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LEGISLATIVE ACTION

Senate

House

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The Conference Committee on CS for SB 1804 recommended the following:

**Senate Conference Committee Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (15) is added to section 253.034, Florida Statutes, to read:

253.034 State-owned lands; uses.—

(15) Before a building or parcel of land is offered for lease, sublease, or sale to a local or federal unit of government or a private party, it shall first be offered for



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12 lease to state agencies and state universities, with priority  
13 consideration given to state universities.

14 Section 2. Paragraph (k) of subsection (4) of section  
15 255.249, Florida Statutes, is amended to read:

16 255.249 Department of Management Services; responsibility;  
17 department rules.-

18 (4) The department shall adopt rules pursuant to chapter  
19 120 providing:

20 (k) For a lease of less than 5,000 square feet, a method  
21 for certification by the agency head or the agency head's  
22 designated representative that all criteria for leasing have  
23 been fully complied with and for the filing of a copy of such  
24 lease and all supporting documents with the department for its  
25 review and approval as to technical sufficiency and whether it  
26 is in the best interests of the state.

27 Section 3. Subsection (2) of section 255.25, Florida  
28 Statutes, is amended to read:

29 255.25 Approval required prior to construction or lease of  
30 buildings.-

31 (2) (a) Except as provided in s. 255.2501, a state agency  
32 may not lease a building or any part thereof unless prior  
33 approval of the lease conditions and of the need therefor is  
34 first obtained from the department. Any approved lease may  
35 include an option to purchase or an option to renew the lease,  
36 or both, upon such terms and conditions as are established by  
37 the department subject to final approval by the head of the  
38 Department of Management Services and s. 255.2502.

39 ~~(b) The approval of the department, except for technical~~  
40 ~~sufficiency, need not be obtained~~ For the lease of less than



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41 5,000 square feet of space, a state agency must notify the  
42 department at least 30 days before the execution of the lease.  
43 The department shall review the lease and determine whether  
44 suitable space is available in a state-owned building located in  
45 the same geographic region. If the department determines that  
46 space is not available, the department shall determine whether  
47 the state agency lease is in the best interests of the state. If  
48 the department determines that the execution of the lease is not  
49 in the best interests of the state, the department shall notify  
50 the agency proposing the lease, the Governor, and the presiding  
51 officers of each house of the Legislature of such finding in  
52 writing. ~~within a privately owned building, provided the agency~~  
53 ~~head or the agency head's designated representative has~~  
54 ~~certified compliance with applicable leasing criteria as may be~~  
55 ~~provided pursuant to s. 255.249(4)(k) and has determined such~~  
56 ~~lease to be in the best interest of the state. A lease that is~~  
57 for a term extending beyond the end of a fiscal year is subject  
58 to the provisions of ss. 216.311, 255.2502, and 255.2503.

59 (c) The department shall adopt as a rule uniform leasing  
60 procedures for use by each state agency other than the  
61 Department of Transportation. Each state agency shall ensure  
62 that the leasing practices of that agency are in substantial  
63 compliance with the uniform leasing rules adopted under this  
64 section and ss. 255.249, 255.2502, and 255.2503.

65 (d) Notwithstanding paragraph (a) and except as provided in  
66 ss. 255.249 and 255.2501, a state agency may not lease a  
67 building or any part thereof unless prior approval of the lease  
68 terms and conditions and of the need therefor is first obtained  
69 from the department. The department may not approve any term or



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70 condition in a lease agreement which has been amended,  
71 supplemented, or waived unless a comprehensive analysis,  
72 including financial implications, demonstrates that such  
73 amendment, supplement, or waiver is in the state's long-term  
74 best interest. Any approved lease may include an option to  
75 purchase or an option to renew the lease, or both, upon such  
76 terms and conditions as are established by the department  
77 subject to final approval by the head of the Department of  
78 Management Services and the provisions of s. 255.2502.

79 Section 4. Present paragraphs (f) through (ee) of  
80 subsection (6) of section 627.351, Florida Statutes, are  
81 redesignated as paragraphs (g) through (ff), respectively, and a  
82 new paragraph (f) is added to that subsection, to read:

83 627.351 Insurance risk apportionment plans.—

84 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

85 (f) The corporation is subject to the provisions of chapter  
86 255.

87 Section 5. Database of state-owned property.—

88 (1) The Department of Management Services is directed to  
89 create, administer, and maintain a comprehensive database of all  
90 state-owned real property. To that end, the Department of  
91 Management Services shall prepare a plan to compile the database  
92 and address the following issues in the plan:

93 (a) A method for requiring that specific information be  
94 provided for each property in the database in order to determine  
95 appropriate valuation.

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

97 (c) A method for identifying and assessing the database  
98 properties for potential disposition.



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99           (d) A method for requiring that the Department of  
100 Management Services be notified of identified properties for  
101 purposes of conducting a strategic valuation and disposition  
102 analysis.

103           (2) The Department of Management Services shall submit the  
104 plan to the President of the Senate, the Speaker of the House of  
105 Representatives, and the Executive Office of the Governor by  
106 January 4, 2010.

107           Section 6. In an effort to improve cost efficiencies and  
108 maximize revenues to the state, by disposing of surplus  
109 property, the Department of Management Services, in coordination  
110 with the Board of Trustees of the Internal Improvement Trust  
111 Fund, shall begin immediately the disposition process of the  
112 Fuller Warren Building, the Bloxham Building, the Bloxham Annex  
113 Properties "A, B, and C," the Firestone Building, and the  
114 Winchester Building.

115           Section 7. This act shall take effect July 1, 2009.

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117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119  
120           Delete everything before the enacting clause  
121 and insert:

122                           A bill to be entitled  
123           An act relating to state-owned real property; amending  
124           s. 253.034, F.S.; requiring the state to offer to  
125           lease state-owned buildings or lands to state agencies  
126           and universities before offering them for sale, lease,  
127           or sublease to others; amending s. 255.249, F.S.;



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128 requiring that the department determine if certain  
129 leases are in the best interests of the state;  
130 amending s. 255.25, F.S.; requiring that a state  
131 agency seeking to lease a privately owned building or  
132 land receive a determination from the Department of  
133 Management Services that the lease serves the best  
134 interests of the state; requiring the department to  
135 review the lease and determine if suitable space is  
136 available in a state-owned building in the same  
137 geographic region; requiring the department to notify  
138 the state agency proposing the lease, the Governor,  
139 and the Legislature of certain finding; amending s.  
140 627.351, F.S.; subjecting Citizens Property Insurance  
141 Corporation to ch. 255, F.S., relating to public  
142 property and publicly owned buildings; requiring the  
143 Department of Management Services to create and  
144 maintain a database of state-owned real property;  
145 providing requirements for the database; requiring a  
146 report to the Governor and Legislature; requiring the  
147 Department of Management Services, in coordination  
148 with the Board of Trustees of the Internal Improvement  
149 Trust Fund, to begin the process of disposing of  
150 certain buildings; providing an effective date.