

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Benson offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (2), (3), and (4) of section
6 255.249, Florida Statutes, are amended, and subsection (6) is
7 added to said section, to read:

8 255.249 Department of Management Services; responsibility;
9 department rules.--

10 (2)(a) The department shall have the responsibility and
11 authority to procure and manage all leases of privately owned
12 buildings on behalf of any executive agency, except as set forth
13 in s. 255.248. All cost savings resulting from leases negotiated
14 or renegotiated by the department shall be deposited in escrow
15 for tenant improvements to the leased space or deposited in the
16 General Revenue Fund. ~~require any state agency planning to~~

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17 ~~terminate a lease for the purpose of occupying space in a new~~
18 ~~state-owned office building, the funds for which are~~
19 ~~appropriated after June 30, 2000, to state why the proposed~~
20 ~~relocation is in the best interest of the state.~~

21 (b) Information on the costs and benefits of any lease
22 that has been negotiated or renegotiated by the department shall
23 be provided to the chair and vice chair of the Legislative
24 Budget Commission if the annualized cost of the new or
25 renegotiated lease is in excess of \$1 million and if it
26 represents a greater than 10 percent change in the annualized
27 cost of the department's or other executive agency's original
28 lease. The head of the department or an executive agency that
29 provides information under this subparagraph may be requested to
30 make a presentation at a future Legislative Budget Commission
31 meeting.

32 (c) This subsection does not apply to the Department of
33 Legal Affairs, the Department of Financial Services, or the
34 Department of Agriculture and Consumer Services unless the
35 cabinet officer requests that the department perform the
36 service, or part thereof, for the cabinet officer's agency.

37 (3) The department may assign one or more agencies to move
38 into space vacated by another executive agency. The executive
39 agency that requested space may reject the department's transfer
40 of the executive agency into the vacated space based on
41 excessive cost, unfavorable lease terms or conditions, negative
42 impact on employee productivity, security concerns, poor
43 location, poor building quality, insufficient parking, excessive
44 moving costs, or difficult access for persons served by the

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45 executive agency. In order to reject the transfer, the agency
46 head of the executive agency must state in writing the specific
47 reason or reasons for rejecting the vacated space shall, to the
48 extent feasible, coordinate the vacation of privately owned
49 leased space with the expiration of the lease on that space and,
50 when a lease is terminated before expiration of its base term,
51 will make a reasonable effort to place another state agency in
52 the space vacated. Any state agency may lease the space in any
53 building that was subject to a lease terminated by a state
54 agency for a period of time equal to the remainder of the base
55 term without the requirement of competitive bidding.

56 (4) The department shall promulgate rules pursuant to
57 ~~chapter 120~~ providing:

58 (a) Methods for accomplishing the duties outlined in
59 subsections subsection (1), (2), and (3).

60 (b) Procedures requiring the competitive solicitation of,
61 and procedures for, evaluating and accepting responses to
62 competitive solicitations for soliciting and accepting
63 competitive proposals for, leased space of 5,000 square feet or
64 more in privately owned buildings, for evaluating the proposals
65 received, for exemption from competitive bidding requirements of
66 any However, a lease the purpose of which is to provide the
67 provision of care and living space for persons, or a lease for
68 emergency space needs as provided in s. 255.25(6), is exempt
69 from the competitive solicitation requirement 255.25(10), and
70 for the securing of at least three documented quotes for a lease
71 that is not required to be competitively bid. The procedures may
72 be simplified for a solicitation of less than 5,000 square feet.

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73 (c) Adoption of a standard method for determining square
74 footage or any other measurement used as the basis for lease
75 payments, ~~or~~ other charges.

76 (d) Methods of allocating space in both state-owned office
77 buildings and privately owned buildings leased by the state
78 based on use, personnel, and office equipment

79 (e) Acceptable terms and conditions for inclusion in lease
80 agreements.

81 (f) Maximum rental rates, by geographic areas or by
82 county, for leasing privately owned space.

83 (g) A standard method for the assessment of rent to state
84 agencies and other authorized occupants of state-owned ~~office~~
85 space, notwithstanding the source of funds.

86 (h) For full disclosure of the names and the extent of
87 interest of the owners holding a 4-percent or more interest in
88 any privately owned property leased to the state or in the
89 entity holding title to the property, for exemption from such
90 disclosure of any beneficial interest which is represented by
91 stock in any corporation registered with the Securities and
92 Exchange Commission or registered pursuant to chapter 517, which
93 stock is for sale to the general public, and for exemption from
94 such disclosure of any leasehold interest in property located
95 outside the territorial boundaries of the United States.

96 (i) For full disclosure of the names of all public
97 officials, agents, or employees holding any interest in any
98 privately owned property leased to the state or in the entity
99 holding title to the property, and the nature and extent of
100 their interest, for exemption from such disclosure of any

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101 beneficial interest which is represented by stock in any
102 corporation registered with the Securities and Exchange
103 Commission or registered pursuant to chapter 517, which stock is
104 for sale to the general public, and for exemption from such
105 disclosure of any leasehold interest in property located outside
106 the territorial boundaries of the United States.

107 (j) A method for reporting leases for nominal or no
108 consideration.

109 (k) Adoption of the Building Owners and Managers
110 Association Metropolitan Base Building Classification, or
111 equivalent, as a standard method for rating the quality of
112 privately owned buildings. When practical, A or B class space
113 according to Building Owners and Managers Association standards
114 must be used ~~For a lease of less than 5,000 square feet, a~~
115 ~~method for certification by the agency head or the agency head's~~
116 ~~designated representative that all criteria for leasing have~~
117 ~~been fully complied with and for the filing of a copy of such~~
118 ~~lease and all supporting documents with the department for its~~
119 ~~review and approval as to technical sufficiency.~~

120 (6) On or before January 1, 2005, and annually thereafter,
121 the Department of Management Services shall submit a report to
122 the presiding officers of the Legislature which sets forth the
123 department's enterprise plan for the next 5 years for the use of
124 state-owned and state-leased space and for any acquisition,
125 financing, refinancing, or disposition of state real property
126 and improvements that the department is permitted by law to
127 execute. If the department intends to deviate from the
128 enterprise plan after submission of the annual report, the

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129 department must provide notice to the presiding officers of the
130 Legislature at least 30 days prior to the execution of any
131 deviation.

132 Section 2. Section 255.25, Florida Statutes, is amended to
133 read:

134 255.25 Leasing ~~Approval required prior to construction or~~
135 ~~lease of buildings.--~~

136 (1)(a) No state agency may lease space in a private
137 building that is to be constructed for state use unless prior
138 approval of the architectural design and preliminary
139 construction plans is first obtained from the department of
140 Management Services.

141 (b) During the term of existing leases, each agency shall
142 monitor market conditions and shall initiate negotiations for
143 each lease held in the private sector to effect the best overall
144 lease terms reasonably available to that agency. Amendments to
145 leases may be permitted to modify any lease provisions or any
146 other terms or conditions, except to the extent specifically
147 prohibited by this chapter. The Department of Management
148 Services shall serve as a mediator in lease renegotiations if
149 the agency and the lessor are unable to reach a compromise
150 within 6 months of renegotiation and if either the agency or
151 lessor requests the Department of Management Services'
152 intervention.

153 (c) When specifically authorized by the Appropriations Act
154 and in accordance with s. 255.2501, if applicable, the
155 department of Management Services may approve a lease-purchase,
156 sale-leaseback, or tax-exempt leveraged lease contract or other

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157 financing technique for the acquisition, renovation, or
158 construction of a state fixed capital outlay project when it is
159 in the best interest of the state.

160 (d) The Department of Management Services in order to seek
161 economies of scale and the opportunity to colocate executive
162 agencies, may competitively negotiate to procure new leases,
163 renegotiate existing leases, or otherwise consolidate existing
164 leases into a large scale lease or leases covering one or more
165 privately owned buildings. The department may promulgate rules
166 establishing procedures to procure and manage large-scale and
167 provide a method for allocating lease costs among executive
168 agencies.

169 (2)(a) Except as provided in s. 255.2501, no state agency
170 may lease a building or any part thereof unless prior approval
171 of the lease conditions and of the need therefor is first
172 obtained from the department of Management Services. Any
173 approved lease may include an option to purchase or an option to
174 renew the lease, or both, upon such terms and conditions as are
175 established by the department subject to final approval by the
176 head of the Department of Management Services and s. 255.2502.

177 (b) The Department of Management Services and an executive
178 agency allowed to directly procure a ~~The approval of the~~
179 ~~Department of Management Services, except for technical~~
180 ~~sufficiency, need not be obtained for the lease or an extension~~
181 ~~of a lease must comply of less than 5,000 square feet of space~~
182 ~~within a privately owned building, provided the agency head or~~
183 ~~the agency head's designated representative has certified~~
184 ~~compliance with applicable leasing criteria as may be provided~~

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185 pursuant to this section and s. 255.249(4)(k) and shall
186 determine that ~~has determined~~ such lease is to be in the best
187 interest of the state. Such a lease which is for a term
188 extending beyond the end of a fiscal year is subject to the
189 provisions of ss. 216.311, 255.2502, and 255.2503.

190 (c) The Department of Management Services shall adopt as a
191 rule uniform leasing procedures for use by each state agency
192 other than the Department of Transportation. Each state agency
193 shall ensure that the leasing practices of that agency are in
194 substantial compliance with the uniform leasing rules adopted
195 under this section and ss. 255.249, 255.2502, and 255.2503.

196 (3)(a) ~~Except as provided in subsection (10), no state~~
197 ~~agency shall enter into a lease as lessee for the use of 5,000~~
198 ~~square feet or more of space in a privately owned building~~
199 ~~except upon advertisement for and receipt of competitive bids~~
200 ~~and award to the lowest and best bidder. The Department of~~
201 ~~Management Services shall have the authority to approve a lease~~
202 ~~for 5,000 square feet or more of space that covers more than 1~~
203 ~~fiscal year, subject to the provisions of ss. 216.311, 255.2501,~~
204 ~~255.2502, and 255.2503, if such lease is, in the judgment of the~~
205 ~~department, in the best interests of the state. This paragraph~~
206 ~~does not apply to buildings or facilities of any size leased for~~
207 ~~the purpose of providing care and living space for persons.~~

208 (b) The Department of Management Services, or an executive
209 agency that may procure its own space, may negotiate with the
210 owner of a privately owned building to enter into an extension
211 ~~approve extensions~~ of an existing lease of 5,000 square feet or
212 ~~more of space if such~~ extension is ~~extensions are~~ determined to

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213 | be in the best interests of the state, ~~but in no case shall the~~
214 | ~~total of such extensions exceed 11 months. If at the end of the~~
215 | ~~11th month an agency still needs that space, it shall be~~
216 | ~~procured by competitive bid in accordance with s. 255.249(4)(b).~~
217 | ~~However, an agency that determines that it is in its best~~
218 | ~~interest to remain in the space it currently occupies may~~
219 | ~~negotiate a replacement lease with the lessor if an When~~
220 | ~~determining the best interests of the state, the department or~~
221 | ~~agency must use an independent comparative market analysis to~~
222 | ~~show demonstrates that the negotiated lease rate for the~~
223 | ~~extension is rates offered are within market rates for~~
224 | ~~comparable the space, that and the cost of the extension new~~
225 | ~~lease does not exceed the cost of a comparable space lease plus~~
226 | ~~documented moving costs, and that the space will adequately~~
227 | ~~serve the public. A present-value analysis and the consumer~~
228 | ~~price index shall be used in the calculation of lease costs. ~~The~~~~
229 | ~~term of the replacement lease may not exceed the base term of~~
230 | ~~the expiring lease.~~

231 | **(b)(e)** Any person who files an action protesting a
232 | decision or intended decision pertaining to a competitive bid
233 | for space to be leased by the agency pursuant to s. 120.57(3)(b)
234 | shall post with the state agency at the time of filing the
235 | formal written protest a bond payable to the agency in an amount
236 | equal to 1 percent of the estimated total rental of the basic
237 | lease period or \$5,000, whichever is greater, which bond shall
238 | be conditioned upon the payment of all costs which may be
239 | adjudged against him or her in the administrative hearing in
240 | which the action is brought and in any subsequent appellate

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241 court proceeding. If the agency prevails after completion of the
242 administrative hearing process and any appellate court
243 proceedings, it shall recover all costs and charges which shall
244 be included in the final order or judgment, excluding attorney's
245 fees. Upon payment of such costs and charges by the person
246 protesting the award, the bond shall be returned to him or her.
247 If the person protesting the award prevails, the bond shall be
248 returned to that person and he or she shall recover from the
249 agency all costs and charges which shall be included in the
250 final order of judgment, excluding attorney's fees.

251 ~~(c)~~(d) The agency and the lessor, when entering into a
252 lease for 5,000 or more square feet of a privately owned
253 building, shall, before the effective date of the lease, agree
254 upon and separately state the cost of tenant improvements which
255 may qualify for reimbursement if the lease is terminated before
256 the expiration of its base term. The department shall serve as
257 mediator if the agency and the lessor are unable to agree. The
258 amount agreed upon and stated shall, if appropriated, be
259 amortized over the original base term of the lease on a
260 straight-line basis.

261 ~~(d)~~(e) The unamortized portion of tenant improvements, if
262 appropriated, will be paid in equal monthly installments over
263 the remaining term of the lease. If any portion of the original
264 leased premises is occupied after termination but during the
265 original term by a tenant that does not require material changes
266 to the premises, the repayment of the cost of tenant
267 improvements applicable to the occupied but unchanged portion
268 shall be abated during occupancy. The portion of the repayment

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269 to be abated shall be based on the ratio of leased space to
270 unleased space.

271 (4)(a) The department of Management Services shall not
272 authorize any state agency to enter into a lease agreement for
273 space in a privately owned building when suitable space is
274 available in a state-owned building located in the same
275 geographic region, except upon presentation to the department of
276 sufficient written justification, acceptable to the department,
277 that a separate space is required in order to fulfill the
278 statutory duties of the agency making such request. The term
279 "state-owned building" as used in this subsection means any
280 state-owned facility regardless of use or control.

281 (b) State agencies shall cooperate with local governmental
282 units by using suitable, existing publicly owned facilities,
283 subject to the provisions of ss. 255.2501, 255.2502, and
284 255.2503. Agencies may utilize unexpended funds appropriated for
285 lease payments to:

- 286 1. Pay their proportion of operating costs.
- 287 2. Renovate applicable spaces.

288 (5) Before construction or renovation of any state-owned
289 building or state-leased space is commenced, the Department of
290 Management Services shall ascertain, by submission of proposed
291 plans to the Division of State Fire Marshal for review, that the
292 proposed construction or renovation plan complies with the
293 uniform firesafety standards required by the Division of State
294 Fire Marshal. The review of construction or renovation plans for
295 state-leased space shall be completed within 10 calendar days of
296 receipt of the plans by the Division of State Fire Marshal. The

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297 review of construction or renovation plans for a state-owned
298 building shall be completed within 30 calendar days of receipt
299 of the plans by the Division of State Fire Marshal. The
300 responsibility for submission and retrieval of the plans called
301 for in this subsection shall not be imposed on the design
302 architect or engineer, but shall be the responsibility of the
303 two agencies. Whenever the Division of State Fire Marshal
304 determines that a construction or renovation plan is not in
305 compliance with such uniform firesafety standards, the Division
306 of State Fire Marshal may issue an order to cease all
307 construction or renovation activities until compliance is
308 obtained, except those activities required to achieve such
309 compliance. The Department of Management Services shall withhold
310 approval of any proposed lease until the construction or
311 renovation plan complies with the uniform firesafety standards
312 of the Division of State Fire Marshal. The cost of all
313 modifications or renovations made for the purpose of bringing
314 leased property into compliance with the uniform firesafety
315 standards shall be borne by the lessor.

316 (6) Before construction or substantial improvement of any
317 state-owned building is commenced, the Department of Management
318 Services must ascertain that the proposed construction or
319 substantial improvement complies with the flood plain management
320 criteria for mitigation of flood hazards, as prescribed in the
321 October 1, 1986, rules and regulations of the Federal Emergency
322 Management Agency, and the department shall monitor the project
323 to assure compliance with the criteria. In accordance with
324 chapter 120, the Department of Management Services shall adopt

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325 any necessary rules to ensure that all such proposed state
326 construction and substantial improvement of state buildings in
327 designated flood-prone areas complies with the flood plain
328 management criteria. Whenever the department determines that a
329 construction or substantial improvement project is not in
330 compliance with the established flood plain management criteria,
331 the department may issue an order to cease all construction or
332 improvement activities until compliance is obtained, except
333 those activities required to achieve such compliance.

334 (7) This section does not apply to any lease having a term
335 of less than 120 consecutive days for the purpose of securing
336 the one-time special use of the leased property. This section
337 does not apply to any lease for nominal or no consideration.

338 (8) No executive agency may ~~shall enter into more than one~~
339 ~~lease for~~ space in a ~~the same~~ privately owned building if such
340 building was in the Florida Facilities Pool at any time in the 3
341 years prior to the commencement of the lease facility or complex
342 ~~within any 12-month period except upon the solicitation of~~
343 ~~competitive bids.~~

344 (9) Specialized educational facilities, excluding
345 classrooms, shall be exempt from the competitive bid
346 requirements for leasing pursuant to this section if the
347 executive head of any state agency certifies in writing that
348 said facility is available from a single source and that the
349 competitive bid requirements would be detrimental to the state.
350 Such certification shall include documentation of evidence of
351 steps taken to determine sole-source status.

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352 (10) The Department of Management Services may approve
353 emergency acquisition of space without competitive bids if
354 existing state-owned or state-leased space is destroyed or
355 rendered uninhabitable by an act of God, fire, malicious
356 destruction, or structural failure, or by legal action, if the
357 chief administrator of the state agency or the chief
358 administrator's designated representative certifies in writing
359 that no other agency-controlled space is available to meet this
360 emergency need, but in no case shall the lease for such space
361 exceed 11 months. If the lessor elects not to replace or
362 renovate the destroyed or uninhabitable facility, the agency
363 shall procure the needed space by competitive bid in accordance
364 with s. 255.249(4)(b). If the lessor elects to replace or
365 renovate the destroyed or uninhabitable facility and the
366 construction or renovations will not be complete at the end of
367 the 11-month lease, the agency may modify the lease to extend it
368 on a month-to-month basis for an additional 6 months to allow
369 completion of such construction or renovations.

370 (11) In any leasing of space that is accomplished without
371 competition, the individuals taking part in the development or
372 selection of criteria for evaluation, in the evaluation, and in
373 the award processes shall attest in writing that they are
374 independent of, and have no conflict of interest in, the
375 entities evaluated and selected.

376 Section 3. Section 270.27, Florida Statutes, is repealed.

377 Section 4. Section 215.3215, Florida Statutes, is created
378 to read:

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379 215.3215 Charges by agencies or contractors.--Specific
380 statutory authority authorizing the maximum amount of a fee,
381 tax, or other charge shall be required for an agency, as defined
382 in s. 287.012(1), or contractor with such agency to levy or
383 impose upon a person who is not a party to the contract a fee,
384 tax, or other charge which funds the contract or provides
385 payment to the contractor, regardless of whether the levy or
386 imposition is direct or indirect or is mandatory or optional.

387 Section 5. Subsections (17) and (23) of section 287.057,
388 Florida Statutes, are amended, and a new subsection (25) is
389 added to said section, to read:

390 287.057 Procurement of commodities or contractual
391 services.--

392 (17) For a contract in excess of the threshold amount
393 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
394 appoint:

395 (a) At least three persons to evaluate proposals and
396 replies who collectively have experience and knowledge in the
397 program areas and service requirements for which commodities or
398 contractual services are sought.

399 (b) At least three persons to conduct negotiations during
400 a competitive sealed reply procurement who collectively have
401 experience and knowledge in negotiating contracts, contract
402 procurement, and the program areas and service requirements for
403 which commodities or contractual services are sought. As of
404 January 1, 2005, when the contract is in excess of \$1 million,
405 at least one of the persons conducting negotiations must be a
406 certified negotiator as established by the department. The

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407 department shall, by rule, establish the experience, knowledge,
408 and training required to be a certified negotiator.

409 (23)(a) The department, in consultation with the Chief
410 Financial Officer ~~State Technology Office and the Comptroller,~~
411 shall develop a program for on-line procurement of commodities
412 and contractual services. To enable the state to promote open
413 competition and to leverage its buying power, agencies shall
414 participate in the on-line procurement program, and eligible
415 users and cabinet agencies may participate in the program. ~~Only~~
416 ~~vendors prequalified as meeting mandatory requirements and~~
417 ~~qualifications criteria shall be permitted to participate in on-~~
418 ~~line procurement.~~ The department, ~~in consultation with the State~~
419 ~~Technology Office,~~ may contract for equipment and services
420 necessary to develop and implement on-line procurement.

421 (b) The department, in consultation with the State
422 Technology Office, shall adopt rules, pursuant to ss. 120.536(1)
423 and 120.54, to administer the program for on-line procurement.
424 The rules shall include, but not be limited to:

425 1. Determining the requirements and qualification criteria
426 for prequalifying vendors.

427 2. Establishing the procedures for conducting on-line
428 procurement.

429 3. Establishing the criteria for eligible commodities and
430 contractual services.

431 4. Establishing the procedures for providing access to on-
432 line procurement.

433 5. Determining the criteria warranting any exceptions to
434 participation in the on-line procurement program.

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435 (c) The department may collect fees for the use of the on-
436 line procurement program systems. Purchase of commodities and
437 contractual services from vendors that are registered with the
438 on-line procurement program may be considered use of the
439 program. The fees may be imposed on an individual transaction
440 basis or as a fixed percentage of the cost savings generated. At
441 a minimum, the fees must be set in an amount sufficient to cover
442 the projected costs of such services, including administrative
443 and project service costs in accordance with the policies of the
444 department; however, fees imposed on an individual transaction
445 basis may not exceed 1 percent of the transaction amount. ~~For~~
446 ~~the purposes of compensating the provider, the department may~~
447 ~~authorize the provider to collect and retain a portion of the~~
448 ~~fees. The providers may withhold the portion retained from the~~
449 ~~amount of fees to be remitted to the department. The department~~
450 ~~may negotiate the retainage as a percentage of such fees charged~~
451 ~~to users, as a flat amount, or as any other method the~~
452 ~~department deems feasible~~. All fees and surcharges collected
453 under this paragraph shall be collected by the department and
454 deposited in the Grants and Donation Trust Fund as provided by
455 law.

456 (25)(a) Legal authority is required for contractual
457 services procurements with a cost greater than \$10 million over
458 the contract term which shift functions or responsibilities from
459 agency staff to the private sector where the agency remains
460 accountable while the private sector entity performs the
461 function or responsibility. At least 60 days prior to the
462 Legislative session, if the agency seeks authority by law to

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463 procure such contractual services, or 30 days prior to issuing a
464 solicitation, if the agency has legal authority to procure such
465 contractual services, upon issuance of a solicitation, and upon
466 execution of a contract, the agency shall provide to the
467 President of the Senate and the Speaker of the House of
468 Representatives current cost-benefit analyses, business case
469 analyses, plans for contract management, proposed performance
470 contracting procedures, detailed service comparisons, and
471 information about impacts to approved performance standards
472 regarding the proposed procurement. The contract for such
473 procurement shall include at a minimum a detailed scope of work
474 specifying services and deliverables; specific payment terms,
475 including incentive and penalty provisions; implementation
476 schedules; required performance measures; provisions for the
477 transfer of the function or responsibility if the contractor
478 ceases to perform; and requirements for access to public records
479 consistent with law. The department shall maintain a database
480 containing, for procurements subject to this subsection, the
481 agency name, the name and description of the contractual service
482 procured, and the names of the prime contractor and any
483 subcontractors; projected and actual completion dates by project
484 phase; a description of performance measures contained in the
485 contract, projected performance, and actual performance; and
486 projected costs and revenues, as applicable, and actual costs
487 and revenues.

488 (b) This subsection shall not apply to any procurement for
489 which a contract was executed prior to July 1, 1994, for

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490 contractual services substantially similar in nature and purpose
491 to those to be procured in the proposed contract.

492 Section 6. Effective October 1, 2004, there is hereby
493 appropriated from the Grants and Donation Trust Fund in the
494 Department of Management Services \$5,000,000 in the Special
495 Categories Contractual Services for the purpose of transferring
496 funds to the on-line procurement program contractor, in
497 accordance with s. 287.057, Florida Statutes.

498 Section 7. The amendment to section 287.057(23)(c),
499 Florida Statutes, which removes authority for the provider to
500 collect and retain fees and require the department to collect
501 the fees, shall take effect October 1, 2004.

502 Section 8. Except as otherwise provided herein, this act
503 shall take effect July 1, 2004.

504
505 ===== T I T L E A M E N D M E N T =====

506 Remove the entire title and insert:
507 An act relating to the Department of Management Services;
508 amending s. 255.249, F.S.; removing a requirement
509 regarding certain agencies planning to terminate a lease;
510 providing that the Department of Management Services,
511 rather than agencies acting on their own behalf, shall
512 lease space for agencies; limiting scope of provisions to
513 certain departments; providing for moving of agencies into
514 vacated spaces; providing conditions under which an agency
515 may reject a proposed move; providing for competitive
516 solicitation of leases; providing bid procedures;
517 providing conditions for space allocation; requiring

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518 adoption of a quality standard; amending s. 255.25, F.S.;
519 providing criteria for agencies to monitor market
520 conditions and initiate negotiations; authorizing the
521 department to negotiate to procure new leases for the
522 colocation of agencies; providing conditions for lease
523 procurement; changing the requirement for competitive
524 bidding for leases of real property for agencies to a
525 requirement for competitive solicitation; requiring a
526 business case analysis for extension of a lease; providing
527 that state agencies may not lease a privately owned
528 building if such building was in the Florida Facilities
529 Pool in the previous 3 years; repealing s. 270.27, F.S.,
530 relating to the sale of unused public lands; creating s.
531 215.3215, F.S.; authorizing agencies or contractors to levy
532 or impose on certain noncontract parties certain fees,
533 taxes, or charges only if authorized by law; amending s.
534 287.057, F.S.; requiring certified negotiators for certain
535 procurements; revising provisions relating to on-line
536 procurement programs; prohibiting agencies from procuring
537 certain contractual services except as provided by law;
538 requiring agencies to provide information to the
539 Legislature regarding such procurements; requiring certain
540 contract provisions for such procurements; requiring the
541 department to establish a database; providing exceptions;
542 providing an appropriation; providing effective dates.