

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;

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29 | revising the contents of the master leasing report;
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:

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

61 (1) The Department of Management Services shall develop
 62 and maintain an automated inventory of all facilities owned,
 63 leased, rented, or otherwise occupied or maintained by a state
 64 ~~any 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

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85 systems, but does not include transportation facilities of the
86 state transportation system.

87 (a) For reporting purposes, the Department of
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~~

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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~~
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
133 rules 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

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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
 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. Subsections (6) and (15) of section 253.034,
 150 Florida Statutes, are amended to read:

151 253.034 State-owned lands; uses.—

152 (6) The Board of Trustees of the Internal Improvement
 153 Trust Fund shall determine which lands, the title to which is
 154 vested in the board, may be surplus. For conservation lands,
 155 the 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
 167 acquired by the state before ~~prior to~~ July 1, 1999, using
 168 proceeds from ~~the~~ Preservation 2000 bonds, the Conservation and

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169 Recreation Lands Trust Fund, the Water Management Lands Trust
170 Fund, Environmentally Endangered Lands Program, and the Save Our
171 Coast Program and titled to the board, ~~which lands~~ are
172 identified as core parcels or within original project boundaries
173 are, ~~shall be~~ deemed to have been acquired for conservation
174 purposes.

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

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

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

202 (e) Before ~~Prior to~~ any decision by the board to surplus
 203 lands, the Acquisition and Restoration Council shall review and
 204 make recommendations to the board concerning the request for
 205 surplus. The council shall determine whether the request for
 206 surplus is compatible with the resource values of and
 207 management objectives for such lands.

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

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225 involving other governmental agencies shall be made when ~~upon~~
226 the board decides ~~deciding~~ the best public use of the lands.
227 Surplus properties in which governmental agencies have expressed
228 no interest must ~~shall~~ then be available for sale on the private
229 market.

230 (g)~~1.~~ The sale price of lands determined to be surplus
231 pursuant to this subsection and s. 253.82 shall be determined by
232 the division, which shall consider ~~and shall take into~~
233 ~~consideration~~ an appraisal of the property, or, if ~~when~~ the
234 estimated value of the land is \$500,000 or less ~~than \$100,000~~, a
235 comparable sales analysis or a broker's opinion of value. ~~If the~~
236 ~~appraisal referenced in this paragraph yields a value equal to~~
237 ~~or greater than \$1 million,~~ The division, ~~in its sole~~
238 ~~discretion,~~ may require a second appraisal. The individual or
239 entity that requests ~~requesting~~ to purchase the surplus parcel
240 shall pay all ~~appraisal~~ costs associated with determining the
241 property's value, if any.

242 1.2.a. A written valuation of land determined to be
243 surplus pursuant to this subsection and s. 253.82, and related
244 documents used to form the valuation or which pertain to the
245 valuation, are confidential and exempt from s. 119.07(1) and s.
246 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

262 ~~2.3.~~ A unit of government that acquires title to lands
 263 hereunder for less than appraised value may not sell or transfer
 264 title to all or any portion of the lands to any private owner
 265 for ~~a period of~~ 10 years. Any unit of government seeking to
 266 transfer or sell lands pursuant to this paragraph must ~~shall~~
 267 first allow the board of trustees to reacquire such lands for
 268 the price at which the board sold such lands.

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

278 (i) ~~(h)~~ After reviewing the recommendations of the council,
 279 the board shall determine whether lands identified for surplus
 280 are to be held for other public purposes or ~~whether such lands~~

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281 are no longer needed. The board may require an agency to release
282 its interest in such lands. A state ~~For an agency, county, or~~
283 local government that has requested the use of a property that
284 was to be declared as surplus, ~~said agency~~ must secure ~~have~~ the
285 property under lease within 90 days after being notified that it
286 may use such property ~~6 months of the date of expiration of the~~
287 ~~notice provisions required under this subsection and s. 253.111.~~

288 (j) ~~(i)~~ Requests for surplusing may be made by any public
289 or private entity or person. All requests shall be submitted to
290 the lead managing agency for review and recommendation to the
291 council or its successor. Lead managing agencies ~~shall~~ have 90
292 days to review such requests and make recommendations. Any
293 surplusing requests that have not been acted upon within the 90-
294 day time period shall be immediately scheduled for hearing at
295 the next regularly scheduled meeting of the council or its
296 successor. Requests for surplusing pursuant to this paragraph
297 are ~~shall~~ not ~~be~~ required to be offered to local or state
298 governments as provided in paragraph (f).

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

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

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

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

322 (15) Before a building or parcel of land is offered for
323 lease, sublease, or sale to a local or federal unit of
324 government or a private party, it must ~~shall~~ first be offered
325 for lease to state agencies, state universities, and community
326 colleges, contingent upon the submission of a business plan for
327 the proposed use of the building or parcel. Within 60 days after
328 the offer of a surplus building or parcel, a state agency, state
329 university, or Florida College System institution that requests
330 the transfer of a surplus building or parcel must develop and
331 submit a business plan for the proposed use of the building or
332 parcel. The business plan must, at a minimum, include the
333 proposed use, the cost of renovation, the replacement cost for a
334 new building for the same proposed use, a capital improvement
335 plan for the building, evidence that the building or parcel
336 meets an existing need that cannot be otherwise met, and other

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337 criteria developed by rule by the department ~~with priority~~
338 ~~consideration given to state universities and community~~
339 ~~colleges.~~ A state agency, university, or Florida College System
340 institution shall ~~community college must~~ submit its business a
341 plan for review and approval by the Board of Trustees of the
342 Internal Improvement Trust Fund or its designee regarding the
343 intended use of the building or parcel of land before approval
344 of a lease. The board or its designee shall compare the
345 appraised value of the building or parcel to any submitted
346 business plan for proposed use of the building or parcel to
347 determine if the transfer or sale is in the best interest of the
348 state.

349 Section 4. Section 255.248, Florida Statutes, is amended
350 to read:

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

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

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

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

364 (4) "Managing agency" means an agency that serves as the

365 title entity or that leases property from the Board of Trustees
 366 of the Internal Improvement Trust Fund for the operation and
 367 maintenance of a state-owned office building.

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

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

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

378 (8)~~(7)~~ "Responsive lessor" means a lessor that has
 379 submitted a bid, proposal, or reply that conforms in all
 380 material respects to the solicitation.

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

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

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

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

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

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

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

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

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

405 (1) The department shall have responsibility and authority
406 for the operation, custodial care, and preventive maintenance,
407 repair, alteration, modification, and allocation of space for ~~of~~
408 all buildings in the Florida Facilities Pool and adjacent ~~the~~
409 grounds ~~located adjacent thereto.~~

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

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

419 (4)-(3)-(a) An agency that intends to terminate a lease of
420 privately owned space before the expiration of its base term,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

530 ~~2.b.~~ "The lessee has ~~shall have~~ the right to terminate
531 this lease, without penalty, if ~~this lease in the event~~ a state-
532 owned building becomes available to the lessee for occupancy and

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533 | the lessee has given ~~upon giving~~ 6 months' advance written
534 | notice to the lessor by certified mail, return receipt
535 | requested."

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

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

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

554 | (i) For full disclosure of the names of all public
555 | officials, agents, or employees holding any interest in any
556 | privately owned property leased to the state or in the entity
557 | holding title to the property, and the nature and extent of
558 | their interest, for exemption from such disclosure of any
559 | beneficial interest that ~~which~~ is represented by stock in any
560 | corporation registered with the Securities and Exchange

561 Commission or registered pursuant to chapter 517, which ~~stock~~ is
 562 for sale to the general public, and for exemption from such
 563 disclosure of any leasehold interest in property located outside
 564 the territorial boundaries of the United States.

565 (j) A method for reporting leases for nominal or no
 566 consideration.

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

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

576 (m) Procedures for the effective and efficient
 577 administration of this section.

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

584 (12) (6) The department may contract for real estate
 585 consulting or tenant brokerage services in order to carry out
 586 its duties relating to the strategic leasing plan under
 587 subsection (7). The contract must ~~shall~~ be procured pursuant to
 588 s. 287.057. The vendor ~~that is~~ awarded the contract shall be

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589 compensated ~~by the department,~~ subject to the provisions of the
590 contract, and such compensation is subject to appropriation by
591 the Legislature. A ~~The~~ real estate consultant or tenant broker
592 may not receive compensation directly from a lessor for services
593 that are rendered pursuant to the contract. Moneys paid by a
594 lessor to the department under a facility-leasing arrangement
595 are not subject to the charges imposed under s. 215.20.

596 Section 6. Section 255.25, Florida Statutes, is amended to
597 read:

598 255.25 Approval required before ~~prior to~~ construction or
599 lease of buildings.—

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

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

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

615 (b) The department shall serve as a mediator in lease-
616 renewal negotiations if the agency and the lessor are unable to

617 reach a compromise within 6 months after renegotiation and if
 618 ~~either~~ the agency or lessor requests intervention by the
 619 department.

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

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

636 ~~(a)~~ ~~(b)~~ For the lease of less than 2,000 ~~5,000~~ square feet
 637 of space, including space leased for nominal or no
 638 consideration, a state agency must notify the department at
 639 least 90 ~~30~~ days before the execution of the lease. The
 640 department shall review the lease and determine whether suitable
 641 space is available in a state-owned or state-leased building
 642 located in the same geographic region. If the department
 643 determines that space is not available, the department shall
 644 determine whether the state agency lease is in the best

645 interests of the state. If the department determines that the
 646 execution of the lease is not in the best interests of the
 647 state, the department shall notify the agency proposing the
 648 lease, the Governor, the President of the Senate, and the
 649 Speaker of the House of Representatives ~~and the presiding~~
 650 ~~officers of each house of the Legislature~~ of such finding in
 651 writing. A lease that is for a term extending beyond the end of
 652 a fiscal year is subject to ~~the provisions of~~ ss. 216.311,
 653 255.2502, and 255.2503.

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

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

673 ~~Management Services~~ and the provisions of s. 255.2502.

674 (3) (a) Except as provided in subsection (10), a state
 675 agency may not enter into a lease as lessee for the use of 2,000
 676 ~~5,000~~ square feet or more of space in a privately owned building
 677 except upon advertisement for and receipt of competitive
 678 solicitations.

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

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

699 2.a. If an agency determines in writing that the use of an
 700 invitation to bid is not practicable, leased space shall be

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

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

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

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

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

754 (b) The department of ~~Management Services~~ shall have the
755 authority to approve a lease for 2,000 ~~5,000~~ square feet or more
756 of space which ~~that~~ covers more than 12 consecutive months ~~±~~

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757 ~~fiscal year~~, subject to ~~the provisions of~~ ss. 216.311, 255.2501,
758 255.2502, and 255.2503, if such lease is, in the judgment of the
759 department, in the best interests of the state. In determining
760 best interest, the department shall consider availability of
761 state-owned space and analyses of build-to-suit and acquisition
762 opportunities. This paragraph does not apply to buildings or
763 facilities of any size leased for the purpose of providing care
764 and living space to individuals ~~for persons~~.

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

782 (d) Any person who files an action protesting a decision
783 or intended decision pertaining to a competitive solicitation
784 for space to be leased by the agency pursuant to s. 120.57(3)(b)

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

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

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

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

837 (h) ~~The Department of Management Services may,~~ Pursuant to
838 s. 287.042(2) (a), the department shall procure a term contracts
839 ~~contract for tenant broker real estate consulting and brokerage~~
840 services. A state agency may not purchase services from the

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841 contract unless the contract has been procured under s.
842 287.057(1) ~~after March 1, 2007,~~ and contains the following
843 provisions or requirements:

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

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

854 3. The department shall provide training for the awarded
855 tenant brokers concerning the rules governing the procurement of
856 leases.

857 4. Tenant brokers must comply with all applicable
858 provisions of s. 475.278.

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

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869 | the term contract and may not be supplemented or modified by the
870 | state agency using the contract.

871 | 6. The department shall conduct periodic customer-
872 | satisfaction surveys.

873 | 7. Each state agency shall report the following
874 | information to the department:

875 | a. The number of leases that adhere to the goal of the
876 | workspace-management initiative of 180 square feet per full-time
877 | employee FTE.

878 | b. The quality of space leased and the adequacy of tenant-
879 | improvement funds.

880 | c. The timeliness of lease procurement, measured from the
881 | date of the agency's request to the finalization of the lease.

882 | d. Whether cost-benefit analyses were performed before
883 | execution of the lease in order to ensure that the lease is in
884 | the best interest of the state.

885 | e. The lease costs compared to market rates for similar
886 | types and classifications of space according to the official
887 | classifications of the Building Owners and Managers Association.

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

897 facility regardless of use or control.

898 (b) State agencies shall cooperate with local governmental
 899 units by using suitable, existing publicly owned facilities,
 900 subject to ~~the provisions of~~ ss. 255.2501, 255.2502, and
 901 255.2503. Agencies may use ~~utilize~~ unexpended funds appropriated
 902 for lease payments to:

- 903 1. Pay their proportion of operating costs.
- 904 2. Renovate applicable spaces.

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

915 (5) Before construction or renovation of any state-owned
 916 building or state-leased space is commenced, the department ~~of~~
 917 ~~Management Services~~ shall determine ~~ascertain~~, through the ~~by~~
 918 submission of proposed plans to the Division of State Fire
 919 Marshal for review, whether ~~that~~ the proposed construction or
 920 renovation plan complies with the uniform firesafety standards
 921 required by the division ~~of State Fire Marshal~~. The review of
 922 construction or renovation plans for state-leased space must
 923 ~~shall~~ be completed within 10 calendar days after ~~of~~ receipt of
 924 the plans by the division ~~of State Fire Marshal~~. The review of

925 construction or renovation plans for a state-owned building must
 926 ~~shall~~ be completed within 30 calendar days after ~~of~~ receipt of
 927 the plans by the division ~~of State Fire Marshal~~. The
 928 responsibility for submission and retrieval of the plans may
 929 ~~called for in this subsection~~ shall not be imposed on the design
 930 architect or engineer, but is ~~shall be~~ the responsibility of the
 931 two agencies. If ~~Whenever~~ the division ~~of State Fire Marshal~~
 932 determines that a construction or renovation plan is not in
 933 compliance with ~~such~~ uniform firesafety standards, the division
 934 ~~of State Fire Marshal~~ may issue an order to cease all
 935 construction or renovation activities until compliance is
 936 obtained, except those activities required to achieve ~~such~~
 937 compliance. The lessor shall provide the department with ~~of~~
 938 ~~Management Services~~ documentation certifying that the facility
 939 meets all of ~~shall withhold approval of any proposed lease until~~
 940 ~~the construction or renovation plan complies with~~ the uniform
 941 firesafety standards ~~of the Division of State Fire Marshal~~. The
 942 cost of all modifications or renovations made for the purpose of
 943 bringing leased property into compliance with the uniform
 944 firesafety standards are ~~shall be~~ borne by the lessor. The state
 945 may not take occupancy without the division's final approval.

946 (6) Before construction or substantial improvement of any
 947 state-owned building is commenced, the department ~~of Management~~
 948 ~~Services~~ must determine ~~ascertain~~ that the proposed construction
 949 or substantial improvement complies with the flood plain
 950 management criteria for mitigation of flood hazards, as
 951 prescribed in the October 1, 1986, rules and regulations of the
 952 Federal Emergency Management Agency, and the department shall

953 | monitor the project to assure compliance with the criteria. ~~In~~
 954 | ~~accordance with chapter 120,~~ The department of Management
 955 | ~~Services~~ shall adopt rules ~~any necessary rules~~ to ensure that
 956 | all ~~such~~ proposed state construction and substantial improvement
 957 | of state buildings in designated flood-prone areas complies with
 958 | the flood plain management criteria. If ~~Whenever~~ the department
 959 | determines that a construction or substantial improvement
 960 | project is not in compliance with such ~~with the established~~
 961 | ~~flood plain management~~ criteria, the department may issue an
 962 | order to cease all construction or improvement activities until
 963 | compliance is obtained, except those activities required to
 964 | achieve such compliance.

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

969 | (8) An agency may not enter into more than one lease for
 970 | space in the same privately owned facility or complex within any
 971 | 12-month period except upon competitive solicitation.

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

980 | (10) The department of ~~Management Services~~ may approve

981 emergency acquisition of space without competitive bids if
 982 existing state-owned or state-leased space is destroyed or
 983 rendered uninhabitable by an act of God, fire, malicious
 984 destruction, or structural failure, or by legal action, or if
 985 the agency head certifies in writing that there is an immediate
 986 danger to the public health, safety, or welfare, or if other
 987 substantial loss to the state requires emergency action and ~~if~~
 988 the chief administrator of the state agency or the chief
 989 administrator's designated representative certifies in writing
 990 that no other agency-controlled space is available to meet this
 991 emergency need; however, ~~but in no case shall~~ the lease for such
 992 space may not exceed 11 months. If the lessor elects not to
 993 replace or renovate the destroyed or uninhabitable facility, the
 994 agency shall procure the needed space by competitive bid in
 995 accordance with s. 255.249(10)(b) ~~255.249(4)(b)~~. If the lessor
 996 elects to replace or renovate the destroyed or uninhabitable
 997 facility and the construction or renovations will not be
 998 complete at the end of the 11-month lease, the agency may modify
 999 the lease to extend it on a month-to-month basis for up to an
 1000 ~~additional~~ 6 months to allow completion of such construction or
 1001 renovations.

1002 (11) In any leasing of space which occurs ~~that is~~
 1003 ~~accomplished~~ without competition, the individuals taking part in
 1004 the development or selection of criteria for evaluation, in the
 1005 evaluation, and in the award processes must ~~shall~~ attest in
 1006 writing that they are independent of, and have no conflict of
 1007 interest in, the entities evaluated and selected.

1008 Section 7. Subsection (4) of section 255.252, Florida

1009 Statutes, is amended to read:

1010 255.252 Findings and intent.—

1011 (4) In addition to designing and constructing new
 1012 buildings to be energy-efficient, it is the policy of the state
 1013 to operate and maintain state facilities in a manner that
 1014 minimizes energy consumption and maximizes building
 1015 sustainability and to operate facilities leased by the state so
 1016 as to minimize energy use. It is further the policy of the state
 1017 that the renovation of existing state facilities be in
 1018 accordance with a sustainable building rating or a national
 1019 model green building code. State agencies are encouraged to
 1020 consider shared savings financing of energy-efficiency and
 1021 conservation projects, using contracts that split the resulting
 1022 savings for a specified period of time between the state agency
 1023 and the private firm or cogeneration contracts and that
 1024 otherwise permit the state to lower its net energy costs. Such
 1025 energy contracts may be funded from the operating budget. The
 1026 vendor for such energy contracts may be selected in accordance
 1027 with s. 287.055.

1028 Section 8. Effective July 1, 2014, subsection (1) of
 1029 section 255.254, Florida Statutes, is amended to read:

1030 255.254 No facility constructed or leased without life-
 1031 cycle costs.—

1032 (1) A ~~No~~ state agency may not ~~shall~~ lease, construct, or
 1033 have constructed, within limits prescribed in this section, a
 1034 facility without having secured from the department an
 1035 evaluation of life-cycle costs based on sustainable building
 1036 ratings. ~~Furthermore,~~ Construction shall proceed only upon

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1037 disclosing to the department, for the facility chosen, the life-
1038 cycle costs as determined in s. 255.255, the facility's
1039 sustainable building rating goal, and the capitalization of the
1040 initial construction costs of the building. The life-cycle costs
1041 and the sustainable building rating goal shall be primary
1042 considerations in the selection of a building design. For leased
1043 facilities larger buildings ~~more than 2,000 5,000~~ square feet in
1044 area within a given building boundary, an energy performance
1045 analysis that calculates ~~consisting of a projection of the total~~
1046 annual energy consumption and energy costs ~~in dollars~~ per square
1047 foot ~~of major energy-consuming equipment and systems based on~~
1048 ~~actual expenses from the last 3 years and projected forward for~~
1049 ~~the term of the proposed lease~~ shall be performed. The analysis
1050 must also compare the energy performance of the proposed lease
1051 to lease ~~shall only be made where there is a showing that the~~
1052 ~~energy costs incurred by the state are minimal compared to~~
1053 ~~available like facilities.~~ A lease may not be finalized until
1054 the energy performance analysis has been approved by the
1055 department. ~~A lease agreement for any building leased by the~~
1056 ~~state from a private sector entity shall include provisions for~~
1057 ~~monthly energy use data to be collected and submitted monthly to~~
1058 ~~the department by the owner of the building.~~

1059 Section 9. Effective July 1, 2014, subsection (1) of
1060 section 255.257, Florida Statutes, is amended to read:

1061 255.257 Energy management; buildings occupied by state
1062 agencies.—

1063 (1) ENERGY CONSUMPTION AND COST DATA.— Each state agency
1064 shall collect data on energy consumption and cost for all. ~~The~~

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1065 ~~data gathered shall be on~~ state-owned facilities and metered
1066 ~~state-leased facilities of 5,000 net square feet or more.~~ These
1067 data will be used in the computation of the effectiveness of the
1068 state energy management plan and the effectiveness of the energy
1069 management program of each of the state agencies. Collected data
1070 shall be reported annually to the department in a format
1071 prescribed by the department.

1072 Section 10. Subsection (4) of section 255.503, Florida
1073 Statutes, is amended to read:

1074 255.503 Powers of the Department of Management Services.—
1075 The Department of Management Services shall have all the
1076 authority necessary to carry out and effectuate the purposes and
1077 provisions of this act, including, but not limited to, the
1078 authority to:

1079 (4) Operate existing state-owned facilities in the pool,
1080 including charging fees directly to state employees for the use
1081 of parking facilities, and to pledge rentals or charges for such
1082 facilities for the improvement, repair, maintenance, and
1083 operation of such facilities, or to finance the acquisition of
1084 facilities pursuant to the provisions of this act.

1085 Section 11. Subsection (7) of section 110.171, Florida
1086 Statutes, is amended to read:

1087 110.171 State employee telework program.—

1088 (7) Agencies that have a telework program shall establish
1089 and track performance measures that support telework program
1090 analysis and report data annually to the department in
1091 accordance with s. 255.249(9) ~~255.249(3)(d)~~. Such measures must
1092 include, but need not be limited to, those that quantify

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1093 financial impacts associated with changes in office space
 1094 requirements resulting from the telework program. Agencies
 1095 operating in office space owned or managed by the department
 1096 shall consult the department to ensure consistency with the
 1097 strategic leasing plan required under s. 255.249(7)
 1098 ~~255.249(3)(b)~~.

1099 Section 12. Paragraph (b) of subsection (15) of section
 1100 985.682, Florida Statutes, is amended to read:

1101 985.682 Siting of facilities; study; criteria.-
 1102 (15)

1103 (b) Notwithstanding s. 255.25(1) ~~(b)~~, the department may
 1104 enter into lease-purchase agreements to provide juvenile justice
 1105 facilities for ~~the~~ housing ~~of~~ committed youths, contingent upon
 1106 available funds. The facilities provided through such agreements
 1107 must ~~shall~~ meet the program plan and specifications of the
 1108 department. The department may enter into such lease agreements
 1109 with private corporations and other governmental entities.
 1110 However, notwithstanding ~~the provisions of~~ s. 255.25(3)(a), a ~~no~~
 1111 ~~such~~ lease agreement may not be entered into except upon
 1112 advertisement for the receipt of competitive bids and award to
 1113 the lowest and best bidder except if ~~when~~ contracting with other
 1114 governmental entities.

1115 Section 13. Except as otherwise expressly provided in this
 1116 act, this act shall take effect July 1, 2013.