

House Bill No. 2007

An act relating to state leases; amending s. 216.043, F.S.; requiring state agencies to present justification before terminating a lease of privately owned property; amending s. 255.249, F.S.; providing for the coordination and assumption of the remaining term of a lease terminated by a state agency before the end of its base term; amending s. 255.25, F.S.; providing for the determination and amortization of the cost of tenant improvements; providing a process for the recovery of unamortized cost of tenant improvements when a lease is terminated before the end of its base term; providing an effective date.

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

Section 1. Paragraph (g) is added to subsection (3) of section 216.043, Florida Statutes, to read:

216.043 Budgets for fixed capital outlay.—

(3) Each legislative budget request for fixed capital outlay submitted shall contain:

(g) The unamortized cost of tenant improvements under any lease executed after September 30, 2000, which is terminated before the expiration of its term for the purpose of relocating to a state-owned building.

Section 2. Present subsections (2) and (3) of section 255.249, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and new subsections (2) and (3) are added to that section, to read:

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

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

(3) The department shall, to the extent feasible, coordinate the vacation of privately owned leased space with the expiration of the lease on that space and, when a lease is terminated before expiration of its base term, will make a reasonable effort to place another state agency in the space vacated. Any state agency may lease the space in any building that was subject to a lease terminated by a state agency for a period of time equal to the remainder of the base term without the requirement of competitive bidding.

Section 3. Paragraphs (d) and (e) are added to subsection (3) of section 255.25, Florida Statutes, to read:

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

(3)

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

(e) The unamortized portion of tenant improvements, if appropriated, will be paid in equal monthly installments over the remaining term of the lease. If any portion of the original leased premises is occupied after termination but during the original term by a tenant that does not require material changes to the premises, the repayment of the cost of tenant improvements applicable to the occupied but unchanged portion shall be abated during occupancy. The portion of the repayment to be abated shall be based on the ratio of leased space to unleased space.

Section 4. This act shall take effect July 1, 2000.

Approved by the Governor June 2, 2000.

Filed in Office Secretary of State June 2, 2000.