

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 of space for administrative direction and
13 support services; providing for the right of the
14 department to direct an agency to occupy a specific
15 location; precluding a state agency from negotiating or
16 executing its own lease for space; requiring the
17 department to manage all parking activities, including the
18 management of parking structures and appurtenant
19 facilities; requiring the department to ensure efficient
20 occupancy and allocation of space in state-owned buildings
21 and in privately owned buildings leased to a state agency;
22 requiring the department to be responsible for both
23 custodial and preventative maintenance of state-owned
24 buildings, and appurtenant parking facilities and grounds,
25 managed by the department; requiring an annual
26 comprehensive leasing report to the Governor and the
27 Legislature; specifying contents of the report; requiring
28 the department to adopt specified rules for implementation

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

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57 | 255.25001, 288.012, 288.1224, 288.1226, 944.10, 957.04,
58 | 985.682, and 1013.17, F.S.; conforming, correcting, and
59 | clarifying cross-references; directing the Department of
60 | Management Services to create, administer, and maintain a
61 | comprehensive database of all state-owned property;
62 | requiring the Department of Management Services to prepare
63 | a plan to compile the database and to address specific
64 | issues in the plan; providing for submission of the plan
65 | by a specified date; providing effective dates.

66 |
67 | Be It Enacted by the Legislature of the State of Florida:

68 |
69 | Section 1. Effective December 1, 2009, section 255.248,
70 | Florida Statutes, is amended to read:

71 | 255.248 Definitions; ss. 255.249 and 255.25.--As used in
72 | ss. 255.249 and 255.25, the term:

73 | (1) "Best leasing value" means the highest overall value
74 | to the state based on objective factors that include, but are
75 | not limited to, rental rate, renewal rate, operational and
76 | maintenance costs, tenant-improvement allowance, location, lease
77 | term, condition of facility, landlord responsibility, amenities,
78 | and parking.

79 | (2) "Competitive solicitation" means an invitation to bid,
80 | a request for proposals, or an invitation to negotiate.

81 | (3) "Department" means the Department of Management
82 | Services.

83 | (4) "Florida Facilities Pool" means the pool of facilities
84 | created in s. 255.505.

85 (5) "Private lease to a state agency" means any lease for
 86 space in a privately owned building to one or more executive
 87 agencies predominantly for administrative direction or support
 88 functions.

89 (6)(4) "Privately owned building" means any building not
 90 owned by the Board of Trustees of the Internal Improvement Trust
 91 Fund or a state governmental agency.

92 ~~(5) "Responsible lessor" means a lessor who has the~~
 93 ~~capability in all respects to fully perform the contract~~
 94 ~~requirements and the integrity and reliability that will assure~~
 95 ~~good faith performance.~~

96 ~~(6) "Responsive bid," "responsive proposal," or~~
 97 ~~"responsive reply" means a bid or proposal, or reply submitted~~
 98 ~~by a responsive and responsible lessor, which conforms in all~~
 99 ~~material respects to the solicitation.~~

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

103 (7)(8) "State-owned office building" means any building
 104 title to which is vested in the state and which is used by one
 105 or more executive agencies predominantly for administrative
 106 direction and support functions. This term excludes:

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

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

112 ~~(c) All custodial facilities and institutions used~~

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113 ~~primarily for the care, custody, or treatment of wards of the~~
114 ~~state.~~

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

116 ~~(e) Buildings purchased or constructed from agricultural~~
117 ~~or citrus trust funds.~~

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

120 (Substantial rewording of section. See
121 s. 255.249, F.S., for present text.)

122 255.249 Centralized leasing authority; centralized parking
123 management; responsibilities of department; annual comprehensive
124 leasing report; rules.--

125 (1) Except as provided in subsection (5), the department
126 shall:

127 (a) Have exclusive authority over, and be the primary
128 contact point and managing agent for, each existing and future
129 lease to a state agency of space for administrative direction
130 and support services. This authority includes the right of the
131 department to direct a state agency to occupy a specific
132 location. A state agency may not negotiate or execute its own
133 lease for such space.

134 (b) Manage all parking activities, including, but not
135 limited to, the charging of fees for cost recovery and
136 allocation of space at all state-owned buildings managed by the
137 department, including the management of parking structures,
138 garages, lots, grounds, or similar facilities or areas
139 appurtenant to such buildings.

140 (c) Ensure efficient occupancy and allocation of space in

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141 state-owned buildings and in privately owned buildings leased to
142 a state agency.

143 (d) Be responsible for both custodial and preventative
144 maintenance of state-owned buildings, and any parking facilities
145 or grounds appurtenant to such buildings, managed by the
146 department.

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

150 (a) Each private lease to a state agency that is scheduled
151 to expire within 24 months, categorized by agency and by
152 geographic market.

153 (b) The specifics of each private lease to a state agency,
154 including location, square footage, rental rate, and expiration
155 date, and a statement expressing whether suitable space is
156 expected to be available in a state-owned building upon
157 expiration of the lease.

158 (c) The potential financial impact to the Florida
159 Facilities Pool rental rate that may be realized from the
160 disposition, sale, acquisition, or construction of state-owned
161 buildings.

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

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

168 (f) An analysis and summary of major market supply and

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169 demand for the ten largest markets in which the state leases
170 space.

171 (g) Recommendations of strategic opportunities for
172 consolidations, dispositions, acquisitions, and construction,
173 and cost-benefit analyses for each strategic opportunity.

174 (3) The department shall adopt rules pursuant to chapter
175 120 providing for:

176 (a) Performance and execution of all responsibilities and
177 authorities granted under this section.

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

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

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

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

187 (c) Requirements that all leases shall be awarded to the
188 best leasing value, a statement describing best leasing value in
189 each advertisement, and a process for determining the best
190 leasing value and awarding the lease.

191 (d) Extension criteria for existing leases, the
192 termination of an existing lease, and the use of tenant
193 improvement funds upon termination of a lease.

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

196 (f) Acceptable terms and conditions for inclusion in lease

197 agreements and addenda, which must, at a minimum, include:

198 1. The following statements:

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

202 b. "The Lessee shall have the right to terminate, without
 203 penalty, this lease in the event a state-owned building becomes
 204 available to the Lessee for occupancy upon giving 6 month's
 205 advance written notice to the Lessor by Certified Mail, Return
 206 Receipt Requested."

207 2. A requirement for full disclosure of the names and the
 208 extent of interest of the owners holding an interest of 4
 209 percent or more in any privately owned property leased to the
 210 state or in the entity holding title to the property. The
 211 requirement must stipulate that an owner identified under this
 212 subparagraph is exempt from disclosure of:

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

217 b. Any leasehold interest in property located outside the
 218 territorial boundaries of the United States.

219 3. A requirement for full disclosure of the names of all
 220 public officials, agents, or employees holding any interest in
 221 any privately owned property leased to the state or in the
 222 entity holding title to the property, and the nature and extent
 223 of their interest. The requirement must stipulate that a public
 224 official, agent, or employee identified under this subparagraph

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225 is exempt from disclosure of:

226 a. Any beneficial interest which is represented by stock
227 in any corporation registered with the Securities and Exchange
228 Commission or registered pursuant to chapter 517, which stock is
229 for sale to the general public; and

230 b. Any leasehold interest in property located outside the
231 territorial boundaries of the United States.

232 (g) A standardized format for agency reporting of required
233 information.

234 (h) A standard accounting method for reporting agency
235 lease costs.

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

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

241 (4) Pursuant to s. 287.042(2)(a), the department may
242 procure contracts for real estate consulting and for tenant
243 brokerage services and may use a contractor procured for those
244 purposes to assist with the execution of any responsibility
245 prescribed in this section. Any contract between a contractor
246 procured to provide real estate consulting or to provide tenant
247 brokerage services and the department entered into prior to
248 January 1, 2010, shall remain in effect. The department may not
249 execute a lease agreement with a private landlord with which a
250 contractor procured under this section is engaged to provide
251 real estate consulting or tenant brokerage services.

252 (5) This section does not apply to:

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

256 (b) Educational facilities and institutions under the
 257 supervision of the Department of Education.

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

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

261 (e) Buildings purchased or constructed from agricultural
 262 or citrus trust funds.

263 (f) Wireless communications facilities, except as
 264 stipulated in s. 365.172(12)(f).

265 (g) Leases which the Department of Transportation is
 266 otherwise specifically authorized to enter.

267 (h) Any leases by the Board of Trustees of the Internal
 268 Improvement Trust Fund for any purpose other than administrative
 269 direction and support services, including, but not be limited
 270 to, leases to university boards of trustees and leases of
 271 conservation lands.

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

274 255.2491 Transition to centralized leasing authority;
 275 agency responsibilities.--

276 (1) Between July 1, 2009, and October 31, 2009, each
 277 agency having a private lease to which s. 255.249 applies shall
 278 work with the department to identify all resources existing
 279 within its agency relating to leasing and lease administration
 280 functions, including:

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281 (a) Full-time or part-time positions dedicated to real
282 estate leasing functions and associated appropriations for those
283 positions.

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

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

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

294 (a) Requiring functional supervision by the department
295 over persons in the positions identified in subsection (2) as
296 needed to support centralized leasing activities within the
297 department.

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

301 (c) Requiring the development of policies and procedures
302 in conjunction with each agency to carry out the provisions of
303 the agreement.

304 (d) Requiring that the department is to act as the
305 authorized agent of the agency in any private lease to which s.
306 255.249 applies.

307 (e) Authorizing the department to substitute itself as the
308 tenant under any private lease to which s. 255.249 applies,

309 subject to any restrictions set forth in the lease, and to
 310 consider the agency its subtenant without materially changing
 311 the agency's rights or responsibilities.

312 (f) Specifying other terms that the parties deem
 313 appropriate to accomplish the efficient transition of
 314 responsibilities and the general purposes of this section and
 315 ss. 255.249 and 255.25.

316 Section 4. Section 255.25, Florida Statutes, is amended to
 317 read:

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

320 255.25 Competitive solicitation; exceptions.--

321 (1) The department shall utilize the competitive
 322 solicitation process for leases of 5,000 square feet or greater
 323 or shall acquire a minimum of 3 written quotes for leases exempt
 324 from the competitive solicitation process pursuant to subsection
 325 (2). The department shall follow the process as established in
 326 rules for competitive solicitation authorized in s.
 327 255.249(3)(b).

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

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

335 (b) Leases for nominal or no consideration.

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

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337 (3) The following leases shall be exempt from the
338 competitive solicitation process with written approval of the
339 department:

340 (a) Extensions of existing leases if the total of the
341 extensions from the original lease termination date does not
342 exceed 11 months.

343 (b) Emergency acquisition of space to replace a portion of
344 space destroyed or rendered uninhabitable by an act of God,
345 fire, malicious destruction, structural failure, or by legal
346 action. The term of such emergency acquisition may not exceed 11
347 months unless the original space will be made inhabitable within
348 18 months of the commencement of the emergency lease.

349 (c) Leases that demonstrate best leasing value and public
350 benefit through the colocation or consolidation of like public
351 services in partnership with municipal or other governmental
352 entities.

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

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

359 110.171 State employee telecommuting program.--

360 (3) By September 30, 2009, each state agency shall
361 identify and maintain a current listing of the job
362 classifications and positions that the agency considers
363 appropriate for telecommuting. Agencies that adopt a state
364 employee telecommuting program must:

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365 (m) Provide measurable financial benefits associated with
366 reduced office space requirements, reductions in energy
367 consumption, and reductions in associated emissions of
368 greenhouse gases resulting from telecommuting. State agencies
369 operating in office space owned or managed by the department
370 shall consult the facilities program to ensure its consistency
371 with the comprehensive ~~strategie~~ leasing report ~~plan~~ required
372 under s. 255.249 (2) ~~(3)(b)~~.

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

375 255.25001 Suspension or delay of specified functions,
376 programs, and requirements relating to governmental
377 operations.--Notwithstanding the provisions of:

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

383 (a) Procedures state agencies will follow to certify the
384 need for a lease-purchase acquisition for a state-owned office
385 building to the Department of Management Services and a
386 notification procedure of the department's decision regarding
387 state agencies' requests for a lease-purchase agreement. The
388 certification process shall include but not be limited to the
389 following:

- 390 1. Current programmatic space requirements of the state
391 agency.
- 392 2. Future programmatic space requirements of the state

393 agency.

394 3. Time considerations in providing state-owned office
 395 building space.

396 4. An analysis of existing leases affected by the lease-
 397 purchase agreement.

398 (b) Procedures and document formats for the advertisement,
 399 competitive bid process, including format of submissions, and
 400 evaluation of lease-purchase acquisition proposals for state-
 401 owned office buildings. The evaluation process shall include but
 402 not be limited to the following:

403 1. A consideration of the cost of comparable operating
 404 leases.

405 2. The appraised value of the facility as required by s.
 406 253.025.

407 3. A present value analysis of the proposed payment
 408 stream.

409 4. The cost of financing the facility to be acquired.

410 5. The cost to repair identified physical defects.

411 6. The cost to remove identified hazardous substances.

412 7. An energy analysis.

413 8. A determination of who is responsible for management
 414 and maintenance activities.

415

416 In order to minimize the cost of the evaluation process, the
 417 Department of Management Services may develop a multistage
 418 evaluation process to identify the most cost-efficient proposals
 419 for extensive evaluation. The studies developed as a result of
 420 this evaluation process shall be considered confidential and

421 exempt from the provisions of s. 119.07(1) to the same extent
 422 that appraisal reports are considered confidential and exempt
 423 from the provisions of s. 119.07(1) as provided in s.
 424 253.025(6)(d).

425 (c) Acceptable terms and conditions for inclusion in
 426 lease-purchase agreements, which shall include but not be
 427 limited to:

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

430 2. The ability of the acquiring state agency to sublease a
 431 portion of the facility, not to exceed 25 percent, to other
 432 governmental entities. These subleases shall provide for the
 433 recovery of the agencies' cost of operations and maintenance.
 434

435 The execution of a lease-purchase is conditioned upon a finding
 436 by the Department of Management Services that it would be in the
 437 best interests of the state. The language in this subsection
 438 shall be considered specific authorization for a lease-purchase
 439 ~~pursuant to s. 255.25(1)(c)~~ upon the Department of Management
 440 Services' certification that the lease-purchase is in the best
 441 interests of the state. Thereafter, the agency is authorized to
 442 enter into a lease-purchase agreement and to expend operating
 443 funds for lease-purchase payments. Any facility which is
 444 acquired pursuant to the processes authorized by this subsection
 445 shall be considered to be a "state-owned office building" and a
 446 "state-owned building" as those terms are applied in ss.
 447 255.248-255.25.

448 (d) That any costs resulting from the processes authorized

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449 by this subsection, including but not limited to appraisals,
450 environmental analyses, and any other studies which may be
451 required under these provisions, shall be borne by the owner of
452 the property which is the subject of the proposed lease-
453 purchase.

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

456 288.012 State of Florida foreign offices.--The Legislature
457 finds that the expansion of international trade and tourism is
458 vital to the overall health and growth of the economy of this
459 state. This expansion is hampered by the lack of technical and
460 business assistance, financial assistance, and information
461 services for businesses in this state. The Legislature finds
462 that these businesses could be assisted by providing these
463 services at State of Florida foreign offices. The Legislature
464 further finds that the accessibility and provision of services
465 at these offices can be enhanced through cooperative agreements
466 or strategic alliances between state entities, local entities,
467 foreign entities, and private businesses.

468 (4) The Office of Tourism, Trade, and Economic
469 Development, in connection with the establishment, operation,
470 and management of any of its offices located in a foreign
471 country, is exempt from the provisions of ss. 255.21, 255.249,
472 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
473 and 283.35 relating to bids for printing; ss. 287.001-287.20
474 relating to purchasing and motor vehicles; and ss. 282.003-
475 282.111 relating to communications, and from all statutory
476 provisions relating to state employment.

477 (a) The Office of Tourism, Trade, and Economic Development
 478 may exercise such exemptions only upon prior approval of the
 479 Governor.

480 (b) If approval for an exemption under this section is
 481 granted as an integral part of a plan of operation for a
 482 specified foreign office, such action shall constitute
 483 continuing authority for the Office of Tourism, Trade, and
 484 Economic Development to exercise the exemption, but only in the
 485 context and upon the terms originally granted. Any modification
 486 of the approved plan of operation with respect to an exemption
 487 contained therein must be resubmitted to the Governor for his or
 488 her approval. An approval granted to exercise an exemption in
 489 any other context shall be restricted to the specific instance
 490 for which the exemption is to be exercised.

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

493 (d) Upon final action by the Governor with respect to a
 494 request to exercise the exemption authorized in this subsection,
 495 the Office of Tourism, Trade, and Economic Development shall
 496 report such action, along with the original request and any
 497 modifications thereto, to the President of the Senate and the
 498 Speaker of the House of Representatives within 30 days.

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

502 288.1224 Powers and duties.--The commission:

503 (9) Is authorized to establish and operate tourism offices
 504 in foreign countries in the execution of its responsibilities

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505 for promoting the development of tourism. To facilitate the
506 performance of these responsibilities, the commission is
507 authorized to contract with the commission's direct-support
508 organization to establish and administer such offices. Where
509 feasible, appropriate, and recommended by the 4-year marketing
510 plan, the commission may collocate the programs of foreign
511 tourism offices in cooperation with any foreign office operated
512 by any agency of this state.

513 (b) The Florida Commission on Tourism, or its direct-
514 support organization, in connection with the establishment,
515 operation, and management of any of its tourism offices located
516 in a foreign country, is exempt from the provisions of ss.
517 255.21, 255.249, 255.25, and 255.254 relating to leasing of
518 buildings; ss. 283.33 and 283.35 relating to bids for printing;
519 ss. 287.001-287.20 relating to purchasing and motor vehicles;
520 and ss. 282.003-282.111 relating to communications, and from all
521 statutory provisions relating to state employment, if the laws,
522 administrative code, or business practices or customs of the
523 foreign country, or political or administrative subdivision
524 thereof, in which such office is located are in conflict with
525 these provisions.

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

529 288.1226 Florida Tourism Industry Marketing Corporation;
530 use of property; board of directors; duties; audit.--

531 (2) ESTABLISHMENT.--The Florida Commission on Tourism
532 shall establish, no later than July 31, 1996, the Florida

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533 Tourism Industry Marketing Corporation as a direct-support
534 organization:

535 (d) Which shall not be considered an agency for the
536 purposes of chapters 120, 216, and 287; ss. 255.21, 255.249,
537 255.25, and 255.254, relating to leasing of buildings; ss.
538 283.33 and 283.35, relating to bids for printing; s. 215.31; and
539 parts I, II, and IV-VIII of chapter 112.

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

543 944.10 Department of Corrections to provide buildings;
544 sale and purchase of land; contracts to provide services and
545 inmate labor.--

546 (3) (a) The department may enter into lease-purchase
547 agreements to provide correctional facilities for the housing of
548 state inmates. However, no such lease-purchase agreement shall
549 be entered into without specific legislative authorization of
550 that agreement, and funds must be specifically appropriated for
551 each lease-purchase agreement. The facilities provided through
552 such agreements shall meet the program plans and specifications
553 of the department. The department may enter into such lease
554 agreements with private corporations and other governmental
555 entities. However, notwithstanding the provisions of ss. 255.249
556 and 255.25 ~~s. 255.25(3)(a)~~, no such lease agreement may be
557 entered into except upon advertisement for and receipt of
558 competitive bids and award to the lowest and best bidder.

559 Section 11. Effective December 1, 2009, paragraph (a) of
560 subsection (2) of section 957.04, Florida Statutes, is amended

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561 to read:

562 957.04 Contract requirements.--

563 (2) Each contract entered into for the design and
564 construction of a private correctional facility or juvenile
565 commitment facility must include:

566 (a) Notwithstanding any provision of chapter 255 to the
567 contrary, a specific provision authorizing the use of tax-exempt
568 financing through the issuance of tax-exempt bonds, certificates
569 of participation, lease-purchase agreements, or other tax-exempt
570 financing methods. Pursuant to ~~s. 255.25~~, Approval is hereby
571 provided for the lease-purchase of up to two private
572 correctional facilities and any other facility authorized by the
573 General Appropriations Act.

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

577 985.682 Siting of facilities; study; criteria.--

578 (15)

579 (b) Notwithstanding ss. 255.249, 255.25, ~~(1)(b)~~ and
580 255.25001(2), the department may enter into lease-purchase
581 agreements to provide juvenile justice facilities for the
582 housing of committed youths contingent upon available funds. The
583 facilities provided through such agreements shall meet the
584 program plan and specifications of the department. The
585 department may enter into such lease agreements with private
586 corporations and other governmental entities. However,
587 notwithstanding the provisions of ss. 255.249 and 255.25 ~~§~~
588 ~~255.25(3)(a)~~, no such lease agreement may be entered into except

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589 upon advertisement for the receipt of competitive bids and award
590 to the lowest and best bidder except when contracting with other
591 governmental entities.

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

594 1013.17 University leasing in affiliated research and
595 development park.--A university is exempt from the requirements
596 of ss. 255.249 and 255.25 ~~s. 255.25(3), (4), and (8)~~ when
597 leasing educational facilities in a research and development
598 park with which the university is affiliated and when the Board
599 of Governors certifies in writing that the leasing of such
600 educational facilities is in the best interests of the
601 university and that the exemption from competitive bid
602 requirements would not be detrimental to the state. Leases
603 entered into pursuant to this section are subject to the
604 provisions of s. 1010.62.

605 Section 14. Database of state-owned property.--

606 (1) The Department of Management Services is directed to
607 create, administer, and maintain a comprehensive database of
608 all state-owned property. To that end, the Department of
609 Management Services shall prepare a plan to compile the
610 database and address the following issues in the plan:

611 (a) A method for requiring that specific information be
612 provided for each property in the database in order to
613 determine appropriate valuation.

614 (b) A method for maintaining and updating the database.

615 (c) A method for the identification and assessment of
616 database properties for potential disposition.

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617 (d) A method for requiring identified properties to be
618 routed to the Department of Management Services for strategic
619 valuation and disposition analysis.

620 (2) The Department of Management Services shall submit
621 the plan to the President of the Senate, the Speaker of the
622 House of Representatives, and the Executive Office of the
623 Governor by January 4, 2010.

624 Section 15. Except as otherwise specifically provided in
625 this act, this act shall take effect July 1, 2009.