive bids
18 and award to the lowest and best bidder. The Department of
19 Management Services shall have the authority to approve a
20 lease for 5,000 square feet or more of space that covers more
21 than 1 fiscal year, subject to the provisions of ss. 216.311,
22 255.2501, 255.2502, and 255.2503, if such lease is, in the
23 judgment of the department, in the best interests of the
24 state. This paragraph does not apply to buildings or
25 facilities of any size leased for the purpose of providing
26 care and living space for persons.

27 (b) The Department of Management Services may approve
28 extensions of an existing lease of 5,000 square feet or more
29 of space if such extensions are determined to be in the best
30 interests of the state, but in no case shall the total of such
31 extensions exceed 11 months. If at the end of the 11th month

1 an agency still needs that space, it shall be procured by
2 competitive bid in accordance with s. 255.249(4)(b)~~s.~~
3 ~~255.249(2)(b)~~. However, an agency that determines that it is
4 in its best interest to remain in the space it currently
5 occupies may negotiate a replacement lease with the lessor if
6 an independent comparative market analysis demonstrates that
7 the rates offered are within market rates for the space and
8 the cost of the new lease does not exceed the cost of a
9 comparable lease plus documented moving costs. A present-value
10 analysis and the consumer price index shall be used in the
11 calculation of lease costs. The term of the replacement lease
12 may not exceed the base term of the expiring lease.

13 (c) Any person who files an action protesting a
14 decision or intended decision pertaining to a competitive bid
15 for space to be leased by the agency pursuant to s.
16 120.57(3)(b) shall post with the state agency at the time of
17 filing the formal written protest a bond payable to the agency
18 in an amount equal to 1 percent of the estimated total rental
19 of the basic lease period or \$5,000, whichever is greater,
20 which bond shall be conditioned upon the payment of all costs
21 which may be adjudged against him or her in the administrative
22 hearing in which the action is brought and in any subsequent
23 appellate court proceeding. If the agency prevails after
24 completion of the administrative hearing process and any
25 appellate court proceedings, it shall recover all costs and
26 charges which shall be included in the final order or
27 judgment, excluding attorney's fees. Upon payment of such
28 costs and charges by the person protesting the award, the bond
29 shall be returned to him or her. If the person protesting the
30 award prevails, the bond shall be returned to that person and
31 he or she shall recover from the agency all costs and charges

1 which shall be included in the final order of judgment,
2 excluding attorney's fees.

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

13 (e) The unamortized portion of tenant improvements, if
14 appropriated, will be paid in equal monthly installments over
15 the remaining term of the lease. If any portion of the
16 original leased premises is occupied after termination but
17 during the original term by a tenant that does not require
18 material changes to the premises, the repayment of the cost of
19 tenant improvements applicable to the occupied but unchanged
20 portion shall be abated during occupancy. The portion of the
21 repayment to be abated shall be based on the ratio of leased
22 space to unleased space.

23 Section 2. This act shall take effect July 1, 2001.
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