

Committee Substitute for Senate Bill No. 1804

An act relating to state-owned real property; amending s. 253.034, F.S.; requiring the state to offer to lease state-owned buildings or lands to state agencies and universities before offering them for sale, lease, or sublease to others; amending s. 255.249, F.S.; requiring that the department determine if certain leases are in the best interests of the state; amending s. 255.25, F.S.; requiring that a state agency seeking to lease a privately owned building or land receive a determination from the Department of Management Services that the lease serves the best interests of the state; requiring the department to review the lease and determine if suitable space is available in a state-owned building in the same geographic region; requiring the department to notify the state agency proposing the lease, the Governor, and the Legislature of certain findings; amending s. 627.351, F.S.; subjecting Citizens Property Insurance Corporation to ch. 255, F.S., relating to public property and publicly owned buildings; requiring the Department of Management Services to create and maintain a database of state-owned real property; providing requirements for the database; requiring a report to the Governor and Legislature; requiring the Department of Management Services, in coordination with the Board of Trustees of the Internal Improvement Trust Fund, to begin the process of disposing of certain buildings; providing an effective date.

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

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

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

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

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

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

Section 5. Database of state-owned property.—

(1) The Department of Management Services is directed to create, administer, and maintain a comprehensive database of all state-owned real property. To that end, the Department of Management Services shall prepare a plan to compile the database and address the following issues in the plan:

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

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

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

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

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

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

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

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.