



248012

LEGISLATIVE ACTION

Senate

House

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Floor: WD

04/24/2013 04:33 PM

Senator Hays moved the following:

Senate Amendment

Delete lines 1105 - 1205
and insert:

(1) The Legislature finds that it is in the best interest of the state to maximize the use of underused property by identifying such property and determines that such property should be used by another governmental entity before procuring additional facilities for governmental use.

(2) The Underused Property Maximization Program is created in the Department of Management Services to facilitate the efficient and cost-effective use of all facilities owned, leased, rented, or occupied by governmental entities. The



248012

14 department shall coordinate with the Department of Environmental
15 Protection to use the systems and inventories created pursuant
16 to s. 216.0152 and this section in order to comply with this
17 section.

18 (3) As used in this section, the term:

19 (a) "Facility" means buildings, structures, and building
20 systems, and includes ancillary plants, auxiliary facilities,
21 educational facilities, educational plants as defined in s.
22 1013.01, and schools as defined in s. 1003.01. The term does not
23 include transportation facilities of the state transportation
24 system, utility facilities, hospital facilities, or correctional
25 facilities.

26 (b) "Governmental entity" means a state agency as defined
27 in s. 216.011, the judicial branch, the water management
28 districts, a state university, a Florida College System
29 institution, a county, a county agency, a municipality, a
30 municipal agency, a special district as defined in s. 189.403, a
31 school district under s. 1001.30, the Florida School for the
32 Deaf and the Blind under s. 1000.04(3), the Florida Virtual
33 School under s. 1000.04(4), and a charter school under s.
34 1002.33.

35 (c) "Underused property" means any facility owned, leased,
36 rented, or otherwise occupied or maintained by a governmental
37 entity, in which office space that is not currently being used
38 or planned for future use is available, and includes entire
39 facilities, as well as underused square footage within a
40 facility. Current or future use does not include the use of
41 office space for storage purposes.

42 (4) By July 1, 2014:



248012

43 (a) Each governmental entity must conduct and complete an
44 inventory of all facilities owned or leased by the governmental
45 entity.

46 (b) The department shall create, administer, and maintain a
47 database to be used by each governmental entity to provide and
48 access information about underused property.

49 (5) By July 1, 2015, each governmental entity shall input
50 into the database, in a format prescribed by the department, the
51 following information relating to its underused property: the
52 location, occupying entity, ownership, size, condition
53 assessment, valuations, operating costs, maintenance record,
54 age, parking and employee facilities, building uses, full-time
55 equivalent occupancy, known restrictions or historic
56 designations, leases or subleases, and associated revenues.
57 Information that is confidential or otherwise exempt from public
58 disclosure under federal or state law may not be included in the
59 database. The entity shall update the required information
60 biannually.

61 (6) The Department of Management Services and the
62 Department of Environmental Protection shall, by October 1 of
63 each year, publish a complete report detailing the inventory of
64 underused properties of all governmental entities.

65 (7) When seeking to procure leased or owned facilities, a
66 governmental entity must first consult the inventory of
67 underused properties created under this section to determine if
68 an underused property of another governmental entity will
69 satisfy its facility needs.

70 (a) If the governmental entity seeking space determines
71 that underused property can meet its needs, it shall submit a



248012

72 business case to the governmental entity that owns or occupies
73 the underused property which provides, at a minimum, the
74 proposed use of the space, proposed renovation of the space, an
75 explanation of how the underused property meets the needs of the
76 governmental entity, and any proposed plan for purchasing or
77 leasing the underused property.

78 (b) The department shall provide suggested forms for
79 governmental entities to use in preparing a business case for
80 obtaining the underused property.

81 (c) If underused property has been identified and multiple
82 governmental entities are interested in obtaining such property,
83 preference shall be given to K-20 public educational uses over
84 other governmental or nonprofit uses.

85 (8) Disposition of underused property may be made by sale,
86 lease, or similar means as determined by the governmental entity
87 that owns or occupies the property.

88 (a) When evaluating disposition other than sale, the
89 evaluation must consider disposing of the property in a manner
90 that provides the greatest combination of benefits to the
91 general public and avoids uses that are contrary to the public
92 interest.

93 (b) A district school board as defined in s. 1003.01; a
94 board of trustees described in ss. 1001.60(3), 1001.71,
95 1002.36(4), and 1002.37(2); a governing board of a charter
96 school identified under s. 1002.33(7); or the governing body,
97 agency head, or other governing figure of each entity that owns
98 property must:

99 1. Hold a public hearing before deciding whether to dispose
100 of the property; and



248012

101 2. Make the final decision regarding whether to dispose of
102 the property based on received business plans.

103 (c) Grounds for deciding not to dispose of underused
104 property include suitability, zoning or use conflicts, mission
105 conflicts, compatibility issues, or a determination that the
106 property is not conducive to the proposed use.