



846066

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2013	.	
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	.	
	.	

The Committee on Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned facilities or state-occupied facilities.—

(1) The Department of Management Services shall develop and maintain an automated inventory of all facilities owned, leased, rented, or otherwise occupied or maintained by a state ~~any~~ agency ~~of the state~~, the judicial branch, or the water



846066

13 management districts. The inventory data shall be provided
14 annually by July 1 by the owning or operating agency in a format
15 prescribed by the department and must ~~shall~~ include the
16 location, occupying agency, ownership, size, condition
17 assessment, valuations, operating costs, maintenance record,
18 age, parking and employee facilities, building uses, full-time
19 equivalent occupancy, known restrictions or historic
20 designations, leases or subleases, associated revenues, and
21 other information as required by ~~in a~~ rule adopted by the
22 department. The department shall use this data for determining
23 maintenance needs, conducting strategic analyses, including, but
24 not limited to, analyzing and identifying candidates for
25 surplus, valuation, and disposition, and life-cycle cost
26 evaluations of the facility. ~~Inventory data shall be provided to~~
27 ~~the department on or before July 1 of each year by the owning or~~
28 ~~operating agency in a format prescribed by the department.~~ The
29 inventory need not include a condition assessment or maintenance
30 record of facilities not owned by a state agency, the judicial
31 branch, or a water management district. The term "facility," as
32 used in this section, means buildings, structures, and building
33 systems, but does not include transportation facilities of the
34 state transportation system.

35 (a) For reporting purposes, the Department of
36 Transportation shall develop and maintain an inventory of the
37 transportation facilities of the state transportation system.
38 The Department of Transportation shall also identify and dispose
39 of surplus property pursuant to ss. 337.25 and 339.04.

40 (b) The Board of Governors of the State University System
41 and the Department of Education, respectively, shall develop and



846066

42 maintain an inventory, in the manner prescribed by the
43 Department of Management Services, of all state university and
44 community college facilities and, by July 1 of each year,
45 provide this inventory shall ~~make the data available in a format~~
46 acceptable to the Department of Management Services. ~~By March~~
47 ~~15, 2011, the department shall adopt rules pursuant to ss.~~
48 ~~120.536 and 120.54 to administer this section.~~

49 ~~(2) For the purpose of assessing needed repairs and~~
50 ~~renovations of facilities, the Department of Management Services~~
51 ~~shall update its inventory with condition information for~~
52 ~~facilities of 3,000 square feet or more and cause to be updated~~
53 ~~the other inventories required by subsection (1) at least once~~
54 ~~every 5 years, but the inventories shall record acquisitions of~~
55 ~~new facilities and significant changes in existing facilities as~~
56 ~~they occur. The Department of Management Services shall provide~~
57 ~~each agency and the judicial branch with the most recent~~
58 ~~inventory applicable to that agency or to the judicial branch.~~
59 ~~Each agency and the judicial branch shall, in the manner~~
60 ~~prescribed by the Department of Management Services, report~~
61 ~~significant changes in the inventory as they occur. Items~~
62 ~~relating to the condition and life-cycle cost of a facility~~
63 ~~shall be updated at least every 5 years.~~

64 (2)(3) The Department of Management Services and the
65 Department of Environmental Protection shall, by October 1 of
66 each year, every 3 years, publish a complete report detailing
67 the ~~this~~ inventory of all state-owned facilities, including the
68 inventories of the Board of Governors of the State University
69 System, the Department of Education, and the Department of
70 Transportation, excluding the transportation facilities of the



846066

71 state transportation system. The annual report of state-owned
72 real property recommended for disposition required under s.
73 216.0153 must be included in this report and shall publish an
74 annual update of the report. The department shall furnish the
75 updated report to the Executive Office of the Governor and the
76 Legislature no later than September 15 of each year.

77 (3) An entity that is required to submit a report under
78 this section must also submit an inventory of all underused
79 property it owns, leases, rents, or otherwise occupies or
80 maintains to the Department of Management Services pursuant to
81 s. 255.46.

82 (4) The Department of Management Services shall adopt rules
83 to administer this section.

84 Section 2. Paragraph (b) of subsection (3) of section
85 216.043, Florida Statutes, is amended to read:

86 216.043 Budgets for fixed capital outlay.—

87 (3) Each legislative budget request for fixed capital
88 outlay submitted shall contain:

89 (b) A full explanation of the basis for each project,
90 including a description of the program which requires the
91 facility; an explanation of the inability of existing
92 facilities, or underused property as identified in s. 255.46, to
93 meet such requirements; historical background; alternatives; and
94 anticipated changes in operating costs, both initial and
95 continuing.

96 Section 3. Subsection (8) of section 253.031, Florida
97 Statutes, is amended to read:

98 253.031 Land office; custody of documents concerning land;
99 moneys; plats.—



846066

100 (8) The board shall keep a suitable seal of office. An
101 impression of this seal shall be made upon the deeds conveying
102 lands sold by the state, by the Board of Education, and by the
103 Board of Trustees of the Internal Improvement Trust Fund of this
104 state; and all such deeds shall be ~~personally~~ signed by the
105 ~~officers or trustees~~ or their agents as authorized under s.
106 253.431, making the same and impressed with the said seal and
107 are ~~shall be~~ operative and valid without witnesses to the
108 execution thereof; and the impression of such seal on any such
109 deeds entitles ~~shall entitle~~ the same to record and to be
110 received in evidence in all courts.

111 Section 4. Subsections (6) and (15) of section 253.034,
112 Florida Statutes, are amended to read:

113 253.034 State-owned lands; uses.-

114 (6) The Board of Trustees of the Internal Improvement Trust
115 Fund shall determine which lands, the title to which is vested
116 in the board, may be surplused. For conservation lands, the
117 board shall determine whether ~~make a determination that~~ the
118 lands are no longer needed for conservation purposes and may
119 dispose of them by an affirmative vote of at least three
120 members. In the case of a land exchange involving the
121 disposition of conservation lands, the board must determine by
122 an affirmative vote of at least three members that the exchange
123 will result in a net positive conservation benefit. For all
124 other lands, the board shall determine whether ~~make a~~
125 ~~determination that~~ the lands are no longer needed and may
126 dispose of them by an affirmative vote of at least three
127 members.

128 (a) For the purposes of this subsection, all lands acquired



846066

129 by the state before ~~prior to~~ July 1, 1999, using proceeds from
130 ~~the~~ Preservation 2000 bonds, the Conservation and Recreation
131 Lands Trust Fund, the Water Management Lands Trust Fund,
132 Environmentally Endangered Lands Program, and the Save Our Coast
133 Program and titled to the board, which ~~lands~~ are identified as
134 core parcels or within original project boundaries are, ~~shall be~~
135 deemed to have been acquired for conservation purposes.

136 (b) For any lands purchased by the state on or after July
137 1, 1999, before ~~a determination shall be made by the board prior~~
138 ~~to~~ acquisition, the board must determine which ~~as to those~~
139 parcels must ~~that shall~~ be designated as having been acquired
140 for conservation purposes. ~~No~~ Lands acquired for use by the
141 Department of Corrections, the Department of Management Services
142 for use as state offices, the Department of Transportation,
143 except those specifically managed for conservation or recreation
144 purposes, or the State University System or the Florida
145 Community College System may not ~~shall~~ be designated as having
146 been purchased for conservation purposes.

147 (c) At least every 10 years, as a component of each land
148 management plan or land use plan and in a form and manner
149 prescribed by rule by the board, each manager shall evaluate and
150 indicate to the board those lands that are not being used for
151 the purpose for which they were originally leased. For
152 conservation lands, the council shall review and ~~shall~~ recommend
153 to the board whether such lands should be retained in public
154 ownership or disposed of by the board. For nonconservation
155 lands, the division shall review such lands and ~~shall~~ recommend
156 to the board whether such lands should be retained in public
157 ownership or disposed of by the board.



846066

158 (d) Lands owned by the board which are not actively managed
159 by any state agency or for which a land management plan has not
160 been completed pursuant to subsection (5) must ~~shall~~ be reviewed
161 by the council or its successor for its recommendation as to
162 whether such lands should be disposed of by the board.

163 (e) Before ~~Prior to~~ any decision by the board to surplus
164 lands, the Acquisition and Restoration Council shall review and
165 make recommendations to the board concerning the request for
166 surplus. The council shall determine whether the request for
167 surplus is compatible with the resource values of and
168 management objectives for such lands.

169 (f) In reviewing lands owned by the board, the council
170 shall consider whether such lands would be more appropriately
171 owned or managed by the county or other unit of local government
172 in which the land is located. The council shall recommend to the
173 board whether a sale, lease, or other conveyance to a local
174 government would be in the best interests of the state and local
175 government. The provisions of this paragraph in no way limit the
176 provisions of ss. 253.111 and 253.115. Such lands shall be
177 offered to the state, county, or local government for a period
178 of 45 days. Permittable uses for such surplus lands may include
179 public schools; public libraries; fire or law enforcement
180 substations; governmental, judicial, or recreational centers;
181 and affordable housing meeting the criteria of s. 420.0004(3).
182 County or local government requests for surplus lands shall be
183 expedited throughout the surplus process. If the county or
184 local government does not elect to purchase such lands in
185 accordance with s. 253.111, ~~then~~ any surplus determination
186 involving other governmental agencies shall be made when ~~upon~~



846066

187 the board decides ~~deciding~~ the best public use of the lands.
188 Surplus properties in which governmental agencies have expressed
189 no interest must ~~shall~~ then be available for sale on the private
190 market.

191 (g)~~1.~~ The sale price of lands determined to be surplus
192 pursuant to this subsection and s. 253.82 shall be determined by
193 the division, which shall consider ~~and shall take into~~
194 ~~consideration~~ an appraisal of the property, or, if ~~when~~ the
195 estimated value of the land is \$500,000 or less ~~than \$100,000~~, a
196 comparable sales analysis or a broker's opinion of value. ~~If the~~
197 ~~appraisal referenced in this paragraph yields a value equal to~~
198 ~~or greater than \$1 million~~, The division, ~~in its sole~~
199 ~~discretion~~, may require a second appraisal. The individual or
200 entity that requests ~~requesting~~ to purchase the surplus parcel
201 shall pay all ~~appraisal~~ costs associated with determining the
202 property's value, if any.

203 1.2.a. A written valuation of land determined to be surplus
204 pursuant to this subsection and s. 253.82, and related documents
205 used to form the valuation or which pertain to the valuation,
206 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
207 I of the State Constitution.

208 a.b. The exemption expires 2 weeks before the contract or
209 agreement regarding the purchase, exchange, or disposal of the
210 surplus land is first considered for approval by the board.

211 b.e. Before ~~Prior to~~ expiration of the exemption, the
212 division may disclose confidential and exempt appraisals,
213 valuations, or valuation information regarding surplus land:

214 (I) During negotiations for the sale or exchange of the
215 land.



846066

216 (II) During the marketing effort or bidding process
217 associated with the sale, disposal, or exchange of the land to
218 facilitate closure of such effort or process.

219 (III) When the passage of time has made the conclusions of
220 value invalid.

221 (IV) When negotiations or marketing efforts concerning the
222 land are concluded.

223 ~~2.3.~~ A unit of government that acquires title to lands
224 hereunder for less than appraised value may not sell or transfer
225 title to all or any portion of the lands to any private owner
226 for ~~a period of~~ 10 years. Any unit of government seeking to
227 transfer or sell lands pursuant to this paragraph must ~~shall~~
228 first allow the board of trustees to reacquire such lands for
229 the price at which the board sold such lands.

230 (h) Parcels with an estimated value over \$500,000 must be
231 initially offered for sale by competitive bid. The division may
232 use agents, as authorized by s. 253.431, for this process. Any
233 parcels unsuccessfully offered for sale by competitive bid, and
234 parcels with a estimated value of \$500,000 or less, may be sold
235 by any reasonable means, including procuring real estate
236 services, open or exclusive listings, competitive bid, auction,
237 negotiated direct sales, or other appropriate services, to
238 facilitate the sale.

239 (i) ~~(h)~~ After reviewing the recommendations of the council,
240 the board shall determine whether lands identified for surplus
241 are to be held for other public purposes or ~~whether such lands~~
242 are no longer needed. The board may require an agency to release
243 its interest in such lands. A state ~~For an~~ agency, county, or
244 local government that has requested the use of a property that



846066

245 was to be declared as surplus, ~~said agency~~ must secure ~~have~~ the
246 property under lease within 90 days after being notified that it
247 may use such property ~~6 months of the date of expiration of the~~
248 ~~notice provisions required under this subsection and s. 253.111.~~

249 (j) ~~(i)~~ Requests for surplusizing may be made by any public or
250 private entity or person. All requests shall be submitted to the
251 lead managing agency for review and recommendation to the
252 council or its successor. Lead managing agencies ~~shall~~ have 90
253 days to review such requests and make recommendations. Any
254 surplusizing requests that have not been acted upon within the 90-
255 day time period shall be immediately scheduled for hearing at
256 the next regularly scheduled meeting of the council or its
257 successor. Requests for surplusizing pursuant to this paragraph
258 are ~~shall~~ not ~~be~~ required to be offered to local or state
259 governments as provided in paragraph (f).

260 (k) ~~(j)~~ Proceeds from any sale of surplus lands pursuant to
261 this subsection shall be deposited into the fund from which such
262 lands were acquired. However, if the fund from which the lands
263 were originally acquired no longer exists, such proceeds shall
264 be deposited into an appropriate account to be used for land
265 management by the lead managing agency assigned the lands before
266 ~~prior to~~ the lands were ~~being~~ declared surplus. Funds received
267 from the sale of surplus nonconservation lands, or lands that
268 were acquired by gift, by donation, or for no consideration,
269 shall be deposited into the Internal Improvement Trust Fund.

270 (l) ~~(k)~~ Notwithstanding ~~the provisions of~~ this subsection,
271 ~~no~~ such disposition of land may not ~~shall~~ be made if it ~~such~~
272 ~~disposition~~ would have the effect of causing all or any portion
273 of the interest on any revenue bonds issued to lose the



846066

274 exclusion from gross income for federal income tax purposes.

275 (m) ~~(l)~~ The sale of filled, formerly submerged land that
276 does not exceed 5 acres in area is not subject to review by the
277 council or its successor.

278 (n) ~~(m)~~ The board may adopt rules to administer ~~implement~~
279 ~~the provisions of~~ this section, which may include procedures for
280 administering surplus land requests and criteria for when the
281 division may approve requests to surplus nonconservation lands
282 on behalf of the board.

283 (15) Before a building or parcel of land is offered for
284 lease, ~~sublease,~~ or sale to a local or federal unit of
285 government or a private party, it must ~~shall~~ first be offered
286 for lease to state agencies, state universities, and Florida
287 College System institutions ~~community colleges~~, with priority
288 consideration given to state universities and Florida College
289 System institutions ~~community colleges~~.

290 (a) Within 60 days after the offer for lease of a surplus
291 building or parcel:

292 1. A state university or Florida College System institution
293 that requests the lease ~~community college~~ must submit a plan for
294 review and approval by the Board of Trustees of the Internal
295 Improvement Trust Fund regarding the intended use, including
296 future use, of the building or parcel of land before approval of
297 a lease.

298 2. A state agency that requests the lease of a surplus
299 building or parcel must submit a plan for review and approval by
300 the board of trustees regarding the intended use. The state
301 agency plan must, at a minimum, include the proposed use of the
302 facility or parcel, the estimated cost of renovation, a capital



846066

303 improvement plan for the building, and evidence that the
304 building or parcel meets an existing need that cannot be
305 otherwise met, and other criteria developed by rule by the board
306 of trustees.

307
308 The board of trustees or its designee shall compare the
309 estimated value of the building or parcel to any submitted plan
310 to determine if the lease or sale is in the best interest of the
311 state.

312 (b) The board of trustees shall adopt rules to administer
313 this subsection.

314 Section 5. Section 255.248, Florida Statutes, is amended to
315 read:

316 255.248 Definitions; ~~ss. 255.249 and 255.25.~~—As used in
317 this section and ss. 255.249-255.25 ~~255.249 and 255.25~~, the
318 term:

319 (1) "Best leasing value" means the highest overall value to
320 the state based on objective factors that include, but are not
321 limited to, rental rate, renewal rate, operational and
322 maintenance costs, tenant-improvement allowance, location, lease
323 term, condition of facility, landlord responsibility, amenities,
324 and parking.

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

327 (3) "Department" means the Department of Management
328 Services.

329 (4) "Managing agency" means an agency that serves as the
330 title entity or that leases property from the Board of Trustees
331 of the Internal Improvement Trust Fund for the operation and



846066

332 maintenance of a state-owned office building.

333 (5)~~(4)~~ "Privately owned building" means any building not
334 owned by a governmental agency.

335 (6)~~(5)~~ "Responsible lessor" means a lessor that ~~who~~ has the
336 capability in all respects to fully perform the contract
337 requirements and the integrity and reliability that will assure
338 good faith performance.

339 (7)~~(6)~~ "Responsive bid," "responsive proposal," or
340 "responsive reply" means a bid or proposal, or reply submitted
341 by a responsive and responsible lessor, which conforms in all
342 material respects to the solicitation.

343 (8)~~(7)~~ "Responsive lessor" means a lessor that has
344 submitted a bid, proposal, or reply that conforms in all
345 material respects to the solicitation.

346 (9)~~(8)~~ "State-owned office building" means any building
347 whose title ~~to which~~ is vested in the state and which is used by
348 one or more executive agencies predominantly for administrative
349 direction and support functions. The ~~This~~ term excludes:

350 (a) District or area offices established for field
351 operations where law enforcement, military, inspections, road
352 operations, or tourist welcoming functions are performed.

353 (b) All educational facilities and institutions under the
354 supervision of the Department of Education.

355 (c) All custodial facilities and institutions used
356 primarily for the care, custody, or treatment of wards of the
357 state.

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

359 (e) Buildings purchased or constructed from agricultural or
360 citrus trust funds.



846066

361 (10) "Tenant broker" means a private real estate broker or
362 brokerage firm licensed to do business in this state and under
363 contract with the department to provide real estate transaction,
364 portfolio management, and strategic planning services for state
365 agencies.

366 Section 6. Section 255.249, Florida Statutes, is amended to
367 read:

368 255.249 Department of Management Services; responsibility;
369 department rules.—

370 (1) The department shall have responsibility and authority
371 for the operation, custodial care, and preventive maintenance,
372 repair, alteration, modification, and allocation of space for ~~of~~
373 all buildings in the Florida Facilities Pool and adjacent the
374 grounds located adjacent thereto.

375 (2) A state agency may not lease space in a private
376 building that is to be constructed for state use without first
377 obtaining prior approval of the architectural design and
378 preliminary construction from the department.

379 (3)-(2) The department shall require a any state agency
380 planning to terminate a lease for the purpose of occupying space
381 in a new state-owned office building, ~~the funds for which are~~
382 ~~appropriated after June 30, 2000,~~ to state why the proposed
383 relocation is in the best interest of the state.

384 (4)-(3)-(a) An agency that intends to terminate a lease of
385 privately owned space before the expiration of its base term,
386 must notify the department 90 days before the termination. The
387 department shall, to the extent feasible, coordinate the
388 vacation of privately owned leased space with the expiration of
389 the lease on that space and, when a lease is terminated before



846066

390 expiration of its base term, will make a reasonable effort to
391 place another state agency in the space vacated. A ~~Any~~ state
392 agency may lease the space in any building that was subject to a
393 lease terminated by a state agency for a period of time equal to
394 the remainder of the base term without ~~the requirement of~~
395 competitive solicitation.

396 (5) The department may direct a state agency to occupy, or
397 relocate to, space in any state-owned office building, including
398 all state-owned space identified in the Florida State-Owned
399 Lands and Records Information System managed by the Department
400 of Environmental Protection. The Department of Legal Affairs,
401 the Department of Agriculture and Consumer Services, and the
402 Department of Financial Services are exempted from this
403 subsection; however, the exempted departments may elect to
404 comply with this subsection in whole or in part.

405 (6) ~~(b)~~ The department shall develop and implement a
406 strategic leasing plan. The strategic leasing plan must ~~shall~~
407 forecast space needs for all state agencies and identify
408 opportunities for reducing costs through consolidation,
409 relocation, reconfiguration, capital investment, and the
410 renovation, building, or acquisition of state-owned space.

411 (7) ~~(e)~~ The department shall annually publish a master
412 leasing report that includes the strategic leasing plan created
413 under subsection (6). The department shall annually submit
414 ~~furnish~~ the ~~master~~ leasing report to the Executive Office of the
415 Governor and the Legislature by October 1. The report must
416 provide September 15 of each year which provides the following
417 information:

418 (a) ~~1.~~ A list, by agency and by geographic market, of all



846066

419 leases that are due to expire within 24 months.

420 (b)2. Details of each lease, including location, size, cost
421 per leased square foot, lease-expiration date, and a
422 determination of whether sufficient state-owned office space
423 will be available at the expiration of the lease to accommodate
424 affected employees.

425 (c)3. A list of amendments and supplements to and waivers
426 of terms and conditions in lease agreements that have been
427 approved pursuant to s. 255.25(2)~~(a)~~ during the previous 12
428 months and an associated comprehensive analysis, including
429 financial implications, showing that any amendment, supplement,
430 or waiver is in the state's long-term best interest.

431 (d)4. Financial impacts to the Florida Facilities Pool
432 rental rate due to the sale, removal, acquisition, or
433 construction of pool facilities.

434 (e)5. Changes in occupancy rate, maintenance costs, and
435 efficiency costs of leases in the state portfolio. Changes to
436 occupancy costs in leased space by market and changes to space
437 consumption by agency and by market.

438 (f)6. An analysis of portfolio supply and demand.

439 (g)7. Cost-benefit analyses of acquisition, build, and
440 consolidation opportunities, recommendations for strategic
441 consolidation, and strategic recommendations for disposition,
442 acquisition, and building.

443 (h) Recommendations for using capital improvement funds to
444 implement the consolidation of state agencies into state-owned
445 office buildings.

446 (i)8. The updated plan required by s. 255.25(4)(c).

447 (8)4. Annually, by June 30: ~~of each year,~~



846066

448 (a) Each state agency shall annually provide to the
449 department all information regarding agency programs affecting
450 the need for or use of space by that agency, reviews of lease-
451 expiration schedules for each geographic area, active and
452 planned full-time equivalent data, business case analyses
453 related to consolidation plans by an agency, a telework program
454 under s. 110.171, and current occupancy and relocation costs,
455 inclusive of furnishings, fixtures and equipment, data, and
456 communications. State agencies may use the services of a tenant
457 broker in preparing this information.

458 (b) The title entity or managing agency shall report to the
459 department any vacant or underused space for all state-owned
460 office buildings and any restrictions that apply to any other
461 agency occupying the vacant or underused space. The title entity
462 or managing agency shall also notify the department of any
463 significant changes to its occupancy for the coming fiscal year.
464 The Department of Legal Affairs, the Department of Agriculture
465 and Consumer Services, and the Department of Financial Services
466 are exempted from this subsection; however, the exempted
467 departments may elect to comply with this subsection in whole or
468 in part.

469 (9)(4) The department shall adopt rules ~~pursuant to chapter~~
470 120 providing:

471 (a) Methods for accomplishing the duties outlined in
472 subsection (1).

473 (b) Procedures for soliciting and accepting competitive
474 solicitations for leased space of 5,000 square feet or more in
475 privately owned buildings, for evaluating ~~the~~ proposals
476 received, for exemption from competitive solicitations



846066

477 requirements of any lease for the purpose of which is the
478 provision of care and living space for persons or emergency
479 space needs as provided in s. 255.25(10), and for ~~the~~ securing
480 ~~of~~ at least three documented quotes for a lease that is not
481 required to be competitively solicited.

482 (c) A standard method for determining square footage or any
483 other measurement used as the basis for lease payments or other
484 charges.

485 (d) Methods of allocating space in both state-owned office
486 buildings and privately owned buildings leased by the state
487 based on use, personnel, and office equipment.

488 (e) ~~1.~~ Acceptable terms and conditions for inclusion in
489 lease agreements.

490 ~~2.~~ At a minimum, such terms and conditions must shall
491 include, ~~at a minimum,~~ the following clauses, which may not be
492 amended, supplemented, or waived:

493 ~~1.a.~~ As provided in s. 255.2502, "The State of Florida's
494 performance and obligation to pay under this contract is
495 contingent upon an annual appropriation by the Legislature."

496 ~~2.b.~~ "The lessee has ~~shall have~~ the right to terminate this
497 lease, without penalty, if this lease in the event a state-owned
498 building becomes available to the lessee for occupancy and the
499 lessee has given ~~upon giving~~ 6 months' advance written notice to
500 the lessor by certified mail, return receipt requested."

501 ~~(f) Maximum rental rates, by geographic areas or by county,~~
502 ~~for leasing privately owned space.~~

503 ~~(f)(g)~~ A standard method for the assessment of rent to
504 state agencies and other authorized occupants of state-owned
505 office space, notwithstanding the source of funds.



846066

506 (g)~~(h)~~ For full disclosure of the names and the extent of
507 interest of the owners holding a 4-percent or more interest in
508 ~~any~~ privately owned property leased to the state or in the
509 entity holding title to the property, for exemption from such
510 disclosure of any beneficial interest that ~~which~~ is represented
511 by stock in a ~~any~~ corporation registered with the Securities and
512 Exchange Commission or registered pursuant to chapter 517, which
513 ~~stock~~ is for sale to the general public, and for exemption from
514 such disclosure of any leasehold interest in property located
515 outside the territorial boundaries of the United States.

516 (h)~~(i)~~ For full disclosure of the names of all public
517 officials, agents, or employees holding any interest in any
518 privately owned property leased to the state or in the entity
519 holding title to the property, and the nature and extent of
520 their interest, for exemption from such disclosure of any
521 beneficial interest that ~~which~~ is represented by stock in any
522 corporation registered with the Securities and Exchange
523 Commission or registered pursuant to chapter 517, which ~~stock~~ is
524 for sale to the general public, and for exemption from such
525 disclosure of any leasehold interest in property located outside
526 the territorial boundaries of the United States.

527 (i)~~(j)~~ A method for reporting leases for nominal or no
528 consideration.

529 (j)~~(k)~~ For a lease of less than 5,000 square feet, a method
530 for certification by the agency head or the agency head's
531 designated representative that all criteria for leasing have
532 been fully complied with and for ~~the~~ filing ~~of~~ a copy of such
533 lease and all supporting documents with the department for its
534 review and approval as to technical sufficiency and whether it



846066

535 is in the best interests of the state.

536 ~~(k)(1)~~ A standardized format for state agency reporting of
537 the information required by paragraph (8)(a) ~~(3)(d)~~.

538 ~~(10)(5)~~ The department shall prepare a form listing all
539 conditions and requirements adopted pursuant to this chapter
540 which must be met by any state agency leasing any building or
541 part thereof. Before executing any lease, this form must ~~shall~~
542 be certified by the agency head or the agency head's designated
543 representative and submitted to the department.

544 ~~(11)(6)~~ The department may contract for real estate
545 consulting or tenant brokerage services in order to carry out
546 its duties relating to the strategic leasing plan under
547 subsection (6). The contract must ~~shall~~ be procured pursuant to
548 s. 287.057. The vendor ~~vendor that is~~ awarded the contract shall
549 be compensated ~~by the department~~, subject to the provisions of
550 the contract, and such compensation is subject to appropriation
551 by the Legislature. A ~~The~~ real estate consultant or tenant
552 broker may not receive compensation directly from a lessor for
553 services that are rendered pursuant to the contract. Moneys paid
554 by a lessor to the department under a facility-leasing
555 arrangement are not subject to the charges imposed under s.
556 215.20.

557 Section 7. Section 255.25, Florida Statutes, is amended to
558 read:

559 255.25 Approval required before ~~prior to~~ construction or
560 lease of buildings.—

561 ~~(1)(a) A state agency may not lease space in a private~~
562 ~~building that is to be constructed for state use unless prior~~
563 ~~approval of the architectural design and preliminary~~



846066

564 ~~construction plans is first obtained from the department.~~

565 ~~(b)~~ During the term of existing leases, each agency shall
566 consult with the department regarding opportunities for
567 consolidation, use of state-owned space, build-to-suit space,
568 and potential acquisitions; shall monitor market conditions; and
569 shall initiate a competitive solicitation or, if appropriate,
570 lease-renewal negotiations for each lease held in the private
571 sector to effect the best overall lease terms reasonably
572 available to that agency.

573 (a) Amendments to leases may be permitted to modify any
574 lease provisions or ~~any~~ other terms or conditions unless, ~~except~~
575 ~~to the extent~~ specifically prohibited under ~~by~~ this chapter.

576 (b) The department shall serve as a mediator in lease-
577 renewal negotiations if the agency and the lessor are unable to
578 reach a compromise within 6 months after renegotiation and if
579 ~~either~~ the agency or lessor requests intervention by the
580 department.

581 (c) ~~If~~ When specifically authorized by the General
582 Appropriations Act, and in accordance with s. 255.2501, if
583 applicable, the department may approve a lease-purchase, sale-
584 leaseback, or tax-exempt leveraged lease contract or other
585 financing technique for the acquisition, renovation, or
586 construction of a state fixed capital outlay project if ~~when~~ it
587 is in the best interest of the state.

588 (2) ~~(a)~~ Except as provided in ss. 255.249 and ~~s.~~ 255.2501, a
589 state agency may not lease a building or any part thereof unless
590 prior approval of the lease conditions and of the need for the
591 lease ~~therefor~~ is first obtained from the department. An ~~Any~~
592 approved lease may include an option to purchase or an option to



846066

593 renew the lease, or both, upon such terms and conditions as are
594 established by the department, subject to final approval by the
595 head of the department ~~of Management Services~~ and s. 255.2502.
596 (a) ~~(b)~~ For the lease of less than 5,000 square feet of
597 space, including space leased for nominal or no consideration, a
598 state agency must notify the department at least 90 ~~30~~ days
599 before the execution of the lease. The department shall review
600 the lease and determine whether suitable space is available in a
601 state-owned or state-leased building located in the same
602 geographic region. If the department determines that space is
603 not available, the department shall determine whether the state
604 agency lease is in the best interests of the state. If the
605 department determines that the execution of the lease is not in
606 the best interests of the state, the department shall notify the
607 agency proposing the lease, the Governor, the President of the
608 Senate, and the Speaker of the House of Representatives ~~and the~~
609 ~~presiding officers of each house of the Legislature~~ of such
610 finding in writing. A lease that is for a term extending beyond
611 the end of a fiscal year is subject to ~~the provisions of~~ ss.
612 216.311, 255.2502, and 255.2503.
613 (b) ~~(c)~~ The department shall adopt ~~as a rule~~ uniform leasing
614 procedures by rule for use by each state agency ~~other than the~~
615 ~~Department of Transportation~~. Each state agency shall ensure
616 that the leasing practices of that agency are in substantial
617 compliance with the uniform leasing rules adopted under this
618 section and ss. 255.249, 255.2502, and 255.2503.
619 (c) ~~(d)~~ ~~Notwithstanding paragraph (a) and except as provided~~
620 ~~in ss. 255.249 and 255.2501, a state agency may not lease a~~
621 ~~building or any part thereof unless prior approval of the lease~~



846066

622 ~~terms and conditions and of the need therefor is first obtained~~
623 ~~from the department.~~ The department may not approve any term or
624 condition in a lease agreement which has been amended,
625 supplemented, or waived unless a comprehensive analysis,
626 including financial implications, demonstrates that such
627 amendment, supplement, or waiver is in the state's long-term
628 best interest. An ~~Any~~ approved lease may include an option to
629 purchase or an option to renew the lease, or both, upon such
630 terms and conditions as are established by the department,
631 subject to final approval by the head of the department, ~~of~~
632 ~~Management Services~~ and the provisions of s. 255.2502.

633 (3) (a) Except as provided in subsection (10), a state
634 agency may not enter into a lease as lessee for the use of 5,000
635 square feet or more of space in a privately owned building
636 except upon advertisement for and receipt of competitive
637 solicitations.

638 1.a. An invitation to bid must ~~shall~~ be made available
639 simultaneously to all lessors and ~~must~~ include a detailed
640 description of the space sought; the time and date for the
641 receipt of bids and of the public opening; and all contractual
642 terms and conditions applicable to the procurement, including
643 the criteria to be used in determining the acceptability of the
644 bid. If the agency contemplates renewing ~~renewal of~~ the
645 contract, that fact must be stated in the invitation to bid. The
646 bid must include the price for each year for which the contract
647 may be renewed. Evaluation of bids must ~~shall~~ include
648 consideration of the total cost for each year as submitted by
649 the lessor. Criteria that were not set forth in the invitation
650 to bid may not be used in determining the acceptability of the



846066

651 bid.

652 b. The contract shall be awarded with reasonable promptness
653 by written notice to the responsible and responsive lessor that
654 submits the lowest responsive bid. The contract file must
655 contain a written determination that the bid meets ~~This bid must~~
656 ~~be determined in writing to meet~~ the requirements and criteria
657 set forth in the invitation to bid.

658 2.a. If an agency determines in writing that the use of an
659 invitation to bid is not practicable, leased space shall be
660 procured by competitive sealed proposals. A request for
661 proposals shall be made available simultaneously to all lessors
662 and must include a statement of the space sought; the time and
663 date for the receipt of proposals and of the public opening; and
664 all contractual terms and conditions applicable to the
665 procurement, including the criteria, which must include, but
666 need not be limited to, price, to be used in determining the
667 acceptability of the proposal. The relative importance of price
668 and other evaluation criteria must ~~shall~~ be indicated. If the
669 agency contemplates renewing ~~renewal~~ of the contract, that fact
670 must be stated in the request for proposals. The proposal must
671 include the price for each year for which the contract may be
672 renewed. Evaluation of proposals must ~~shall~~ include
673 consideration of the total cost for each year as submitted by
674 the lessor.

675 b. The contract shall be awarded to the responsible and
676 responsive lessor whose proposal is determined in writing to be
677 the most advantageous to the state, taking into consideration
678 the price and the other criteria set forth in the request for
679 proposals. The contract file must contain documentation



846066

680 supporting the basis on which the award is made.

681 3.a. If the agency determines in writing that the use of an
682 invitation to bid or a request for proposals will not result in
683 the best leasing value to the state, the agency may procure
684 leased space by competitive sealed replies. The agency's written
685 determination must specify reasons ~~that explain~~ why negotiation
686 may be necessary in order for the state to achieve the best
687 leasing value and must be approved in writing by the agency head
688 or his or her designee before ~~prior to the~~ advertisement of an
689 invitation to negotiate. Cost savings related to the agency
690 procurement process are not sufficient justification for using
691 an invitation to negotiate. An invitation to negotiate shall be
692 made available to all lessors simultaneously and must include a
693 statement of the space sought; the time and date for the receipt
694 of replies and of the public opening; and all terms and
695 conditions applicable to the procurement, including the criteria
696 to be used in determining the acceptability of the reply. If the
697 agency contemplates renewing ~~renewal of~~ the contract, that fact
698 must be stated in the invitation to negotiate. The reply must
699 include the price for each year for which the contract may be
700 renewed.

701 b. The agency shall evaluate and rank responsive replies
702 against all evaluation criteria set forth in the invitation to
703 negotiate and ~~shall~~ select, based on the ranking, one or more
704 lessors with which to commence negotiations. After negotiations
705 are conducted, the agency shall award the contract to the
706 responsible and responsive lessor that the agency determines
707 will provide the best leasing value to the state. The contract
708 file must contain a short, plain statement that explains the



846066

709 basis for lessor selection and sets forth the lessor's
710 deliverables and price pursuant to the contract, and an
711 explanation of how these deliverables and price provide the best
712 leasing value to the state.

713 (b) The department ~~of Management Services~~ shall have the
714 authority to approve a lease for 5,000 square feet or more of
715 space which that covers more than 12 consecutive months ~~1 fiscal~~
716 ~~year,~~ subject to ~~the provisions of~~ ss. 216.311, 255.2501,
717 255.2502, and 255.2503, if such lease is, in the judgment of the
718 department, in the best interests of the state. In determining
719 best interest, the department shall consider availability of
720 state-owned space and analyses of build-to-suit and acquisition
721 opportunities. This paragraph does not apply to buildings or
722 facilities of any size leased for the purpose of providing care
723 and living space to individuals ~~for persons~~.

724 (c) The department may approve extensions of an existing
725 lease of 5,000 square feet or more of space if such extensions
726 are determined to be in the best interests of the state;
727 however, but in no case shall the total of such extensions may
728 not exceed 11 months. If at the end of the 11th month an agency
729 still needs that space, it must ~~shall~~ be procured by competitive
730 bid in accordance with s. 255.249(9)(b) ~~255.249(4)(b)~~. However:

731 1. If the Department of Agriculture and Consumer Services,
732 the Department of Financial Services, or the Department of Legal
733 Affairs ~~an agency that~~ determines that it is in its best
734 interest to remain in the space it currently occupies, it may
735 negotiate a replacement lease with the lessor if an independent
736 comparative market analysis demonstrates that the rates offered
737 are within market rates for the space and the cost of the new



846066

738 lease does not exceed the cost of a comparable lease plus
739 documented moving costs. A present-value analysis and the
740 consumer price index shall be used in the calculation of lease
741 costs. The term of the replacement lease may not exceed the base
742 term of the expiring lease.

743 2. For those agencies for which the department may approve
744 lease actions, the department may approve a replacement lease
745 with a lessor for an agency to remain in the space it currently
746 occupies if, in the judgment of the department, such lease is in
747 the best interests of the state. In determining best interest,
748 the department shall consider the availability of state-owned
749 space and an analyses of build-to-suit and acquisition
750 opportunities. The term of the replacement lease may not exceed
751 the base term of the expiring lease.

752 (d) Any person who files an action protesting a decision or
753 intended decision pertaining to a competitive solicitation for
754 space to be leased by the agency pursuant to s. 120.57(3)(b)
755 shall post with the state agency at the time of filing the
756 formal written protest a bond payable to the agency in an amount
757 equal to 1 percent of the estimated total rental of the basic
758 lease period or \$5,000, whichever is greater, which bond is
759 ~~shall be~~ conditioned on ~~upon~~ the payment of all costs that may
760 be adjudged against him or her in the administrative hearing in
761 which the action is brought and in any subsequent appellate
762 court proceeding. If the agency prevails after completion of the
763 administrative hearing process and any appellate court
764 proceedings, it shall recover all costs and charges, which must
765 ~~shall~~ be included in the final order or judgment, excluding
766 attorney ~~attorney's~~ fees. Upon payment of such costs and charges



846066

767 by the person protesting the award, the bond shall be returned
768 to him or her. If the person protesting the award prevails, the
769 bond shall be returned to that person and he or she shall
770 recover from the agency all costs and charges, which must ~~shall~~
771 be included in the final order of judgment, excluding attorney
772 ~~attorney's~~ fees.

773 (e) The agency and the lessor, when entering into a lease
774 for 5,000 or more square feet of a privately owned building,
775 shall, before the effective date of the lease, agree upon and
776 separately state the cost of tenant improvements which may
777 qualify for reimbursement if the lease is terminated before the
778 expiration of its base term. The department shall serve as
779 mediator if the agency and the lessor are unable to agree. The
780 amount agreed upon and stated shall, if appropriated, be
781 amortized over the original base term of the lease on a
782 straight-line basis.

783 (f) The unamortized portion of tenant improvements, if
784 appropriated, shall be paid in equal monthly installments over
785 the remaining term of the lease. If any portion of the original
786 leased premises is occupied after termination but during the
787 original term by a tenant who ~~that~~ does not require material
788 changes to the premises, the repayment of the cost of tenant
789 improvements applicable to the occupied but unchanged portion
790 shall be abated during occupancy. The portion of the repayment
791 to be abated must ~~shall~~ be based on the ratio of leased space to
792 unleased space.

793 (g) Notwithstanding s. 287.056(1), a state agency may, at
794 the sole discretion of the agency head or his or her designee,
795 use the services of a tenant broker to assist with a competitive



846066

796 solicitation undertaken by the agency. In making its
797 determination whether to use a tenant broker, a state agency
798 shall consult with the department. A state agency may not use
799 the services of a tenant broker unless the tenant broker is
800 under a term contract with the state which complies with
801 paragraph (h). If a state agency uses the services of a tenant
802 broker with respect to a transaction, the agency may not enter
803 into a lease with a any landlord for whom ~~to which~~ the tenant
804 broker is providing brokerage services for that transaction.

805 ~~(h) The Department of Management Services may,~~ Pursuant to
806 s. 287.042(2) (a), the department shall procure a term contract
807 for real estate consulting and brokerage services. A state
808 agency may not purchase services from the contract unless the
809 contract has been procured under s. 287.057(1) after March 1,
810 2007, and contains the following provisions or requirements:

811 1. Awarded brokers must maintain an office or presence in
812 the market served. In awarding the contract, preference must be
813 given to brokers who ~~that~~ are licensed in this state under
814 chapter 475 and who ~~that~~ have 3 or more years of experience in
815 the market served. The contract may be made with up to three
816 tenant brokers in order to serve the marketplace in the north,
817 central, and south areas of the state.

818 2. Each contracted tenant broker works ~~shall work~~ under the
819 direction, supervision, and authority of the state agency,
820 subject to the rules governing lease procurements.

821 3. The department shall provide training for the awarded
822 tenant brokers concerning the rules governing the procurement of
823 leases.

824 4. Tenant brokers must comply with all applicable



846066

825 provisions of s. 475.278.

826 5. Real estate consultants and tenant brokers shall be
827 compensated by the state agency, subject to the provisions of
828 the term contract, and such compensation is subject to
829 appropriation by the Legislature. A real estate consultant or
830 tenant broker may not receive compensation directly from a
831 lessor for services that are rendered under the term contract.
832 Moneys paid by a lessor to the state agency under a facility
833 leasing arrangement are not subject to the charges imposed under
834 s. 215.20. All terms relating to the compensation of the real
835 estate consultant or tenant broker must ~~shall~~ be specified in
836 the term contract and may not be supplemented or modified by the
837 state agency using the contract.

838 6. The department shall conduct periodic customer-
839 satisfaction surveys.

840 7. Each state agency shall report the following information
841 to the department:

842 a. The number of leases that adhere to the goal of the
843 workspace-management initiative of 180 square feet per full-time
844 employee FTE.

845 b. The quality of space leased and the adequacy of tenant-
846 improvement funds.

847 c. The timeliness of lease procurement, measured from the
848 date of the agency's request to the finalization of the lease.

849 d. Whether cost-benefit analyses were performed before
850 execution of the lease in order to ensure that the lease is in
851 the best interest of the state.

852 e. The lease costs compared to market rates for similar
853 types and classifications of space according to the official



846066

854 classifications of the Building Owners and Managers Association.

855 (4) (a) The department may ~~shall~~ not authorize any state
856 agency to enter into a lease agreement for space in a privately
857 owned building if ~~when~~ suitable space is available in a state-
858 owned building located in the same geographic region, except
859 upon presentation to the department of sufficient written
860 justification, acceptable to the department, that a separate
861 space is required in order to fulfill the statutory duties of
862 the agency making the ~~such~~ request. The term "state-owned
863 building" as used in this subsection means any state-owned
864 facility regardless of use or control.

865 (b) State agencies shall cooperate with local governmental
866 units by using suitable, existing publicly owned facilities,
867 subject to ~~the provisions of~~ ss. 255.2501, 255.2502, and
868 255.2503. Agencies may use ~~utilize~~ unexpended funds appropriated
869 for lease payments to:

- 870 1. Pay their proportion of operating costs.
871 2. Renovate applicable spaces.

872 (c) Because the state has a substantial financial
873 investment in state-owned buildings, it is legislative policy
874 and intent that if ~~when~~ state-owned buildings meet the needs of
875 state agencies, agencies must fully use such buildings before
876 leasing privately owned buildings. ~~By September 15, 2006,~~ The
877 department ~~of Management Services~~ shall create a 5-year plan for
878 implementing this policy. The department shall update this plan
879 annually, detailing proposed departmental actions to meet the
880 plan's goals, and include ~~shall furnish~~ this plan annually as
881 part of the master leasing report.

882 (5) Before construction or renovation of any state-owned



846066

883 building or state-leased space is commenced, the department ~~of~~
884 ~~Management Services~~ shall determine ~~ascertain~~, through the ~~by~~
885 submission of proposed plans to the Division of State Fire
886 Marshal for review, whether ~~that~~ the proposed construction or
887 renovation plan complies with the uniform firesafety standards
888 required by the division ~~of State Fire Marshal~~. The review of
889 construction or renovation plans for state-leased space must
890 ~~shall~~ be completed within 10 calendar days after ~~of~~ receipt of
891 the plans by the division ~~of State Fire Marshal~~. The review of
892 construction or renovation plans for a state-owned building must
893 ~~shall~~ be completed within 30 calendar days after ~~of~~ receipt of
894 the plans by the division ~~of State Fire Marshal~~. The
895 responsibility for submission and retrieval of the plans may
896 ~~called for in this subsection~~ shall not be imposed on the design
897 architect or engineer, but is ~~shall be~~ the responsibility of the
898 two agencies. If ~~Whenever~~ the division ~~of State Fire Marshal~~
899 determines that a construction or renovation plan is not in
900 compliance with ~~such~~ uniform firesafety standards, the division
901 ~~of State Fire Marshal~~ may issue an order to cease all
902 construction or renovation activities until compliance is
903 obtained, except those activities required to achieve ~~such~~
904 compliance. The lessor shall provide the department with
905 documentation certifying that the facility meets all of ~~of~~
906 ~~Management Services shall withhold approval of any proposed~~
907 ~~lease until the construction or renovation plan complies with~~
908 the uniform firesafety standards ~~of the Division of State Fire~~
909 ~~Marshal~~. The cost of all modifications or renovations made for
910 the purpose of bringing leased property into compliance with the
911 uniform firesafety standards are ~~shall be~~ borne by the lessor.



846066

912 The state may not take occupancy without the division's final
913 approval.

914 (6) Before construction or substantial improvement of any
915 state-owned building is commenced, the department ~~of Management~~
916 ~~Services~~ must determine ~~ascertain~~ that the proposed construction
917 or substantial improvement complies with the flood plain
918 management criteria for mitigation of flood hazards, as
919 prescribed in the October 1, 1986, rules and regulations of the
920 Federal Emergency Management Agency, and the department shall
921 monitor the project to assure compliance with the criteria. ~~In~~
922 ~~accordance with chapter 120,~~ The department ~~of Management~~
923 ~~Services~~ shall adopt rules ~~any~~ necessary ~~rules~~ to ensure that
924 all ~~such~~ proposed state construction and substantial improvement
925 of state buildings in designated flood-prone areas complies with
926 the flood plain management criteria. If ~~Whenever~~ the department
927 determines that a construction or substantial improvement
928 project is not in compliance with such ~~with the established~~
929 ~~flood plain management~~ criteria, the department may issue an
930 order to cease all construction or improvement activities until
931 compliance is obtained, except those activities required to
932 achieve such compliance.

933 (7) This section does not apply to any lease having a term
934 of less than 120 consecutive days for the purpose of securing
935 the one-time special use of the leased property. ~~This section~~
936 ~~does not apply to any lease for nominal or no consideration.~~

937 (8) An agency may not enter into more than one lease for
938 space in the same privately owned facility or complex within any
939 12-month period except upon competitive solicitation.

940 (9) Specialized educational facilities, excluding



846066

941 classrooms, are ~~shall be~~ exempt from the competitive bid
942 requirements for leasing pursuant to this section if the
943 executive head of a ~~any~~ state agency certifies in writing that
944 the said facility is available from a single source and that the
945 competitive bid requirements would be detrimental to the state.
946 Such certification must ~~shall~~ include documentation of evidence
947 of steps taken to determine sole-source status.

948 (10) The department ~~of Management Services~~ may approve
949 emergency acquisition of space without competitive bids if
950 existing state-owned or state-leased space is destroyed or
951 rendered uninhabitable by an act of God, fire, malicious
952 destruction, or structural failure, or by legal action, or if
953 the agency head certifies in writing that there is an immediate
954 danger to the public health, safety, or welfare, or if other
955 substantial loss to the state requires emergency action and ~~if~~
956 the chief administrator of the state agency or the chief
957 administrator's designated representative certifies in writing
958 that no other agency-controlled space is available to meet this
959 emergency need; however, but in no case shall the lease for such
960 space may not exceed 11 months. If the lessor elects not to
961 replace or renovate the destroyed or uninhabitable facility, the
962 agency shall procure the needed space by competitive bid in
963 accordance with s. 255.249(9)(b) ~~255.249(4)(b)~~. If the lessor
964 elects to replace or renovate the destroyed or uninhabitable
965 facility and the construction or renovations will not be
966 complete at the end of the 11-month lease, the agency may modify
967 the lease to extend it on a month-to-month basis for up to an
968 ~~additional~~ 6 months to allow completion of such construction or
969 renovations.



846066

970 (11) In any leasing of space which occurs ~~that is~~
971 ~~accomplished~~ without competition, the individuals taking part in
972 the development or selection of criteria for evaluation, in the
973 evaluation, and in the award processes must ~~shall~~ attest in
974 writing that they are independent of, and have no conflict of
975 interest in, the entities evaluated and selected.

976 Section 8. Subsection (4) of section 255.252, Florida
977 Statutes, is amended to read:

978 255.252 Findings and intent.—

979 (4) In addition to designing and constructing new buildings
980 to be energy-efficient, it is the policy of the state to operate
981 and maintain state facilities in a manner that minimizes energy
982 consumption and maximizes building sustainability and to operate
983 facilities leased by the state so as to minimize energy use. It
984 is further the policy of the state that the renovation of
985 existing state facilities be in accordance with a sustainable
986 building rating or a national model green building code. State
987 agencies are encouraged to consider shared savings financing of
988 energy-efficiency and conservation projects, using contracts
989 that split the resulting savings for a specified period of time
990 between the state agency and the private firm or cogeneration
991 contracts and that otherwise permit the state to lower its net
992 energy costs. Such energy contracts may be funded from the
993 operating budget. The vendor for such energy contracts may be
994 selected in accordance with s. 287.055.

995 Section 9. Effective July 1, 2014, subsection (1) of
996 section 255.254, Florida Statutes, is amended to read:

997 255.254 No facility constructed or leased without life-
998 cycle costs.—



846066

999 (1) ~~A No~~ state agency may not ~~shall~~ lease, construct, or
1000 have constructed, within limits prescribed in this section, a
1001 facility without having secured from the department an
1002 evaluation of life-cycle costs based on sustainable building
1003 ratings. ~~Furthermore,~~ Construction shall proceed only upon
1004 disclosing to the department, for the facility chosen, the life-
1005 cycle costs as determined in s. 255.255, the facility's
1006 sustainable building rating goal, and the capitalization of the
1007 initial construction costs of the building. The life-cycle costs
1008 and the sustainable building rating goal shall be primary
1009 considerations in the selection of a building design. For leased
1010 facilities larger buildings more than 2,000 5,000 square feet in
1011 area within a given building boundary, an energy performance
1012 analysis that calculates ~~consisting of a projection of the total~~
1013 annual energy consumption and energy costs ~~in dollars~~ per square
1014 foot ~~of major energy-consuming equipment and systems based on~~
1015 ~~actual expenses from the last 3 years and projected forward for~~
1016 ~~the term of the proposed lease~~ shall be performed. The analysis
1017 must also compare the energy performance of the proposed lease
1018 to lease ~~shall only be made where there is a showing that the~~
1019 ~~energy costs incurred by the state are minimal compared to~~
1020 ~~available~~ like facilities. A lease may not be finalized until
1021 the energy performance analysis has been approved by the
1022 department ~~A lease agreement for any building leased by the~~
1023 ~~state from a private sector entity shall include provisions for~~
1024 ~~monthly energy use data to be collected and submitted monthly to~~
1025 ~~the department by the owner of the building.~~

1026 Section 10. Effective July 1, 2014, subsection (1) of
1027 section 255.257, Florida Statutes, is amended to read:



846066

1028 255.257 Energy management; buildings occupied by state
1029 agencies.—

1030 (1) ENERGY CONSUMPTION AND COST DATA.— Each state agency
1031 shall collect data on energy consumption and cost for all. ~~The~~
1032 ~~data gathered shall be on~~ state-owned facilities and metered
1033 state-leased facilities ~~of 5,000 net square feet or more~~. These
1034 data will be used in the computation of the effectiveness of the
1035 state energy management plan and the effectiveness of the energy
1036 management program of each of the state agencies. Collected data
1037 shall be reported annually to the department in a format
1038 prescribed by the department.

1039 Section 11. Section 255.46, Florida Statutes, is created to
1040 read:

1041 255.46 Underused Property Maximization Program.—

1042 (1) The Legislature finds that it is in the best interest
1043 of the state to maximize the use of underused property by
1044 identifying such property and concluding that such property
1045 cannot be used by another governmental entity before procuring
1046 facilities or real property for governmental use or disposing of
1047 underused property.

1048 (2) The Underused Property Maximization Program is created
1049 in the Department of Management Services to facilitate the
1050 efficient and cost-effective use of all facilities and real
1051 property owned, leased, rented, or occupied by governmental
1052 entities. The department shall coordinate with the Department of
1053 Environmental Protection to use the systems and inventories
1054 created pursuant to s. 216.0152 and this section in order to
1055 comply with this section.

1056 (3) As used in this section, the term:



846066

1057 (a) "Facility" means buildings, structures, and building
1058 systems, and includes ancillary plants, auxiliary facilities,
1059 educational facilities, and educational plants as defined in s.
1060 1013.01, and schools as defined in s. 1003.01. The term does not
1061 include transportation facilities of the state transportation
1062 system.

1063 (b) "Governmental entity" means a state agency as defined
1064 in s. 216.011, the judicial branch, the water management
1065 districts, a state university, a Florida College System
1066 institution, a county, a county agency, a municipality, a
1067 municipal agency, a special district as defined in s. 189.403, a
1068 school district under s. 1001.30, the Florida School for the
1069 Deaf and the Blind under s. 1000.04(3), the Florida Virtual
1070 School under s. 1000.04(4), and a charter school under s.
1071 1002.33.

1072 (c) "Underused property" means any facility owned, leased,
1073 rented, or otherwise occupied or maintained by a governmental
1074 entity, which is not being used to its fullest potential as
1075 currently designed or configured, and includes entire
1076 facilities, as well as underused square footage within a
1077 facility.

1078 (4) By July 1, 2014:

1079 (a) Each governmental entity must conduct and complete an
1080 inventory of all facilities and real property owned or leased by
1081 the governmental entity.

1082 (b) The department shall create, administer, and maintain a
1083 database to be used by each governmental entity to provide and
1084 access information about underused property.

1085 (5) By July 1, 2015, each governmental entity shall input



846066

1086 into the database, in a format prescribed by the department, the
1087 following information relating to its underused property: the
1088 location, occupying entity, ownership, size, condition
1089 assessment, valuations, operating costs, maintenance record,
1090 age, parking and employee facilities, building uses, full-time
1091 equivalent occupancy, known restrictions or historic
1092 designations, leases or subleases, and associated revenues.
1093 Information that is confidential or otherwise exempt from public
1094 disclosure under federal or state law may not be included in the
1095 database. The entity shall update the required information
1096 quarterly.

1097 (6) The Department of Management Services and the
1098 Department of Environmental Protection shall, by October 1 of
1099 each year, publish a complete report detailing the inventory of
1100 underused properties of all governmental entities.

1101 (7) When seeking to procure leased or owned facilities, a
1102 governmental entity must first consult the inventory of
1103 underused properties created under this section to determine if
1104 an underused property of another governmental entity will
1105 satisfy its facility needs.

1106 (a) If the governmental entity seeking space determines
1107 that underused property can meet its needs, it shall submit a
1108 business case to the governmental entity that owns or occupies
1109 the underused property which provides, at a minimum, the
1110 proposed use of the space, proposed renovation of the space, an
1111 explanation of how the underused property meets the needs of the
1112 governmental entity, and any proposed plan for purchasing or
1113 leasing the underused property.

1114 (b) The department shall provide suggested forms for



846066

1115 governmental entities to use in preparing a business case for
1116 obtaining the underused property.

1117 (c) If underused property has been identified and multiple
1118 governmental entities are interested in obtaining such property,
1119 preference shall be given to K-20 public educational uses over
1120 other governmental or nonprofit uses.

1121 (8) Disposition of underused property may be made by sale,
1122 lease, or similar means as determined by the governmental entity
1123 that owns or occupies the property.

1124 (a) When evaluating disposition other than sale, the
1125 evaluation must consider disposing of the property in a manner
1126 that provides the greatest combination of benefits to the
1127 general public and avoid uses that are contrary to the public
1128 interest.

1129 (b) A district school board as defined in s. 1003.01; a
1130 board of trustees described in ss. 1001.60(3), 1001.71,
1131 1002.36(4), and 1002.37(2); a governing board of a charter
1132 school identified under s. 1002.33(7); or the governing body,
1133 agency head, or other governing figure of each entity that owns
1134 property must:

1135 1. Hold a public hearing before deciding whether to dispose
1136 of the property; and

1137 2. Make the final decision regarding whether to dispose of
1138 the property based on received business plans.

1139 (c) Grounds for refusing to dispose of underused property
1140 include suitability, zoning or use conflicts, mission conflicts,
1141 compatibility issues, or a determination that the property is
1142 not conducive to the proposed use.

1143 (9) The Auditor General shall include findings relating to



846066

1144 a governmental entity's compliance with this section in any
1145 audits conducted pursuant to s. 11.45.

1146 (10) Underused property owned by the Board of Trustees of
1147 the Internal Improvement Trust Fund is exempt from subsections
1148 (1), (2), and (8) and paragraph (7)(c).

1149 (11) The department shall adopt rules to administer this
1150 section, including the procedures and requirements for
1151 submitting and updating the information and documentation
1152 relating to underused property.

1153 Section 12. Subsection (7) of section 110.171, Florida
1154 Statutes, is amended to read:

1155 110.171 State employee telework program.—

1156 (7) Agencies that have a telework program shall establish
1157 and track performance measures that support telework program
1158 analysis and report data annually to the department in
1159 accordance with s. 255.249(8) ~~255.249(3)(d)~~. Such measures must
1160 include, but need not be limited to, those that quantify
1161 financial impacts associated with changes in office space
1162 requirements resulting from the telework program. Agencies
1163 operating in office space owned or managed by the department
1164 shall consult the department to ensure consistency with the
1165 strategic leasing plan required under s. 255.249(6)
1166 ~~255.249(3)(b)~~.

1167 Section 13. Paragraph (b) of subsection (15) of section
1168 985.682, Florida Statutes, is amended to read:

1169 985.682 Siting of facilities; study; criteria.—

1170 (15)

1171 (b) Notwithstanding s. 255.25(1)~~(b)~~, the department may
1172 enter into lease-purchase agreements to provide juvenile justice



846066

1173 facilities for ~~the~~ housing ~~of~~ committed youths, contingent upon
1174 available funds. The facilities provided through such agreements
1175 must ~~shall~~ meet the program plan and specifications of the
1176 department. The department may enter into such lease agreements
1177 with private corporations and other governmental entities.
1178 However, notwithstanding ~~the provisions of~~ s. 255.25(3)(a), a ~~no~~
1179 ~~such~~ lease agreement may not be entered into except upon
1180 advertisement for the receipt of competitive bids and award to
1181 the lowest and best bidder except if ~~when~~ contracting with other
1182 governmental entities.

1183 Section 14. For the 2013-2014 fiscal year, the sums of
1184 \$950,000 in nonrecurring and \$50,000 in recurring funds are
1185 appropriated from the General Revenue Fund to the Department of
1186 Environmental Protection for the purpose of implementing this
1187 act.

1188 Section 15. For the 2013-2014 fiscal year, the sum of
1189 \$66,591 in recurring funds from the Supervision Trust Fund and
1190 one full-time equivalent position and associated salary rate of
1191 \$50,000 is appropriated to the Department of Management
1192 Services' Facilities Program for the purpose of implementing
1193 this act.

1194 Section 16. Except as otherwise expressly provided in this
1195 act, this act shall take effect July 1, 2013.

1197 ===== T I T L E A M E N D M E N T =====

1198 And the title is amended as follows:

1199 Delete everything before the enacting clause
1200 and insert:

1201 A bill to be entitled



846066

1202 An act relating to state-owned or state-leased space;
1203 amending s. 216.0152, F.S.; revising provisions
1204 relating to the update of an inventory of certain
1205 facilities needing repairs or innovation maintained by
1206 the Department of Management Services; revising
1207 provisions relating to a report detailing an inventory
1208 of state-owned facilities; requiring specified
1209 entities to submit an inventory of underused property;
1210 requiring the department to adopt rules; amending s.
1211 216.043, F.S.; requiring state agencies to explain why
1212 available underused property is not sufficient to meet
1213 their needs when requesting fixed capital outlay
1214 projects; amending s. 253.031, F.S.; clarifying that
1215 deeds may be signed by agents of the Board of Trustees
1216 of the Internal Improvement Trust Fund; amending s.
1217 253.034, F.S.; revising provisions relating to
1218 decisions by the board to surplus lands; revising the
1219 valuation of lands that are subject to certain
1220 requirements; revising provisions requiring state
1221 entities to submit a plan if a building or parcel is
1222 offered for use to the entity; requiring the board to
1223 adopt rules; amending s. 255.248, F.S.; defining the
1224 terms "managing agency" and "tenant broker"; amending
1225 s. 255.249, F.S.; revising the responsibilities of the
1226 Department of Management Services with respect to
1227 state-owned buildings; prohibiting a state agency from
1228 leasing space in a private building under certain
1229 circumstances; requiring an agency to notify the
1230 department of an early termination of a lease within a



846066

1231 certain timeframe; authorizing the department to
1232 direct state agencies to occupy space in a state-owned
1233 building; revising the contents of the master leasing
1234 report; authorizing state agencies to use the services
1235 of a tenant broker to provide certain information to
1236 the department; requiring the title entity or managing
1237 agency to report any vacant or underused space to the
1238 department; amending s. 255.25, F.S.; revising
1239 requirements for the construction or lease of certain
1240 building space; revising an exemption to allow certain
1241 agencies to negotiate a replacement lease under
1242 certain circumstances; amending s. 255.252, F.S.;
1243 specifying that a vendor for certain energy efficiency
1244 contracts may be selected in accordance with state
1245 procurement requirements; amending s. 255.254, F.S.;
1246 revising provisions relating to requirements for
1247 energy performance analysis for certain buildings;
1248 amending s. 255.257, F.S.; requiring all state-owned
1249 facilities to report energy consumption and cost data;
1250 creating s. 255.46, F.S.; creating the Underused
1251 Property Maximization Program in the Department of
1252 Management Services; providing legislative intent and
1253 definitions; requiring governmental entities to submit
1254 data and the department to establish an inventory of
1255 underused property; requiring governmental entities to
1256 consult such inventory and, if suitable, submit a
1257 business case to the entity that owns or occupies the
1258 property; providing for the disposition of underused
1259 property; requiring the Auditor General to include



846066

1260 findings relating to compliance with this section in
1261 any audits; providing certain exemptions for the Board
1262 of Trustees of the Internal Improvement Trust Fund;
1263 requiring the department to adopt rules; report energy
1264 consumption and cost data; amending ss. 110.171 and
1265 985.682, F.S.; conforming cross-references; providing
1266 an appropriation; providing effective dates.