

By Senator Baker

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1 A bill to be entitled
2 An act relating to the Department of Management
3 Services; amending s. 255.248, F.S.; revising,
4 eliminating, and providing additional definitions used
5 in ss. 255.249 and 255.25, F.S.; amending s. 255.249,
6 F.S.; substantially revising responsibilities of the
7 Department of Management Services with respect to the
8 use and management of state-owned office buildings and
9 the lease of privately owned buildings by the state;
10 providing that the department has exclusive authority
11 over, and is the primary contact point and managing
12 agent for, existing and future leases to a state
13 agency; providing for the right of the department to
14 direct an agency to occupy a specific location;
15 precluding a state agency from negotiating or
16 executing its own lease for space; requiring the
17 department to manage all parking activities, including
18 the management of parking structures and appurtenant
19 facilities; requiring the department to ensure
20 efficient occupancy and allocation of space in state-
21 owned buildings and in privately owned buildings
22 leased to a state agency; requiring the department to
23 be responsible for both custodial and preventative
24 maintenance of state-owned buildings and appurtenant
25 parking facilities and grounds; requiring an annual
26 comprehensive leasing report to the Governor and the
27 Legislature; specifying contents of the report;
28 requiring the department to adopt specified rules for
29 implementation of the section; authorizing the

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30 department to procure contracts for real estate
31 consulting and for tenant brokerage services;
32 authorizing the use of a contractor procured to
33 provide such services to assist with the execution of
34 specified responsibilities; providing for continuing
35 effect of existing contracts; precluding the
36 department from executing a lease agreement with
37 specified private landlords; providing
38 nonapplicability; creating s. 255.2491, F.S.;

39 requiring agencies to identify intraagency resources
40 related to leasing and lease administration functions
41 by a specified date; requiring the department to
42 submit a plan by a specified date identifying
43 positions needed to support centralized leasing
44 activities within the department; requiring specified
45 state agencies to enter into an interagency agreement
46 with the department relating to the assumption of
47 centralized leasing activities by the department;
48 specifying requirements to be contained in the
49 agreement; amending s. 255.25, F.S.; substantially
50 revising provisions relating to required approval by
51 the department prior to the construction or lease of
52 buildings; requiring the department to utilize the
53 competitive solicitation process for specified leases;
54 requiring an alternative process for leases exempt
55 from the competitive solicitation; requiring the
56 department to follow a specified process for
57 competitive solicitation established in department
58 rule; providing exceptions to the competitive

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59 solicitation process; requiring the department to
60 adopt specified rules; amending ss. 110.171,
61 255.25001, 288.012, 288.1224, 288.1226, 944.10,
62 957.04, 985.682, and 1013.17, F.S.; conforming,
63 correcting, and clarifying cross-references; providing
64 effective dates.

65

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

67

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

70 255.248 Definitions; ss. 255.249 and 255.25.—As used in ss.
71 255.249 and 255.25, the term:

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

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

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

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

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

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88 (6)~~(4)~~ "Privately owned building" means any building not
89 owned by a state governmental agency.

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

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

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

101 (7)~~(8)~~ "State-owned office building" means any building
102 title to which is vested in the state and which is used by one
103 or more executive agencies predominantly for administrative
104 direction and support functions. ~~This term excludes:~~

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

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

110 ~~(c) All custodial facilities and institutions used~~
111 ~~primarily for the care, custody, or treatment of wards of the~~
112 ~~state.~~

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

114 ~~(e) Buildings purchased or constructed from agricultural or~~
115 ~~citrus trust funds.~~

116 Section 2. Effective December 1, 2009, section 255.249,

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117 Florida Statutes, is amended to read:

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

120 255.249 Centralized leasing authority; centralized parking
121 management; responsibilities of department; annual comprehensive
122 leasing report; rules.-

123 (1) Except as provided in subsection (5), the department
124 shall:

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

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

137 (c) Ensure efficient occupancy and allocation of space in
138 state-owned buildings and in privately owned buildings leased to
139 a state agency.

140 (d) Be responsible for both custodial and preventative
141 maintenance of state-owned buildings and any parking facilities
142 or grounds appurtenant to such buildings.

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

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146 (a) Each private lease to a state agency that is scheduled
147 to expire within 24 months, categorized by agency and by
148 geographic market.

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

154 (c) The potential financial impact to the Florida
155 Facilities Pool rental rate that may be realized from the
156 disposition, sale, acquisition, or construction of state-owned
157 buildings.

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

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

164 (f) An analysis and summary of major market supply and
165 demand for the ten largest markets in which the state leases
166 space.

167 (g) Recommendations of strategic opportunities for
168 consolidations, dispositions, acquisitions, and construction,
169 and cost-benefit analyses for each strategic opportunity.

170 (3) The department shall adopt rules pursuant to chapter
171 120 providing for:

172 (a) Performance and execution of all responsibilities and
173 authorities granted under this section.

174 (b) The advertisement, receipt, evaluation, and award of

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175 competitive proposals for leases. The department's rules shall
176 include, but not be limited to:

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

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

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

183 (c) Requirements that all leases shall be awarded to the
184 best leasing value, a process for describing best leasing value
185 in each advertisement, and a process for determining the best
186 leasing value and awarding the lease.

187 (d) Extension criteria for existing leases, the termination
188 of an existing lease, and the use of tenant improvement funds
189 upon termination of a lease.

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

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

194 1. The following statements:

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

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

203 2. A requirement for full disclosure of the names and the

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204 extent of interest of the owners holding an interest of 4
205 percent or more in any privately owned property leased to the
206 state or in the entity holding title to the property. The
207 requirement must stipulate that an owner identified under this
208 subparagraph is exempt from disclosure of:

209 a. Any beneficial interest which is represented by stock in
210 any corporation registered with the Securities and Exchange
211 Commission or registered pursuant to chapter 517, which stock is
212 for sale to the general public; and

213 b. Any leasehold interest in property located outside the
214 territorial boundaries of the United States.

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

222 a. Any beneficial interest which is represented by stock in
223 any corporation registered with the Securities and Exchange
224 Commission or registered pursuant to chapter 517, which stock is
225 for sale to the general public; and

226 b. Any leasehold interest in property located outside the
227 territorial boundaries of the United States.

228 (g) A standardized format for agency reporting of required
229 information.

230 (h) A standard accounting method for reporting agency lease
231 costs.

232 (i) A standard method for the assessment of rent to state

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233 agencies and other authorized occupants of state-owned office
234 space, notwithstanding the source of funds.

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

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

248 (5) This section does not apply to:

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

252 (b) Educational facilities and institutions under the
253 supervision of the Department of Education.

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

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

257 (e) Buildings purchased or constructed from agricultural or
258 citrus trust funds.

259 (f) Wireless communications facilities, except as
260 stipulated in s. 365.172(12)(f).

261 (g) Department of Transportation right-of-way leases.

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

264 255.2491 Transition to centralized leasing authority;
265 agency responsibilities.-

266 (1) Between July 1, 2009, and October 31, 2009, each agency
267 having a private lease to which s. 255.249 applies shall work
268 with the department to identify all resources existing within
269 its agency relating to leasing and lease administration
270 functions, including:

271 (a) Full-time or part-time positions dedicated to real
272 estate leasing functions and associated appropriations for those
273 positions.

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

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

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

284 (a) Requiring functional supervision by the department over
285 persons in the positions identified in subsection (2) as needed
286 to support centralized leasing activities within the department.

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

290 (c) Requiring the development of policies and procedures in

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291 conjunction with each agency to carry out the provisions of the
292 agreement.

293 (d) Requiring that the department is to act as the
294 authorized agent of the agency in any private lease to which s.
295 255.249 applies.

296 (e) Authorizing the department to substitute itself as the
297 tenant under any private lease to which s. 255.249 applies,
298 subject to any restrictions set forth in the lease, and to
299 consider the agency its subtenant without materially changing
300 the agency's rights or responsibilities.

301 (f) Specifying other terms that the parties deem
302 appropriate to accomplish the efficient transition of
303 responsibilities and the general purposes of this section and
304 ss. 255.249 and 255.25.

305 Section 4. Section 255.25, Florida Statutes, is amended to
306 read:

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

309 255.25 Competitive solicitation; exceptions.-

310 (1) The department shall utilize the competitive
311 solicitation process for leases of 5,000 square feet or greater
312 or shall acquire a minimum of 3 written quotes for leases exempt
313 from the competitive solicitation process pursuant to subsection
314 (2). The department shall follow the process as established in
315 rules for competitive solicitation authorized in s.
316 255.249(3)(b).

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

319 (a) Acquisition of a portion of space destroyed or rendered

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320 uninhabitable by an act of God, malicious destruction, fire,
321 structural failure, or legal action. The term of such emergency
322 acquisition shall be no longer than 18 months from the
323 commencement of the emergency lease acquired under this chapter.

324 (b) Leases for nominal or no consideration.

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

326 (3) The following leases shall be exempt from the
327 competitive solicitation process with written approval of the
328 department:

329 (a) Extensions of existing leases if the total of the
330 extensions from the original lease termination date does not
331 exceed 11 months.

332 (b) Emergency acquisition of space to replace a portion of
333 space destroyed or rendered uninhabitable by an act of God,
334 fire, malicious destruction, structural failure, or by legal
335 action. The term of such emergency acquisition may not exceed 11
336 months unless the original space will be made inhabitable within
337 17 months of the commencement of the emergency lease.

338 (c) Leases that demonstrate best leasing value and public
339 benefit through the colocation or consolidation of like public
340 services in partnership with municipal or other governmental
341 entities.

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

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

348 110.171 State employee telecommuting program.—

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349 (3) By September 30, 2009, each state agency shall identify
350 and maintain a current listing of the job classifications and
351 positions that the agency considers appropriate for
352 telecommuting. Agencies that adopt a state employee
353 telecommuting program must:

354 (m) Provide measurable financial benefits associated with
355 reduced office space requirements, reductions in energy
356 consumption, and reductions in associated emissions of
357 greenhouse gases resulting from telecommuting. State agencies
358 operating in office space owned or managed by the department
359 shall consult the facilities program to ensure its consistency
360 with the comprehensive ~~strategie~~ leasing report ~~plan~~ required
361 under s. 255.249 (2) ~~(3)(b)~~.

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

364 255.25001 Suspension or delay of specified functions,
365 programs, and requirements relating to governmental operations.-
366 Notwithstanding the provisions of:

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

372 (a) Procedures state agencies will follow to certify the
373 need for a lease-purchase acquisition for a state-owned office
374 building to the Department of Management Services and a
375 notification procedure of the department's decision regarding
376 state agencies' requests for a lease-purchase agreement. The
377 certification process shall include but not be limited to the

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378 following:

379 1. Current programmatic space requirements of the state
380 agency.

381 2. Future programmatic space requirements of the state
382 agency.

383 3. Time considerations in providing state-owned office
384 building space.

385 4. An analysis of existing leases affected by the lease-
386 purchase agreement.

387 (b) Procedures and document formats for the advertisement,
388 competitive bid process, including format of submissions, and
389 evaluation of lease-purchase acquisition proposals for state-
390 owned office buildings. The evaluation process shall include but
391 not be limited to the following:

392 1. A consideration of the cost of comparable operating
393 leases.

394 2. The appraised value of the facility as required by s.
395 253.025.

396 3. A present value analysis of the proposed payment stream.

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

398 5. The cost to repair identified physical defects.

399 6. The cost to remove identified hazardous substances.

400 7. An energy analysis.

401 8. A determination of who is responsible for management and
402 maintenance activities.

403

404 In order to minimize the cost of the evaluation process, the
405 Department of Management Services may develop a multistage
406 evaluation process to identify the most cost-efficient proposals

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407 for extensive evaluation. The studies developed as a result of
408 this evaluation process shall be considered confidential and
409 exempt from the provisions of s. 119.07(1) to the same extent
410 that appraisal reports are considered confidential and exempt
411 from the provisions of s. 119.07(1) as provided in s.
412 253.025(6) (d).

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

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

417 2. The ability of the acquiring state agency to sublease a
418 portion of the facility, not to exceed 25 percent, to other
419 governmental entities. These subleases shall provide for the
420 recovery of the agencies' cost of operations and maintenance.

421
422 The execution of a lease-purchase is conditioned upon a finding
423 by the Department of Management Services that it would be in the
424 best interests of the state. The language in this subsection
425 shall be considered specific authorization for a lease-purchase
426 ~~pursuant to s. 255.25(1)(c)~~ upon the Department of Management
427 Services' certification that the lease-purchase is in the best
428 interests of the state. Thereafter, the agency is authorized to
429 enter into a lease-purchase agreement and to expend operating
430 funds for lease-purchase payments. Any facility which is
431 acquired pursuant to the processes authorized by this subsection
432 shall be considered to be a "state-owned office building" and a
433 "state-owned building" as those terms are applied in ss.
434 255.248-255.25.

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

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436 by this subsection, including but not limited to appraisals,
437 environmental analyses, and any other studies which may be
438 required under these provisions, shall be borne by the owner of
439 the property which is the subject of the proposed lease-
440 purchase.

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

443 288.012 State of Florida foreign offices.—The Legislature
444 finds that the expansion of international trade and tourism is
445 vital to the overall health and growth of the economy of this
446 state. This expansion is hampered by the lack of technical and
447 business assistance, financial assistance, and information
448 services for businesses in this state. The Legislature finds
449 that these businesses could be assisted by providing these
450 services at State of Florida foreign offices. The Legislature
451 further finds that the accessibility and provision of services
452 at these offices can be enhanced through cooperative agreements
453 or strategic alliances between state entities, local entities,
454 foreign entities, and private businesses.

455 (4) The Office of Tourism, Trade, and Economic Development,
456 in connection with the establishment, operation, and management
457 of any of its offices located in a foreign country, is exempt
458 from the provisions of ss. 255.21, 255.249, 255.25, and 255.254
459 relating to leasing of buildings; ss. 283.33 and 283.35 relating
460 to bids for printing; ss. 287.001-287.20 relating to purchasing
461 and motor vehicles; and ss. 282.003-282.111 relating to
462 communications, and from all statutory provisions relating to
463 state employment.

464 (a) The Office of Tourism, Trade, and Economic Development

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465 may exercise such exemptions only upon prior approval of the
466 Governor.

467 (b) If approval for an exemption under this section is
468 granted as an integral part of a plan of operation for a
469 specified foreign office, such action shall constitute
470 continuing authority for the Office of Tourism, Trade, and
471 Economic Development to exercise the exemption, but only in the
472 context and upon the terms originally granted. Any modification
473 of the approved plan of operation with respect to an exemption
474 contained therein must be resubmitted to the Governor for his or
475 her approval. An approval granted to exercise an exemption in
476 any other context shall be restricted to the specific instance
477 for which the exemption is to be exercised.

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

480 (d) Upon final action by the Governor with respect to a
481 request to exercise the exemption authorized in this subsection,
482 the Office of Tourism, Trade, and Economic Development shall
483 report such action, along with the original request and any
484 modifications thereto, to the President of the Senate and the
485 Speaker of the House of Representatives within 30 days.

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

489 288.1224 Powers and duties.—The commission:

490 (9) Is authorized to establish and operate tourism offices
491 in foreign countries in the execution of its responsibilities
492 for promoting the development of tourism. To facilitate the
493 performance of these responsibilities, the commission is

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494 authorized to contract with the commission's direct-support
495 organization to establish and administer such offices. Where
496 feasible, appropriate, and recommended by the 4-year marketing
497 plan, the commission may collocate the programs of foreign
498 tourism offices in cooperation with any foreign office operated
499 by any agency of this state.

500 (b) The Florida Commission on Tourism, or its direct-
501 support organization, in connection with the establishment,
502 operation, and management of any of its tourism offices located
503 in a foreign country, is exempt from the provisions of ss.
504 255.21, 255.249, 255.25, and 255.254 relating to leasing of
505 buildings; ss. 283.33 and 283.35 relating to bids for printing;
506 ss. 287.001-287.20 relating to purchasing and motor vehicles;
507 and ss. 282.003-282.111 relating to communications, and from all
508 statutory provisions relating to state employment, if the laws,
509 administrative code, or business practices or customs of the
510 foreign country, or political or administrative subdivision
511 thereof, in which such office is located are in conflict with
512 these provisions.

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

516 288.1226 Florida Tourism Industry Marketing Corporation;
517 use of property; board of directors; duties; audit.—

518 (2) ESTABLISHMENT.—The Florida Commission on Tourism shall
519 establish, no later than July 31, 1996, the Florida Tourism
520 Industry Marketing Corporation as a direct-support organization:

521 (d) Which shall not be considered an agency for the
522 purposes of chapters 120, 216, and 287; ss. 255.21, 255.249,

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523 255.25, and 255.254, relating to leasing of buildings; ss.
524 283.33 and 283.35, relating to bids for printing; s. 215.31; and
525 parts I, II, and IV-VIII of chapter 112.

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

529 944.10 Department of Corrections to provide buildings; sale
530 and purchase of land; contracts to provide services and inmate
531 labor.—

532 (3) (a) The department may enter into lease-purchase
533 agreements to provide correctional facilities for the housing of
534 state inmates. However, no such lease-purchase agreement shall
535 be entered into without specific legislative authorization of
536 that agreement, and funds must be specifically appropriated for
537 each lease-purchase agreement. The facilities provided through
538 such agreements shall meet the program plans and specifications
539 of the department. The department may enter into such lease
540 agreements with private corporations and other governmental
541 entities. However, notwithstanding the provisions of ss. 255.249
542 and 255.25 ~~s. 255.25(3)(a)~~, no such lease agreement may be
543 entered into except upon advertisement for and receipt of
544 competitive bids and award to the lowest and best bidder.

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

548 957.04 Contract requirements.—

549 (2) Each contract entered into for the design and
550 construction of a private correctional facility or juvenile
551 commitment facility must include:

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552 (a) Notwithstanding any provision of chapter 255 to the
553 contrary, a specific provision authorizing the use of tax-exempt
554 financing through the issuance of tax-exempt bonds, certificates
555 of participation, lease-purchase agreements, or other tax-exempt
556 financing methods. Pursuant to ~~s. 255.25~~, Approval is hereby
557 provided for the lease-purchase of up to two private
558 correctional facilities and any other facility authorized by the
559 General Appropriations Act.

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

563 985.682 Siting of facilities; study; criteria.—

564 (15)

565 (b) Notwithstanding ss. 255.249, 255.25, ~~(1)(b)~~ and
566 255.25001~~(2)~~, the department may enter into lease-purchase
567 agreements to provide juvenile justice facilities for the
568 housing of committed youths contingent upon available funds. The
569 facilities provided through such agreements shall meet the
570 program plan and specifications of the department. The
571 department may enter into such lease agreements with private
572 corporations and other governmental entities. However,
573 notwithstanding the provisions of ss. 255.249 and 255.25 ~~s.~~
574 ~~255.25(3)(a)~~, no such lease agreement may be entered into except
575 upon advertisement for the receipt of competitive bids and award
576 to the lowest and best bidder except when contracting with other
577 governmental entities.

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

580 1013.17 University leasing in affiliated research and

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581 development park.—A university is exempt from the requirements
582 of ss. 255.249 and 255.25 ~~s. 255.25(3), (4), and (8)~~ when
583 leasing educational facilities in a research and development
584 park with which the university is affiliated and when the Board
585 of Governors certifies in writing that the leasing of such
586 educational facilities is in the best interests of the
587 university and that the exemption from competitive bid
588 requirements would not be detrimental to the state. Leases
589 entered into pursuant to this section are subject to the
590 provisions of s. 1010.62.

591 Section 14. Except as otherwise expressly provided in this
592 act, this act shall take effect July 1, 2009.