

1 A bill to be entitled
2 An act relating to public property; amending s.
3 255.25, F.S.; requiring certain replacement
4 leases to contain a right-to-terminate clause
5 except under specified circumstances; providing
6 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. Paragraph (b) of subsection (3) of section
11 255.25, Florida Statutes, is amended to read:

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

14 (3)

15 (b) The Department of Management Services may approve
16 extensions of an existing lease of 5,000 square feet or more
17 of space if such extensions are determined to be in the best
18 interests of the state, but in no case shall the total of such
19 extensions exceed 11 months. If at the end of the 11th month
20 an agency still needs that space, it shall be procured by
21 competitive bid in accordance with s. 255.249(4)(b). However,
22 an agency that determines that it is in its best interest to
23 remain in the space it currently occupies may negotiate a
24 replacement lease with the lessor if an independent
25 comparative market analysis demonstrates that the rates
26 offered are within market rates for the space and the cost of
27 the new lease does not exceed the cost of a comparable lease
28 plus documented moving costs. A present-value analysis and the
29 consumer price index shall be used in the calculation of lease
30 costs. Any replacement lease negotiated pursuant to this
31 paragraph, which is for a term exceeding 1 year, must permit

1 the agency to terminate the lease without penalty if a
2 state-owned building becomes available by providing 6 months
3 advance written notice to the lessor, unless the Department of
4 Management Services approves a request from the agency to be
5 exempted from this requirement and the agency demonstrates in
6 writing that the cost of the replacement lease is at least 10
7 percent less than the market rate plus documented moving
8 expenses.The term of the replacement lease may not exceed the
9 base term of the expiring lease.

10 Section 2. This act shall take effect July 1, 2002.