

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           amending s. 255.31, F.S.; authorizing the  
7           Department of Management Services to review  
8           certain plans for consistency with the Florida  
9           Building Code; providing an effective date.

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

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13           Section 1. Subsection (3) of section 255.25, Florida  
14 Statutes, is amended to read:15           255.25 Approval required prior to construction or  
16 lease of buildings.--17           (3)(a) Except as provided in subsection (10), no state  
18 agency shall enter into a lease as lessee for the use of 5,000  
19 square feet or more of space in a privately owned building  
20 except upon advertisement for and receipt of competitive bids  
21 and award to the lowest and best bidder. The Department of  
22 Management Services shall have the authority to approve a  
23 lease for 5,000 square feet or more of space that covers more  
24 than 1 fiscal year, subject to the provisions of ss. 216.311,  
25 255.2501, 255.2502, and 255.2503, if such lease is, in the  
26 judgment of the department, in the best interests of the  
27 state. This paragraph does not apply to buildings or  
28 facilities of any size leased for the purpose of providing  
29 care and living space for persons.30           (b) The Department of Management Services may approve  
31 extensions of an existing lease of 5,000 square feet or more

1 of space if such extensions are determined to be in the best  
2 interests of the state, but in no case shall the total of such  
3 extensions exceed 11 months. If at the end of the 11th month  
4 an agency still needs that space, it shall be procured by  
5 competitive bid in accordance with s. 255.249(4)(b)~~s.~~  
6 ~~255.249(2)(b)~~. However, an agency that determines that it is  
7 in its best interest to remain in the space it currently  
8 occupies may negotiate a replacement lease with the lessor if  
9 an independent comparative market analysis demonstrates that  
10 the rates offered are within market rates for the space and  
11 the cost of the new lease does not exceed the cost of a  
12 comparable lease plus documented moving costs. A present-value  
13 analysis and the consumer price index shall be used in the  
14 calculation of lease costs. The term of the replacement lease  
15 may not exceed the base term of the expiring lease.

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

1 shall be returned to him or her. If the person protesting the  
2 award prevails, the bond shall be returned to that person and  
3 he or she shall recover from the agency all costs and charges  
4 which shall be included in the final order of judgment,  
5 excluding attorney's fees.

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

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

26 Section 2. Subsection (1) of section 255.31, Florida  
27 Statutes, is amended to read:

28 255.31 Authority to the Department of Management  
29 Services to manage construction projects for state and local  
30 governments.--

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1           (1) The design, construction, erection, alteration,  
2 modification, repair, and demolition of all public and private  
3 buildings are governed by the Florida Building Code and the  
4 Florida Fire Prevention Code, which are to be enforced by  
5 local jurisdictions or local enforcement districts unless  
6 specifically exempted as provided in s. 553.80. However, the  
7 Department of Management Services shall provide the project  
8 management and administration services for the construction,  
9 renovation, repair, modification, or demolition of buildings,  
10 utilities, parks, parking lots, or other facilities or  
11 improvements for projects for which the funds are appropriated  
12 to the department; provided that, with the exception of  
13 facilities constructed under the authority of chapters 944,  
14 945, and 985; the Governor's mansion and grounds thereof as  
15 described in s. 272.18; and the Capitol Building and environs,  
16 being that part of the City of Tallahassee bounded on the  
17 north by Pensacola and Jefferson Streets, on the east by  
18 Monroe Street, on the south by Madison Street, and on the west  
19 by Duval Street, the department may not conduct plans reviews  
20 or inspection services for consistency with the Florida  
21 Building Code. The department's fees for such services shall  
22 be paid from such appropriations.

23           Section 3. This act shall take effect July 1, 2001.  
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