

By Senator Hays

11-00584B-13

20131074

1 A bill to be entitled
2 An act relating to state-owned or state-leased space;
3 amending s. 216.0152, F.S.; revising provisions
4 relating to the update of an inventory of certain
5 facilities needing repairs or innovation maintained by
6 the Department of Management Services; revising
7 provisions relating to a report detailing an inventory
8 of state-owned facilities; amending s. 253.031, F.S.;
9 clarifying that deeds may be signed by agents of the
10 Board of Trustees of the Internal Improvement Trust
11 Fund; amending s. 253.034, F.S.; revising provisions
12 relating to decisions by the board to surplus lands;
13 revising the valuation of lands that are subject to
14 certain requirements; requiring state entities to
15 submit a business plan if a building or parcel is
16 offered for use to the entity; amending s. 255.248,
17 F.S.; defining the terms "managing agency" and "tenant
18 broker"; amending s. 255.249, F.S.; revising the
19 responsibilities of the Department of Management
20 Services with respect to state-owned buildings;
21 prohibiting a state agency from leasing space in a
22 private building under certain circumstances;
23 requiring an agency to notify the department of an
24 early termination of a lease within a certain
25 timeframe; authorizing the department to direct state
26 agencies to occupy space in a state-owned building;
27 authorizing the department to implement renovations in
28 order to more efficiently use state-owned buildings;
29 revising the contents of the master leasing report;

11-00584B-13

20131074

30 authorizing state agencies to use the services of a
31 tenant broker to provide certain information to the
32 department; requiring the title entity or managing
33 agency to report any vacant or underutilized space to
34 the department; authorizing the department to adopt
35 additional rules; amending s. 255.25, F.S.; reducing
36 the amount of square feet which an agency may lease
37 without department approval; deleting an exemption
38 that allows an agency to negotiate a replacement lease
39 under certain circumstances; requiring a state agency
40 to use a tenant broker to assist with lease actions;
41 amending s. 255.252, F.S.; specifying that a vendor
42 for certain energy efficiency contracts must be
43 selected in accordance with state procurement
44 requirements; amending s. 255.254, F.S.; revising
45 provisions relating to requirements for energy
46 performance analysis for certain buildings; amending
47 255.257, F.S.; requiring all state-owned facilities to
48 report energy consumption and cost data; amending s.
49 255.503, F.S.; authorizing the department to charge
50 state employees fees for the use of parking
51 facilities; amending ss. 110.171 and 985.682, F.S.;

52 conforming cross-references; providing effective
53 dates.

54
55 Be It Enacted by the Legislature of the State of Florida:

56
57 Section 1. Section 216.0152, Florida Statutes, is amended
58 to read:

11-00584B-13

20131074

59 216.0152 Inventory of state-owned facilities or state-
60 occupied facilities.-

61 (1) The Department of Management Services shall develop and
62 maintain an automated inventory of all facilities owned, leased,
63 rented, or otherwise occupied or maintained by a state ~~any~~
64 ~~agency of the state~~, the judicial branch, or the water
65 management districts. The inventory data shall be provided
66 annually by July 1 by the owning or operating agency in a format
67 prescribed by the department and must ~~shall~~ include the
68 location, occupying agency, ownership, size, condition
69 assessment, valuations, operating costs, maintenance record,
70 age, parking and employee facilities, building uses, full-time
71 equivalent occupancy, known restrictions or historic
72 designations, leases or subleases, associated revenues, and
73 other information as required by ~~in a~~ rule adopted by the
74 department. The department shall use this data for determining
75 maintenance needs, conducting strategic analyses, including, but
76 not limited to, analyzing and identifying candidates for
77 surplus, valuation, and disposition, and life-cycle cost
78 evaluations of the facility. ~~Inventory data shall be provided to~~
79 ~~the department on or before July 1 of each year by the owning or~~
80 ~~operating agency in a format prescribed by the department.~~ The
81 inventory need not include a condition assessment or maintenance
82 record of facilities not owned by a state agency, the judicial
83 branch, or a water management district. The term "facility," as
84 used in this section, means buildings, structures, and building
85 systems, but does not include transportation facilities of the
86 state transportation system.

87 (a) For reporting purposes, the Department of

11-00584B-13

20131074

88 Transportation shall develop and maintain an inventory of the
89 transportation facilities of the state transportation system
90 and, by July 1 of each year, provide this inventory to the
91 Department of Management Services and the Department of
92 Environmental Protection. The Department of Transportation shall
93 also identify and dispose of surplus property pursuant to ss.
94 337.25 and 339.04.

95 (b) The Board of Governors of the State University System
96 and the Department of Education, respectively, shall develop and
97 maintain an inventory, in the manner prescribed by the
98 Department of Management Services, of all state university and
99 community college facilities and, by July 1 of each year,
100 provide this inventory ~~shall make the data available in a format~~
101 ~~acceptable to the Department of Management Services. By March~~
102 ~~15, 2011, the department shall adopt rules pursuant to ss.~~
103 ~~120.536 and 120.54 to administer this section.~~

104 ~~(2) For the purpose of assessing needed repairs and~~
105 ~~renovations of facilities, the Department of Management Services~~
106 ~~shall update its inventory with condition information for~~
107 ~~facilities of 3,000 square feet or more and cause to be updated~~
108 ~~the other inventories required by subsection (1) at least once~~
109 ~~every 5 years, but the inventories shall record acquisitions of~~
110 ~~new facilities and significant changes in existing facilities as~~
111 ~~they occur. The Department of Management Services shall provide~~
112 ~~each agency and the judicial branch with the most recent~~
113 ~~inventory applicable to that agency or to the judicial branch.~~
114 ~~Each agency and the judicial branch shall, in the manner~~
115 ~~prescribed by the Department of Management Services, report~~
116 ~~significant changes in the inventory as they occur. Items~~

11-00584B-13

20131074

117 ~~relating to the condition and life cycle cost of a facility~~
118 ~~shall be updated at least every 5 years.~~

119 (2)~~(3)~~ The Department of Management Services and the
120 Department of Environmental Protection shall, by October 1 of
121 each year, every 3 years, publish a complete report detailing
122 the this inventory of all state-owned facilities, including the
123 inventories of the Board of Governors of the State University
124 System, the Department of Education, and the Department of
125 Transportation, excluding the transportation facilities of the
126 state transportation system. The annual report of state-owned
127 real property recommended for disposition required under s.
128 216.0153 must be included in this report and shall publish an
129 annual update of the report. The department shall furnish the
130 updated report to the Executive Office of the Governor and the
131 Legislature no later than September 15 of each year.

132 (3) The Department of Management Services shall adopt rules
133 to administer this section.

134 Section 2. Subsection (8) of section 253.031, Florida
135 Statutes, is amended to read:

136 253.031 Land office; custody of documents concerning land;
137 moneys; plats.—

138 (8) The board shall keep a suitable seal of office. An
139 impression of this seal shall be made upon the deeds conveying
140 lands sold by the state, by the Board of Education, and by the
141 Board of Trustees of the Internal Improvement Trust Fund of this
142 state; and all such deeds shall be ~~personally~~ signed by the
143 ~~officers or trustees~~ or their agents as authorized under s.
144 253.431, making the same and impressed with the said seal and
145 are shall be operative and valid without witnesses to the

11-00584B-13

20131074

146 execution thereof; and the impression of such seal on any such
147 deeds entitles ~~shall entitle~~ the same to record and to be
148 received in evidence in all courts.

149 Section 3. Subsection (6) and subsection (15) of section
150 253.034, Florida Statutes, are amended to read:

151 253.034 State-owned lands; uses.—

152 (6) The Board of Trustees of the Internal Improvement Trust
153 Fund shall determine which lands, the title to which is vested
154 in the board, may be surplus. For conservation lands, the
155 board shall determine whether ~~make a determination that~~ the
156 lands are no longer needed for conservation purposes and may
157 dispose of them by an affirmative vote of at least three
158 members. In the case of a land exchange involving the
159 disposition of conservation lands, the board must determine by
160 an affirmative vote of at least three members that the exchange
161 will result in a net positive conservation benefit. For all
162 other lands, the board shall determine whether ~~make a~~
163 ~~determination that~~ the lands are no longer needed and may
164 dispose of them by an affirmative vote of at least three
165 members.

166 (a) For the purposes of this subsection, all lands acquired
167 by the state before ~~prior to~~ July 1, 1999, using proceeds from
168 ~~the~~ Preservation 2000 bonds, the Conservation and Recreation
169 Lands Trust Fund, the Water Management Lands Trust Fund,
170 Environmentally Endangered Lands Program, and the Save Our Coast
171 Program and titled to the board, ~~which lands~~ are identified as
172 core parcels or within original project boundaries are, ~~shall be~~
173 deemed to have been acquired for conservation purposes.

174 (b) For any lands purchased by the state on or after July

11-00584B-13

20131074__

175 1, 1999, before ~~a determination shall be made by the board prior~~
176 ~~to~~ acquisition, the board must determine which ~~as to those~~
177 parcels must ~~that shall~~ be designated as having been acquired
178 for conservation purposes. ~~No~~ Lands acquired for use by the
179 Department of Corrections, the Department of Management Services
180 for use as state offices, the Department of Transportation,
181 except those specifically managed for conservation or recreation
182 purposes, or the State University System or the Florida
183 Community College System may not ~~shall~~ be designated as having
184 been purchased for conservation purposes.

185 (c) At least every 10 years, as a component of each land
186 management plan or land use plan and in a form and manner
187 prescribed by rule by the board, each manager shall evaluate and
188 indicate to the board those lands that are not being used for
189 the purpose for which they were originally leased. For
190 conservation lands, the council shall review and ~~shall~~ recommend
191 to the board whether such lands should be retained in public
192 ownership or disposed of by the board. For nonconservation
193 lands, the division shall review such lands and ~~shall~~ recommend
194 to the board whether such lands should be retained in public
195 ownership or disposed of by the board.

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

201 (e) Before ~~Prior to~~ any decision by the board to surplus
202 lands, the Acquisition and Restoration Council shall review and
203 make recommendations to the board concerning the request for

11-00584B-13

20131074

204 surplus. The council shall determine whether the request for
205 surplus is compatible with the resource values of and
206 management objectives for such lands.

207 (f) In reviewing lands owned by the board, the council
208 shall consider whether such lands would be more appropriately
209 owned or managed by the county or other unit of local government
210 in which the land is located. The council shall recommend to the
211 board whether a sale, lease, or other conveyance to a local
212 government would be in the best interests of the state and local
213 government. The provisions of this paragraph in no way limit the
214 provisions of ss. 253.111 and 253.115. Such lands shall be
215 offered to the state, county, or local government for a period
216 of 45 days. Permittable uses for such surplus lands may include
217 public schools; public libraries; fire or law enforcement
218 substations; governmental, judicial, or recreational centers;
219 and affordable housing meeting the criteria of s. 420.0004(3).
220 County or local government requests for surplus lands shall be
221 expedited throughout the surplus process. If the county or
222 local government does not elect to purchase such lands in
223 accordance with s. 253.111, ~~then~~ any surplus determination
224 involving other governmental agencies shall be made when ~~upon~~
225 the board decides ~~deciding~~ the best public use of the lands.
226 Surplus properties in which governmental agencies have expressed
227 no interest must ~~shall~~ then be available for sale on the private
228 market.

229 (g) ~~1-~~ The sale price of lands determined to be surplus
230 pursuant to this subsection and s. 253.82 shall be determined by
231 the division, which shall consider ~~and shall take into~~
232 ~~consideration~~ an appraisal of the property, or, if ~~when~~ the

11-00584B-13

20131074

233 estimated value of the land is \$500,000 or less than ~~\$100,000~~, a
234 comparable sales analysis or a broker's opinion of value. ~~If the~~
235 ~~appraisal referenced in this paragraph yields a value equal to~~
236 ~~or greater than \$1 million,~~ The division, ~~in its sole~~
237 ~~discretion,~~ may require a second appraisal. The individual or
238 entity that requests ~~requesting~~ to purchase the surplus parcel
239 shall pay all ~~appraisal~~ costs associated with determining the
240 property's value, if any.

241 1.2.a. A written valuation of land determined to be surplus
242 pursuant to this subsection and s. 253.82, and related documents
243 used to form the valuation or which pertain to the valuation,
244 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
245 I of the State Constitution.

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

249 b.c. ~~Before~~ Prior to expiration of the exemption, the
250 division may disclose confidential and exempt appraisals,
251 valuations, or valuation information regarding surplus land:

252 (I) During negotiations for the sale or exchange of the
253 land.

254 (II) During the marketing effort or bidding process
255 associated with the sale, disposal, or exchange of the land to
256 facilitate closure of such effort or process.

257 (III) When the passage of time has made the conclusions of
258 value invalid.

259 (IV) When negotiations or marketing efforts concerning the
260 land are concluded.

261 2.3. A unit of government that acquires title to lands

11-00584B-13

20131074__

262 hereunder for less than appraised value may not sell or transfer
263 title to all or any portion of the lands to any private owner
264 for ~~a period of~~ 10 years. Any unit of government seeking to
265 transfer or sell lands pursuant to this paragraph must ~~shall~~
266 first allow the board of trustees to reacquire such lands for
267 the price at which the board sold such lands.

268 (h) Parcels with a market value over \$500,000 must be
269 initially offered for sale by competitive bid. The division may
270 use agents, as authorized by s. 253.431, for this process. Any
271 parcels unsuccessfully offered for sale by competitive bid, and
272 parcels with a market value of \$500,000 or less, may be sold by
273 any reasonable means, including procuring real estate services,
274 open or exclusive listings, competitive bid, auction, negotiated
275 direct sales, or other appropriate services, to facilitate the
276 sale.

277 (i) ~~(h)~~ After reviewing the recommendations of the council,
278 the board shall determine whether lands identified for surplus
279 are to be held for other public purposes or ~~whether such lands~~
280 are no longer needed. The board may require an agency to release
281 its interest in such lands. A state ~~For an~~ agency, county, or
282 local government that has requested the use of a property that
283 was to be declared as surplus, ~~said agency~~ must secure ~~have~~ the
284 property under lease within 90 days after being notified that it
285 may use such property ~~6 months of the date of expiration of the~~
286 ~~notice provisions required under this subsection and s. 253.111.~~

287 (j) ~~(i)~~ Requests for surplusage may be made by any public or
288 private entity or person. All requests shall be submitted to the
289 lead managing agency for review and recommendation to the
290 council or its successor. Lead managing agencies ~~shall~~ have 90

11-00584B-13

20131074__

291 days to review such requests and make recommendations. Any
292 surplus requests that have not been acted upon within the 90-
293 day time period shall be immediately scheduled for hearing at
294 the next regularly scheduled meeting of the council or its
295 successor. Requests for surplus pursuant to this paragraph
296 are ~~shall~~ not ~~be~~ required to be offered to local or state
297 governments as provided in paragraph (f).

298 (k) ~~(j)~~ Proceeds from any sale of surplus lands pursuant to
299 this subsection shall be deposited into the fund from which such
300 lands were acquired. However, if the fund from which the lands
301 were originally acquired no longer exists, such proceeds shall
302 be deposited into an appropriate account to be used for land
303 management by the lead managing agency assigned the lands before
304 ~~prior to~~ the lands were ~~being~~ declared surplus. Funds received
305 from the sale of surplus nonconservation lands, or lands that
306 were acquired by gift, by donation, or for no consideration,
307 shall be deposited into the Internal Improvement Trust Fund.

308 (l) ~~(k)~~ Notwithstanding ~~the provisions of~~ this subsection,
309 ~~no~~ such disposition of land may not ~~shall~~ be made if it ~~such~~
310 ~~disposition~~ would have the effect of causing all or any portion
311 of the interest on any revenue bonds issued to lose the
312 exclusion from gross income for federal income tax purposes.

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

316 (n) ~~(m)~~ The board may adopt rules to administer ~~implement~~
317 ~~the provisions of~~ this section, which may include procedures for
318 administering surplus land requests and criteria for when the
319 division may approve requests to surplus nonconservation lands

11-00584B-13

20131074

320 on behalf of the board.

321 (15) Before a building or parcel of land is offered for
322 lease, sublease, or sale to a local or federal unit of
323 government or a private party, it must ~~shall~~ first be offered
324 for lease to state agencies, state universities, and community
325 colleges, contingent upon the submission of a business plan for
326 the proposed use of the building or parcel. Within 60 days after
327 the offer of a surplus building or parcel, a state agency, state
328 university, or Florida College System institution that requests
329 the transfer of a surplus building or parcel must develop and
330 submit a business plan for the proposed use of the building or
331 parcel. The business plan must, at a minimum, include the
332 proposed use, the cost of renovation, the replacement cost for a
333 new building for the same proposed use, a capital improvement
334 plan for the building, evidence that the building or parcel
335 meets an existing need that cannot be otherwise met, and other
336 criteria developed by rule by the department ~~with priority~~
337 ~~consideration given to state universities and community~~
338 ~~colleges.~~ A state agency, university, or Florida College System
339 institution shall ~~community college~~ must submit its business a
340 plan for review and approval by the Board of Trustees of the
341 Internal Improvement Trust Fund or its designee regarding the
342 intended use of the building or parcel of land before approval
343 of a lease. The board or its designee shall compare the
344 appraised value of the building or parcel to any submitted
345 business plan for proposed use of the building or parcel to
346 determine if the transfer or sale is in the best interest of the
347 state.

348 Section 4. Section 255.248, Florida Statutes, is amended to

11-00584B-13

20131074

349 read:

350 255.248 Definitions; ~~ss. 255.249 and 255.25.~~ As used in
351 this section and ss. 255.249-255.25 ~~255.249 and 255.25~~, the
352 term:

353 (1) "Best leasing value" means the highest overall value to
354 the state based on objective factors that include, but are not
355 limited to, rental rate, renewal rate, operational and
356 maintenance costs, tenant-improvement allowance, location, lease
357 term, condition of facility, landlord responsibility, amenities,
358 and parking.

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

361 (3) "Department" means the Department of Management
362 Services.

363 (4) "Managing agency" means an agency that serves as the
364 title entity or that leases property from the Board of Trustees
365 of the Internal Improvement Trust Fund for the operation and
366 maintenance of a state-owned office building.

367 ~~(5)-(4)~~ "Privately owned building" means any building not
368 owned by a governmental agency.

369 ~~(6)-(5)~~ "Responsible lessor" means a lessor that ~~who~~ has the
370 capability in all respects to fully perform the contract
371 requirements and the integrity and reliability that will assure
372 good faith performance.

373 ~~(7)-(6)~~ "Responsive bid," "responsive proposal," or
374 "responsive reply" means a bid or proposal, or reply submitted
375 by a responsive and responsible lessor, which conforms in all
376 material respects to the solicitation.

377 ~~(8)-(7)~~ "Responsive lessor" means a lessor that has

11-00584B-13

20131074

378 submitted a bid, proposal, or reply that conforms in all
379 material respects to the solicitation.

380 (9)~~(8)~~ "State-owned office building" means any building
381 whose title to which is vested in the state and which is used by
382 one or more executive agencies predominantly for administrative
383 direction and support functions. The ~~This~~ term excludes:

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

387 (b) All educational facilities and institutions under the
388 supervision of the Department of Education.

389 (c) All custodial facilities and institutions used
390 primarily for the care, custody, or treatment of wards of the
391 state.

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

393 (e) Buildings purchased or constructed from agricultural or
394 citrus trust funds.

395 (10) "Tenant broker" means a private real estate broker or
396 brokerage firm licensed to do business in this state and under
397 contract with the department to provide real estate transaction,
398 portfolio management, and strategic planning services for state
399 agencies.

400 Section 5. Section 255.249, Florida Statutes, is amended to
401 read:

402 255.249 Department of Management Services; responsibility;
403 department rules.—

404 (1) The department shall have responsibility and authority
405 for the operation, custodial care, ~~and~~ preventive maintenance,
406 repair, alteration, modification, and allocation of space for ~~of~~

11-00584B-13

20131074

407 all buildings in the Florida Facilities Pool and adjacent ~~the~~
408 grounds ~~located adjacent thereto~~.

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

413 (3)~~(2)~~ The department shall require a ~~any~~ state agency
414 planning to terminate a lease for the purpose of occupying space
415 in a new state-owned office building, ~~the funds for which are~~
416 ~~appropriated after June 30, 2000,~~ to state why the proposed
417 relocation is in the best interest of the state.

418 (4)~~(3)~~~~(a)~~ An agency that intends to terminate a lease of
419 privately owned space before the expiration of its base term,
420 must notify the department 90 days before the termination. The
421 department shall, to the extent feasible, coordinate the
422 vacation of privately owned leased space with the expiration of
423 the lease on that space and, when a lease is terminated before
424 expiration of its base term, will make a reasonable effort to
425 place another state agency in the space vacated. A ~~Any~~ state
426 agency may lease the space in any building that was subject to a
427 lease terminated by a state agency for a period of time equal to
428 the remainder of the base term without ~~the requirement of~~
429 competitive solicitation.

430 (5) The department may direct a state agency to occupy, or
431 relocate to, space in any state-owned office building, including
432 all state-owned space identified in the Florida State-Owned
433 Lands and Records Information System managed by the Department
434 of Environmental Protection.

435 (6) If expressly authorized by the General Appropriations

11-00584B-13

20131074

436 Act and, in the best interest of the state, the department may
437 implement renovations or construction that more efficiently use
438 state-owned buildings. Such use of tenant-improvement funds
439 applies only to state-owned buildings, and all expenditures must
440 be reported by the department in the master leasing report
441 identified in subsection (8).

442 (7)~~(b)~~ The department shall develop and implement a
443 strategic leasing plan. The strategic leasing plan must ~~shall~~
444 forecast space needs for all state agencies and identify
445 opportunities for reducing costs through consolidation,
446 relocation, reconfiguration, capital investment, and the
447 renovation, building, or acquisition of state-owned space.

448 (8)~~(e)~~ The department shall annually publish a master
449 leasing report that includes the strategic leasing plan created
450 under subsection (7). The department shall annually submit
451 ~~furnish~~ the ~~master~~ leasing report to the Executive Office of the
452 Governor and the Legislature by October 1. The report must
453 provide September 15 of each year which provides the following
454 information:

455 (a)~~1.~~ A list, by agency and by geographic market, of all
456 leases that are due to expire within 24 months.

457 (b)~~2.~~ Details of each lease, including location, size, cost
458 per leased square foot, lease-expiration date, and a
459 determination of whether sufficient state-owned office space
460 will be available at the expiration of the lease to accommodate
461 affected employees.

462 (c)~~3.~~ A list of amendments and supplements to and waivers
463 of terms and conditions in lease agreements that have been
464 approved pursuant to s. 255.25(2)~~(a)~~ during the previous 12

11-00584B-13

20131074

465 months and an associated comprehensive analysis, including
466 financial implications, showing that any amendment, supplement,
467 or waiver is in the state's long-term best interest.

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

471 (e)5. Changes in occupancy rate, maintenance costs, and
472 efficiency costs of leases in the state portfolio. Changes to
473 occupancy costs in leased space by market and changes to space
474 consumption by agency and by market.

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

476 (g)7. Cost-benefit analyses of acquisition, build, and
477 consolidation opportunities, recommendations for strategic
478 consolidation, and strategic recommendations for disposition,
479 acquisition, and building.

480 (h) Recommendations for using capital improvement funds to
481 implement the consolidation of state agencies into state-owned
482 office buildings.

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

484 (9)(d) Annually, by June 30: of each year,

485 (a) Each state agency shall annually provide to the
486 department all information regarding agency programs affecting
487 the need for or use of space by that agency, reviews of lease-
488 expiration schedules for each geographic area, active and
489 planned full-time equivalent data, business case analyses
490 related to consolidation plans by an agency, a telework program
491 under s. 110.171, and current occupancy and relocation costs,
492 inclusive of furnishings, fixtures and equipment, data, and
493 communications. State agencies may use the services of a tenant

11-00584B-13

20131074

494 broker in preparing this information.

495 (b) The title entity or managing agency shall report to the
496 department any vacant or underutilized space for all state-owned
497 office buildings and any restrictions that apply to any other
498 agency occupying the vacant or underutilized space. The title
499 entity or managing agency shall also notify the department of
500 any significant changes to its occupancy for the coming fiscal
501 year.

502 (10) ~~(4)~~ The department shall adopt rules ~~pursuant to~~
503 ~~chapter 120~~ providing:

504 (a) Methods for accomplishing the duties outlined in
505 subsection (1).

506 (b) Procedures for soliciting and accepting competitive
507 solicitations for leased space of 2,000 ~~5,000~~ square feet or
508 more in privately owned buildings, for evaluating ~~the~~ proposals
509 received, for exemption from competitive solicitations
510 requirements of any lease for ~~the purpose of which is~~ the
511 provision of care and living space for persons or emergency
512 space needs as provided in s. 255.25(10), and for ~~the~~ securing
513 ~~of~~ at least three documented quotes for a lease that is not
514 required to be competitively solicited.

515 (c) A standard method for determining square footage or any
516 other measurement used as the basis for lease payments or other
517 charges.

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

521 ~~(e)~~ 1. Acceptable terms and conditions for inclusion in
522 lease agreements.

11-00584B-13

20131074

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

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

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

534 (f) State agency use of space identified in the Florida
535 State-Owned Lands and Records Information System under
536 subsection (5) Maximum rental rates, by geographic areas or by
537 county, for leasing privately owned space.

538 (g) A standard method for the assessment of rent to state
539 agencies and other authorized occupants of state-owned office
540 space, notwithstanding the source of funds.

541 (h) For full disclosure of the names and the extent of
542 interest of the owners holding a 4-percent or more interest in
543 ~~any~~ privately owned property leased to the state or in the
544 entity holding title to the property, for exemption from such
545 disclosure of any beneficial interest that ~~which~~ is represented
546 by stock in a ~~any~~ corporation registered with the Securities and
547 Exchange Commission or registered pursuant to chapter 517, which
548 ~~stock~~ is for sale to the general public, and for exemption from
549 such disclosure of any leasehold interest in property located
550 outside the territorial boundaries of the United States.

551 (i) For full disclosure of the names of all public

11-00584B-13

20131074

552 officials, agents, or employees holding any interest in any
553 privately owned property leased to the state or in the entity
554 holding title to the property, and the nature and extent of
555 their interest, for exemption from such disclosure of any
556 beneficial interest that ~~which~~ is represented by stock in any
557 corporation registered with the Securities and Exchange
558 Commission or registered pursuant to chapter 517, which ~~stock~~ is
559 for sale to the general public, and for exemption from such
560 disclosure of any leasehold interest in property located outside
561 the territorial boundaries of the United States.

562 (j) A method for reporting leases for nominal or no
563 consideration.

564 (k) For a lease of less than 2,000 ~~5,000~~ square feet, a
565 method for certification by the agency head or the agency head's
566 designated representative that all criteria for leasing have
567 been fully complied with and for ~~the~~ filing ~~of~~ a copy of such
568 lease and all supporting documents with the department for its
569 review and approval as to technical sufficiency and whether it
570 is in the best interests of the state.

571 (l) A standardized format for state agency reporting of the
572 information required by paragraph (9) (a) ~~(3) (d)~~.

573 (m) Procedures for the effective and efficient
574 administration of this section.

575 (11) (5) ~~The~~ department shall prepare a form listing all
576 conditions and requirements adopted pursuant to this chapter
577 which must be met by any state agency leasing any building or
578 part thereof. Before executing any lease, this form must ~~shall~~
579 be certified by the agency head or the agency head's designated
580 representative and submitted to the department.

11-00584B-13

20131074

581 (12)~~(6)~~ The department may contract for real estate
582 consulting or tenant brokerage services in order to carry out
583 its duties relating to the strategic leasing plan under
584 subsection (7). The contract must ~~shall~~ be procured pursuant to
585 s. 287.057. The vendor ~~vendor that is~~ awarded the contract shall
586 be compensated ~~by the department~~, subject to the provisions of
587 the contract, and such compensation is subject to appropriation
588 by the Legislature. A ~~The~~ real estate consultant or tenant
589 broker may not receive compensation directly from a lessor for
590 services that are rendered pursuant to the contract. Moneys paid
591 by a lessor to the department under a facility-leasing
592 arrangement are not subject to the charges imposed under s.
593 215.20.

594 Section 6. Section 255.25, Florida Statutes, is amended to
595 read:

596 255.25 Approval required before ~~prior to~~ construction or
597 lease of buildings.—

598 ~~(1)(a) A state agency may not lease space in a private
599 building that is to be constructed for state use unless prior
600 approval of the architectural design and preliminary
601 construction plans is first obtained from the department.~~

602 ~~(b)~~ During the term of existing leases, each agency shall
603 consult with the department regarding opportunities for
604 consolidation, use of state-owned space, build-to-suit space,
605 and potential acquisitions; shall monitor market conditions; and
606 shall initiate a competitive solicitation or, if appropriate,
607 lease-renewal negotiations for each lease held in the private
608 sector to effect the best overall lease terms reasonably
609 available to that agency.

11-00584B-13

20131074__

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

613 (b) The department shall serve as a mediator in lease-
614 renewal negotiations if the agency and the lessor are unable to
615 reach a compromise within 6 months after renegotiation and if
616 ~~either~~ the agency or lessor requests intervention by the
617 department.

618 (c) ~~If When specifically~~ authorized by the General
619 Appropriations Act, and in accordance with s. 255.2501, if
620 applicable, the department may approve a lease-purchase, sale-
621 leaseback, or tax-exempt leveraged lease contract or other
622 financing technique for the acquisition, renovation, or
623 construction of a state fixed capital outlay project if ~~when~~ it
624 is in the best interest of the state.

625 (2) ~~(a)~~ Except as provided in ss. 255.249 and s. 255.2501, a
626 state agency may not lease a building or any part thereof unless
627 prior approval of the lease conditions and of the need for the
628 lease therefor is first obtained from the department. An ~~Any~~
629 approved lease may include an option to purchase or an option to
630 renew the lease, or both, upon such terms and conditions as are
631 established by the department, subject to final approval by the
632 head of the department ~~of Management Services~~ and s. 255.2502.

633 (a) ~~(b)~~ For the lease of less than 2,000 ~~5,000~~ square feet
634 of space, including space leased for nominal or no
635 consideration, a state agency must notify the department at
636 least 90 ~~30~~ days before the execution of the lease. The
637 department shall review the lease and determine whether suitable
638 space is available in a state-owned or state-leased building

11-00584B-13

20131074

639 located in the same geographic region. If the department
640 determines that space is not available, the department shall
641 determine whether the state agency lease is in the best
642 interests of the state. If the department determines that the
643 execution of the lease is not in the best interests of the
644 state, the department shall notify the agency proposing the
645 lease, the Governor, the President of the Senate, and the
646 Speaker of the House of Representatives ~~and the presiding~~
647 ~~officers of each house of the Legislature~~ of such finding in
648 writing. A lease that is for a term extending beyond the end of
649 a fiscal year is subject to ~~the provisions of~~ ss. 216.311,
650 255.2502, and 255.2503.

651 (b)(e) The department shall adopt ~~as a rule~~ uniform leasing
652 procedures by rule for use by each state agency ~~other than the~~
653 ~~Department of Transportation~~. Each state agency shall ensure
654 that the leasing practices of that agency are in substantial
655 compliance with the uniform leasing rules adopted under this
656 section and ss. 255.249, 255.2502, and 255.2503.

657 (c)(d) ~~Notwithstanding paragraph (a) and except as provided~~
658 ~~in ss. 255.249 and 255.2501, a state agency may not lease a~~
659 ~~building or any part thereof unless prior approval of the lease~~
660 ~~terms and conditions and of the need therefor is first obtained~~
661 ~~from the department~~. The department may not approve any term or
662 condition in a lease agreement which has been amended,
663 supplemented, or waived unless a comprehensive analysis,
664 including financial implications, demonstrates that such
665 amendment, supplement, or waiver is in the state's long-term
666 best interest. An ~~Any~~ approved lease may include an option to
667 purchase or an option to renew the lease, or both, upon such

11-00584B-13

20131074

668 terms and conditions as are established by the department,
669 subject to final approval by the head of the department, ~~of~~
670 ~~Management Services~~ and the provisions of s. 255.2502.

671 (3) (a) Except as provided in subsection (10), a state
672 agency may not enter into a lease as lessee for the use of 2,000
673 ~~5,000~~ square feet or more of space in a privately owned building
674 except upon advertisement for and receipt of competitive
675 solicitations.

676 1.a. An invitation to bid must ~~shall~~ be made available
677 simultaneously to all lessors and ~~must~~ include a detailed
678 description of the space sought; the time and date for the
679 receipt of bids and of the public opening; and all contractual
680 terms and conditions applicable to the procurement, including
681 the criteria to be used in determining the acceptability of the
682 bid. If the agency contemplates renewing ~~renewal of~~ the
683 contract, that fact must be stated in the invitation to bid. The
684 bid must include the price for each year for which the contract
685 may be renewed. Evaluation of bids must ~~shall~~ include
686 consideration of the total cost for each year as submitted by
687 the lessor. Criteria that were not set forth in the invitation
688 to bid may not be used in determining the acceptability of the
689 bid.

690 b. The contract shall be awarded with reasonable promptness
691 by written notice to the responsible and responsive lessor that
692 submits the lowest responsive bid. The contract file must
693 contain a written determination that the bid meets ~~This bid must~~
694 ~~be determined in writing to meet~~ the requirements and criteria
695 set forth in the invitation to bid.

696 2.a. If an agency determines in writing that the use of an

11-00584B-13

20131074

697 invitation to bid is not practicable, leased space shall be
698 procured by competitive sealed proposals. A request for
699 proposals shall be made available simultaneously to all lessors
700 and must include a statement of the space sought; the time and
701 date for the receipt of proposals and of the public opening; and
702 all contractual terms and conditions applicable to the
703 procurement, including the criteria, which must include, but
704 need not be limited to, price, to be used in determining the
705 acceptability of the proposal. The relative importance of price
706 and other evaluation criteria must ~~shall~~ be indicated. If the
707 agency contemplates renewing ~~renewal~~ of the contract, that fact
708 must be stated in the request for proposals. The proposal must
709 include the price for each year for which the contract may be
710 renewed. Evaluation of proposals must ~~shall~~ include
711 consideration of the total cost for each year as submitted by
712 the lessor.

713 b. The contract shall be awarded to the responsible and
714 responsive lessor whose proposal is determined in writing to be
715 the most advantageous to the state, taking into consideration
716 the price and the other criteria set forth in the request for
717 proposals. The contract file must contain documentation
718 supporting the basis on which the award is made.

719 3.a. If the agency determines in writing that the use of an
720 invitation to bid or a request for proposals will not result in
721 the best leasing value to the state, the agency may procure
722 leased space by competitive sealed replies. The agency's written
723 determination must specify reasons ~~that explain~~ why negotiation
724 may be necessary in order for the state to achieve the best
725 leasing value and must be approved in writing by the agency head

11-00584B-13

20131074

726 or his or her designee before ~~prior to the~~ advertisement of an
727 invitation to negotiate. Cost savings related to the agency
728 procurement process are not sufficient justification for using
729 an invitation to negotiate. An invitation to negotiate shall be
730 made available to all lessors simultaneously and must include a
731 statement of the space sought; the time and date for the receipt
732 of replies and of the public opening; and all terms and
733 conditions applicable to the procurement, including the criteria
734 to be used in determining the acceptability of the reply. If the
735 agency contemplates renewing ~~renewal of~~ the contract, that fact
736 must be stated in the invitation to negotiate. The reply must
737 include the price for each year for which the contract may be
738 renewed.

739 b. The agency shall evaluate and rank responsive replies
740 against all evaluation criteria set forth in the invitation to
741 negotiate and ~~shall~~ select, based on the ranking, one or more
742 lessors with which to commence negotiations. After negotiations
743 are conducted, the agency shall award the contract to the
744 responsible and responsive lessor that the agency determines
745 will provide the best leasing value to the state. The contract
746 file must contain a short, plain statement that explains the
747 basis for lessor selection and sets forth the lessor's
748 deliverables and price pursuant to the contract, and an
749 explanation of how these deliverables and price provide the best
750 leasing value to the state.

751 (b) The department ~~of Management Services~~ shall have the
752 authority to approve a lease for 2,000 ~~5,000~~ square feet or more
753 of space which ~~that~~ covers more than 12 consecutive months ~~±~~
754 ~~fiscal year~~, subject to the provisions of ss. 216.311, 255.2501,

11-00584B-13

20131074__

755 255.2502, and 255.2503, if such lease is, in the judgment of the
756 department, in the best interests of the state. In determining
757 best interest, the department shall consider availability of
758 state-owned space and analyses of build-to-suit and acquisition
759 opportunities. This paragraph does not apply to buildings or
760 facilities of any size leased for the purpose of providing care
761 and living space to individuals ~~for persons~~.

762 (c) The department may approve extensions of an existing
763 lease of 2,000 ~~5,000~~ square feet or more of space if such
764 extensions are determined to be in the best interests of the
765 state; however, ~~but in no case shall~~ the total of such
766 extensions may not exceed 11 months. If at the end of the 11th
767 month an agency still needs that space, it must ~~shall~~ be
768 procured by competitive bid in accordance with s. 255.249(10)(b)
769 ~~255.249(4)(b)~~. ~~However, an agency that determines that it is in~~
770 ~~its best interest to remain in the space it currently occupies~~
771 ~~may negotiate a replacement lease with the lessor if an~~
772 ~~independent comparative market analysis demonstrates that the~~
773 ~~rates offered are within market rates for the space and the cost~~
774 ~~of the new lease does not exceed the cost of a comparable lease~~
775 ~~plus documented moving costs. A present-value analysis and the~~
776 ~~consumer price index shall be used in the calculation of lease~~
777 ~~costs. The term of the replacement lease may not exceed the base~~
778 ~~term of the expiring lease.~~

779 (d) Any person who files an action protesting a decision or
780 intended decision pertaining to a competitive solicitation for
781 space to be leased by the agency pursuant to s. 120.57(3)(b)
782 shall post with the state agency at the time of filing the
783 formal written protest a bond payable to the agency in an amount

11-00584B-13

20131074__

784 equal to 1 percent of the estimated total rental of the basic
785 lease period or \$5,000, whichever is greater, which bond is
786 ~~shall be~~ conditioned on ~~upon~~ the payment of all costs that may
787 be adjudged against him or her in the administrative hearing in
788 which the action is brought and in any subsequent appellate
789 court proceeding. If the agency prevails after completion of the
790 administrative hearing process and any appellate court
791 proceedings, it shall recover all costs and charges, which must
792 ~~shall~~ be included in the final order or judgment, excluding
793 attorney ~~attorney's~~ fees. Upon payment of such costs and charges
794 by the person protesting the award, the bond shall be returned
795 to him or her. If the person protesting the award prevails, the
796 bond shall be returned to that person and he or she shall
797 recover from the agency all costs and charges, which must ~~shall~~
798 be included in the final order of judgment, excluding attorney
799 ~~attorney's~~ fees.

800 (e) The agency and the lessor, when entering into a lease
801 for 2,000 ~~5,000~~ or more square feet of a privately owned
802 building, shall, before the effective date of the lease, agree
803 upon and separately state the cost of tenant improvements which
804 may qualify for reimbursement if the lease is terminated before
805 the expiration of its base term. The department shall serve as
806 mediator if the agency and the lessor are unable to agree. The
807 amount agreed upon and stated shall, if appropriated, be
808 amortized over the original base term of the lease on a
809 straight-line basis.

810 (f) The unamortized portion of tenant improvements, if
811 appropriated, shall be paid in equal monthly installments over
812 the remaining term of the lease. If any portion of the original

11-00584B-13

20131074

813 leased premises is occupied after termination but during the
814 original term by a tenant who ~~that~~ does not require material
815 changes to the premises, the repayment of the cost of tenant
816 improvements applicable to the occupied but unchanged portion
817 shall be abated during occupancy. The portion of the repayment
818 to be abated must ~~shall~~ be based on the ratio of leased space to
819 unleased space.

820 (g) Notwithstanding s. 287.056(1), a state agency shall
821 ~~may, at the sole discretion of the agency head or his or her~~
822 ~~designee,~~ use the services of a tenant broker under a state term
823 contract to assist with a lease action ~~a competitive~~
824 ~~solicitation~~ undertaken by the agency, with the exception of
825 leases between governmental entities. If using ~~In making its~~
826 ~~determination whether to use a tenant broker, a state agency~~
827 ~~shall consult with the department. A state agency may not use~~
828 ~~the services of a tenant broker unless the tenant broker is~~
829 ~~under a term contract with the state which complies with~~
830 ~~paragraph (h). If a state agency uses the services of a tenant~~
831 ~~broker with respect to a transaction, the agency may not enter~~
832 ~~into a lease with a any landlord for whom to which the tenant~~
833 ~~broker is providing brokerage services for that transaction.~~

834 (h) ~~The Department of Management Services may,~~ Pursuant to
835 s. 287.042(2) (a), the department shall procure ~~a term~~ contracts
836 ~~contract~~ for tenant broker ~~real estate consulting and brokerage~~
837 ~~services.~~ A state agency may not purchase services from the
838 contract unless the contract has been procured under s.
839 287.057(1) ~~after March 1, 2007,~~ and contains the following
840 provisions or requirements:

841 1. Awarded tenant brokers must maintain an office or

11-00584B-13

20131074

842 presence in the market served. In awarding the contract,
843 preference must be given to brokers who ~~that~~ are licensed in
844 this state under chapter 475 and who ~~that~~ have 3 or more years
845 of experience in the market served. The contract may be made
846 with multiple ~~up to three~~ tenant brokers in order to serve the
847 marketplace ~~in the north, central, and south areas of the state.~~

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

851 3. The department shall provide training for the awarded
852 tenant brokers concerning the rules governing the procurement of
853 leases.

854 4. Tenant brokers must comply with all applicable
855 provisions of s. 475.278.

856 5. Real estate consultants and tenant brokers shall be
857 compensated by the state agency, subject to the provisions of
858 the term contract, and such compensation is subject to
859 appropriation by the Legislature. A real estate consultant or
860 tenant broker may not receive compensation directly from a
861 lessor for services that are rendered under the term contract.
862 Moneys paid by a lessor to the state agency under a facility
863 leasing arrangement are not subject to the charges imposed under
864 s. 215.20. All terms relating to the compensation of the real
865 estate consultant or tenant broker must ~~shall~~ be specified in
866 the term contract and may not be supplemented or modified by the
867 state agency using the contract.

868 6. The department shall conduct periodic customer-
869 satisfaction surveys.

870 7. Each state agency shall report the following information

11-00584B-13

20131074

871 to the department:

872 a. The number of leases that adhere to the goal of the
873 workspace-management initiative of 180 square feet per full-time
874 employee FTE.

875 b. The quality of space leased and the adequacy of tenant-
876 improvement funds.

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

879 d. Whether cost-benefit analyses were performed before
880 execution of the lease in order to ensure that the lease is in
881 the best interest of the state.

882 e. The lease costs compared to market rates for similar
883 types and classifications of space according to the official
884 classifications of the Building Owners and Managers Association.

885 (4) (a) The department may ~~shall~~ not authorize any state
886 agency to enter into a lease agreement for space in a privately
887 owned building if ~~when~~ suitable space is available in a state-
888 owned building located in the same geographic region, except
889 upon presentation to the department of sufficient written
890 justification, acceptable to the department, that a separate
891 space is required in order to fulfill the statutory duties of
892 the agency making the ~~such~~ request. The term "state-owned
893 building" as used in this subsection means any state-owned
894 facility regardless of use or control.

895 (b) State agencies shall cooperate with local governmental
896 units by using suitable, existing publicly owned facilities,
897 subject to ~~the provisions of~~ ss. 255.2501, 255.2502, and
898 255.2503. Agencies may use ~~utilize~~ unexpended funds appropriated
899 for lease payments to:

11-00584B-13

20131074

900 1. Pay their proportion of operating costs.

901 2. Renovate applicable spaces.

902 (c) Because the state has a substantial financial
903 investment in state-owned buildings, it is legislative policy
904 and intent that if ~~when~~ state-owned buildings meet the needs of
905 state agencies, agencies must fully use such buildings before
906 leasing privately owned buildings. ~~By September 15, 2006,~~ The
907 department ~~of Management Services~~ shall create a 5-year plan for
908 implementing this policy. The department shall update this plan
909 annually, detailing proposed departmental actions to meet the
910 plan's goals, and include ~~shall furnish~~ this plan annually as
911 part of the master leasing report.

912 (5) Before construction or renovation of any state-owned
913 building or state-leased space is commenced, the department ~~of~~
914 ~~Management Services~~ shall determine ~~ascertain~~, through the ~~by~~
915 submission of proposed plans to the Division of State Fire
916 Marshal for review, whether ~~that~~ the proposed construction or
917 renovation plan complies with the uniform firesafety standards
918 required by the division ~~of State Fire Marshal~~. The review of
919 construction or renovation plans for state-leased space must
920 ~~shall~~ be completed within 10 calendar days after ~~of~~ receipt of
921 the plans by the division ~~of State Fire Marshal~~. The review of
922 construction or renovation plans for a state-owned building must
923 ~~shall~~ be completed within 30 calendar days after ~~of~~ receipt of
924 the plans by the division ~~of State Fire Marshal~~. The
925 responsibility for submission and retrieval of the plans may
926 ~~called for in this subsection shall~~ not be imposed on the design
927 architect or engineer, but is ~~shall be~~ the responsibility of the
928 two agencies. If ~~Whenever~~ the division ~~of State Fire Marshal~~

11-00584B-13

20131074

929 determines that a construction or renovation plan is not in
930 compliance with ~~such~~ uniform firesafety standards, the division
931 ~~of State Fire Marshal~~ may issue an order to cease all
932 construction or renovation activities until compliance is
933 obtained, except those activities required to achieve ~~such~~
934 compliance. The lessor shall provide the department ~~with~~ ~~of~~
935 ~~Management Services~~ documentation certifying that the facility
936 meets all of ~~shall withhold approval of any proposed lease until~~
937 ~~the construction or renovation plan complies with~~ the uniform
938 firesafety standards ~~of the Division of State Fire Marshal~~. The
939 cost of all modifications or renovations made for the purpose of
940 bringing leased property into compliance with the uniform
941 firesafety standards are ~~shall be~~ borne by the lessor. The state
942 may not take occupancy without the division's final approval.

943 (6) Before construction or substantial improvement of any
944 state-owned building is commenced, the department ~~of Management~~
945 ~~Services~~ must determine ~~ascertain~~ that the proposed construction
946 or substantial improvement complies with the flood plain
947 management criteria for mitigation of flood hazards, as
948 prescribed in the October 1, 1986, rules and regulations of the
949 Federal Emergency Management Agency, and the department shall
950 monitor the project to assure compliance with the criteria. ~~In~~
951 ~~accordance with chapter 120,~~ The department ~~of Management~~
952 ~~Services~~ shall adopt rules ~~any necessary rules~~ to ensure that
953 all ~~such~~ proposed state construction and substantial improvement
954 of state buildings in designated flood-prone areas complies with
955 the flood plain management criteria. If ~~Whenever~~ the department
956 determines that a construction or substantial improvement
957 project is not in compliance with such ~~with the established~~

11-00584B-13

20131074

958 ~~flood plain management~~ criteria, the department may issue an
959 order to cease all construction or improvement activities until
960 compliance is obtained, except those activities required to
961 achieve such compliance.

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

966 (8) An agency may not enter into more than one lease for
967 space in the same privately owned facility or complex within any
968 12-month period except upon competitive solicitation.

969 (9) Specialized educational facilities, excluding
970 classrooms, are ~~shall be~~ exempt from the competitive bid
971 requirements for leasing pursuant to this section if the
972 executive head of a ~~any~~ state agency certifies in writing that
973 the said ~~the~~ facility is available from a single source and that the
974 competitive bid requirements would be detrimental to the state.
975 Such certification must ~~shall~~ include documentation of evidence
976 of steps taken to determine sole-source status.

977 (10) The department ~~of Management Services~~ may approve
978 emergency acquisition of space without competitive bids if
979 existing state-owned or state-leased space is destroyed or
980 rendered uninhabitable by an act of God, fire, malicious
981 destruction, or structural failure, or by legal action, or if
982 the agency head certifies in writing that there is an immediate
983 danger to the public health, safety, or welfare, or if other
984 substantial loss to the state requires emergency action and ~~if~~
985 the chief administrator of the state agency or the chief
986 administrator's designated representative certifies in writing

11-00584B-13

20131074

987 that no other agency-controlled space is available to meet this
988 emergency need; however, ~~but in no case shall~~ the lease for such
989 space may not exceed 11 months. If the lessor elects not to
990 replace or renovate the destroyed or uninhabitable facility, the
991 agency shall procure the needed space by competitive bid in
992 accordance with s. 255.249(10)(b) ~~255.249(4)(b)~~. If the lessor
993 elects to replace or renovate the destroyed or uninhabitable
994 facility and the construction or renovations will not be
995 complete at the end of the 11-month lease, the agency may modify
996 the lease to extend it on a month-to-month basis for up to an
997 ~~additional~~ 6 months to allow completion of such construction or
998 renovations.

999 (11) In any leasing of space which occurs ~~that is~~
1000 ~~accomplished~~ without competition, the individuals taking part in
1001 the development or selection of criteria for evaluation, in the
1002 evaluation, and in the award processes must ~~shall~~ attest in
1003 writing that they are independent of, and have no conflict of
1004 interest in, the entities evaluated and selected.

1005 Section 7. Subsection (4) of section 255.252, Florida
1006 Statutes, is amended to read:

1007 255.252 Findings and intent.—

1008 (4) In addition to designing and constructing new buildings
1009 to be energy-efficient, it is the policy of the state to operate
1010 and maintain state facilities in a manner that minimizes energy
1011 consumption and maximizes building sustainability and to operate
1012 facilities leased by the state so as to minimize energy use. It
1013 is further the policy of the state that the renovation of
1014 existing state facilities be in accordance with a sustainable
1015 building rating or a national model green building code. State

11-00584B-13

20131074

1016 agencies are encouraged to consider shared savings financing of
1017 energy-efficiency and conservation projects, using contracts
1018 that split the resulting savings for a specified period of time
1019 between the state agency and the private firm or cogeneration
1020 contracts and that otherwise permit the state to lower its net
1021 energy costs. Such energy contracts may be funded from the
1022 operating budget. The vendor for such energy contracts may be
1023 selected in accordance with s. 287.055.

1024 Section 8. Effective July 1, 2014, subsection (1) of
1025 section 255.254, Florida Statutes, is amended to read:

1026 255.254 No facility constructed or leased without life-
1027 cycle costs.-

1028 (1) A ~~No~~ state agency may not ~~shall~~ lease, construct, or
1029 have constructed, within limits prescribed in this section, a
1030 facility without having secured from the department an
1031 evaluation of life-cycle costs based on sustainable building
1032 ratings. ~~Furthermore,~~ Construction shall proceed only upon
1033 disclosing to the department, for the facility chosen, the life-
1034 cycle costs as determined in s. 255.255, the facility's
1035 sustainable building rating goal, and the capitalization of the
1036 initial construction costs of the building. The life-cycle costs
1037 and the sustainable building rating goal shall be primary
1038 considerations in the selection of a building design. For leased
1039 facilities larger ~~buildings more than~~ 2,000 ~~5,000~~ square feet in
1040 area within a given building boundary, an energy performance
1041 analysis that calculates ~~consisting of a projection of the total~~
1042 annual energy consumption and energy costs in dollars per square
1043 ~~foot of major energy-consuming equipment and systems based on~~
1044 ~~actual expenses from the last 3 years and projected forward for~~

11-00584B-13

20131074

1045 ~~the term of the proposed lease shall be performed. The analysis~~
1046 ~~must also compare the energy performance of the proposed lease~~
1047 ~~to lease shall only be made where there is a showing that the~~
1048 ~~energy costs incurred by the state are minimal compared to~~
1049 ~~available like facilities. A lease may not be finalized until~~
1050 ~~the energy performance analysis has been approved by the~~
1051 ~~department. A lease agreement for any building leased by the~~
1052 ~~state from a private sector entity shall include provisions for~~
1053 ~~monthly energy use data to be collected and submitted monthly to~~
1054 ~~the department by the owner of the building.~~

1055 Section 9. Effective July 1, 2014, subsection (1) of
1056 section 255.257, Florida Statutes, is amended to read:

1057 255.257 Energy management; buildings occupied by state
1058 agencies.—

1059 (1) ENERGY CONSUMPTION AND COST DATA.— Each state agency
1060 shall collect data on energy consumption and cost for all.~~The~~
1061 ~~data gathered shall be on state-owned facilities and metered~~
1062 ~~state-leased facilities of 5,000 net square feet or more.~~ These
1063 data will be used in the computation of the effectiveness of the
1064 state energy management plan and the effectiveness of the energy
1065 management program of each of the state agencies. Collected data
1066 shall be reported annually to the department in a format
1067 prescribed by the department.

1068 Section 10. Subsection (4) of section 255.503, Florida
1069 Statutes, is amended to read:

1070 255.503 Powers of the Department of Management Services.—
1071 The Department of Management Services shall have all the
1072 authority necessary to carry out and effectuate the purposes and
1073 provisions of this act, including, but not limited to, the

11-00584B-13

20131074

1074 authority to:

1075 (4) Operate existing state-owned facilities in the pool,
1076 including charging fees directly to state employees for the use
1077 of parking facilities, and to pledge rentals or charges for such
1078 facilities for the improvement, repair, maintenance, and
1079 operation of such facilities, or to finance the acquisition of
1080 facilities pursuant to the provisions of this act.

1081 Section 11. Subsection (7) of section 110.171, Florida
1082 Statutes, is amended to read:

1083 110.171 State employee telework program.—

1084 (7) Agencies that have a telework program shall establish
1085 and track performance measures that support telework program
1086 analysis and report data annually to the department in
1087 accordance with s. 255.249(9) ~~255.249(3)(d)~~. Such measures must
1088 include, but need not be limited to, those that quantify
1089 financial impacts associated with changes in office space
1090 requirements resulting from the telework program. Agencies
1091 operating in office space owned or managed by the department
1092 shall consult the department to ensure consistency with the
1093 strategic leasing plan required under s. 255.249(7)
1094 ~~255.249(3)(b)~~.

1095 Section 12. Paragraph (b) of subsection (15) of section
1096 985.682, Florida Statutes, is amended to read:

1097 985.682 Siting of facilities; study; criteria.—

1098 (15)

1099 (b) Notwithstanding s. 255.25(1) ~~(b)~~, the department may
1100 enter into lease-purchase agreements to provide juvenile justice
1101 facilities for ~~the~~ housing of committed youths, contingent upon
1102 available funds. The facilities provided through such agreements

11-00584B-13

20131074__

1103 must ~~shall~~ meet the program plan and specifications of the
1104 department. The department may enter into such lease agreements
1105 with private corporations and other governmental entities.
1106 However, notwithstanding ~~the provisions of~~ s. 255.25(3)(a), a ne
1107 ~~such~~ lease agreement may not be entered into except upon
1108 advertisement for the receipt of competitive bids and award to
1109 the lowest and best bidder except if ~~when~~ contracting with other
1110 governmental entities.

1111 Section 13. Except as otherwise expressly provided in this
1112 act, this act shall take effect July 1, 2013.