

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 office
21 buildings and in privately owned buildings leased to a
22 state agency; requiring the department to be responsible
23 for both custodial and preventative maintenance of state-
24 owned office buildings, and appurtenant parking facilities
25 and grounds, managed by the department; requiring an
26 annual comprehensive leasing report to the Governor and
27 the Legislature; specifying contents of the report;
28 requiring the department to adopt specified rules for

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

57 in department rule; providing exceptions to the
58 competitive solicitation process; requiring the department
59 to adopt specified rules; amending ss. 110.171, 255.25001,
60 288.012, 288.1224, 288.1226, 944.10, 957.04, 985.682, and
61 1013.17, F.S.; conforming, correcting, and clarifying
62 cross-references; directing the Department of Management
63 Services to create, administer, and maintain a
64 comprehensive database of all state-owned property;
65 requiring the Department of Management Services to prepare
66 a plan to compile the database and to address specific
67 issues in the plan; providing for submission of the plan
68 by a specified date; providing effective dates.

69
70 Be It Enacted by the Legislature of the State of Florida:

71
72 Section 1. Effective December 1, 2009, section 255.248,
73 Florida Statutes, is amended to read:

74 255.248 Definitions; ss. 255.249 and 255.25.--As used in
75 ss. 255.249 and 255.25, the term:

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

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

CS/CS/HB 1401

2009

84 (3) "Department" means the Department of Management
85 Services.

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

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

92 (6)-(4) "Privately owned building" means any building not
93 owned by the Board of Trustees of the Internal Improvement Trust
94 Fund or a state governmental agency.

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

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

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

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

110 ~~(a) District or area offices established for field~~
111 ~~operations where law enforcement, military, inspections, road~~

112 ~~operations, or tourist welcoming functions are performed.~~

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

115 ~~(c) All custodial facilities and institutions used~~
 116 ~~primarily for the care, custody, or treatment of wards of the~~
 117 ~~state.~~

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

119 ~~(e) Buildings purchased or constructed from agricultural~~
 120 ~~or citrus trust funds.~~

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

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

125 255.249 Centralized leasing authority; centralized parking
 126 management; responsibilities of department; annual comprehensive
 127 leasing report; rules.--

128 (1) Except as provided in subsection (6), the department
 129 shall:

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

137 (b) Manage all parking activities, including, but not
 138 limited to, the charging of fees for cost recovery and
 139 allocation of space at all state-owned office buildings managed

CS/CS/HB 1401

2009

140 by the department, including the management of parking
141 structures, garages, lots, grounds, or similar facilities or
142 areas appurtenant to such buildings.

143 (c) Ensure efficient occupancy and allocation of space in
144 state-owned office buildings and in privately owned buildings
145 leased to a state agency.

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

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

153 (a) Each private lease to a state agency that is scheduled
154 to expire within 24 months, categorized by agency and by
155 geographic market.

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

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

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

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

171 (f) An analysis and summary of major market supply and
172 demand for the ten largest markets in which the state leases
173 space.

174 (g) Recommendations of strategic opportunities for
175 consolidations, dispositions, acquisitions, and construction,
176 and cost-benefit analyses for each strategic opportunity.

177 (3) The department shall adopt rules pursuant to chapter
178 120 providing for:

179 (a) Performance and execution of all responsibilities and
180 authorities granted under this section.

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

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

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

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

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

194 (d) Extension criteria for existing leases, the
195 termination of an existing lease, and the use of tenant

196 improvement funds upon termination of a lease.

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

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

201 1. The following statements:

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

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

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

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

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

222 3. A requirement for full disclosure of the names of all
 223 public officials, agents, or employees holding any interest in

224 any privately owned property leased to the state or in the
225 entity holding title to the property, and the nature and extent
226 of their interest. The requirement must stipulate that a public
227 official, agent, or employee identified under this subparagraph
228 is exempt from disclosure of:

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

233 b. Any leasehold interest in property located outside the
234 territorial boundaries of the United States.

235 (g) A standardized format for agency reporting of required
236 information.

237 (h) A standard accounting method for reporting agency
238 lease costs.

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

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

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

CS/CS/HB 1401

2009

252 execute a lease agreement with a private landlord with which a
253 contractor procured under this section is engaged to provide
254 real estate consulting or tenant brokerage services.

255 (5) Contracts with real estate consultants and tenant
256 brokerage services must contain the following provisions or
257 requirements:

258 (a) Awarded brokers must maintain an office or presence in
259 the market served. In awarding the contract, preference must be
260 given to brokers that are licensed in this state under chapter
261 475 and that have 3 or more years of experience in the market
262 served. The contract may be made with up to three tenant brokers
263 in order to serve the marketplace in the northern, central, and
264 southern areas of the state.

265 (b) Each contracted tenant broker shall work under the
266 direction, supervision, and authority of the department, subject
267 to the rules governing lease procurements.

268 (c) The department shall provide training for the awarded
269 tenant brokers concerning the rules governing the procurement of
270 leases.

271 (d) Tenant brokers must comply with all applicable
272 provisions of s. 475.278.

273 (e) Real estate consultants and tenant brokers shall be
274 compensated by the department, subject to the provisions of the
275 term contract, and such compensation is subject to appropriation
276 by the Legislature. A real estate consultant or tenant broker
277 may not receive compensation directly from a lessor for services
278 that are rendered under the term contract. Moneys paid to a real
279 estate consultant or tenant broker are exempt from any charge

CS/CS/HB 1401

2009

280 imposed under s. 287.1345. Moneys paid by a lessor to the
281 department under a facility leasing arrangement are not subject
282 to the charges imposed under s. 215.20. All terms relating to
283 the compensation of the real estate consultant or tenant broker
284 shall be specified in the term contract.

285 (f) The department shall conduct periodic customer-
286 satisfaction surveys.

287 (6) This section does not apply to:

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

291 (b) Educational facilities and institutions under the
292 supervision of the Department of Education.

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

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

296 (e) Buildings purchased or constructed from agricultural
297 or citrus trust funds.

298 (f) Wireless communications facilities, except as
299 stipulated in s. 365.172(12)(f).

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

302 (h) Any leases by the Board of Trustees of the Internal
303 Improvement Trust Fund for any purpose other than administrative
304 direction and support services, including, but not be limited
305 to, leases to university boards of trustees and leases of
306 conservation lands.

307 Section 3. Effective December 1, 2009, section 255.2491,

308 Florida Statutes, is created to read:

309 255.2491 Transition to centralized leasing authority;
 310 agency responsibilities.--

311 (1) Between July 1, 2009, and October 31, 2009, each
 312 agency having a private lease to which s. 255.249 applies shall
 313 work with the department to identify all resources existing
 314 within its agency relating to leasing and lease administration
 315 functions, including:

316 (a) Full-time or part-time positions dedicated to real
 317 estate leasing functions and associated appropriations for those
 318 positions.

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

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

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

329 (a) Requiring functional supervision by the department
 330 over persons in the positions identified in subsection (2) as
 331 needed to support centralized leasing activities within the
 332 department.

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

CS/CS/HB 1401

2009

336 (c) Requiring the development of policies and procedures
337 in conjunction with each agency to carry out the provisions of
338 the agreement.

339 (d) Requiring that the department is to act as the
340 authorized agent of the agency in any private lease to which s.
341 255.249 applies.

342 (e) Authorizing the department to substitute itself as the
343 tenant under any private lease to which s. 255.249 applies,
344 subject to any restrictions set forth in the lease, and to
345 consider the agency its subtenant without materially changing
346 the agency's rights or responsibilities.

347 (f) Specifying other terms that the parties deem
348 appropriate to accomplish the efficient transition of
349 responsibilities and the general purposes of this section and
350 ss. 255.249 and 255.25.

351 Section 4. Section 255.25, Florida Statutes, is amended to
352 read:

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

355 255.25 Competitive solicitation; exceptions.--

356 (1) The department shall utilize the competitive
357 solicitation process for leases of 5,000 square feet or greater
358 or shall acquire a minimum of 3 written quotes for leases exempt
359 from the competitive solicitation process pursuant to subsection
360 (2). The department shall follow the process as established in
361 rules for competitive solicitation authorized in s.

362 255.249 (3) (b) .

363 (2) Exceptions to the competitive solicitation process

364 identified in subsection (1) shall include:
 365 (a) Leases for nominal or no consideration.
 366 (b) Leases for a term of less than 120 days.
 367 (3) The following leases shall be exempt from the
 368 competitive solicitation process with written approval of the
 369 department:
 370 (a) Extensions of existing leases if the total of the
 371 extensions from the original lease termination date does not
 372 exceed 11 months.
 373 (b) Emergency acquisition of space to replace a portion of
 374 space destroyed or rendered uninhabitable by an act of God,
 375 fire, malicious destruction, structural failure, or by legal
 376 action. The term of such emergency acquisition may not exceed 11
 377 months unless the original space will be made inhabitable within
 378 18 months of the commencement of the emergency lease.
 379 (c) Leases that demonstrate best leasing value and public
 380 benefit through the colocation or consolidation of like public
 381 services in partnership with municipal or other governmental
 382 entities.
 383 (4) The department shall adopt and publish rules for the
 384 public to contest the award of leases acquired using the
 385 competitive solicitation process.
 386 Section 5. Effective December 1, 2009, paragraph (m) of
 387 subsection (3) of section 110.171, Florida Statutes, is amended
 388 to read:
 389 110.171 State employee telecommuting program.--
 390 (3) By September 30, 2009, each state agency shall
 391 identify and maintain a current listing of the job

392 classifications and positions that the agency considers
393 appropriate for telecommuting. Agencies that adopt a state
394 employee telecommuting program must:

395 (m) Provide measurable financial benefits associated with
396 reduced office space requirements, reductions in energy
397 consumption, and reductions in associated emissions of
398 greenhouse gases resulting from telecommuting. State agencies
399 operating in office space owned or managed by the department
400 shall consult the facilities program to ensure its consistency
401 with the comprehensive ~~strategie~~ leasing report plan required
402 under s. 255.249 (2) ~~(3)(b)~~.

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

405 255.25001 Suspension or delay of specified functions,
406 programs, and requirements relating to governmental
407 operations.--Notwithstanding the provisions of:

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

413 (a) Procedures state agencies will follow to certify the
414 need for a lease-purchase acquisition for a state-owned office
415 building to the Department of Management Services and a
416 notification procedure of the department's decision regarding
417 state agencies' requests for a lease-purchase agreement. The
418 certification process shall include but not be limited to the
419 following:

420 1. Current programmatic space requirements of the state
421 agency.

422 2. Future programmatic space requirements of the state
423 agency.

424 3. Time considerations in providing state-owned office
425 building space.

426 4. An analysis of existing leases affected by the lease-
427 purchase agreement.

428 (b) Procedures and document formats for the advertisement,
429 competitive bid process, including format of submissions, and
430 evaluation of lease-purchase acquisition proposals for state-
431 owned office buildings. The evaluation process shall include but
432 not be limited to the following:

433 1. A consideration of the cost of comparable operating
434 leases.

435 2. The appraised value of the facility as required by s.
436 253.025.

437 3. A present value analysis of the proposed payment
438 stream.

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

440 5. The cost to repair identified physical defects.

441 6. The cost to remove identified hazardous substances.

442 7. An energy analysis.

443 8. A determination of who is responsible for management
444 and maintenance activities.

445

446 In order to minimize the cost of the evaluation process, the
447 Department of Management Services may develop a multistage

448 | evaluation process to identify the most cost-efficient proposals
 449 | for extensive evaluation. The studies developed as a result of
 450 | this evaluation process shall be considered confidential and
 451 | exempt from the provisions of s. 119.07(1) to the same extent
 452 | that appraisal reports are considered confidential and exempt
 453 | from the provisions of s. 119.07(1) as provided in s.
 454 | 253.025(6)(d).

455 | (c) Acceptable terms and conditions for inclusion in
 456 | lease-purchase agreements, which shall include but not be
 457 | limited to:

458 | 1. The assignment of the lease-purchase agreement to other
 459 | governmental entities, including accumulated equity.

460 | 2. The ability of the acquiring state agency to sublease a
 461 | portion of the facility, not to exceed 25 percent, to other
 462 | governmental entities. These subleases shall provide for the
 463 | recovery of the agencies' cost of operations and maintenance.
 464 |

465 | The execution of a lease-purchase is conditioned upon a finding
 466 | by the Department of Management Services that it would be in the
 467 | best interests of the state. The language in this subsection
 468 | shall be considered specific authorization for a lease-purchase
 469 | ~~pursuant to s. 255.25(1)(e)~~ upon the Department of Management
 470 | Services' certification that the lease-purchase is in the best
 471 | interests of the state. Thereafter, the agency is authorized to
 472 | enter into a lease-purchase agreement and to expend operating
 473 | funds for lease-purchase payments. Any facility which is
 474 | acquired pursuant to the processes authorized by this subsection
 475 | shall be considered to be a "state-owned office building" and a

476 "state-owned building" as those terms are applied in ss.
 477 255.248-255.25.

478 (d) That any costs resulting from the processes authorized
 479 by this subsection, including but not limited to appraisals,
 480 environmental analyses, and any other studies which may be
 481 required under these provisions, shall be borne by the owner of
 482 the property which is the subject of the proposed lease-
 483 purchase.

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

486 288.012 State of Florida foreign offices.--The Legislature
 487 finds that the expansion of international trade and tourism is
 488 vital to the overall health and growth of the economy of this
 489 state. This expansion is hampered by the lack of technical and
 490 business assistance, financial assistance, and information
 491 services for businesses in this state. The Legislature finds
 492 that these businesses could be assisted by providing these
 493 services at State of Florida foreign offices. The Legislature
 494 further finds that the accessibility and provision of services
 495 at these offices can be enhanced through cooperative agreements
 496 or strategic alliances between state entities, local entities,
 497 foreign entities, and private businesses.

498 (4) The Office of Tourism, Trade, and Economic
 499 Development, in connection with the establishment, operation,
 500 and management of any of its offices located in a foreign
 501 country, is exempt from the provisions of ss. 255.21, 255.249,
 502 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
 503 and 283.35 relating to bids for printing; ss. 287.001-287.20

504 relating to purchasing and motor vehicles; and ss. 282.003-
505 282.111 relating to communications, and from all statutory
506 provisions relating to state employment.

507 (a) The Office of Tourism, Trade, and Economic Development
508 may exercise such exemptions only upon prior approval of the
509 Governor.

510 (b) If approval for an exemption under this section is
511 granted as an integral part of a plan of operation for a
512 specified foreign office, such action shall constitute
513 continuing authority for the Office of Tourism, Trade, and
514 Economic Development to exercise the exemption, but only in the
515 context and upon the terms originally granted. Any modification
516 of the approved plan of operation with respect to an exemption
517 contained therein must be resubmitted to the Governor for his or
518 her approval. An approval granted to exercise an exemption in
519 any other context shall be restricted to the specific instance
520 for which the exemption is to be exercised.

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

523 (d) Upon final action by the Governor with respect to a
524 request to exercise the exemption authorized in this subsection,
525 the Office of Tourism, Trade, and Economic Development shall
526 report such action, along with the original request and any
527 modifications thereto, to the President of the Senate and the
528 Speaker of the House of Representatives within 30 days.

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

CS/CS/HB 1401

2009

532 288.1224 Powers and duties.--The commission:

533 (9) Is authorized to establish and operate tourism offices
534 in foreign countries in the execution of its responsibilities
535 for promoting the development of tourism. To facilitate the
536 performance of these responsibilities, the commission is
537 authorized to contract with the commission's direct-support
538 organization to establish and administer such offices. Where
539 feasible, appropriate, and recommended by the 4-year marketing
540 plan, the commission may collocate the programs of foreign
541 tourism offices in cooperation with any foreign office operated
542 by any agency of this state.

543 (b) The Florida Commission on Tourism, or its direct-
544 support organization, in connection with the establishment,
545 operation, and management of any of its tourism offices located
546 in a foreign country, is exempt from the provisions of ss.
547 255.21, 255.249, 255.25, and 255.254 relating to leasing of
548 buildings; ss. 283.33 and 283.35 relating to bids for printing;
549 ss. 287.001-287.20 relating to purchasing and motor vehicles;
550 and ss. 282.003-282.111 relating to communications, and from all
551 statutory provisions relating to state employment, if the laws,
552 administrative code, or business practices or customs of the
553 foreign country, or political or administrative subdivision
554 thereof, in which such office is located are in conflict with
555 these provisions.

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

559 288.1226 Florida Tourism Industry Marketing Corporation;

560 use of property; board of directors; duties; audit.--

561 (2) ESTABLISHMENT.--The Florida Commission on Tourism
 562 shall establish, no later than July 31, 1996, the Florida
 563 Tourism Industry Marketing Corporation as a direct-support
 564 organization:

565 (d) Which shall not be considered an agency for the
 566 purposes of chapters 120, 216, and 287; ss. 255.21, 255.249,
 567 255.25, and 255.254, relating to leasing of buildings; ss.
 568 283.33 and 283.35, relating to bids for printing; s. 215.31; and
 569 parts I, II, and IV-VIII of chapter 112.

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

573 944.10 Department of Corrections to provide buildings;
 574 sale and purchase of land; contracts to provide services and
 575 inmate labor.--

576 (3) (a) The department may enter into lease-purchase
 577 agreements to provide correctional facilities for the housing of
 578 state inmates. However, no such lease-purchase agreement shall
 579 be entered into without specific legislative authorization of
 580 that agreement, and funds must be specifically appropriated for
 581 each lease-purchase agreement. The facilities provided through
 582 such agreements shall meet the program plans and specifications
 583 of the department. The department may enter into such lease
 584 agreements with private corporations and other governmental
 585 entities. However, notwithstanding the provisions of ss. 255.249
 586 and 255.25 ~~s. 255.25(3)(a)~~, no such lease agreement may be
 587 entered into except upon advertisement for and receipt of

CS/CS/HB 1401

2009

588 competitive bids and award to the lowest and best bidder.

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

592 957.04 Contract requirements.--

593 (2) Each contract entered into for the design and
 594 construction of a private correctional facility or juvenile
 595 commitment facility must include:

596 (a) Notwithstanding any provision of chapter 255 to the
 597 contrary, a specific provision authorizing the use of tax-exempt
 598 financing through the issuance of tax-exempt bonds, certificates
 599 of participation, lease-purchase agreements, or other tax-exempt
 600 financing methods. ~~Pursuant to s. 255.25,~~ Approval is hereby
 601 provided for the lease-purchase of up to two private
 602 correctional facilities and any other facility authorized by the
 603 General Appropriations Act.

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

607 985.682 Siting of facilities; study; criteria.--

608 (15)

609 (b) Notwithstanding ss. 255.249, 255.25, ~~(1)(b)~~ and
 610 255.25001~~(2)~~, the department may enter into lease-purchase
 611 agreements to provide juvenile justice facilities for the
 612 housing of committed youths contingent upon available funds. The
 613 facilities provided through such agreements shall meet the
 614 program plan and specifications of the department. The
 615 department may enter into such lease agreements with private

616 corporations and other governmental entities. However,
617 notwithstanding the provisions of ss. 255.249 and 255.25 ~~s.~~
618 ~~255.25(3)(a)~~, no such lease agreement may be entered into except
619 upon advertisement for the receipt of competitive bids and award
620 to the lowest and best bidder except when contracting with other
621 governmental entities.

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

624 1013.17 University leasing in affiliated research and
625 development park.--A university is exempt from the requirements
626 of ss. 255.249 and 255.25 ~~s. 255.25(3), (4), and (8)~~ when
627 leasing educational facilities in a research and development
628 park with which the university is affiliated and when the Board
629 of Governors certifies in writing that the leasing of such
630 educational facilities is in the best interests of the
631 university and that the exemption from competitive bid
632 requirements would not be detrimental to the state. Leases
633 entered into pursuant to this section are subject to the
634 provisions of s. 1010.62.

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

636 (1) The Department of Management Services is directed to
637 create, administer, and maintain a comprehensive database of
638 all state-owned property. To that end, the Department of
639 Management Services shall prepare a plan to compile the
640 database and address the following issues in the plan:

641 (a) A method for requiring that specific information be
642 provided for each property in the database in order to
643 determine appropriate valuation.

CS/CS/HB 1401

2009

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

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

647 (d) A method for requiring identified properties to be
648 routed to the Department of Management Services for strategic
649 valuation and disposition analysis.

650 (2) The Department of Management Services shall submit
651 the plan to the President of the Senate, the Speaker of the
652 House of Representatives, and the Executive Office of the
653 Governor by January 4, 2010.

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