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576-04171B-09

Proposed Committee Substitute by the Policy and Steering  
Committee on Ways and Means

A bill to be entitled

An act relating to state-owned real property; amending  
s. 253.034, F.S.; requiring the state to offer to  
lease state-owned buildings or lands to state agencies  
and universities before being offered for sale or  
lease to others; amending s. 255.249, F.S.; requiring  
the Department of Management Services to adopt rules  
relating to leases of privately owned buildings;  
requiring that the department determine if certain  
leases are in the best interests of the state;  
amending s. 255.25, F.S.; requiring that an agency  
seeking to lease a privately owned building or land  
receive a determination from the Department of  
Management Services that the lease serves the best  
interests of the state; amending s. 627.351, F.S.;  
subjecting Citizens Property Insurance Corporation to  
ch. 255, F.S., relating to public property and  
publicly owned buildings; requiring the Department of  
Management Services to create and maintain a database  
of state-owned property; providing requirements for  
the database; requiring a report to the Governor and  
Legislature; requiring the Department of Management  
Services to begin the process to dispose of certain  
buildings; providing an effective date.

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



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

30 253.034 State-owned lands; uses.—

31 (15) Before a building or parcel of land is offered for  
32 lease, sublease, or sale to a local or federal unit of  
33 government or a private party, it shall first be offered for  
34 lease to state agencies and state universities, with priority  
35 consideration given to state universities.

36 Section 2. Paragraphs (b) and (k) of subsection (4) of  
37 section 255.249, Florida Statutes, are amended to read:

38 255.249 Department of Management Services; responsibility;  
39 department rules.—

40 (4) The department shall adopt rules pursuant to chapter  
41 120 providing:

42 (b) Procedures for soliciting and accepting competitive  
43 solicitations for leased space ~~of 5,000 square feet or more~~ in  
44 privately owned buildings, for evaluating the proposals  
45 received, for exemption from competitive solicitations  
46 requirements of any lease the purpose of which is the provision  
47 of care and living space for persons or emergency space needs as  
48 provided in s. 255.25(10), and for the securing of at least  
49 three documented quotes for a lease that is not required to be  
50 competitively solicited.

51 (k) For a lease of less than 5,000 square feet, a method  
52 for certification by the agency head or the agency head's  
53 designated representative that all criteria for leasing have  
54 been fully complied with and for the filing of a copy of such  
55 lease and all supporting documents with the department for its  
56 review and approval as to technical sufficiency and whether it



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57 is in the best interests of the state.

58 Section 3. Subsection (2) of section 255.25, Florida  
59 Statutes, are amended to read:

60 255.25 Approval required prior to construction or lease of  
61 buildings.—

62 (2) (a) Except as provided in s. 255.2501, a state agency  
63 may not lease a building or any part thereof unless prior  
64 approval of the lease conditions and of the need therefor is  
65 first obtained from the department. Any approved lease may  
66 include an option to purchase or an option to renew the lease,  
67 or both, upon such terms and conditions as are established by  
68 the department subject to final approval by the head of the  
69 Department of Management Services and s. 255.2502.

70 ~~(b) The approval of the department, except for technical~~  
71 ~~sufficiency, need not be obtained~~ For the lease of less than  
72 5,000 square feet of space, a state agency must notify the  
73 department at least 30 days before the execution of the lease.  
74 The department shall review the lease and determine whether  
75 suitable space is available in a state-owned building located in  
76 the same geographic region. If the department determines that  
77 space is not available, the department must determine whether  
78 the state agency lease is in the best interests of the state. If  
79 the department determines that the execution of the lease is not  
80 in the best interests of the state, the department shall notify  
81 the agency proposing the lease, the Governor, and the presiding  
82 officers of each house of the Legislature of such finding in  
83 writing. ~~within a privately owned building, provided the agency~~  
84 ~~head or the agency head's designated representative has~~  
85 ~~certified compliance with applicable leasing criteria as may be~~



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86 ~~provided pursuant to s. 255.249(4)(k) and has determined such~~  
87 ~~lease to be in the best interest of the state.~~ A lease that is  
88 for a term extending beyond the end of a fiscal year is subject  
89 to the provisions of ss. 216.311, 255.2502, and 255.2503.

90 (c) The department shall adopt as a rule uniform leasing  
91 procedures for use by each state agency other than the  
92 Department of Transportation. Each state agency shall ensure  
93 that the leasing practices of that agency are in substantial  
94 compliance with the uniform leasing rules adopted under this  
95 section and ss. 255.249, 255.2502, and 255.2503.

96 (d) Notwithstanding paragraph (a) and except as provided in  
97 ss. 255.249 and 255.2501, a state agency may not lease a  
98 building or any part thereof unless prior approval of the lease  
99 terms and conditions and of the need therefor is first obtained  
100 from the department. The department may not approve any term or  
101 condition in a lease agreement which has been amended,  
102 supplemented, or waived unless a comprehensive analysis,  
103 including financial implications, demonstrates that such  
104 amendment, supplement, or waiver is in the state's long-term  
105 best interest. Any approved lease may include an option to  
106 purchase or an option to renew the lease, or both, upon such  
107 terms and conditions as are established by the department  
108 subject to final approval by the head of the Department of  
109 Management Services and the provisions of s. 255.2502.

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

114 627.351 Insurance risk apportionment plans.-



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(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

Section 5. Database of state-owned property.—

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

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

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

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

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

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

Section 6. In an effort to improve cost efficiencies and maximize revenues to the state, by disposing of surplus property, the Department of Management Services, in coordination with the Board of Trustees of the Internal Improvement Trust Fund, is directed to immediately begin the disposition process of the Fuller Warren Building, the Bloxham Building, the Bloxham



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144 Annex Properties "A, B, and C," the Firestone Building, and the  
145 Winchester Building.

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