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31 amendments to current leases; removing the expiration of  
 32 provisions requiring that the department approve the terms  
 33 of a lease by a state agency; requiring an analysis if the  
 34 department approves an amendment or supplement to or  
 35 waiver of a term or condition of a lease agreement;  
 36 prohibiting a state agency from entering into certain  
 37 leases of space in a privately owned building except upon  
 38 advertisement for and receipt of competitive  
 39 solicitations; providing exceptions; providing  
 40 requirements for the use of invitations to bid, requests  
 41 for proposals, and invitations to negotiate; providing  
 42 criteria for awarding contracts; providing criteria for  
 43 protesting an agency decision or intended decision  
 44 pertaining to a competitive solicitation for leased space;  
 45 removing the expiration of provisions providing  
 46 legislative intent with respect to the use of state-owned  
 47 buildings; requiring that the department create a plan for  
 48 fully using such buildings before leasing private  
 49 buildings; requiring an annual report to the Legislature  
 50 and the Governor; providing an effective date.

51  
 52 Be It Enacted by the Legislature of the State of Florida:

53  
 54 Section 1. Section 255.248, Florida Statutes, is amended to  
 55 read:

56 255.248 Definitions; ss. 255.249 and 255.25.—As The  
 57 ~~following definitions shall apply when used in ss. 255.249 and~~  
 58 255.25, the term:

59 (1) "Best leasing value" means the highest overall  
 60 value to the state based on objective factors that include, but

61 are not limited to, rental rate, renewal rate, operational and  
 62 maintenance costs, tenant-improvement allowance, location, lease  
 63 term, condition of facility, landlord responsibility, amenities  
 64 and parking.

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

67 (3) "Department" means the Department of Management  
 68 Services.

69 (4) "Privately owned building" means any building not owned  
 70 by a governmental agency.

71 (5) "Responsible lessor" means a lessor who has the  
 72 capability in all respects to fully perform the contract  
 73 requirements and the integrity and reliability that will assure  
 74 good faith performance.

75 (6) "Responsive bid," "responsive proposal," or "responsive  
 76 reply" means a bid, or proposal, or reply submitted by a  
 77 responsive and responsible vendor that conforms in all material  
 78 respects to the solicitation.

79 (7) "Responsive lessor" means a lessor that has submitted a  
 80 bid, proposal, or reply that conforms in all material respects to  
 81 the solicitation.

82 ~~(8)-(1)~~ ~~The term~~ "state-owned office building" means any  
 83 building title to which is vested in the state and which is used  
 84 by one or more executive agencies predominantly for  
 85 administrative direction and support functions. This term  
 86 excludes:

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

90 (b) All educational facilities and institutions under the  
 91 supervision of the Department of Education.

92 (c) All custodial facilities and institutions used  
 93 primarily for the care, custody, or treatment of wards of the  
 94 state.

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

96 (e) Buildings purchased or constructed from agricultural or  
 97 citrus trust funds.

98 ~~(2) The term "privately owned building" shall mean any~~  
 99 ~~building not owned by a governmental agency.~~

100 Section 2. Subsections (1), (3), (4) and (5) of section  
 101 255.249, Florida Statutes, are amended to read:

102 255.249 Department of Management Services; responsibility;  
 103 department rules.--

104 (1) The department ~~Department of Management Services~~ shall  
 105 have responsibility and authority for the custodial and  
 106 preventive maintenance, repair, and allocation of space of all  
 107 buildings in the Florida Facilities Pool and the grounds located  
 108 adjacent thereto.

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

118 (b) The department shall develop and implement a strategic  
 119 leasing plan. The strategic leasing plan shall forecast agency

120 space needs for all state agencies and identify opportunities for  
 121 reducing costs through consolidation, relocation,  
 122 reconfiguration, capital investment, and the building or  
 123 acquisition of state owned space.

124 ~~(c)-(b)~~ Beginning fiscal year 2008, the The department shall  
 125 annually publish a master leasing report ~~that lists, by agency,~~  
 126 ~~all leases that are due to expire within 24 months. The annual~~  
 127 ~~report must include the following information for each lease:~~  
 128 ~~location; size of leased space; current cost per leased square~~  
 129 ~~foot; lease expiration date; and a determination of whether~~  
 130 ~~sufficient state owned office space will be available at the~~  
 131 ~~expiration of the lease to house affected employees. The report~~  
 132 ~~must also include a list of amendments and supplements to and~~  
 133 ~~waivers of terms and conditions in lease agreements that have~~  
 134 ~~been approved pursuant to s. 255.25(2)(a) during the previous 12~~  
 135 ~~months and an associated comprehensive analysis, including~~  
 136 ~~financial implications, showing that any amendment, supplement,~~  
 137 ~~or waiver is in the state's long term best interest. The~~  
 138 department shall furnish the master leasing ~~this~~ report to the  
 139 Executive Office of the Governor and the Legislature by September  
 140 15 of each year which provides the following information: ~~This~~  
 141 ~~paragraph expires July 1, 2007.~~

142 1. A list, by agency and by geographic market, of all leases  
 143 that are due to expire within 24 months.

144 2. Details of each lease, including location, size, cost per  
 145 leased square foot, lease-expiration date, and a determination of  
 146 whether sufficient state-owned office space will be available at  
 147 the expiration of the lease to accommodate affected employees.

148 3. A list of amendments and supplements to and waivers of  
 149 terms and conditions in lease agreements that have been approved

150 pursuant to s. 255.25(2) (a) during the previous 12 months and an  
 151 associated comprehensive analysis, including financial  
 152 implications, showing that any amendment, supplement, or waiver  
 153 is in the state's long-term best interest.

154 4. Financial impacts to the pool rental rate due to sale,  
 155 removal, acquisition or construction of pool facilities.

156 5. Changes in occupancy rate, maintenance costs, and  
 157 efficiency costs of leases in the state portfolio. Changes to  
 158 occupancy costs in leased space by market and changes to space  
 159 consumption by agency and by market.

160 6. An analysis of portfolio supply and demand.

161 7. Cost-benefit analyses of acquisition, build and  
 162 consolidation opportunities, recommendations for strategic  
 163 consolidation, and strategic recommendations for disposition,  
 164 acquisition, and build.

165 (d) On or before June 30 of each year, each state agency  
 166 shall provide to the department all information regarding agency  
 167 programs affecting the need for or use of space by that agency,  
 168 reviews of lease-expiration schedules for each geographic area,  
 169 active and planned full-time equivalent data, business case  
 170 analyses related to consolidation plans by an agency, and current  
 171 occupancy and relocation costs, inclusive of furnishings,  
 172 fixtures and equipment, data, and communications.

173 (4) The department shall adopt ~~promulgate~~ rules pursuant to  
 174 chapter 120 providing:

175 (a) Methods for accomplishing the duties outlined in  
 176 subsection (1).

177 (b) Procedures for soliciting and accepting competitive  
 178 solicitations ~~proposals~~ for leased space of 5,000 square feet or  
 179 more in privately owned buildings, for evaluating the proposals

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180 received, for exemption from competitive solicitations ~~bidding~~  
 181 requirements of any lease the purpose of which is the provision  
 182 of care and living space for persons or emergency space needs as  
 183 provided in s. 255.25(10), and for the securing of at least three  
 184 documented quotes for a lease that is not required to be  
 185 competitively solicited ~~bid~~.

186 (c) A standard method for determining square footage or any  
 187 other measurement used as the basis for lease payments or other  
 188 charges.

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

192 (e)1. Acceptable terms and conditions for inclusion in  
 193 lease agreements.

194 2. Such terms and conditions shall include, at a minimum,  
 195 the following clauses, which may not be amended, supplemented, or  
 196 waived:

197 a. As provided in s. 255.2502, "The State of Florida's  
 198 performance and obligation to pay under this contract is  
 199 contingent upon an annual appropriation by the Legislature."

200 b. "The Lessee shall have the right to terminate, without  
 201 penalty, this lease in the event a State-owned building becomes  
 202 available to the Lessee for occupancy ~~in the County of~~  
 203 \_\_\_\_\_, Florida, during the term of said lease for the  
 204 ~~purposes for which this space is being leased~~ upon giving 6  
 205 months' advance written notice to the Lessor by Certified Mail,  
 206 Return Receipt Requested."

207 ~~This subparagraph expires July 1, 2007.~~

208 (f) Maximum rental rates, by geographic areas or by county,  
 209 for leasing privately owned space.

210 (g) A standard method for the assessment of rent to state  
 211 agencies and other authorized occupants of state-owned office  
 212 space, notwithstanding the source of funds.

213 (h) For full disclosure of the names and the extent of  
 214 interest of the owners holding a 4-percent or more interest in  
 215 any privately owned property leased to the state or in the entity  
 216 holding title to the property, for exemption from such disclosure  
 217 of any beneficial interest which is represented by stock in any  
 218 corporation registered with the Securities and Exchange  
 219 Commission or registered pursuant to chapter 517, which stock is  
 220 for sale to the general public, and for exemption from such  
 221 disclosure of any leasehold interest in property located outside  
 222 the territorial boundaries of the United States.

223 (i) For full disclosure of the names of all public  
 224 officials, agents, or employees holding any interest in any  
 225 privately owned property leased to the state or in the entity  
 226 holding title to the property, and the nature and extent of their  
 227 interest, for exemption from such disclosure of any beneficial  
 228 interest that ~~which~~ is represented by stock in any corporation  
 229 registered with the Securities and Exchange Commission or  
 230 registered pursuant to chapter 517, which stock is for sale to  
 231 the general public, and for exemption from such disclosure of any  
 232 leasehold interest in property located outside the territorial  
 233 boundaries of the United States.

234 (j) A method for reporting leases for nominal or no  
 235 consideration.

236 (k) For a lease of less than 5,000 square feet, a method  
 237 for certification by the agency head or the agency head's  
 238 designated representative that all criteria for leasing have been  
 239 fully complied with and for the filing of a copy of such lease



240 and all supporting documents with the department for its review  
 241 and approval as to technical sufficiency.

242 (1) A standardized format for state agency reporting of the  
 243 information required by paragraph (3) (d).

244 (5) The ~~Department of Management Services~~ department shall  
 245 prepare a form listing all conditions and requirements adopted  
 246 pursuant to this chapter which must be met by any state agency  
 247 leasing any building or part thereof. ~~This~~ Before executing any  
 248 lease, this form shall be certified by the agency head or the  
 249 agency head's designated representative and submitted to the  
 250 department.

251 (6) The department may contract for real estate consulting  
 252 or tenant brokerage services in order to carry out its duties  
 253 relating to the strategic leasing plan. The contract shall be  
 254 procured pursuant to s. 287.057. The vendor that is awarded the  
 255 contract shall be compensated by the department, subject to the  
 256 provisions of the contract and such compensation is subject to  
 257 appropriation by the Legislature. The real estate consultant or  
 258 tenant broker may not receive compensation directly from a lessor  
 259 for services that are rendered pursuant to the contract. Moneys  
 260 paid to the real estate consultant or tenant broker are exempt  
 261 from any charge imposed under 287.1345. Moneys paid by a lessor  
 262 to the department under a facility-leasing arrangement are not  
 263 subject to the charges imposed under s. 215.20.

264 Section 3. Subsections (1), (2), (3), (4), and (8) of  
 265 section 255.25, Florida Statutes, are amended to read:

266 255.25 Approval required prior to construction or lease of  
 267 buildings.--

268 (1) (a) A ~~No~~ state agency may not lease space in a private  
 269 building that is to be constructed for state use unless prior

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270 approval of the architectural design and preliminary construction  
 271 plans is first obtained from the department ~~Department of~~  
 272 ~~Management Services~~.

273 (b) During the term of existing leases, each agency shall  
 274 consult with the department regarding opportunities for  
 275 consolidation, use of state-owned space, build-to-suit space, and  
 276 potential acquisitions; shall monitor market conditions; and  
 277 shall initiate a competitive solicitation or, if appropriate,  
 278 lease-renewal negotiations for each lease held in the private  
 279 sector to effect the best overall lease terms reasonably  
 280 available to that agency. With prior approval of the department,  
 281 amendments ~~Amendments~~ to leases may be permitted to modify any  
 282 lease provisions or any other terms or conditions, except to the  
 283 extent specifically prohibited by this chapter. The department  
 284 ~~Department of Management Services~~ shall serve as a mediator in  
 285 lease-renewal negotiations ~~lease renegotiations~~ if the agency and  
 286 the lessor are unable to reach a compromise within 6 months after  
 287 ~~of~~ renegotiation and if either the agency or lessor requests the  
 288 ~~Department of Management Services'~~ intervention by the  
 289 department.

290 (c) When specifically authorized by the Appropriations Act  
 291 and in accordance with s. 255.2501, if applicable, the department  
 292 ~~Department of Management Services~~ may approve a lease-purchase,  
 293 sale-leaseback, or tax-exempt leveraged lease contract or other  
 294 financing technique for the acquisition, renovation, or  
 295 construction of a state fixed capital outlay project when it is  
 296 in the best interest of the state.

297 (2) (a) Except as provided in s. 255.2501, a ~~no~~ state agency  
 298 may not lease a building or any part thereof unless prior  
 299 approval of the lease conditions and of the need therefor is

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300 first obtained from the department ~~Department of Management~~  
301 ~~Services~~. Any approved lease may include an option to purchase or  
302 an option to renew the lease, or both, upon such terms and  
303 conditions as are established by the department subject to final  
304 approval by the head of the Department of Management Services and  
305 s. 255.2502.

306 (b) The approval of the department ~~Department of Management~~  
307 ~~Services~~, except for technical sufficiency, need not be obtained  
308 for the lease of less than 5,000 square feet of space within a  
309 privately owned building, provided the agency head or the agency  
310 head's designated representative has certified compliance with  
311 applicable leasing criteria as may be provided pursuant to s.  
312 255.249(4)(k) and has determined such lease to be in the best  
313 interest of the state. Such a lease which is for a term extending  
314 beyond the end of a fiscal year is subject to the provisions of  
315 ss. 216.311, 255.2502, and 255.2503.

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

322 (d) Notwithstanding paragraph (a) and except as provided in  
323 ss. 255.249 and 255.2501, a state agency may not lease a building  
324 or any part thereof unless prior approval of the lease terms and  
325 conditions and of the need therefor is first obtained from the  
326 department ~~Department of Management Services~~. The department may  
327 not approve any term or condition in a lease agreement which has  
328 been amended, supplemented, or waived unless a comprehensive  
329 analysis, including financial implications, demonstrates that

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330 such amendment, supplement, or waiver is in the state's long-term  
 331 best interest. Any approved lease may include an option to  
 332 purchase or an option to renew the lease, or both, upon such  
 333 terms and conditions as are established by the department subject  
 334 to final approval by the head of the department ~~Department of~~  
 335 ~~Management Services~~ and the provisions of s. 255.2502. ~~This~~  
 336 ~~paragraph expires July 1, 2007.~~

337 (3) (a) Except as provided in subsection (10), a ~~no~~ state  
 338 agency may not ~~shall~~ enter into a lease as lessee for the use of  
 339 5,000 square feet or more of space in a privately owned building  
 340 except upon advertisement for and receipt of competitive  
 341 solicitations ~~bids and award to the lowest and best bidder.~~

342 1.a. An invitation to bid shall be made available  
 343 simultaneously to all lessors and must include a detailed  
 344 description of the space sought; the time and date for the  
 345 receipt of bids and of the public opening; and all contractual  
 346 terms and conditions applicable to the procurement, including the  
 347 criteria to be used in determining acceptability of the bid. If  
 348 the agency contemplates renewal of the contract, that fact must  
 349 be stated in the invitation to bid. The bid must include the  
 350 price for each year for which the contract may be renewed.  
 351 Evaluation of bids shall include consideration of the total cost  
 352 for each year as submitted by the lessor. Criteria that were not  
 353 set forth in invitation to bid may not be used in determining  
 354 acceptability of the bid.

355 b. The contract shall be awarded with reasonable promptness  
 356 by written notice to the responsible and responsive bid. This  
 357 bid must be determined in writing to meet the requirements and  
 358 criteria set forth in the invitation to bid.

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359 2.a. If an agency determines in writing that the use of an  
360 invitation to bid is not practicable, leased space shall be  
361 procured by competitive sealed proposals. A request for  
362 proposals shall be made available simultaneously to all lessors  
363 and must include a statement of the space sought; the time and  
364 date for the receipt of proposals and of the public opening; and  
365 all contractual terms and conditions applicable to the  
366 procurement, including the criteria, which must include, but need  
367 not be limited to, price, to be used in determining acceptability  
368 of the proposal. The relative importance of price and other  
369 evaluation criteria shall be indicated. If the agency  
370 contemplates renewal of the contract, that fact must be stated in  
371 the request for proposals. The proposal must include the price  
372 for each year for which the contract may be renewed. Evaluation  
373 of proposals shall include consideration of the total cost for  
374 each year as submitted by the lessor.

375 b. The contract shall be awarded to the responsible and  
376 responsive lessor whose proposal is determined in writing to be  
377 the most advantageous to the state, taking into consideration the  
378 price and the other criteria set forth in the request for  
379 proposals. The contract file must contain documentation  
380 supporting the basis on which the award is made.

381 3.a. If the agency determines in writing that the use of an  
382 invitation to bid or a request for proposals will not result in  
383 the best value to the state, the agency may procure leased space  
384 by competitive sealed replies. The agency's written  
385 determination must specify reasons that explain why negotiation  
386 may be necessary in order for the state to achieve the best  
387 leasing value and must be approved in writing by the agency head  
388 or his or her designee prior to the advertisement of an

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389 invitation to negotiate. Cost savings related to the agency  
390 procurement process are not sufficient justification for using an  
391 invitation to negotiate. An invitation to negotiate shall be  
392 made available to all lessors simultaneously and must include a  
393 statement of the space sought; the time and date for the receipt  
394 of replies and of the public opening; and all terms and  
395 conditions applicable to the procurement, including the criteria  
396 to be used in determining the acceptability of the reply. If the  
397 agency contemplates renewal of the contract, that fact must be  
398 stated in the invitation to negotiate. The reply must include  
399 the price for each year for which the contract may be renewed.

400 b. The agency shall evaluate and rank responsive replies  
401 against all evaluation criteria set forth in the invitation to  
402 negotiate and shall select, based on the ranking, one or more  
403 lessors with which to commence negotiations. After negotiations  
404 are conducted, the agency shall award the contract to the  
405 responsible and responsive lessor that the agency determines will  
406 provide the best leasing value to the state. The contract file  
407 must contain a short, plain statement that explains the basis for  
408 lessor selection and sets forth the lessor's deliverables and  
409 price pursuant to the contract, and an explanation of how these  
410 deliverables and price provide the best leasing value to the  
411 state.

412 (b) The ~~department~~ Department of Management Services shall  
413 have the authority to approve a lease for 5,000 square feet or  
414 more of space that covers more than 1 fiscal year, subject to the  
415 provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if  
416 such lease is, in the judgment of the department, in the best  
417 interests of the state. In determining best interest, the  
418 department shall consider availability of state-owned space and

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419 analyses of build-to-suit and acquisition opportunities. This  
420 paragraph does not apply to buildings or facilities of any size  
421 leased for the purpose of providing care and living space for  
422 persons.

423 (c) ~~(b)~~ The department ~~Department of Management Services~~  
424 may approve extensions of an existing lease of 5,000 square feet  
425 or more of space if such extensions are determined to be in the  
426 best interests of the state, but in no case shall the total of  
427 such extensions exceed 11 months. If at the end of the 11th month  
428 an agency still needs that space, it shall be procured by  
429 competitive bid in accordance with s. 255.249(4)(b). However, an  
430 agency that determines that it is in its best interest to remain  
431 in the space it currently occupies may negotiate a replacement  
432 lease with the lessor if an independent comparative market  
433 analysis demonstrates that the rates offered are within market  
434 rates for the space and the cost of the new lease does not exceed  
435 the cost of a comparable lease plus documented moving costs. A  
436 present-value analysis and the consumer price index shall be used  
437 in the calculation of lease costs. The term of the replacement  
438 lease may not exceed the base term of the expiring lease.

439 (d) ~~(e)~~ Any person who files an action protesting a decision  
440 or intended decision pertaining to a competitive solicitation ~~bid~~  
441 for space to be leased by the agency pursuant to s. 120.57(3)(b)  
442 shall post with the state agency at the time of filing the formal  
443 written protest a bond payable to the agency in an amount equal  
444 to 1 percent of the estimated total rental of the basic lease  
445 period or \$5,000, whichever is greater, which bond shall be  
446 conditioned upon the payment of all costs which may be adjudged  
447 against him or her in the administrative hearing in which the  
448 action is brought and in any subsequent appellate court

449 proceeding. If the agency prevails after completion of the  
 450 administrative hearing process and any appellate court  
 451 proceedings, it shall recover all costs and charges that ~~which~~  
 452 shall be included in the final order or judgment, excluding  
 453 attorney's fees. Upon payment of such costs and charges by the  
 454 person protesting the award, the bond shall be returned to him or  
 455 her. If the person protesting the award prevails, the bond shall  
 456 be returned to that person and he or she shall recover from the  
 457 agency all costs and charges which shall be included in the final  
 458 order of judgment, excluding attorney's fees.

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

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



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479 (g) Notwithstanding s. 287.056(1) a state agency may use  
480 the services of a tenant broker to assist with a competitive  
481 solicitation undertaken by the agency. The department shall  
482 participate in any determination to utilize a tenant broker or  
483 forego professional representation on a particular leasing  
484 transaction. A state agency may not use the services of a tenant  
485 broker unless the tenant broker is under a term contract with the  
486 state which complies with paragraph (h). If a state agency uses  
487 the services of a tenant broker with respect to a transaction,  
488 the agency may not enter into a lease with any landlord to which  
489 the tenant broker is providing brokerage services for that  
490 transaction.

491 (h) The department may, pursuant to s. 287.042(2)(a),  
492 procure a term contract for real estate consulting and brokerage  
493 services. A state agency may not purchase services from the  
494 contract unless the contract has been procured under s.  
495 287.057(1), (2), or (3) and contains the following provisions or  
496 requirements:

497 1. Awarded brokers must maintain an office or presence in  
498 the market served. In awarding the contract, preference must be  
499 given to brokers that are licensed in this state under chapter  
500 475 and that have 3 or more years of experience in the market  
501 served. The contract may be made with up to three tenant brokers  
502 in order to serve the marketplace in the north, central, and  
503 south areas of the state.

504 2. Each contracted tenant broker shall work under the  
505 direction, supervision, and authority of the state agency,  
506 subject to the rules governing lease procurements.

507       3. The department shall provide training for the awarded  
 508 tenant brokers concerning the rules governing the procurement of  
 509 leases.

510       4. Tenant brokers should participate in developing the  
 511 strategic leasing plan.

512       5. Tenant brokers must comply with all applicable  
 513 provisions of s. 475.278.

514       6. Real estate consultants and tenant brokers shall be  
 515 compensated by the state agency, subject to the provisions of the  
 516 term contract, and such compensation is subject to appropriation  
 517 by the Legislature. A real estate consultant or tenant broker  
 518 may not receive compensation directly from a lessor for services  
 519 that are rendered under the term contract. Moneys paid to a real  
 520 estate consultant or tenant broker are exempt from any charge  
 521 imposed under s. 287.1345. Moneys paid by a lessor to the state  
 522 agency under a facility leasing arrangement are not subject to  
 523 the charges imposed under s. 215.20. All terms relating to the  
 524 compensation of the real estate consultant or tenant broker shall  
 525 be specified in the term contract and may not be supplemented or  
 526 modified by the state agency using the contract.

527       7. The department shall conduct periodic customer-  
 528 satisfaction surveys.

529       8. Each state agency shall report the following information  
 530 to the department:

531       a. The number of leases that adhere to the goal of the  
 532 workspace-management initiative of 180 square feet per FTE.

533       b. The quality of space leased and the adequacy of tenant-  
 534 improvement funds.

535       c. The timeliness of lease procurement, measured from the  
 536 date of the agency's request to the finalization of the lease.

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537 d. Whether cost-benefit analyses were performed before  
538 execution of the lease in order to ensure that the lease is in  
539 the best interest of the state.

540 e. The lease costs compared to market rates for similar  
541 types and classifications of space according to the official  
542 classifications of the Building Owners and Managers Association.

543 (4) (a) The department ~~Department of Management Services~~  
544 shall not authorize any state agency to enter into a lease  
545 agreement for space in a privately owned building when suitable  
546 space is available in a state-owned building located in the same  
547 geographic region, except upon presentation to the department of  
548 sufficient written justification, acceptable to the department,  
549 that a separate space is required in order to fulfill the  
550 statutory duties of the agency making such request. The term  
551 "state-owned building" as used in this subsection means any  
552 state-owned facility regardless of use or control.

553 (b) State agencies shall cooperate with local governmental  
554 units by using suitable, existing publicly owned facilities,  
555 subject to the provisions of ss. 255.2501, 255.2502, and  
556 255.2503. Agencies may utilize unexpended funds appropriated for  
557 lease payments to:

- 558 1. Pay their proportion of operating costs.
- 559 2. Renovate applicable spaces.

560 (c) Because the state has a substantial financial  
561 investment in state-owned buildings, it is legislative policy and  
562 intent that when state-owned buildings meet the needs of state  
563 agencies, agencies must fully use such buildings before leasing  
564 privately owned buildings. By September 15, 2006, the Department  
565 of Management Services shall create a 5-year plan for  
566 implementing this policy. The department shall update this plan

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567 annually, detailing proposed departmental actions to meet the  
568 plan's goals. The department shall furnish this plan to the  
569 President of the Senate, the Speaker of the House of  
570 Representatives, and the Executive Office of the Governor by  
571 September 15 of each year, as part of the master leasing report.  
572 ~~This paragraph expires July 1, 2007.~~

573 (8) An ~~No~~ agency may not ~~shall~~ enter into more than one  
574 lease for space in the same privately owned facility or complex  
575 within any 12-month period except upon competitive ~~the~~  
576 solicitation ~~of competitive bids.~~

577 Section 4. For the 2007-2008 fiscal year, the sum of  
578 \$330,620 in recurring funds and the sum of \$23,630 in  
579 nonrecurring funds are appropriated from the Supervision Trust  
580 Fund in the Department of Management Services. Five full-time  
581 equivalent positions with the associated salary rate of 272,500  
582 are authorized for the purpose of providing strategic planning of  
583 leasing transactions for the state.

584 Section 5. This act shall take effect July 1, 2007.