

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 a state agency to
15 submit a plan if a building or parcel is offered for
16 use to the agency; requiring the board of trustees to
17 adopt rules; amending s. 255.248, F.S.; defining the
18 terms "managing agency" and "tenant broker"; amending
19 s. 255.249, F.S.; revising the responsibilities of the
20 Department of Management Services with respect to
21 state-owned buildings; prohibiting a state agency from
22 leasing space in a private building under certain
23 circumstances; requiring an agency to notify the
24 department of an early termination of a lease within a
25 certain timeframe; authorizing the department to
26 direct state agencies to occupy space in a state-owned
27 building; revising the contents of the master leasing
28 report; authorizing state agencies to use the services

29 | of a tenant broker to provide certain information to
 30 | the department; requiring the title entity or managing
 31 | agency to report any vacant or underutilized space to
 32 | the department; amending s. 255.25, F.S.; revising
 33 | requirements for the construction or lease of certain
 34 | building space; revising an exemption that allows
 35 | certain agencies to negotiate a replacement lease
 36 | under certain circumstances; amending s. 255.252,
 37 | F.S.; specifying that a vendor for certain energy
 38 | efficiency contracts must be selected in accordance
 39 | with state procurement requirements; amending s.
 40 | 255.254, F.S.; revising provisions relating to
 41 | requirements for energy performance analysis for
 42 | certain buildings; amending 255.257, F.S.; requiring
 43 | all state-owned facilities to report energy
 44 | consumption and cost data; amending ss. 110.171 and
 45 | 985.682, F.S.; conforming cross-references; providing
 46 | effective dates.

47 |

48 | Be It Enacted by the Legislature of the State of Florida:

49 |

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

52 | 216.0152 Inventory of state-owned facilities or state-
 53 | occupied facilities.—

54 | (1) The Department of Management Services shall develop
 55 | and maintain an automated inventory of all facilities owned,
 56 | leased, rented, or otherwise occupied or maintained by a state

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

80 | (a) For reporting purposes, the Department of
81 | Transportation shall develop and maintain an inventory of the
82 | transportation facilities of the state transportation system.
83 | The Department of Transportation shall also identify and dispose
84 | of surplus property pursuant to ss. 337.25 and 339.04.

85 (b) The Board of Governors of the State University System
86 and the Department of Education, respectively, shall develop and
87 maintain an inventory, in the manner prescribed by the
88 Department of Management Services, of all state university and
89 community college facilities and, by July 1 of each year,
90 provide this inventory shall make the data available in a format
91 acceptable to the Department of Management Services. ~~By March~~
92 ~~15, 2011, the department shall adopt rules pursuant to ss.~~
93 ~~120.536 and 120.54 to administer this section.~~

94 ~~(2) For the purpose of assessing needed repairs and~~
95 ~~renovations of facilities, the Department of Management Services~~
96 ~~shall update its inventory with condition information for~~
97 ~~facilities of 3,000 square feet or more and cause to be updated~~
98 ~~the other inventories required by subsection (1) at least once~~
99 ~~every 5 years, but the inventories shall record acquisitions of~~
100 ~~new facilities and significant changes in existing facilities as~~
101 ~~they occur. The Department of Management Services shall provide~~
102 ~~each agency and the judicial branch with the most recent~~
103 ~~inventory applicable to that agency or to the judicial branch.~~
104 ~~Each agency and the judicial branch shall, in the manner~~
105 ~~prescribed by the Department of Management Services, report~~
106 ~~significant changes in the inventory as they occur. Items~~
107 ~~relating to the condition and life-cycle cost of a facility~~
108 ~~shall be updated at least every 5 years.~~

109 ~~(2)(3)~~ The Department of Management Services and the
110 Department of Environmental Protection shall, by October 1 of
111 each year, every 3 years, publish a complete report detailing
112 the ~~this~~ inventory of all state-owned facilities, including the

113 inventories of the Board of Governors of the State University
 114 System, the Department of Education, and the Department of
 115 Transportation, excluding the transportation facilities of the
 116 state transportation system. The annual report of state-owned
 117 real property recommended for disposition required under s.
 118 216.0153 must be included in this report and shall publish an
 119 annual update of the report. The department shall furnish the
 120 updated report to the Executive Office of the Governor and the
 121 Legislature no later than September 15 of each year.

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

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

126 253.031 Land office; custody of documents concerning land;
 127 moneys; plats.—

128 (8) The board shall keep a suitable seal of office. An
 129 impression of this seal shall be made upon the deeds conveying
 130 lands sold by the state, by the Board of Education, and by the
 131 Board of Trustees of the Internal Improvement Trust Fund of this
 132 state; and all such deeds shall be ~~personally~~ signed by the
 133 ~~officers or trustees~~ or their agents as authorized under s.
 134 253.431, making the same and impressed with the ~~said~~ seal and
 135 are ~~shall be~~ operative and valid without witnesses to the
 136 execution thereof; and the impression of such seal on any such
 137 deeds entitles ~~shall entitle~~ the same to record and to be
 138 received in evidence in all courts.

139 Section 3. Subsections (6) and (15) of section 253.034,
 140 Florida Statutes, are amended to read:

141 253.034 State-owned lands; uses.—

142 (6) The Board of Trustees of the Internal Improvement
143 Trust Fund shall determine which lands, the title to which is
144 vested in the board, may be surplused. For conservation lands,
145 the board shall determine whether ~~make a determination that~~ the
146 lands are no longer needed for conservation purposes and may
147 dispose of them by an affirmative vote of at least three
148 members. In the case of a land exchange involving the
149 disposition of conservation lands, the board must determine by
150 an affirmative vote of at least three members that the exchange
151 will result in a net positive conservation benefit. For all
152 other lands, the board shall determine whether ~~make a~~
153 ~~determination that~~ the lands are no longer needed and may
154 dispose of them by an affirmative vote of at least three
155 members.

156 (a) For the purposes of this subsection, all lands
157 acquired by the state before ~~prior to~~ July 1, 1999, using
158 proceeds from ~~the~~ Preservation 2000 bonds, the Conservation and
159 Recreation Lands Trust Fund, the Water Management Lands Trust
160 Fund, Environmentally Endangered Lands Program, and the Save Our
161 Coast Program and titled to the board, ~~which lands~~ are
162 identified as core parcels or within original project boundaries
163 are, ~~shall be~~ deemed to have been acquired for conservation
164 purposes.

165 (b) For any lands purchased by the state on or after July
166 1, 1999, before ~~a determination shall be made by the board prior~~
167 ~~to~~ acquisition, the board must determine which ~~as to those~~
168 parcels must ~~that shall~~ be designated as having been acquired

169 | for conservation purposes. ~~No~~ Lands acquired for use by the
 170 | Department of Corrections, the Department of Management Services
 171 | for use as state offices, the Department of Transportation,
 172 | except those specifically managed for conservation or recreation
 173 | purposes, or the State University System or the Florida
 174 | Community College System may not ~~shall~~ be designated as having
 175 | been purchased for conservation purposes.

176 | (c) At least every 10 years, as a component of each land
 177 | management plan or land use plan and in a form and manner
 178 | prescribed by rule by the board, each manager shall evaluate and
 179 | indicate to the board those lands that are not being used for
 180 | the purpose for which they were originally leased. For
 181 | conservation lands, the council shall review and ~~shall~~ recommend
 182 | to the board whether such lands should be retained in public
 183 | ownership or disposed of by the board. For nonconservation
 184 | lands, the division shall review such lands and ~~shall~~ recommend
 185 | to the board whether such lands should be retained in public
 186 | ownership or disposed of by the board.

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

192 | (e) Before ~~Prior to~~ any decision by the board to surplus
 193 | lands, the Acquisition and Restoration Council shall review and
 194 | make recommendations to the board concerning the request for
 195 | surplusing. The council shall determine whether the request for
 196 | surplusing is compatible with the resource values of and

197 management objectives for such lands.

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

220 (g)~~1.~~ The sale price of lands determined to be surplus
221 pursuant to this subsection and s. 253.82 shall be determined by
222 the division, which shall consider ~~and shall take into~~
223 ~~consideration~~ an appraisal of the property, or, if ~~when~~ the
224 estimated value of the land is \$500,000 or less ~~than \$100,000~~, a

225 comparable sales analysis or a broker's opinion of value. ~~If the~~
226 ~~appraisal referenced in this paragraph yields a value equal to~~
227 ~~or greater than \$1 million,~~ The division, ~~in its sole~~
228 ~~discretion,~~ may require a second appraisal. The individual or
229 entity that requests ~~requesting~~ to purchase the surplus parcel
230 shall pay all ~~appraisal~~ costs associated with determining the
231 property's value, if any.

232 1.2.a. A written valuation of land determined to be
233 surplus pursuant to this subsection and s. 253.82, and related
234 documents used to form the valuation or which pertain to the
235 valuation, are confidential and exempt from s. 119.07(1) and s.
236 24(a), Art. I of the State Constitution.

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

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

243 (I) During negotiations for the sale or exchange of the
244 land.

245 (II) During the marketing effort or bidding process
246 associated with the sale, disposal, or exchange of the land to
247 facilitate closure of such effort or process.

248 (III) When the passage of time has made the conclusions of
249 value invalid.

250 (IV) When negotiations or marketing efforts concerning the
251 land are concluded.

252 2.3. A unit of government that acquires title to lands

253 hereunder for less than appraised value may not sell or transfer
 254 title to all or any portion of the lands to any private owner
 255 for ~~a period of~~ 10 years. Any unit of government seeking to
 256 transfer or sell lands pursuant to this paragraph must ~~shall~~
 257 first allow the board of trustees to reacquire such lands for
 258 the price at which the board sold such lands.

259 (h) Parcels with a market value over \$500,000 must be
 260 initially offered for sale by competitive bid. The division may
 261 use agents, as authorized by s. 253.431, for this process. Any
 262 parcels unsuccessfully offered for sale by competitive bid, and
 263 parcels with a market value of \$500,000 or less, may be sold by
 264 any reasonable means, including procuring real estate services,
 265 open or exclusive listings, competitive bid, auction, negotiated
 266 direct sales, or other appropriate services, to facilitate the
 267 sale.

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

278 (j) ~~(i)~~ Requests for surplusizing may be made by any public
 279 or private entity or person. All requests shall be submitted to
 280 the lead managing agency for review and recommendation to the

281 council or its successor. Lead managing agencies ~~shall~~ have 90
 282 days to review such requests and make recommendations. Any
 283 surplus requests that have not been acted upon within the 90-
 284 day time period shall be immediately scheduled for hearing at
 285 the next regularly scheduled meeting of the council or its
 286 successor. Requests for surplus pursuant to this paragraph
 287 are ~~shall~~ not ~~be~~ required to be offered to local or state
 288 governments as provided in paragraph (f).

289 (k) ~~(j)~~ Proceeds from any sale of surplus lands pursuant to
 290 this subsection shall be deposited into the fund from which such
 291 lands were acquired. However, if the fund from which the lands
 292 were originally acquired no longer exists, such proceeds shall
 293 be deposited into an appropriate account to be used for land
 294 management by the lead managing agency assigned the lands before
 295 ~~prior to~~ the lands were ~~being~~ declared surplus. Funds received
 296 from the sale of surplus nonconservation lands, or lands that
 297 were acquired by gift, by donation, or for no consideration,
 298 shall be deposited into the Internal Improvement Trust Fund.

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

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

307 (n) ~~(m)~~ The board may adopt rules to administer ~~implement~~
 308 ~~the provisions of~~ this section, which may include procedures for

309 administering surplus land requests and criteria for when the
310 division may approve requests to surplus nonconservation lands
311 on behalf of the board.

312 (15) Before a building or parcel of land is offered for
313 lease, ~~sublease,~~ or sale to a local or federal unit of
314 government or a private party, it shall first be offered for
315 lease to state agencies, state universities, and Florida College
316 System institutions ~~community colleges,~~ with priority
317 consideration given to state universities and Florida College
318 System institutions ~~community colleges.~~ Within 60 days after the
319 offer for lease of a surplus building or parcel, a state
320 university or Florida College System institution that requests
321 the lease ~~community college~~ must submit a plan for review and
322 approval by the Board of Trustees of the Internal Improvement
323 Trust Fund regarding the intended use, including future use, of
324 the building or parcel of land before approval of a lease.
325 Within 60 days after the offer for lease of a surplus building
326 or parcel, a state agency that requests the lease of such
327 facility or parcel must submit a plan for review and approval by
328 the board of trustees regarding the intended use. The state
329 agency plan must, at a minimum, include the proposed use of the
330 facility or parcel, the estimated cost of renovation, a capital
331 improvement plan for the building, evidence that the building or
332 parcel meets an existing need that cannot otherwise be met, and
333 other criteria developed by rule by the board of trustees. The
334 board or its designee shall compare the estimated value of the
335 building or parcel to any submitted business plan to determine
336 if the lease or sale is in the best interest of the state. The

337 board of trustees shall adopt rules pursuant to chapter 120 for
338 the implementation of this section.

339 Section 4. Section 255.248, Florida Statutes, is amended
340 to read:

341 255.248 Definitions; ~~ss. 255.249 and 255.25.~~—As used in
342 this section and ss. 255.249-255.25 ~~255.249 and 255.25~~, the
343 term:

344 (1) "Best leasing value" means the highest overall value
345 to the state based on objective factors that include, but are
346 not limited to, rental rate, renewal rate, operational and
347 maintenance costs, tenant-improvement allowance, location, lease
348 term, condition of facility, landlord responsibility, amenities,
349 and parking.

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

352 (3) "Department" means the Department of Management
353 Services.

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

358 ~~(5)~~ (4) "Privately owned building" means any building not
359 owned by a governmental agency.

360 ~~(6)~~ (5) "Responsible lessor" means a lessor that ~~who~~ has
361 the capability in all respects to fully perform the contract
362 requirements and the integrity and reliability that will assure
363 good faith performance.

364 ~~(7)~~ (6) "Responsive bid," "responsive proposal," or

365 "responsive reply" means a bid or proposal, or reply submitted
366 by a responsive and responsible lessor, which conforms in all
367 material respects to the solicitation.

368 ~~(8)(7)~~ "Responsive lessor" means a lessor that has
369 submitted a bid, proposal, or reply that conforms in all
370 material respects to the solicitation.

371 ~~(9)(8)~~ "State-owned office building" means any building
372 whose title to which is vested in the state and which is used by
373 one or more executive agencies predominantly for administrative
374 direction and support functions. The ~~This~~ term excludes:

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

378 (b) All educational facilities and institutions under the
379 supervision of the Department of Education.

380 (c) All custodial facilities and institutions used
381 primarily for the care, custody, or treatment of wards of the
382 state.

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

384 (e) Buildings purchased or constructed from agricultural
385 or citrus trust funds.

386 (10) "Tenant broker" means a private real estate broker or
387 brokerage firm licensed to do business in this state and under
388 contract with the department to provide real estate transaction,
389 portfolio management, and strategic planning services for state
390 agencies.

391 Section 5. Section 255.249, Florida Statutes, is amended
392 to read:

393 255.249 Department of Management Services; responsibility;
 394 department rules.—

395 (1) The department shall have responsibility and authority
 396 for the operation, custodial care, ~~and~~ preventive maintenance,
 397 repair, alteration, modification, and allocation of space for ~~of~~
 398 all buildings in the Florida Facilities Pool and adjacent ~~the~~
 399 grounds ~~located adjacent thereto~~.

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

404 (3)-(2) The department shall require a ~~any~~ state agency
 405 planning to terminate a lease for the purpose of occupying space
 406 in a new state-owned office building, ~~the funds for which are~~
 407 ~~appropriated after June 30, 2000,~~ to state why the proposed
 408 relocation is in the best interest of the state.

409 (4)-(3)-(a) An agency that intends to terminate a lease of
 410 privately owned space before the expiration of its base term,
 411 must notify the department 90 days before the termination. The
 412 department shall, to the extent feasible, coordinate the
 413 vacation of privately owned leased space with the expiration of
 414 the lease on that space and, when a lease is terminated before
 415 expiration of its base term, will make a reasonable effort to
 416 place another state agency in the space vacated. A ~~Any~~ state
 417 agency may lease the space in any building that was subject to a
 418 lease terminated by a state agency for a period of time equal to
 419 the remainder of the base term without ~~the requirement of~~
 420 competitive solicitation.

421 (5) The department may direct a state agency to occupy, or
422 relocate to, space in any state-owned office building, including
423 all state-owned space identified in the Florida State-Owned
424 Lands and Records Information System managed by the Department
425 of Environmental Protection. The Department of Legal Affairs,
426 the Department of Agriculture and Consumer Services, and the
427 Department of Financial Services are excluded from this
428 subsection. However, the Department of Legal Affairs, the
429 Department of Agriculture and Consumer Services, and the
430 Department of Financial Services may elect to comply with the
431 provisions of this subsection in whole or in part. Any
432 relocation of an agency at the direction of the department shall
433 be implemented within existing appropriations of the agency and
434 shall not require a transfer of any funds pursuant to chapter
435 216.

436 (6)~~(b)~~ The department shall develop and implement a
437 strategic leasing plan. The strategic leasing plan must ~~shall~~
438 forecast space needs for all state agencies and identify
439 opportunities for reducing costs through consolidation,
440 relocation, reconfiguration, capital investment, and the
441 renovation, building, or acquisition of state-owned space.

442 (7)~~(e)~~ The department shall annually publish a master
443 leasing report that includes the strategic leasing plan created
444 under subsection (6). The department shall annually submit
445 ~~furnish~~ the ~~master~~ leasing report to the Executive Office of the
446 Governor and the Legislature by October 1. The report must
447 provide September 15 of each year which provides the following
448 information:

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

451 (b)2. Details of each lease, including location, size,
452 cost per leased square foot, lease-expiration date, and a
453 determination of whether sufficient state-owned office space
454 will be available at the expiration of the lease to accommodate
455 affected employees.

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

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

465 (e)5. Changes in occupancy rate, maintenance costs, and
466 efficiency costs of leases in the state portfolio. Changes to
467 occupancy costs in leased space by market and changes to space
468 consumption by agency and by market.

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

470 (g)7. Cost-benefit analyses of acquisition, build, and
471 consolidation opportunities, recommendations for strategic
472 consolidation, and strategic recommendations for disposition,
473 acquisition, and building.

474 (h) Recommendations for using capital improvement funds to
475 implement the consolidation of state agencies into state-owned
476 office buildings.

477 ~~(i) &~~ The updated plan required by s. 255.25(4)(c).
 478 ~~(8) (d)~~ Annually, by June 30: ~~of each year,~~
 479 (a) Each state agency shall ~~annually~~ provide to the
 480 department all information regarding agency programs affecting
 481 the need for or use of space by that agency, reviews of lease-
 482 expiration schedules for each geographic area, active and
 483 planned full-time equivalent data, business case analyses
 484 related to consolidation plans by an agency, a telework program
 485 under s. 110.171, and current occupancy and relocation costs,
 486 inclusive of furnishings, fixtures and equipment, data, and
 487 communications. State agencies may use the services of a tenant
 488 broker in preparing this information.

489 (b) The title entity or managing agency shall report to
 490 the department any vacant or underutilized space for all state-
 491 owned office buildings and any restrictions that apply to any
 492 other agency occupying the vacant or underutilized space. The
 493 title entity or managing agency shall also notify the department
 494 of any significant changes to its occupancy for the coming
 495 fiscal year. The Department of Legal Affairs, the Department of
 496 Agriculture and Consumer Services, and the Department of
 497 Financial Services are excluded from this subsection. However,
 498 the Department of Legal Affairs, the Department of Agriculture
 499 and Consumer Services, and the Department of Financial Services
 500 may elect to comply with the provisions of this subsection in
 501 whole or in part.

502 ~~(9) (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 5,000 square feet or more in
508 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
516 any other measurement used as the basis for lease payments or
517 other 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.

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
530 this lease, without penalty, if ~~this lease in the event~~ a state-
531 owned building becomes available to the lessee for occupancy and
532 the lessee has given ~~upon giving~~ 6 months' advance written

533 notice to the lessor by certified mail, return receipt
534 requested."

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

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

540 (g)~~(h)~~ For full disclosure of the names and the extent of
541 interest of the owners holding a 4 percent ~~4-percent~~ or more
542 interest in ~~any~~ privately owned property leased to the state or
543 in the entity holding title to the property, for exemption from
544 such disclosure of any beneficial interest that ~~which~~ is
545 represented by stock in a any corporation registered with the
546 Securities and Exchange Commission or registered pursuant to
547 chapter 517~~7~~, which ~~stock~~ is for sale to the general public, and
548 for exemption from such disclosure of any leasehold interest in
549 property located outside the territorial boundaries of the
550 United States.

551 (h)~~(i)~~ For full disclosure of the names of all public
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~~7~~, 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 (i)~~(j)~~ A method for reporting leases for nominal or no
563 consideration.

564 (j)~~(k)~~ For a lease of less than 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 (k)~~(l)~~ A standardized format for state agency reporting of
572 the information required by paragraph (8) (a) ~~(3) (d)~~.

573 (10)~~(5)~~ The department shall prepare a form listing all
574 conditions and requirements adopted pursuant to this chapter
575 which must be met by any state agency leasing any building or
576 part thereof. Before executing any lease, this form must ~~shall~~
577 be certified by the agency head or the agency head's designated
578 representative and submitted to the department.

579 (11)~~(6)~~ The department may contract for real estate
580 consulting or tenant brokerage services in order to carry out
581 its duties relating to the strategic leasing plan under
582 subsection (6). The contract must ~~shall~~ be procured pursuant to
583 s. 287.057. The vendor ~~that is~~ awarded the contract shall be
584 compensated ~~by the department~~, subject to the provisions of the
585 contract, and such compensation is subject to appropriation by
586 the Legislature. A ~~The~~ real estate consultant or tenant broker
587 may not receive compensation directly from a lessor for services
588 that are rendered pursuant to the contract. Moneys paid by a

589 | lessor to the department under a facility-leasing arrangement
590 | are not subject to the charges imposed under s. 215.20.

591 | Section 6. Paragraphs (a), (b), (c), (d), and (f) of
592 | subsection (3) and subsections (1), (2), (5), (6), (7), (9),
593 | (10), and (11) of section 255.25, Florida Statutes, are amended
594 | to read:

595 | 255.25 Approval required before ~~prior to~~ construction or
596 | lease of buildings.—

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

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

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

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

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

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

633 ~~(a)~~ ~~(b)~~ For the lease of less than 5,000 square feet of
 634 space, including space leased for nominal or no consideration, a
 635 state agency must notify the department at least 90 ~~30~~ days
 636 before the execution of the lease. The department shall review
 637 the lease and determine whether suitable space is available in a
 638 state-owned or state-leased building located in the same
 639 geographic region. If the department determines that space is
 640 not available, the department shall determine whether the state
 641 agency lease is in the best interests of the state. If the
 642 department determines that the execution of the lease is not in
 643 the best interests of the state, the department shall notify the
 644 agency proposing the lease, the Governor, the President of the

645 Senate, and the Speaker of the House of Representatives ~~and the~~
 646 ~~presiding officers of each house of the Legislature~~ of such
 647 finding in writing. A lease that is for a term extending beyond
 648 the end of a fiscal year is subject to ~~the provisions of~~ ss.
 649 216.311, 255.2502, and 255.2503.

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

656 (c) ~~(d)~~ ~~Notwithstanding paragraph (a) and except as~~
 657 ~~provided in ss. 255.249 and 255.2501, a state agency may not~~
 658 ~~lease a building or any part thereof unless prior approval of~~
 659 ~~the lease terms and conditions and of the need therefor is first~~
 660 ~~obtained from the department~~. The department may not approve any
 661 term or condition in a lease agreement which has been amended,
 662 supplemented, or waived unless a comprehensive analysis,
 663 including financial implications, demonstrates that such
 664 amendment, supplement, or waiver is in the state's long-term
 665 best interest. An ~~Any~~ approved lease may include an option to
 666 purchase or an option to renew the lease, or both, upon such
 667 terms and conditions as are established by the department,
 668 subject to final approval by the head of the department, ~~of~~
 669 ~~Management Services~~ and the provisions of s. 255.2502.

670 (3) (a) Except as provided in subsection (10), a state
 671 agency may not enter into a lease as lessee for the use of 5,000
 672 square feet or more of space in a privately owned building

673 | except upon advertisement for and receipt of competitive
674 | solicitations.

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

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

695 | 2.a. If an agency determines in writing that the use of an
696 | invitation to bid is not practicable, leased space shall be
697 | procured by competitive sealed proposals. A request for
698 | proposals shall be made available simultaneously to all lessors
699 | and must include a statement of the space sought; the time and
700 | date for the receipt of proposals and of the public opening; and

701 all contractual terms and conditions applicable to the
702 procurement, including the criteria, which must include, but
703 need not be limited to, price, to be used in determining the
704 acceptability of the proposal. The relative importance of price
705 and other evaluation criteria must ~~shall~~ be indicated. If the
706 agency contemplates renewing ~~renewal~~ of the contract, that fact
707 must be stated in the request for proposals. The proposal must
708 include the price for each year for which the contract may be
709 renewed. Evaluation of proposals must ~~shall~~ include
710 consideration of the total cost for each year as submitted by
711 the lessor.

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

718 3.a. If the agency determines in writing that the use of
719 an invitation to bid or a request for proposals will not result
720 in the best leasing value to the state, the agency may procure
721 leased space by competitive sealed replies. The agency's written
722 determination must specify reasons ~~that explain~~ why negotiation
723 may be necessary in order for the state to achieve the best
724 leasing value and must be approved in writing by the agency head
725 or his or her designee before ~~prior to the~~ advertisement of an
726 invitation to negotiate. Cost savings related to the agency
727 procurement process are not sufficient justification for using
728 an invitation to negotiate. An invitation to negotiate shall be

729 made available to all lessors simultaneously and must include a
730 statement of the space sought; the time and date for the receipt
731 of replies and of the public opening; and all terms and
732 conditions applicable to the procurement, including the criteria
733 to be used in determining the acceptability of the reply. If the
734 agency contemplates renewing ~~renewal~~ of the contract, that fact
735 must be stated in the invitation to negotiate. The reply must
736 include the price for each year for which the contract may be
737 renewed.

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

750 (b) The department ~~of Management Services~~ shall have the
751 authority to approve a lease for 5,000 square feet or more of
752 space which ~~that~~ covers more than 12 consecutive months ~~1 fiscal~~
753 ~~year,~~ subject to ~~the provisions of~~ ss. 216.311, 255.2501,
754 255.2502, and 255.2503, if such lease is, in the judgment of the
755 department, in the best interests of the state. In determining
756 best interest, the department shall consider availability of

757 state-owned space and analyses of build-to-suit and acquisition
758 opportunities. This paragraph does not apply to buildings or
759 facilities of any size leased for the purpose of providing care
760 and living space to individuals ~~for persons~~.

761 (c) The department may approve extensions of an existing
762 lease of 5,000 square feet or more of space if such extensions
763 are determined to be in the best interests of the state;
764 however, but in no case shall the total of such extensions may
765 not exceed 11 months. If at the end of the 11th month an agency
766 still needs that space, it must ~~shall~~ be procured by competitive
767 bid in accordance with s. 255.249(9)(b) ~~255.249(4)(b)~~. However,
768 if the Department of Agriculture and Consumer Services, the
769 Department of Financial Services, or the Department of Legal
770 Affairs ~~an agency that~~ determines that it is in its best
771 interest to remain in the space it currently occupies, it may
772 negotiate a replacement lease with the lessor if an independent
773 comparative market analysis demonstrates that the rates offered
774 are within market rates for the space and the cost of the new
775 lease does not exceed the cost of a comparable lease plus
776 documented moving costs. A present-value analysis and the
777 consumer price index shall be used in the calculation of lease
778 costs. The term of the replacement lease may not exceed the base
779 term of the expiring lease. For those agencies for which the
780 department may approve lease actions, the department may approve
781 a replacement lease with a lessor for an agency to remain in the
782 space it currently occupies if such lease is, in the judgment of
783 the department, in the best interests of the state. In
784 determining best interest, the department shall consider

785 availability of state-owned space and analyses of build-to-suit
786 and acquisition opportunities. The term of the replacement lease
787 may not exceed the base term of the expiring lease. Any
788 relocation of an agency at the direction of the department shall
789 be within existing appropriations and shall not require a
790 transfer of any funds pursuant to chapter 216.

791 (d) Any person who files an action protesting a decision
792 or intended decision pertaining to a competitive solicitation
793 for space to be leased by the agency pursuant to s. 120.57(3)(b)
794 shall post with the state agency at the time of filing the
795 formal written protest a bond payable to the agency in an amount
796 equal to 1 percent of the estimated total rental of the basic
797 lease period or \$5,000, whichever is greater, which bond is
798 ~~shall be~~ conditioned on ~~upon~~ the payment of all costs that may
799 be adjudged against him or her in the administrative hearing in
800 which the action is brought and in any subsequent appellate
801 court proceeding. If the agency prevails after completion of the
802 administrative hearing process and any appellate court
803 proceedings, it shall recover all costs and charges, which must
804 ~~shall~~ be included in the final order or judgment, excluding
805 attorney ~~attorney's~~ fees. Upon payment of such costs and charges
806 by the person protesting the award, the bond shall be returned
807 to him or her. If the person protesting the award prevails, the
808 bond shall be returned to that person and he or she shall
809 recover from the agency all costs and charges, which must ~~shall~~
810 be included in the final order of judgment, excluding attorney
811 ~~attorney's~~ fees.

812 (f) The unamortized portion of tenant improvements, if

813 appropriated, shall be paid in equal monthly installments over
814 the remaining term of the lease. If any portion of the original
815 leased premises is occupied after termination but during the
816 original term by a tenant who ~~that~~ does not require material
817 changes to the premises, the repayment of the cost of tenant
818 improvements applicable to the occupied but unchanged portion
819 shall be abated during occupancy. The portion of the repayment
820 to be abated must ~~shall~~ be based on the ratio of leased space to
821 unleased space.

822 (5) Before construction or renovation of any state-owned
823 building or state-leased space is commenced, the department of
824 ~~Management Services~~ shall determine ~~ascertain~~, through the ~~by~~
825 submission of proposed plans to the Division of State Fire
826 Marshal for review, whether ~~that~~ the proposed construction or
827 renovation plan complies with the uniform firesafety standards
828 required by the division of ~~State Fire Marshal~~. The review of
829 construction or renovation plans for state-leased space must
830 ~~shall~~ be completed within 10 calendar days after ~~of~~ receipt of
831 the plans by the division of ~~State Fire Marshal~~. The review of
832 construction or renovation plans for a state-owned building must
833 ~~shall~~ be completed within 30 calendar days after ~~of~~ receipt of
834 the plans by the division of ~~State Fire Marshal~~. The
835 responsibility for submission and retrieval of the plans may
836 ~~called for in this subsection shall~~ not be imposed on the design
837 architect or engineer, but is ~~shall be~~ the responsibility of the
838 two agencies. If ~~Whenever~~ the division of ~~State Fire Marshal~~
839 determines that a construction or renovation plan is not in
840 compliance with ~~such~~ uniform firesafety standards, the division

841 ~~of State Fire Marshal~~ may issue an order to cease all
842 construction or renovation activities until compliance is
843 obtained, except those activities required to achieve ~~such~~
844 compliance. The lessor shall provide the department with ~~of~~
845 Management Services documentation certifying that the facility
846 meets all of ~~shall withhold approval of any proposed lease until~~
847 ~~the construction or renovation plan complies with~~ the uniform
848 firesafety standards ~~of the Division of State Fire Marshal~~. The
849 cost of all modifications or renovations made for the purpose of
850 bringing leased property into compliance with the uniform
851 firesafety standards are ~~shall be~~ borne by the lessor. The state
852 may not take occupancy without the division's final approval.

853 (6) Before construction or substantial improvement of any
854 state-owned building is commenced, the department ~~of Management~~
855 ~~Services~~ must determine ~~ascertain~~ that the proposed construction
856 or substantial improvement complies with the flood plain
857 management criteria for mitigation of flood hazards, as
858 prescribed in the October 1, 1986, rules and regulations of the
859 Federal Emergency Management Agency, and the department shall
860 monitor the project to assure compliance with the criteria. ~~In~~
861 ~~accordance with chapter 120,~~ The department ~~of Management~~
862 ~~Services~~ shall adopt rules ~~any necessary rules~~ to ensure that
863 all ~~such~~ proposed state construction and substantial improvement
864 of state buildings in designated flood-prone areas complies with
865 the flood plain management criteria. If ~~Whenever~~ the department
866 determines that a construction or substantial improvement
867 project is not in compliance with such ~~with the established~~
868 ~~flood plain management~~ criteria, the department may issue an

869 order to cease all construction or improvement activities until
870 compliance is obtained, except those activities required to
871 achieve such compliance.

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

876 (9) Specialized educational facilities, excluding
877 classrooms, are ~~shall be~~ exempt from the competitive bid
878 requirements for leasing pursuant to this section if the
879 executive head of a ~~any~~ state agency certifies in writing that
880 the said facility is available from a single source and that the
881 competitive bid requirements would be detrimental to the state.
882 Such certification must ~~shall~~ include documentation of evidence
883 of steps taken to determine sole-source status.

884 (10) The department ~~of Management Services~~ may approve
885 emergency acquisition of space without competitive bids if
886 existing state-owned or state-leased space is destroyed or
887 rendered uninhabitable by an act of God, fire, malicious
888 destruction, or structural failure, or by legal action, or if
889 the agency head certifies in writing that there is an immediate
890 danger to the public health, safety, or welfare, or if other
891 substantial loss to the state requires emergency action and ~~if~~
892 the chief administrator of the state agency or the chief
893 administrator's designated representative certifies in writing
894 that no other agency-controlled space is available to meet this
895 emergency need; however, ~~but in no case shall~~ the lease for such
896 space may not exceed 11 months. If the lessor elects not to

897 | replace or renovate the destroyed or uninhabitable facility, the
 898 | agency shall procure the needed space by competitive bid in
 899 | accordance with s. 255.249(9)(b) ~~255.249(4)(b)~~. If the lessor
 900 | elects to replace or renovate the destroyed or uninhabitable
 901 | facility and the construction or renovations will not be
 902 | complete at the end of the 11-month lease, the agency may modify
 903 | the lease to extend it on a month-to-month basis for up to an
 904 | ~~additional~~ 6 months to allow completion of such construction or
 905 | renovations.

906 | (11) In any leasing of space which occurs ~~that is~~
 907 | ~~accomplished~~ without competition, the individuals taking part in
 908 | the development or selection of criteria for evaluation, in the
 909 | evaluation, and in the award processes must ~~shall~~ attest in
 910 | writing that they are independent of, and have no conflict of
 911 | interest in, the entities evaluated and selected.

912 | Section 7. Subsection (4) of section 255.252, Florida
 913 | Statutes, is amended to read:

914 | 255.252 Findings and intent.—

915 | (4) In addition to designing and constructing new
 916 | buildings to be energy-efficient, it is the policy of the state
 917 | to operate and maintain state facilities in a manner that
 918 | minimizes energy consumption and maximizes building
 919 | sustainability and to operate facilities leased by the state so
 920 | as to minimize energy use. It is further the policy of the state
 921 | that the renovation of existing state facilities be in
 922 | accordance with a sustainable building rating or a national
 923 | model green building code. State agencies are encouraged to
 924 | consider shared savings financing of energy-efficiency and

925 conservation projects, using contracts that split the resulting
926 savings for a specified period of time between the state agency
927 and the private firm or cogeneration contracts and that
928 otherwise permit the state to lower its net energy costs. Such
929 energy contracts may be funded from the operating budget. The
930 vendor for such energy contracts may be selected in accordance
931 with s. 287.055.

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

934 255.254 No facility constructed or leased without life-
935 cycle costs.-

936 (1) A ~~No~~ state agency may not ~~shall~~ lease, construct, or
937 have constructed, within limits prescribed in this section, a
938 facility without having secured from the department an
939 evaluation of life-cycle costs based on sustainable building
940 ratings. ~~Furthermore,~~ Construction shall proceed only upon
941 disclosing to the department, for the facility chosen, the life-
942 cycle costs as determined in s. 255.255, the facility's
943 sustainable building rating goal, and the capitalization of the
944 initial construction costs of the building. The life-cycle costs
945 and the sustainable building rating goal shall be primary
946 considerations in the selection of a building design. For leased
947 facilities larger ~~buildings more than 2,000 5,000~~ square feet in
948 area within a given building boundary, an energy performance
949 analysis that calculates ~~consisting of a projection of the total~~
950 annual energy consumption and energy costs in dollars per square
951 ~~foot of major energy-consuming equipment and systems based on~~
952 ~~actual expenses from the last 3 years and projected forward for~~

953 ~~the term of the proposed lease shall be performed. The analysis~~
954 ~~must also compare the energy performance of the proposed lease~~
955 ~~to lease shall only be made where there is a showing that the~~
956 ~~energy costs incurred by the state are minimal compared to~~
957 ~~available like facilities. A lease may not be finalized until~~
958 ~~the energy performance analysis has been approved by the~~
959 ~~department. A lease agreement for any building leased by the~~
960 ~~state from a private sector entity shall include provisions for~~
961 ~~monthly energy use data to be collected and submitted monthly to~~
962 ~~the department by the owner of the building.~~

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

965 255.257 Energy management; buildings occupied by state
966 agencies.—

967 (1) ENERGY CONSUMPTION AND COST DATA.— Each state agency
968 shall collect data on energy consumption and cost for all. ~~The~~
969 ~~data gathered shall be on state-owned facilities and metered~~
970 ~~state-leased facilities of 5,000 net square feet or more.~~ These
971 data will be used in the computation of the effectiveness of the
972 state energy management plan and the effectiveness of the energy
973 management program of each of the state agencies. Collected data
974 shall be reported annually to the department in a format
975 prescribed by the department.

976 Section 10. Subsection (7) of section 110.171, Florida
977 Statutes, is amended to read:

978 110.171 State employee telework program.—

979 (7) Agencies that have a telework program shall establish
980 and track performance measures that support telework program

981 analysis and report data annually to the department in
 982 accordance with s. 255.249(8) ~~255.249(3)(d)~~. Such measures must
 983 include, but need not be limited to, those that quantify
 984 financial impacts associated with changes in office space
 985 requirements resulting from the telework program. Agencies
 986 operating in office space owned or managed by the department
 987 shall consult the department to ensure consistency with the
 988 strategic leasing plan required under s. 255.249(6)
 989 ~~255.249(3)(b)~~.

990 Section 11. Paragraph (b) of subsection (15) of section
 991 985.682, Florida Statutes, is amended to read:

992 985.682 Siting of facilities; study; criteria.—

993 (15)

994 (b) Notwithstanding s. 255.25(1) ~~(b)~~, the department may
 995 enter into lease-purchase agreements to provide juvenile justice
 996 facilities for ~~the~~ housing ~~of~~ committed youths, contingent upon
 997 available funds. The facilities provided through such agreements
 998 must ~~shall~~ meet the program plan and specifications of the
 999 department. The department may enter into such lease agreements
 1000 with private corporations and other governmental entities.

1001 However, notwithstanding ~~the provisions of~~ s. 255.25(3)(a), a ~~no~~
 1002 ~~such~~ lease agreement may not be entered into except upon
 1003 advertisement for the receipt of competitive bids and award to
 1004 the lowest and best bidder except if ~~when~~ contracting with other
 1005 governmental entities.

1006 Section 12. Except as otherwise expressly provided in this
 1007 act, this act shall take effect July 1, 2013.