

1 A bill to be entitled
2 An act relating to the Department of Management Services;
3 amending s. 255.248, F.S.; revising, eliminating, and
4 providing additional definitions used in ss. 255.249 and
5 255.25, F.S.; amending s. 255.249, F.S.; substantially
6 revising responsibilities of the Department of Management
7 Services with respect to the use and management of state-
8 owned office buildings and the lease of privately owned
9 buildings by the state; providing that the department has
10 exclusive authority over, and is the primary contact point
11 and managing agent for, existing and future leases to a
12 state agency; providing for the right of the department to
13 direct an agency to occupy a specific location; precluding
14 a state agency from negotiating or executing its own lease
15 for space; requiring the department to manage all parking
16 activities, including the management of parking structures
17 and appurtenant facilities; requiring the department to
18 ensure efficient occupancy and allocation of space in
19 state-owned buildings and in privately owned buildings
20 leased to a state agency; requiring the department to be
21 responsible for both custodial and preventative
22 maintenance of state-owned buildings and appurtenant
23 parking facilities and grounds; requiring an annual
24 comprehensive leasing report to the Governor and the
25 Legislature; specifying contents of the report; requiring
26 the department to adopt specified rules for implementation
27 of the section; authorizing the department to procure
28 contracts for real estate consulting and for tenant

29 | brokerage services; authorizing the use of a contractor
30 | procured to provide such services to assist with the
31 | execution of specified responsibilities; providing for
32 | continuing effect of existing contracts; precluding the
33 | department from executing a lease agreement with specified
34 | private landlords; providing nonapplicability; creating s.
35 | 255.2491, F.S.; requiring agencies to identify intraagency
36 | resources related to leasing and lease administration
37 | functions by a specified date; requiring the department to
38 | submit a plan by a specified date identifying positions
39 | needed to support centralized leasing activities within
40 | the department; requiring specified state agencies to
41 | enter into an interagency agreement with the department
42 | relating to the assumption of centralized leasing
43 | activities by the department; specifying requirements to
44 | be contained in the agreement; amending s. 255.25, F.S.;
45 | substantially revising provisions relating to required
46 | approval by the department prior to the construction or
47 | lease of buildings; requiring the department to utilize
48 | the competitive solicitation process for specified leases;
49 | requiring an alternative process for leases exempt from
50 | the competitive solicitation; requiring the department to
51 | follow a specified process for competitive solicitation
52 | established in department rule; providing exceptions to
53 | the competitive solicitation process; requiring the
54 | department to adopt specified rules; amending ss. 110.171,
55 | 255.25001, 288.012, 288.1224, 288.1226, 944.10, 957.04,

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56 985.682, and 1013.17, F.S.; conforming, correcting, and
 57 clarifying cross-references; providing effective dates.

58

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

60

61 Section 1. Effective December 1, 2009, section 255.248,
 62 Florida Statutes, is amended to read:

63 255.248 Definitions; ss. 255.249 and 255.25.--As used in
 64 ss. 255.249 and 255.25, the term:

65 (1) "Best leasing value" means the highest overall value
 66 to the state based on objective factors that include, but are
 67 not limited to, rental rate, renewal rate, operational and
 68 maintenance costs, tenant-improvement allowance, location, lease
 69 term, condition of facility, landlord responsibility, amenities,
 70 and parking.

71 (2) "Competitive solicitation" means an invitation to bid,
 72 a request for proposals, or an invitation to negotiate.

73 (3) "Department" means the Department of Management
 74 Services.

75 (4) "Florida Facilities Pool" means the pool of facilities
 76 created in s. 255.505.

77 (5) "Private lease to a state agency" means any lease for
 78 space in a privately owned building to one or more executive
 79 agencies predominantly for administrative direction or support
 80 functions.

81 (6) ~~(4)~~ "Privately owned building" means any building not
 82 owned by a state governmental agency.

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83 ~~(5) "Responsible lessor" means a lessor who has the~~
84 ~~capability in all respects to fully perform the contract~~
85 ~~requirements and the integrity and reliability that will assure~~
86 ~~good faith performance.~~

87 ~~(6) "Responsive bid," "responsive proposal," or~~
88 ~~"responsive reply" means a bid or proposal, or reply submitted~~
89 ~~by a responsive and responsible lessor, which conforms in all~~
90 ~~material respects to the solicitation.~~

91 ~~(7) "Responsive lessor" means a lessor that has submitted~~
92 ~~a bid, proposal, or reply that conforms in all material respects~~
93 ~~to the solicitation.~~

94 (7)~~(8)~~ "State-owned office building" means any building
95 title to which is vested in the state and which is used by one
96 or more executive agencies predominantly for administrative
97 direction and support functions. ~~This term excludes:~~

98 ~~(a) District or area offices established for field~~
99 ~~operations where law enforcement, military, inspections, road~~
100 ~~operations, or tourist welcoming functions are performed.~~

101 ~~(b) All educational facilities and institutions under the~~
102 ~~supervision of the Department of Education.~~

103 ~~(c) All custodial facilities and institutions used~~
104 ~~primarily for the care, custody, or treatment of wards of the~~
105 ~~state.~~

106 ~~(d) Buildings or spaces used for legislative activities.~~

107 ~~(e) Buildings purchased or constructed from agricultural~~
108 ~~or citrus trust funds.~~

109 Section 2. Effective December 1, 2009, section 255.249,
110 Florida Statutes, is amended to read:

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111 (Substantial rewording of section. See
112 s. 255.249, F.S., for present text.)
113 255.249 Centralized leasing authority; centralized parking
114 management; responsibilities of department; annual comprehensive
115 leasing report; rules.--

116 (1) Except as provided in subsection (5), the department
117 shall:

118 (a) Have exclusive authority over, and be the primary
119 contact point and managing agent for, each existing and future
120 lease to a state agency. This authority includes the right of
121 the department to direct a state agency to occupy a specific
122 location. A state agency may not negotiate or execute its own
123 lease for space.

124 (b) Manage all parking activities, including, but not
125 limited to, the charging of fees for cost recovery and
126 allocation of space at all state-owned buildings managed by the
127 department, including the management of parking structures,
128 garages, lots, grounds, or similar facilities or areas
129 appurtenant to such buildings.

130 (c) Ensure efficient occupancy and allocation of space in
131 state-owned buildings and in privately owned buildings leased to
132 a state agency.

133 (d) Be responsible for both custodial and preventative
134 maintenance of state-owned buildings and any parking facilities
135 or grounds appurtenant to such buildings.

136 (2) By September 15, annually, the department shall
137 provide to the Executive Office of the Governor and the
138 Legislature a comprehensive leasing report detailing:

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139 (a) Each private lease to a state agency that is scheduled
140 to expire within 24 months, categorized by agency and by
141 geographic market.

142 (b) The specifics of each private lease to a state agency,
143 including location, square footage, rental rate, and expiration
144 date, and a statement expressing whether suitable space is
145 expected to be available in a state-owned building upon
146 expiration of the lease.

147 (c) The potential financial impact to the Florida
148 Facilities Pool rental rate that may be realized from the
149 disposition, sale, acquisition, or construction of state-owned
150 buildings.

151 (d) Year-over-year percentage changes to occupancy rates,
152 maintenance costs, and operating expenses of the Florida
153 Facilities Pool.

154 (e) Year-over-year percentage changes to occupancy costs
155 by market, space consumption by agency, and space consumption by
156 market of the Florida Facilities Pool.

157 (f) An analysis and summary of major market supply and
158 demand for the ten largest markets in which the state leases
159 space.

160 (g) Recommendations of strategic opportunities for
161 consolidations, dispositions, acquisitions, and construction,
162 and cost-benefit analyses for each strategic opportunity.

163 (3) The department shall adopt rules pursuant to chapter
164 120 providing for:

165 (a) Performance and execution of all responsibilities and
166 authorities granted under this section.

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167 (b) The advertisement, receipt, evaluation, and award of
168 competitive proposals for leases. The department's rules shall
169 include, but not be limited to:

170 1. A process for requests for bid similar to the process
171 prescribed in s. 287.057(1).

172 2. A process for requests for proposals similar to the
173 process prescribed in s. 287.057(2).

174 3. A process for invitations to negotiate similar to the
175 process prescribed in s. 287.057(3).

176 (c) Requirements that all leases shall be awarded to the
177 best leasing value, a process for describing best leasing value
178 in each advertisement, and a process for determining the best
179 leasing value and awarding the lease.

180 (d) Extension criteria for existing leases, the
181 termination of an existing lease, and the use of tenant
182 improvement funds upon termination of a lease.

183 (e) Methods and guidelines used to validate square footage
184 used for the calculation of lease payments.

185 (f) Acceptable terms and conditions for inclusion in lease
186 agreements and addenda, which must, at a minimum, include:

187 1. The following statements:

188 a. "The State of Florida's performance and obligation to
189 pay under this contract is contingent upon an annual
190 appropriation by the Legislature."

191 b. "The Lessee shall have the right to terminate, without
192 penalty, this lease in the event a state-owned building becomes
193 available to the Lessee for occupancy upon giving 6 month's

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194 advance written notice to the Lessor by Certified Mail, Return
195 Receipt Requested."

196 2. A requirement for full disclosure of the names and the
197 extent of interest of the owners holding an interest of 4
198 percent or more in any privately owned property leased to the
199 state or in the entity holding title to the property. The
200 requirement must stipulate that an owner identified under this
201 subparagraph is exempt from disclosure of:

202 a. Any beneficial interest which is represented by stock
203 in any corporation registered with the Securities and Exchange
204 Commission or registered pursuant to chapter 517, which stock is
205 for sale to the general public; and

206 b. Any leasehold interest in property located outside the
207 territorial boundaries of the United States.

208 3. A requirement for full disclosure of the names of all
209 public officials, agents, or employees holding any interest in
210 any privately owned property leased to the state or in the
211 entity holding title to the property, and the nature and extent
212 of their interest. The requirement must stipulate that a public
213 official, agent, or employee identified under this subparagraph
214 is exempt from disclosure of:

215 a. Any beneficial interest which is represented by stock
216 in any corporation registered with the Securities and Exchange
217 Commission or registered pursuant to chapter 517, which stock is
218 for sale to the general public; and

219 b. Any leasehold interest in property located outside the
220 territorial boundaries of the United States.

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221 (g) A standardized format for agency reporting of required
222 information.

223 (h) A standard accounting method for reporting agency
224 lease costs.

225 (i) A standard method for the assessment of rent to state
226 agencies and other authorized occupants of state-owned office
227 space, notwithstanding the source of funds.

228 (j) Methods and guidelines for reporting to each agency on
229 a quarterly basis with respect to space occupied.

230 (4) Pursuant to s. 287.042(2)(a), the department may
231 procure contracts for real estate consulting and for tenant
232 brokerage services and may use a contractor procured for those
233 purposes to assist with the execution of any responsibility
234 prescribed in this section. Any contract between a contractor
235 procured to provide real estate consulting or to provide tenant
236 brokerage services and the department entered into prior to
237 January 1, 2010, shall remain in effect. The department may not
238 execute a lease agreement with a private landlord with which a
239 contractor procured under this section is engaged to provide
240 real estate consulting or tenant brokerage services.

241 (5) This section does not apply to:

242 (a) District or area offices established for field
243 operations where law enforcement, military, inspections, road
244 operations, or tourist-welcoming functions are performed.

245 (b) Educational facilities and institutions under the
246 supervision of the Department of Education.

247 (c) Custodial facilities and institutions used primarily
248 for the care, custody, or treatment of wards of the state.

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249 (d) Buildings or spaces used for legislative activities.

250 (e) Buildings purchased or constructed from agricultural
251 or citrus trust funds.

252 (f) Wireless communications facilities, except as
253 stipulated in s. 365.172(12)(f).

254 (g) Department of Transportation right-of-way leases.

255 Section 3. Effective December 1, 2009, section 255.2491,
256 Florida Statutes, is created to read:

257 255.2491 Transition to centralized leasing authority;
258 agency responsibilities.--

259 (1) Between July 1, 2009, and October 31, 2009, each
260 agency having a private lease to which s. 255.249 applies shall
261 work with the department to identify all resources existing
262 within its agency relating to leasing and lease administration
263 functions, including:

264 (a) Full-time or part-time positions dedicated to real
265 estate leasing functions and associated appropriations for those
266 positions.

267 (b) Annual appropriations for lease occupancy costs and
268 funding sources to support such appropriations.

269 (2) By October 31, 2009, and in conjunction with all
270 impacted state agencies, the department shall submit a plan
271 identifying positions needed to support centralized leasing
272 activities within the department.

273 (3) Effective December 1, 2009, each state agency having a
274 private lease to which s. 255.249 applies shall enter into an
275 interagency agreement with the department that contains
276 provisions:

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277 (a) Requiring functional supervision by the department
278 over persons in the positions identified in subsection (2) as
279 needed to support centralized leasing activities within the
280 department.

281 (b) Requiring that all salaries, benefits, and operational
282 costs shall remain the obligation of each respective agency
283 through June 30, 2010.

284 (c) Requiring the development of policies and procedures
285 in conjunction with each agency to carry out the provisions of
286 the agreement.

287 (d) Requiring that the department is to act as the
288 authorized agent of the agency in any private lease to which s.
289 255.249 applies.

290 (e) Authorizing the department to substitute itself as the
291 tenant under any private lease to which s. 255.249 applies,
292 subject to any restrictions set forth in the lease, and to
293 consider the agency its subtenant without materially changing
294 the agency's rights or responsibilities.

295 (f) Specifying other terms that the parties deem
296 appropriate to accomplish the efficient transition of
297 responsibilities and the general purposes of this section and
298 ss. 255.249 and 255.25.

299 Section 4. Section 255.25, Florida Statutes, is amended to
300 read:

301 (Substantial rewording of section. See
302 s. 255.25, F.S., for present text.)

303 255.25 Competitive solicitation; exceptions.--

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304 (1) The department shall utilize the competitive
305 solicitation process for leases of 5,000 square feet or greater
306 or shall acquire a minimum of 3 written quotes for leases exempt
307 from the competitive solicitation process pursuant to subsection
308 (2). The department shall follow the process as established in
309 rules for competitive solicitation authorized in s.
310 255.249(3)(b).

311 (2) Exceptions to the competitive solicitation process
312 identified in subsection (1) shall include:

313 (a) Acquisition of a portion of space destroyed or
314 rendered uninhabitable by an act of God, malicious destruction,
315 fire, structural failure, or legal action. The term of such
316 emergency acquisition shall be no longer than 18 months from the
317 commencement of the emergency lease acquired under this chapter.

318 (b) Leases for nominal or no consideration.

319 (c) Leases for a term of less than 120 days.

320 (3) The following leases shall be exempt from the
321 competitive solicitation process with written approval of the
322 department:

323 (a) Extensions of existing leases if the total of the
324 extensions from the original lease termination date does not
325 exceed 11 months.

326 (b) Emergency acquisition of space to replace a portion of
327 space destroyed or rendered uninhabitable by an act of God,
328 fire, malicious destruction, structural failure, or by legal
329 action. The term of such emergency acquisition may not exceed 11
330 months unless the original space will be made inhabitable within
331 17 months of the commencement of the emergency lease.

332 (c) Leases that demonstrate best leasing value and public
 333 benefit through the colocation or consolidation of like public
 334 services in partnership with municipal or other governmental
 335 entities.

336 (4) The department shall adopt and publish rules for the
 337 public to contest the award of leases acquired using the
 338 competitive solicitation process.

339 Section 5. Effective December 1, 2009, paragraph (m) of
 340 subsection (3) of section 110.171, Florida Statutes, is amended
 341 to read:

342 110.171 State employee telecommuting program.--

343 (3) By September 30, 2009, each state agency shall
 344 identify and maintain a current listing of the job
 345 classifications and positions that the agency considers
 346 appropriate for telecommuting. Agencies that adopt a state
 347 employee telecommuting program must:

348 (m) Provide measurable financial benefits associated with
 349 reduced office space requirements, reductions in energy
 350 consumption, and reductions in associated emissions of
 351 greenhouse gases resulting from telecommuting. State agencies
 352 operating in office space owned or managed by the department
 353 shall consult the facilities program to ensure its consistency
 354 with the comprehensive strategic leasing report plan required
 355 under s. 255.249 ~~(2)(3)(b)~~.

356 Section 6. Effective December 1, 2009, subsection (2) of
 357 section 255.25001, Florida Statutes, is amended to read:

358 255.25001 Suspension or delay of specified functions,
 359 programs, and requirements relating to governmental
 360 operations.--Notwithstanding the provisions of:

361 (2) Sections 253.025, 255.249, and 255.25, the Department
 362 of Management Services has the authority to promulgate rules
 363 pursuant to chapter 120 to be used in determining whether a
 364 lease-purchase of a state-owned office building is in the best
 365 interests of the state, which rules provide:

366 (a) Procedures state agencies will follow to certify the
 367 need for a lease-purchase acquisition for a state-owned office
 368 building to the Department of Management Services and a
 369 notification procedure of the department's decision regarding
 370 state agencies' requests for a lease-purchase agreement. The
 371 certification process shall include but not be limited to the
 372 following:

- 373 1. Current programmatic space requirements of the state
 374 agency.
- 375 2. Future programmatic space requirements of the state
 376 agency.
- 377 3. Time considerations in providing state-owned office
 378 building space.
- 379 4. An analysis of existing leases affected by the lease-
 380 purchase agreement.

381 (b) Procedures and document formats for the advertisement,
 382 competitive bid process, including format of submissions, and
 383 evaluation of lease-purchase acquisition proposals for state-
 384 owned office buildings. The evaluation process shall include but
 385 not be limited to the following:

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- 386 1. A consideration of the cost of comparable operating
- 387 leases.
- 388 2. The appraised value of the facility as required by s.
- 389 253.025.
- 390 3. A present value analysis of the proposed payment
- 391 stream.
- 392 4. The cost of financing the facility to be acquired.
- 393 5. The cost to repair identified physical defects.
- 394 6. The cost to remove identified hazardous substances.
- 395 7. An energy analysis.
- 396 8. A determination of who is responsible for management
- 397 and maintenance activities.

398

399 In order to minimize the cost of the evaluation process, the

400 Department of Management Services may develop a multistage

401 evaluation process to identify the most cost-efficient proposals

402 for extensive evaluation. The studies developed as a result of

403 this evaluation process shall be considered confidential and

404 exempt from the provisions of s. 119.07(1) to the same extent

405 that appraisal reports are considered confidential and exempt

406 from the provisions of s. 119.07(1) as provided in s.

407 253.025(6) (d) .

408 (c) Acceptable terms and conditions for inclusion in

409 lease-purchase agreements, which shall include but not be

410 limited to:

- 411 1. The assignment of the lease-purchase agreement to other
- 412 governmental entities, including accumulated equity.

413 2. The ability of the acquiring state agency to sublease a
 414 portion of the facility, not to exceed 25 percent, to other
 415 governmental entities. These subleases shall provide for the
 416 recovery of the agencies' cost of operations and maintenance.

417
 418 The execution of a lease-purchase is conditioned upon a finding
 419 by the Department of Management Services that it would be in the
 420 best interests of the state. The language in this subsection
 421 shall be considered specific authorization for a lease-purchase
 422 ~~pursuant to s. 255.25(1)(c)~~ upon the Department of Management
 423 Services' certification that the lease-purchase is in the best
 424 interests of the state. Thereafter, the agency is authorized to
 425 enter into a lease-purchase agreement and to expend operating
 426 funds for lease-purchase payments. Any facility which is
 427 acquired pursuant to the processes authorized by this subsection
 428 shall be considered to be a "state-owned office building" and a
 429 "state-owned building" as those terms are applied in ss.
 430 255.248-255.25.

431 (d) That any costs resulting from the processes authorized
 432 by this subsection, including but not limited to appraisals,
 433 environmental analyses, and any other studies which may be
 434 required under these provisions, shall be borne by the owner of
 435 the property which is the subject of the proposed lease-
 436 purchase.

437 Section 7. Effective December 1, 2009, subsection (4) of
 438 section 288.012, Florida Statutes, is amended to read:

439 288.012 State of Florida foreign offices.--The Legislature
 440 finds that the expansion of international trade and tourism is

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441 vital to the overall health and growth of the economy of this
442 state. This expansion is hampered by the lack of technical and
443 business assistance, financial assistance, and information
444 services for businesses in this state. The Legislature finds
445 that these businesses could be assisted by providing these
446 services at State of Florida foreign offices. The Legislature
447 further finds that the accessibility and provision of services
448 at these offices can be enhanced through cooperative agreements
449 or strategic alliances between state entities, local entities,
450 foreign entities, and private businesses.

451 (4) The Office of Tourism, Trade, and Economic
452 Development, in connection with the establishment, operation,
453 and management of any of its offices located in a foreign
454 country, is exempt from the provisions of ss. 255.21, 255.249,
455 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
456 and 283.35 relating to bids for printing; ss. 287.001-287.20
457 relating to purchasing and motor vehicles; and ss. 282.003-
458 282.111 relating to communications, and from all statutory
459 provisions relating to state employment.

460 (a) The Office of Tourism, Trade, and Economic Development
461 may exercise such exemptions only upon prior approval of the
462 Governor.

463 (b) If approval for an exemption under this section is
464 granted as an integral part of a plan of operation for a
465 specified foreign office, such action shall constitute
466 continuing authority for the Office of Tourism, Trade, and
467 Economic Development to exercise the exemption, but only in the
468 context and upon the terms originally granted. Any modification

469 of the approved plan of operation with respect to an exemption
 470 contained therein must be resubmitted to the Governor for his or
 471 her approval. An approval granted to exercise an exemption in
 472 any other context shall be restricted to the specific instance
 473 for which the exemption is to be exercised.

474 (c) As used in this subsection, the term "plan of
 475 operation" means the plan developed pursuant to subsection (2).

476 (d) Upon final action by the Governor with respect to a
 477 request to exercise the exemption authorized in this subsection,
 478 the Office of Tourism, Trade, and Economic Development shall
 479 report such action, along with the original request and any
 480 modifications thereto, to the President of the Senate and the
 481 Speaker of the House of Representatives within 30 days.

482 Section 8. Effective December 1, 2009, paragraph (b) of
 483 subsection (9) of section 288.1224, Florida Statutes, is amended
 484 to read:

485 288.1224 Powers and duties.--The commission:

486 (9) Is authorized to establish and operate tourism offices
 487 in foreign countries in the execution of its responsibilities
 488 for promoting the development of tourism. To facilitate the
 489 performance of these responsibilities, the commission is
 490 authorized to contract with the commission's direct-support
 491 organization to establish and administer such offices. Where
 492 feasible, appropriate, and recommended by the 4-year marketing
 493 plan, the commission may collocate the programs of foreign
 494 tourism offices in cooperation with any foreign office operated
 495 by any agency of this state.

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496 (b) The Florida Commission on Tourism, or its direct-
497 support organization, in connection with the establishment,
498 operation, and management of any of its tourism offices located
499 in a foreign country, is exempt from the provisions of ss.
500 255.21, 255.249, 255.25, and 255.254 relating to leasing of
501 buildings; ss. 283.33 and 283.35 relating to bids for printing;
502 ss. 287.001-287.20 relating to purchasing and motor vehicles;
503 and ss. 282.003-282.111 relating to communications, and from all
504 statutory provisions relating to state employment, if the laws,
505 administrative code, or business practices or customs of the
506 foreign country, or political or administrative subdivision
507 thereof, in which such office is located are in conflict with
508 these provisions.

509 Section 9. Effective December 1, 2009, paragraph (d) of
510 subsection (2) of section 288.1226, Florida Statutes, is amended
511 to read:

512 288.1226 Florida Tourism Industry Marketing Corporation;
513 use of property; board of directors; duties; audit.--

514 (2) ESTABLISHMENT.--The Florida Commission on Tourism
515 shall establish, no later than July 31, 1996, the Florida
516 Tourism Industry Marketing Corporation as a direct-support
517 organization:

518 (d) Which shall not be considered an agency for the
519 purposes of chapters 120, 216, and 287; ss. 255.21, 255.249,
520 255.25, and 255.254, relating to leasing of buildings; ss.
521 283.33 and 283.35, relating to bids for printing; s. 215.31; and
522 parts I, II, and IV-VIII of chapter 112.

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523 Section 10. Effective December 1, 2009, paragraph (a) of
524 subsection (3) of section 944.10, Florida Statutes, is amended
525 to read:

526 944.10 Department of Corrections to provide buildings;
527 sale and purchase of land; contracts to provide services and
528 inmate labor.--

529 (3) (a) The department may enter into lease-purchase
530 agreements to provide correctional facilities for the housing of
531 state inmates. However, no such lease-purchase agreement shall
532 be entered into without specific legislative authorization of
533 that agreement, and funds must be specifically appropriated for
534 each lease-purchase agreement. The facilities provided through
535 such agreements shall meet the program plans and specifications
536 of the department. The department may enter into such lease
537 agreements with private corporations and other governmental
538 entities. However, notwithstanding the provisions of ss. 255.249
539 and 255.25 ~~s. 255.25(3)(a)~~, no such lease agreement may be
540 entered into except upon advertisement for and receipt of
541 competitive bids and award to the lowest and best bidder.

542 Section 11. Effective December 1, 2009, paragraph (a) of
543 subsection (2) of section 957.04, Florida Statutes, is amended
544 to read:

545 957.04 Contract requirements.--

546 (2) Each contract entered into for the design and
547 construction of a private correctional facility or juvenile
548 commitment facility must include:

549 (a) Notwithstanding any provision of chapter 255 to the
550 contrary, a specific provision authorizing the use of tax-exempt

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551 financing through the issuance of tax-exempt bonds, certificates
 552 of participation, lease-purchase agreements, or other tax-exempt
 553 financing methods. ~~Pursuant to s. 255.25,~~ Approval is hereby
 554 provided for the lease-purchase of up to two private
 555 correctional facilities and any other facility authorized by the
 556 General Appropriations Act.

557 Section 12. Effective December 1, 2009, paragraph (b) of
 558 subsection (15) of section 985.682, Florida Statutes, is amended
 559 to read:

560 985.682 Siting of facilities; study; criteria.--
 561 (15)

562 (b) Notwithstanding ss. 255.249, 255.25, ~~(1)(b)~~ and
 563 255.25001~~(2)~~, the department may enter into lease-purchase
 564 agreements to provide juvenile justice facilities for the
 565 housing of committed youths contingent upon available funds. The
 566 facilities provided through such agreements shall meet the
 567 program plan and specifications of the department. The
 568 department may enter into such lease agreements with private
 569 corporations and other governmental entities. However,
 570 notwithstanding the provisions of ss. 255.249 and 255.25 ~~s.~~
 571 ~~255.25(3)(a)~~, no such lease agreement may be entered into except
 572 upon advertisement for the receipt of competitive bids and award
 573 to the lowest and best bidder except when contracting with other
 574 governmental entities.

575 Section 13. Effective December 1, 2009, section 1013.17,
 576 Florida Statutes, is amended to read:

577 1013.17 University leasing in affiliated research and
 578 development park.--A university is exempt from the requirements

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579 | of ss. 255.249 and 255.25 ~~s. 255.25(3), (4), and (8)~~ when
580 | leasing educational facilities in a research and development
581 | park with which the university is affiliated and when the Board
582 | of Governors certifies in writing that the leasing of such
583 | educational facilities is in the best interests of the
584 | university and that the exemption from competitive bid
585 | requirements would not be detrimental to the state. Leases
586 | entered into pursuant to this section are subject to the
587 | provisions of s. 1010.62.

588 | Section 14. Except as otherwise specifically provided in
589 | this act, this act shall take effect July 1, 2009.