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1 A bill to be entitled
2 An act relating to state-owned real property; amending
3 s. 253.034, F.S.; requiring the state to offer to
4 lease state-owned buildings or lands to state agencies
5 and universities before offering them for sale, lease,
6 or sublease to others; amending s. 255.249, F.S.;
7 requiring that the department determine if certain
8 leases are in the best interests of the state;
9 amending s. 255.25, F.S.; requiring that a state
10 agency seeking to lease a privately owned building or
11 land receive a determination from the Department of
12 Management Services that the lease serves the best
13 interests of the state; requiring the department to
14 review the lease and determine if suitable space is
15 available in a state-owned building in the same
16 geographic region; requiring the department to notify
17 the state agency proposing the lease, the Governor,
18 and the Legislature of certain finding; amending s.
19 627.351, F.S.; subjecting Citizens Property Insurance
20 Corporation to ch. 255, F.S., relating to public
21 property and publicly owned buildings; requiring the
22 Department of Management Services to create and
23 maintain a database of state-owned real property;
24 providing requirements for the database; requiring a
25 report to the Governor and Legislature; requiring the
26 Department of Management Services, in coordination
27 with the Board of Trustees of the Internal Improvement
28 Trust Fund, to begin the process of disposing of
29 certain buildings; providing an effective date.

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

Section 1. Subsection (15) is added to section 253.034, Florida Statutes, to read:

253.034 State-owned lands; uses.—

(15) Before a building or parcel of land is offered for lease, sublease, or sale to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies and state universities, with priority consideration given to state universities.

Section 2. Paragraph (k) of subsection (4) of section 255.249, Florida Statutes, is amended to read:

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

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

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

Section 3. Subsection (2) of section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(2) (a) Except as provided in s. 255.2501, a state agency

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59 may not lease a building or any part thereof unless prior
60 approval of the lease conditions and of the need therefor is
61 first obtained from the department. Any approved lease may
62 include an option to purchase or an option to renew the lease,
63 or both, upon such terms and conditions as are established by
64 the department subject to final approval by the head of the
65 Department of Management Services and s. 255.2502.

66 (b) ~~The approval of the department, except for technical~~
67 ~~sufficiency, need not be obtained~~ For the lease of less than
68 5,000 square feet of space, a state agency must notify the
69 department at least 30 days before the execution of the lease.
70 The department shall review the lease and determine whether
71 suitable space is available in a state-owned building located in
72 the same geographic region. If the department determines that
73 space is not available, the department shall determine whether
74 the state agency lease is in the best interests of the state. If
75 the department determines that the execution of the lease is not
76 in the best interests of the state, the department shall notify
77 the agency proposing the lease, the Governor, and the presiding
78 officers of each house of the Legislature of such finding in
79 writing. ~~within a privately owned building, provided the agency~~
80 ~~head or the agency head's designated representative has~~
81 ~~certified compliance with applicable leasing criteria as may be~~
82 ~~provided pursuant to s. 255.249(4)(k) and has determined such~~
83 ~~lease to be in the best interest of the state. A lease that is~~
84 for a term extending beyond the end of a fiscal year is subject
85 to the provisions of ss. 216.311, 255.2502, and 255.2503.

86 (c) The department shall adopt as a rule uniform leasing
87 procedures for use by each state agency other than the

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88 Department of Transportation. Each state agency shall ensure
89 that the leasing practices of that agency are in substantial
90 compliance with the uniform leasing rules adopted under this
91 section and ss. 255.249, 255.2502, and 255.2503.

92 (d) Notwithstanding paragraph (a) and except as provided in
93 ss. 255.249 and 255.2501, a state agency may not lease a
94 building or any part thereof unless prior approval of the lease
95 terms and conditions and of the need therefor is first obtained
96 from the department. The department may not approve any term or
97 condition in a lease agreement which has been amended,
98 supplemented, or waived unless a comprehensive analysis,
99 including financial implications, demonstrates that such
100 amendment, supplement, or waiver is in the state's long-term
101 best interest. Any approved lease may include an option to
102 purchase or an option to renew the lease, or both, upon such
103 terms and conditions as are established by the department
104 subject to final approval by the head of the Department of
105 Management Services and the provisions of s. 255.2502.

106 Section 4. Present paragraphs (f) through (ee) of
107 subsection (6) of section 627.351, Florida Statutes, are
108 redesignated as paragraphs (g) through (ff), respectively, and a
109 new paragraph (f) is added to that subsection, to read:

110 627.351 Insurance risk apportionment plans.—

111 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

112 (f) The corporation is subject to the provisions of chapter
113 255.

114 Section 5. Database of state-owned property.—

115 (1) The Department of Management Services is directed to
116 create, administer, and maintain a comprehensive database of all

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117 state-owned real property. To that end, the Department of
118 Management Services shall prepare a plan to compile the database
119 and address the following issues in the plan:

120 (a) A method for requiring that specific information be
121 provided for each property in the database in order to determine
122 appropriate valuation.

123 (b) A method for maintaining and updating the database.

124 (c) A method for identifying and assessing the database
125 properties for potential disposition.

126 (d) A method for requiring that the Department of
127 Management Services be notified of identified properties for
128 purposes of conducting a strategic valuation and disposition
129 analysis.

130 (2) The Department of Management Services shall submit the
131 plan to the President of the Senate, the Speaker of the House of
132 Representatives, and the Executive Office of the Governor by
133 January 4, 2010.

134 Section 6. In an effort to improve cost efficiencies and
135 maximize revenues to the state, by disposing of surplus
136 property, the Department of Management Services, in coordination
137 with the Board of Trustees of the Internal Improvement Trust
138 Fund, shall begin immediately the disposition process of the
139 Fuller Warren Building, the Bloxham Building, the Bloxham Annex
140 Properties "A, B, and C," the Firestone Building, and the
141 Winchester Building.

142 Section 7. This act shall take effect July 1, 2009.