

By Senator Perry

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1 A bill to be entitled
2 An act relating to the use of state funds; amending s.
3 112.061, F.S.; providing a limitation on actual
4 expenses of certain lodging that may be reimbursed for
5 a state agency or judicial branch employee;
6 authorizing an employee to expend his or her own funds
7 on lodging expenses that exceed a specified amount;
8 creating s. 216.0161, F.S.; providing definitions;
9 requiring a state entity that requests state funds for
10 the construction of a new building to comply with
11 maximum cost per square foot requirements;
12 establishing maximum cost per square foot guidelines
13 for new state-funded construction; requiring the
14 Department of Management Services to annually review
15 the maximum cost per square foot guidelines and
16 recommend adjustments, based on a specified federal
17 index, to the Executive Office of the Governor and the
18 appropriations committees of the Legislature for
19 review and consideration for inclusion in the
20 legislative budget instructions; specifying the
21 formula to be used in deriving the cost per square
22 foot of a proposed new building; prohibiting the cost
23 per square foot from exceeding the prescribed maximum
24 cost per square foot; requiring the department to
25 review certain plans, calculate and certify certain
26 costs, and provide specified information concerning
27 construction of a new building at the request of a
28 state entity; prohibiting a state entity from
29 requesting state funds for new building construction

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30 which exceed specified amounts without the
31 department's certification; requiring a state entity
32 head to certify that each legislative budget request
33 complies with the requirements of specified
34 provisions; prohibiting a state entity from spending
35 or contracting to spend state funds for new building
36 construction if certain costs exceed authorized cost
37 per square foot amounts; providing penalties; amending
38 s. 216.023, F.S.; requiring legislative budget
39 requests for fixed capital outlay for new building
40 construction to adhere to maximum cost per square foot
41 requirements; amending s. 286.27, F.S.; prohibiting
42 the use of state funds to purchase alcoholic beverages
43 and to purchase food or beverages for certain state
44 agency appreciation or recognition events; providing
45 an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Present paragraph (c) of subsection (6) of
50 section 112.061, Florida Statutes, is redesignated as paragraph
51 (d), paragraph (a) of subsection (6) of that section is amended,
52 and a new paragraph (c) is added to that subsection, to read:

53 112.061 Per diem and travel expenses of public officers,
54 employees, and authorized persons.—

55 (6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For
56 purposes of reimbursement rates and methods of calculation, per
57 diem and subsistence allowances are provided as follows:

58 (a) All travelers shall be allowed for subsistence when

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59 traveling to a convention or conference or when traveling within
60 or outside the state in order to conduct bona fide state
61 business, which convention, conference, or business serves a
62 direct and lawful public purpose with relation to the public
63 agency served by the person attending such meeting or conducting
64 such business, either of the following for each day of such
65 travel at the option of the traveler:

- 66 1. Eighty dollars per diem; or
- 67 2. If actual expenses exceed \$80, the amounts permitted in
68 paragraph (b) for subsistence, plus actual expenses for lodging
69 at a single-occupancy rate, except as provided in paragraph (c),
70 to be substantiated by paid bills therefor.

71
72 When lodging or meals are provided at a state institution, the
73 traveler shall be reimbursed only for the actual expenses of
74 such lodging or meals, not to exceed the maximums ~~maximum~~
75 provided for in this subsection.

76 (c) Actual expenses for lodging associated with the
77 attendance of an employee of a state agency or the judicial
78 branch at a meeting, conference, or convention organized or
79 sponsored in whole or in part by a state agency or the judicial
80 branch may not exceed \$150 per day. However, an employee may
81 expend his or her own funds for any lodging expenses that exceed
82 \$150 per day.

83 Section 2. Section 216.0161, Florida Statutes, is created
84 to read:

85 216.0161 Maximum cost per square foot for new state-funded
86 building construction.-

87 (1) As used in this section, the term:

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88 (a) "Art" means the artwork for a new state-funded building
89 as set forth in s. 255.043.

90 (b) "Building" means an office building, a courthouse, an
91 administrative building, or a university or college classroom
92 building or auditorium building. The term does not include a
93 nursing, medical, laboratory, science, technology, correctional,
94 residential, or food service facility or a facility with less
95 than 10,000 total square feet.

96 (c) "Core costs" means the costs associated with providing
97 infrastructure for the core areas of each floor of a building,
98 including potable domestic water risers, separate sanitary and
99 storm drain systems, sanitary vents, electrical power
100 distribution panels, circuit breakers, electrical closets, a
101 designated connection point to the central fire alarm system,
102 distribution backboards within wire closets, and connections to
103 horizontal extensions within a tenant's usable area.

104 (d) "Department" means the Department of Management
105 Services.

106 (e) "DRI" means large projects that require a development-
107 of-regional-impact review and permit as set forth in s. 380.06.

108 (f) "Furniture, fixtures, and equipment" means the movable
109 furniture, fixtures, and other equipment that have no permanent
110 connection to the structure of a building.

111 (g) "Maximum cost per square foot" means the maximum cost
112 per square foot as determined in subsection (3) or in the
113 legislative budget instructions for the construction of a new
114 building.

115 (h) "Permitting costs" means the costs or fees required to
116 obtain relevant permission to undertake a new building

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117 construction project, including, but not limited to,
118 environmental permits, building permits, State Fire Marshal
119 reviews, utility connection fees, impact fees, and the
120 department's project management fees.

121 (i) "Professional service fees" means the fees charged by
122 construction design professionals, including engineers, who are
123 utilized in planning and designing an energy-efficient and
124 sustainable building that meets the goals identified in s.
125 255.252.

126 (j) "Raw building construction costs" means the costs
127 associated with the building construction contract, including
128 the cost of materials and the cost of labor and equipment
129 necessary to install materials. The term includes shell costs,
130 core costs, and tenant costs.

131 (k) "Shell costs" means the costs associated with the
132 building structure, exterior envelope physical characteristics,
133 vertical circulation, public spaces, and physical plant support
134 spaces of a building.

135 (l) "State entity" means a state agency or department, the
136 judicial branch, a state university, or a state college.

137 (m) "Tenant costs" means the costs associated with the
138 design and construction for the installation of materials; HVAC,
139 electrical, and plumbing systems; and lifesafety items to meet
140 the tenant office layout needs that are within the shell and
141 core of a building. The term does not include the cost of
142 furniture, fixtures, and equipment.

143 (n) "Total construction cost" means the total of the raw
144 building construction costs; permitting costs; cost to install
145 utility services; professional service fees; and art, furniture,

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146 fixtures, and equipment costs. The term does not include the
 147 cost for the real property, parking areas, and parking
 148 structures.

149 (2) A state entity that requests state funds to construct
 150 or contract for the construction of a new building must comply
 151 with the maximum cost per square foot requirements. The state
 152 entity shall apply the maximum cost per square foot amount using
 153 the region that is in closest proximity to the region in which
 154 the new building will be constructed, taking into consideration
 155 whether the building is part of a DRI.

156 (3) (a) For the 2017-2018 fiscal year, the maximum cost per
 157 square foot shall be:

<u>Region</u>	<u>Cost per sq. ft. w/o</u> <u>DRI</u>	<u>Cost per sq. ft. w/</u> <u>DRI</u>
<u>Fort Myers</u>	<u>\$365.98</u>	<u>\$491.37</u>
<u>Jacksonville</u>	<u>\$397.16</u>	<u>\$494.84</u>
<u>Miami</u>	<u>\$564.55</u>	<u>\$794.82</u>
<u>Tallahassee</u>	<u>\$395.13</u>	<u>\$493.06</u>
<u>Tampa</u>	<u>\$411.59</u>	<u>\$584.25</u>

165 (b) Beginning July 1, 2018, and annually thereafter, the
 166 department shall review the maximum cost per square foot and
 167 recommend adjustments, based on the percentage change in the

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168 average of the Producer Price Index Data for New Office Building
169 Construction published by the United States Department of Labor,
170 to the Executive Office of the Governor and the appropriations
171 committees of the Legislature for review and consideration for
172 inclusion in the legislative budget instructions pursuant to s.
173 216.023(3).

174 (4) To determine the cost per square foot of a proposed new
175 building, the estimated total construction cost plus 10 percent
176 must be divided by the total square footage of the proposed new
177 building. For purposes of this subsection, the total square
178 footage of the proposed new building does not include the real
179 property, parking areas, and parking structures. The value
180 derived from this calculation may not exceed the maximum cost
181 per square foot.

182 (5) At the request of a state entity that seeks state funds
183 to construct or contract for the construction of a new building,
184 the department shall:

185 (a) Review the building construction plans and calculate
186 the estimated cost per square foot.

187 (b) After completing its review, certify the estimated cost
188 per square foot and specify whether the cost per square foot is
189 equal to or less than the maximum cost per square foot.

190 (c) Provide recommendations for reducing the estimated cost
191 per square foot if such cost exceeds the maximum cost per square
192 foot.

193 (6) A state entity may not request state funds for new
194 building construction if the estimated cost per square foot
195 exceeds the maximum cost per square foot, unless the department
196 has certified that the total estimated cost per square foot will

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197 exceed the maximum cost per square foot by no more than 10
198 percent and the additional cost is attributable to:

199 (a) Necessary security-related costs;

200 (b) Building material costs needed due to site limitations
201 for construction on a specific site; or

202 (c) Extraordinary permitting costs.

203 (7) A state entity head shall certify that each legislative
204 budget request submitted under s. 216.023 for new building
205 construction complies with this section. If the cost per square
206 foot of a new building exceeds the maximum cost per square foot,
207 the state entity head shall identify in writing the specific
208 additional costs that exceed the maximum cost per square foot as
209 provided in subsection (6).

210 (8) A state entity may not spend or enter into a contract
211 to spend state funds for new building construction if the cost
212 per square foot of a new building exceeds the maximum cost per
213 square foot authorized under subsection (6), unless specifically
214 authorized by law. A contract in violation of this section is
215 void. A person who willfully spends or enters into a contract to
216 spend state funds that exceed the maximum cost per square foot,
217 except as provided in subsection (7) or unless specifically
218 authorized by law, commits a misdemeanor of the second degree,
219 punishable as provided in s. 775.082 or s. 775.083.

220 Section 3. Subsection (11) is added to section 216.023,
221 Florida Statutes, to read:

222 216.023 Legislative budget requests to be furnished to
223 Legislature by agencies.—

224 (11) A legislative budget request for fixed capital outlay
225 for new building construction must adhere to the maximum cost

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226 per square foot requirements set forth in s. 216.0161.

227 Section 4. Section 286.27, Florida Statutes, is amended to
228 read:

229 286.27 Prohibited uses ~~Use~~ of state funds ~~for greeting~~
230 ~~cards prohibited. No~~ State funds may not shall be expended for:

231 (1) The purchase, preparation, printing, or mailing of any
232 card the sole purpose of which is to convey holiday greetings.

233 (2) The purchase of alcoholic beverages.

234 (3) The purchase of food or beverages for events related to
235 state agency employee, board member, or vendor appreciation or
236 recognition.

237 Section 5. This act shall take effect July 1, 2017.