**By** the Policy and Steering Committee on Ways and Means; the Committee on General Government Appropriations; and Senator Baker

576-03747-10

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1 A bill to be entitled 2 An act relating to state-owned lands; amending s. 3 193.023, F.S.; requiring the property appraiser to 4 physically inspect any parcel of taxable or state-5 owned real property upon the request of the taxpayer 6 or owner; amending s. 193.085, F.S.; removing 7 provisions requiring the Department of Revenue to 8 notify property appraisers of state ownership of real 9 property; requiring local governments to notify 10 property appraisers of lands owned by the local government; amending s. 213.053, F.S.; authorizing the 11 12 Department of Revenue to disclose certain information 13 to the Department of Environmental Protection 14 regarding state-owned lands; amending s. 216.0152, 15 F.S.; requiring the Division of State Lands in the 16 Department of Environmental Protection rather than the 17 Department of Management Services to develop and 18 maintain an automated inventory of all facilities 19 owned, leased, rented, or otherwise occupied or 20 maintained by any agency of the state; requiring that 21 the facilities inventory data be provided to the 22 department on or before a specified date each year by 23 the owning or operating state agency; requiring the division to adopt rules; directing the department to 24 25 update its inventory with information concerning the 26 physical condition of facilities that have 3,000 27 square feet or more of usable space; requiring the 28 department to submit an annual report to the Governor 29 and Legislature which lists the state-owned real

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30	property recommended for disposition; amending s.
31	253.03, F.S.; requiring the Department of Revenue to
32	furnish, in electronic form, annual current tax roll
33	data for public lands to the Board of Trustees of the
34	Internal Improvement Trust Fund to be used in
35	compiling the inventory of public lands; requiring the
36	board to use tax roll data from the Department of
37	Revenue to assist in the identification and
38	confirmation of publicly held lands; amending s.
39	253.034, F.S.; removing provisions relating to an
40	inventory of public lands, including federal lands,
41	within the state; requiring that a building or parcel
42	of land be offered for lease to state agencies, state
43	universities, and community colleges before being
44	offered for lease, sublease, or sale to a local or
45	federal unit of government or a private party;
46	requiring that priority consideration for such a lease
47	be given to state universities and community colleges;
48	requiring that a state university or community college
49	submit a plan regarding the intended use of such
50	building or parcel of land for review and approval by
51	the Board of Trustees of the Internal Improvement
52	Trust Fund before approval of a lease; providing that
53	priority consideration be given to the University of
54	South Florida Polytechnic for the lease of vacant land
55	and buildings located at the G. Pierce Wood facility
56	in DeSoto County; providing for future expiration;
57	creating the comprehensive state-owned real property
58	system; directing the Department of Environmental

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59	Protection to create, administer, operate, and
60	maintain a comprehensive system for all state lands
61	and real property leased, owned, rented, or otherwise
62	occupied or maintained by any state agency or the
63	judicial branch; providing for a database of all real
64	property owned or leased by the state; requiring all
65	state agencies to enter required real property
66	information into the comprehensive state-owned real
67	property system; describing the principal objectives
68	of the comprehensive state-owned real property system;
69	setting forth the timeframes in which the department
70	must complete the comprehensive state-owned real
71	property system; requiring the department to report to
72	the Governor and Legislature by a specified date;
73	providing for an executive steering committee for
74	management of the comprehensive state-owned real
75	property system; describing the composition of the
76	executive steering committee; setting forth the
77	responsibilities of the executive steering committee;
78	creating a project management team to work under the
79	direction of the executive steering committee;
80	requiring the project management team to be headed by
81	a full-time project manager and to consist of senior
82	managers and personnel appointed by members of the
83	executive steering committee; setting forth the
84	responsibilities of the project management team;
85	providing an effective date.
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87 Be It Enacted by the Legislature of the State of Florida:

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88
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          Section 1. Subsection (2) of section 193.023, Florida
 90
     Statutes, is amended to read
 91
          193.023 Duties of the property appraiser in making
 92
     assessments.-
 93
          (2) In making his or her assessment of the value of real
 94
     property, the property appraiser is required to physically
95
     inspect the property at least once every 5 years. Where
96
     geographically suitable, and at the discretion of the property
97
     appraiser, the property appraiser may use image technology in
     lieu of physical inspection to ensure that the tax roll meets
98
99
     all the requirements of law. The Department of Revenue shall
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     establish minimum standards for the use of image technology
101
     consistent with standards developed by professionally recognized
102
     sources for mass appraisal of real property. However, the
103
     property appraiser shall physically inspect any parcel of
104
     taxable or state-owned real property upon the request of the
105
     taxpayer or owner.
          Section 2. Paragraph (a) of subsection (3) of section
106
107
     193.085, Florida Statutes, is amended to read:
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108

193.085 Listing all property.-

109 (3) (a) The department will coordinate with all other 110 departments of state government to ensure that the several property appraisers are properly notified annually of state 111 112 ownership of real property. The department shall promulgate 113 regulations to ensure that All forms of local government, 114 special taxing districts, multicounty districts, and 115 municipalities shall provide written annual notification to 116 properly notify annually the several property appraisers of any

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117	and all real property owned by any of them so that ownership of
118	all such property will be properly listed.
119	Section 3. Paragraph (z) is added to subsection (8) of
120	section 213.053, Florida Statutes, to read:
121	213.053 Confidentiality and information sharing
122	(8) Notwithstanding any other provision of this section,
123	the department may provide:
124	(z) Information relative to ss. 253.03(8) and 253.0325 to
125	the Department of Environmental Protection in the conduct of its
126	official business.
127	
128	Disclosure of information under this subsection shall be
129	pursuant to a written agreement between the executive director
130	and the agency. Such agencies, governmental or nongovernmental,
131	shall be bound by the same requirements of confidentiality as
132	the Department of Revenue. Breach of confidentiality is a
133	misdemeanor of the first degree, punishable as provided by s.
134	775.082 or s. 775.083.
135	Section 4. Section 216.0152, Florida Statutes, is amended
136	to read:
137	216.0152 Inventory of state-owned facilities or state-
138	occupied facilities
139	(1) The Division of State Lands in the Department of
140	Environmental Protection Management Services shall develop and
141	maintain an automated inventory of all facilities owned, leased,
142	rented, or otherwise occupied or maintained by any agency of the
143	state <u>,</u> <del>or by</del> the judicial branch <u>, or the water management</u>
144	districts, except those with less than 3,000 square feet. The
145	inventory data shall be provided by the owning or operating

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576-03747-10 20101516c2 146 agency and shall include the location, occupying agency, 147 ownership, size, condition assessment, valuations, operating costs, maintenance record, age, parking and employee facilities, 148 149 building uses, full-time equivalent occupancy, known restrictions or historic designations, including conservation 150 151 land status, leases or subleases, and associated revenues, and 152 other information as required in a rule adopted by the 153 department. The department shall use this data for determining 154 maintenance needs, conducting strategic analyses, including, but 155 not limited to, analyzing and identifying candidates for 156 surplus, valuation, and disposition, and life-cycle cost 157 evaluations of the facility. Inventory data shall be provided to the department on or before July 1 of each year by the owning or 158 159 operating agency in a format prescribed by the department. The 160 inventory need not include a condition assessment or maintenance 161 record of facilities not owned by a state agency, or by the 162 judicial branch, or a water management district. The term "facility," as used in this section, means buildings, 163 structures, and building systems, but does not include 164 165 transportation facilities of the state transportation system. 166 The Department of Transportation shall develop and maintain an 167 inventory of transportation facilities of the state transportation system. The Board of Governors of the State 168 169 University System and the Department of Education, respectively, 170 shall develop and maintain an inventory, in the manner 171 prescribed by the Department of Environmental Protection Management Services, of all state university and community 172 173 college facilities and shall make the data available in a format 174 acceptable to the Department of Environmental Protection

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175	Management Services. By March 15, 2011, the division shall adopt
176	rules pursuant to ss. 120.536 and 120.54 to administer this
177	section.
178	(2) For the purpose of assessing needed repairs and
179	renovations of facilities, the Department of Environmental
180	Protection Management Services shall update its inventory with
181	condition information for facilities of 3,000 square feet or
182	more and cause to be updated the other inventories required by
183	subsection (1) at least once every 5 years, but the inventories
184	shall record acquisitions of new facilities and significant
185	changes in existing facilities as they occur. The Department of
186	Environmental Protection Management Services shall provide each
187	agency and the judicial branch with the most recent inventory
188	applicable to that agency or to the judicial branch. Each agency
189	and the judicial branch shall, in the manner prescribed by the
190	Department of Environmental Protection Management Services,
191	report significant changes in the inventory as they occur. Items
192	relating to the condition and life-cycle cost of a facility
193	shall be updated at least every 5 years.
194	(3) By October 1, 2011, and annually thereafter, the
195	Division of State Lands in the Department of Environmental
196	Protection shall submit to the Governor, the President of the
197	Senate, and the Speaker of the House of Representatives a report
198	that lists the state-owned real property recommended for
199	disposition. The Department of Management Services shall, every
200	3 years, publish a complete report detailing this inventory and
201	shall publish an annual update of the report. The department

202 shall furnish the updated report to the Executive Office of the

203 Governor and the Legislature no later than September 15 of each

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205 Section 5. Subsection (8) of section 253.03, Florida 206 Statutes, is amended to read:

207 253.03 Board of trustees to administer state lands; lands 208 enumerated.-

209 (8) (a) The Board of Trustees of the Internal Improvement 210 Trust Fund shall prepare, using tax roll data provided by the 211 Department of Revenue, or the county property appraisers, an 212 annual inventory of all publicly owned lands within the state. 213 Such inventory shall include all lands owned by any unit of 214 state government or local government; by the Federal Government, 215 to the greatest extent possible; and by any other public entity. 216 The board shall submit a summary report of the inventory and a 217 list of major discrepancies between the inventory and the tax 218 roll data to the President of the Senate and the Speaker of the 219 House of Representatives on or before March 1 of each year.

220 (b) In addition to any other parcel data available, the 221 inventory shall include a legal description or proper reference 222 thereto, the number of acres or square feet within the 223 boundaries, and the assessed value of all publicly owned 224 uplands. To the greatest extent practicable, the legal 225 description or proper reference thereto and the number of acres 226 or square feet shall be determined for all publicly owned 227 submerged lands. For the purposes of this subsection, the term 228 "submerged lands" means publicly owned lands below the ordinary 229 high-water mark of fresh waters and below the mean high-water 230 line of salt waters extending seaward to the outer jurisdiction 231 of the state. By October 31 of each year, the Department of 232 Revenue shall furnish, in machine-readable form, annual, current

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compiling the inventory.

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233 tax roll data for public lands to the board to be used in

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235 (c) By September 30 of each year, the Department of Revenue 236 shall furnish to the board, in electronic form, the approved 237 preliminary tax roll data for public lands to be used in 238 compiling the inventory. By November 30 December 31 of each 239 year, the board shall prepare and provide to each state agency 240 and local government and any other public entity which holds title to real property, including any water management district, 241 242 drainage district, navigation district, or special taxing district, a list of the real property owned by such entity, 243 244 required to be listed on county assessment rolls, using tax roll 245 data provided by the Department of Revenue. By January March 31 246 of the following year, each such entity shall review its list 247 and inform the appropriate property appraiser of any corrections 248 to the list. The appropriate county property appraiser 249 Department of Revenue shall enter provide for entering such 250 corrections on the appropriate county tax roll.

251 (d) Whenever real property is listed on the real property 252 assessment rolls of the respective counties in the name of the 253 State of Florida or any of its agencies, the listing shall not 254 be changed in the absence of a recorded deed executed by the 255 State of Florida or the state agency in whose name the property 256 is listed. If, in preparing the assessment rolls, the several 257 property appraisers within the state become aware of the 258 existence of a recorded deed not executed by the state and 259 purporting to convey real property listed on the assessment 260 rolls as state-owned, the property appraiser shall immediately 261 forward a copy of the recorded deed to the state agency in whose

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262	name the property is listed.
263	(e) The board shall use tax roll data, which shall be
264	provided by the Department of Revenue, to assist in the
265	identification and confirmation of publicly held lands. Lands
266	that are held by the state or a water management district and
267	lands that are purchased by the state, a state agency, or a
268	water management district and that are deemed not essential or
269	necessary for conservation purposes are subject to review for
270	surplus sale.
271	Section 6. Subsections (8) and (16) of section 253.034,
272	Florida Statutes, are amended, and subsection (17) is added to
273	that section, to read:
274	253.034 State-owned lands; uses
275	(8)(a) Notwithstanding other provisions of this section,
276	the Division of State Lands is directed to prepare a state
277	inventory of all federal lands and all lands titled in the name
278	of the state, a state agency, a water management district, or a
279	local government on a county-by-county basis. To facilitate the
280	development of the state inventory, each county shall direct the
281	appropriate county office with authority over the information to
282	provide the division with a county inventory of all lands
283	identified as federal lands and lands titled in the name of the
284	state, a state agency, a water management district, or a local
285	government. The Legislature recognizes the value of the state's
286	conservation lands as water recharge areas and air filters and,
287	in an effort to better understand the scientific underpinnings
288	of carbon sequestration, carbon capture, and greenhouse gas
289	mitigation, to inform policymakers and decisionmakers, and to
290	provide the infrastructure for landowners, the Division of State

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576-03747-10 20101516c2 291 Lands shall contract with an organization experienced and 292 specialized in carbon sinks and emission budgets to conduct an 293 inventory of all lands that were acquired pursuant to 294 Preservation 2000 and Florida Forever and that were titled in 295 the name of the Board of Trustees of the Internal Improvement 296 Trust Fund. The inventory shall determine the value of carbon 297 capture and carbon sequestration. Such inventory shall consider 298 potential carbon offset values of changes in land management 299 practices, including, but not limited to, replanting of trees, routine prescribed burns, and land use conversion. Such an 300 301 inventory shall be completed and presented to the board of 302 trustees by July 1, 2009.

303 (b) The state inventory must distinguish between lands 304 purchased by the state or a water management district as part of 305 a core parcel or within original project boundaries, as those 306 terms are used to meet the surplus requirements of subsection 307 (6), and lands purchased by the state, a state agency, or a 308 water management district which are not essential or necessary 309 for conservation purposes.

310 (c) In any county having a population of 75,000 or fewer, 311 or a county having a population of 100,000 or fewer which is 312 contiguous to a county having a population of 75,000 or fewer, 313 in which more than 50 percent of the lands within the county 314 boundary are federal lands and lands titled in the name of the 315 state, a state agency, a water management district, or a local 316 government, those lands titled in the name of the state or a 317 state agency which are not essential or necessary to meet conservation purposes may, upon request of a public or private 318 entity, be made available for purchase through the state's 319

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320	surplusing process. Rights-of-way for existing, proposed, or
321	anticipated transportation facilities are exempt from the
322	requirements of this paragraph. Priority consideration shall be
323	given to buyers, public or private, willing to return the
324	property to productive use so long as the property can be
325	reentered onto the county ad valorem tax roll. Property acquired
326	with matching funds from a local government shall not be made
327	available for purchase without the consent of the local
328	government.
329	<u>(b)</u> (d) If state-owned lands are subject to annexation
330	procedures, the Division of State Lands must notify the county
331	legislative delegation of the county in which the land is
332	located.
333	(16) Before a building or parcel of land is offered for
334	lease, sublease, or sale to a local or federal unit of
335	government or a private party, it shall first be offered for
336	lease to state agencies <u>,</u> and state universities, <u>and community</u>
337	colleges, with priority consideration given to state
338	universities and community colleges. A state university or
339	community college must submit a plan for review and approval by
340	the Board of Trustees of the Internal Improvement Trust Fund
341	regarding the intended use of the building or parcel of land
342	before approval of a lease.
343	(17) Notwithstanding any other provision of this section,
344	the University of South Florida Polytechnic shall be given
345	priority consideration for the lease of vacant land and
346	buildings located at the G. Pierce Wood facility in DeSoto
347	County. This subsection expires July 1, 2012.
348	Section 7. Comprehensive state-owned real property system

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349	(1) The Department of Environmental Protection shall
350	create, administer, and maintain a comprehensive system for all
351	state lands and real property leased, owned, rented, and
352	otherwise occupied or maintained by any state agency, by the
353	judicial branch, and by any water management district. The
354	comprehensive state-owned real property system shall allow the
355	Board of Trustees of the Internal Improvement Trust Fund to
356	perform its statutory responsibilities and the Division of State
357	Lands, in the Department of Environmental Protection, to conduct
358	strategic analyses and prepare annual valuation and disposition
359	analyses and recommendations for all state real property assets.
360	(a) The comprehensive state-owned real property system must
361	contain a database that includes an accurate inventory of all
362	real property that is leased, owned, rented, occupied, or
363	managed by the state, the judicial branch, or the water
364	management districts.
365	(b) The Division of State Lands, in the Department of
366	Environmental Protection, shall be the statewide custodian of
367	the real property information and shall be accountable for its
368	accuracy.
369	(c) All state agencies and water management districts shall
370	enter required real property information according to rules
371	established by the Division of State Lands pursuant to s.
372	216.0152, Florida Statutes.
373	(2) The comprehensive state-owned real property system must
374	accomplish the following objectives:
375	(a) Eliminate the need for redundant state real property
376	information collection processes and state agency information
377	systems.

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378	(b) Reduce the need to lease or acquire additional real
379	property as a result of an annual surplus valuation,
380	utilization, and disposition analysis.
381	(c) Enable regional planning as a tool for cost-effective
382	buy, sell, and lease decisions.
383	(d) Increase state revenues and maximize operational
384	efficiencies by annually identifying those state-owned real
385	properties that are the best candidates for surplus or
386	disposition.
387	(e) Ensure all state real property is identified by
388	collaborating and integrating with the Department of Revenue
389	data as submitted by the county property appraisers.
390	(f) Implement required functionality and processes for
391	state agencies to electronically submit all applicable real
392	property information using a web browser application.
393	(3) The development of the comprehensive state-owned real
394	property system must be composed of the following implementation
395	timeframes and initial deliverables:
396	(a) By October 1, 2010, the Division of State Lands shall
397	submit a report to the Governor, the President of the Senate,
398	and the Speaker of the House of Representatives which identifies
399	and recommends state-owned real property for disposition. The
400	report shall include specific information that documents the
401	valuation and analysis process used to identify the specific
402	state-owned real property recommended for disposition.
403	(b) By November 1, 2010, the Department of Environmental
404	Protection shall submit an updated feasibility study for the
405	Lands Inventory Tracking System, to include in its scope the
406	comprehensive state-owned real property system. The feasibility

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407	study shall be submitted to the Governor, the President of the
408	Senate, and the Speaker of the House of Representatives.
409	(c) By February 1, 2011, the executive steering committee
410	shall complete the business process analysis and documentation
411	of both the detailed system requirements and the overall system
412	architecture and submit this information to the Governor, the
413	President of the Senate, and the Speaker of the House of
414	Representatives.
415	(d) By March 1, 2011, the facility inventory components of
416	the comprehensive state-owned real property system must be fully
417	operational.
418	(e) By September 1, 2012, the remaining real property and
419	land inventory components of the comprehensive state-owned real
420	property system must be fully operational.
421	(4) The Department of Environmental Protection shall
422	implement the project governance structure until such time as
423	the comprehensive state-owned real property system is
424	successfully completed, suspended, or terminated.
425	(5) The project sponsor for the comprehensive state-owned
426	real property system is the Secretary of Environmental
427	Protection.
428	(6) The project shall be governed by an executive steering
429	committee composed of the following voting members or their
430	designees:
431	(a) The Secretary of Environmental Protection, who shall
432	serve as chair of the committee.
433	(b) The executive director of the Department of Revenue.
434	(c) The director of the Division of State Lands in the
435	Department of Environmental Protection.

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436	(d) The Chief Financial Officer.
437	(e) A property appraiser appointed by the Florida
438	Association of Property Appraisers, Inc.
439	(f) A property appraiser appointed by the Property
440	Appraisers' Association of Florida, Inc.
441	(g) The executive director of the Agency for Enterprise
442	Information Technology.
443	(7) The executive steering committee shall take action by
444	majority vote of its members and has the overall management
445	responsibility for ensuring that the system meets the main
446	business objectives identified in subsection (1). The executive
447	steering committee is specifically responsible for:
448	(a) Providing management direction and support to the
449	project management team.
450	(b) Reviewing, approving, or disapproving project
451	deliverables and any changes to the project's scope, schedule,
452	<u>or costs.</u>
453	(c) Preparing an update to the feasibility study for the
454	Lands Inventory Tracking System, including the scope of the real
455	property system. The feasibility study shall include, but need
456	not be limited to, a description of the overall scope of the
457	comprehensive state-owned real property system. In determining
458	the overall scope, the study shall address whether a single,
459	comprehensive database of state-owned real property should
460	replace existing real property databases and whether the
461	comprehensive real property system should accept data from and
462	send data to existing databases. The feasibility study update
463	shall comply with the Schedule IV-B guidelines for the 2010-2011
464	fiscal year, published by the Technology Review Workgroup

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465	pursuant to s. 216.023, Florida Statutes.
466	1. At a minimum, the following database systems shall be
467	included in this review and analysis:
468	a. The Public Lands Inventory of the Department of
469	Environmental Protection, the statewide public lands inventory,
470	the Board of Trustees Land Document Systems, and the Lands
471	Information Tracking System.
472	b. The property tax rolls of the Department of Revenue.
473	c. The state facilities inventory of the Department of
474	Management Services.
475	d. The risk management database of the Department of
476	Financial Services.
477	2. Further functions must include:
478	a. Identification of the role and responsibilities of the
479	county property appraisers in a comprehensive system of state-
480	owned real property which includes the integration of their real
481	property data.
482	b. A description of the methods for maintaining and
483	updating the system and conducting strategic analyses, including
484	valuation and real property surplus or disposition analysis.
485	c. Specifications describing all functional and technical
486	requirements of the comprehensive system.
487	d. Reliable estimates of the initial and ongoing state and
488	local effort required to implement the comprehensive system of
489	state-owned real property.
490	e. Identification of the business processes that county
491	property appraisers and state agencies will use to keep the
492	comprehensive system data complete, current, and accurate.
493	f. Identification of state agency system usage requirements

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494	and responsibilities.
495	g. Cost-benefit analysis documenting the specific direct
496	and indirect costs, savings, and qualitative and quantitative
497	benefits involved in or resulting from the implementation of the
498	comprehensive state-owned real property system.
499	(d) Identifying and recommending to the Governor and the
500	chair of the House Full Appropriations Council on General
501	Government & Health Care and the chair of the Senate Policy and
502	Steering Committee on Ways and Means any fiscal and substantive
503	policy changes that are needed to implement and maintain the
504	comprehensive system as documented in the feasibility study.
505	(8) The project management team shall be established no
506	later than 30 days after this act becomes law and shall work
507	under the direction of the executive steering committee. A
508	memorandum of agreement between the Department of Environmental
509	Protection, the Department of Revenue, and the Department of
510	Financial Services may be executed to clearly define the roles
511	and responsibilities of the project management team. The project
512	management team must be headed by a full-time project manager
513	and consist of senior managers and personnel appointed by
514	members of the executive steering committee. The project
515	management team is responsible for:
516	(a) Providing daily planning, management, and
517	implementation resources and capabilities for the project.
518	(b) Developing an operational work plan for the project and
519	providing to the executive steering committee proposed updates
520	to the work plan whenever necessary. The plan must specify
521	project milestones, deliverables, a development and
522	implementation schedule, and expenditures necessary to achieve

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523	the main objectives identified in subsection (1).
524	(c) Submitting written monthly project status reports to
525	the executive steering committee which describe:
526	1. Planned project costs versus actual project costs.
527	2. Completion status of major milestones and deliverables
528	according to the project schedule.
529	3. Any issues requiring resolution, the proposed resolution
530	for the issues, and information regarding the status of the
531	resolution.
532	4. Specific risks that must be managed and methods for
533	their management.
534	5. Recommendations for necessary changes in the project's
535	scope, schedule, or costs. All recommendations must be reviewed
536	by project stakeholders before submission to the executive
537	steering committee in order to ensure that the recommendations
538	meet required acceptance criteria.
539	(d) Preparing the feasibility study required in subsection
540	(7) under the direction of the executive steering committee.
541	(e) Preparing project work plans and project status
542	reports, which shall also be provided to the Governor and the
543	chair of the House Full Appropriations Council on General
544	Government & Health Care and the chair of the Senate Policy and
545	Steering Committee on Ways and Means.
546	Section 8. This act shall take effect upon becoming a law.

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