

By the Policy and Steering Committee on Ways and Means; and
Senator Alexander

576-04523-09

20091804c1

1 A bill to be entitled
2 An act relating to state-owned real property; amending
3 s. 253.034, F.S.; requiring the state to offer to
4 lease state-owned buildings or lands to state agencies
5 and universities before being offered for sale or
6 lease to others; amending s. 255.249, F.S.; requiring
7 the Department of Management Services to adopt rules
8 relating to leases of privately owned buildings;
9 requiring that the department determine if certain
10 leases are in the best interests of the state;
11 amending s. 255.25, F.S.; requiring that an agency
12 seeking to lease a privately owned building or land
13 receive a determination from the Department of
14 Management Services that the lease serves the best
15 interests of the state; amending s. 627.351, F.S.;
16 subjecting Citizens Property Insurance Corporation to
17 ch. 255, F.S., relating to public property and
18 publicly owned buildings; requiring the Department of
19 Management Services to create and maintain a database
20 of state-owned property; providing requirements for
21 the database; requiring a report to the Governor and
22 Legislature; requiring the Department of Management
23 Services to begin the process to dispose of certain
24 buildings; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (15) is added to section 253.034,
29 Florida Statutes, to read:

576-04523-09

20091804c1

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
57 is in the best interests of the state.

58 Section 3. Subsection (2) of section 255.25, Florida

576-04523-09

20091804c1

59 Statutes, is 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~~
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~~

576-04523-09

20091804c1

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.—

115 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

576-04523-09

20091804c1

117 255.118 Section 5. Database of state-owned property.-

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

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

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

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

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

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

138 Section 6. In an effort to improve cost efficiencies and
139 maximize revenues to the state, by disposing of surplus
140 property, the Department of Management Services, in coordination
141 with the Board of Trustees of the Internal Improvement Trust
142 Fund, is directed to immediately begin the disposition process
143 of the Fuller Warren Building, the Bloxham Building, the Bloxham
144 Annex Properties "A, B, and C," the Firestone Building, and the
145 Winchester Building.

576-04523-09

20091804c1

146

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