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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2013	.	
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The Committee on Environmental Preservation and Conservation  
(Gardiner) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1067 and 1068  
insert:  
Section 10. Section 255.46, Florida Statutes, is created to  
read:

255.46 Underused Property Maximization Program.-

(1) The Legislature finds that it is in the best interest  
of the state to maximize the use of underused property by  
identifying such property and concluding that such property  
cannot be used by another governmental entity before procuring  
facilities or real property for governmental use or disposing of



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13 underused property.

14 (2) The Underused Property Maximization Program is created  
15 in the Department of Management Services to facilitate the  
16 efficient and cost-effective use of all facilities and real  
17 property owned, leased, rented, or occupied by governmental  
18 entities. The Department shall coordinate with the Department of  
19 Environmental Protection to use the systems and inventories  
20 created pursuant to s. 216.0152 and this section in order to  
21 comply with this section.

22 (3) As used in this section, the term:

23 (a) "Facility" means buildings, structures, and building  
24 systems, and includes ancillary plants, auxiliary facilities,  
25 educational facilities, and educational plants as defined in s.  
26 1013.01, and schools as defined in s. 1003.01. The term does not  
27 include transportation facilities of the state transportation  
28 system.

29 (b) "Governmental entity" means a state agency as defined  
30 in s. 216.011, the judicial branch, the water management  
31 districts, a state university, a Florida College System  
32 institution, a county, a county agency, a municipality, a  
33 municipal agency, a special district as defined in s. 189.043, a  
34 school district under s. 1001.30, the Florida School for the  
35 Deaf and the Blind under s. 1000.04(3), the Florida Virtual  
36 School under s. 1000.04(4), and a charter school under s.  
37 1002.33.

38 (c) "Underused property" means any facility owned, leased,  
39 rented, or otherwise occupied or maintained by a governmental  
40 entity, which is not being used to its fullest potential as  
41 currently designed or configured, and includes entire



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42 facilities, as well as underused square footage within a  
43 facility.

44 (4) By July 1, 2014:

45 (a) Each governmental entity must conduct and complete an  
46 inventory of all facilities and real property owned or leased by  
47 the governmental entity.

48 (b) The department shall create, administer, and maintain a  
49 database to be used by each governmental entity to provide and  
50 access information about underused property.

51 (5) By July 1, 2015, each governmental entity shall input  
52 into the database, in a format prescribed by the department, the  
53 following information relating to its underused property: the  
54 location, occupying entity, ownership, size, condition  
55 assessment, valuations, operating costs, maintenance record,  
56 age, parking and employee facilities, building uses, full-time  
57 equivalent occupancy, known restrictions or historic  
58 designations, leases or subleases, and associated revenues.  
59 Information that is confidential or otherwise exempt from public  
60 disclosure under federal or state law may not be included in the  
61 database. The entity shall update the required information  
62 quarterly.

63 (6) The Department of Management Services and the  
64 Department of Environmental Protection shall, by October 1 of  
65 each year, publish a complete report detailing the inventory of  
66 underused properties of all governmental entities.

67 (7) When seeking to procure leased or owned facilities, a  
68 governmental entity must first consult the inventory of  
69 underused properties created under this section to determine if  
70 an underused property of another governmental entity will



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71 satisfy its facility needs.

72 (a) If the governmental entity seeking space determines  
73 that underused property can meet its needs, it shall submit a  
74 business case to the governmental entity that owns or occupies  
75 the underused property which provides, at a minimum, the  
76 proposed use of the space, proposed renovation of the space, an  
77 explanation of how the underused property meets the needs of the  
78 governmental entity, and any proposed plan for purchasing or  
79 leasing the underused property.

80 (b) The department shall provide suggested forms for  
81 governmental entities to use in preparing a business case for  
82 obtaining the underused property.

83 (c) If underused property has been identified and multiple  
84 governmental entities are interested in obtaining such property,  
85 preference shall be given to K-20 public educational uses over  
86 other governmental or nonprofit uses.

87 (8) Disposition of underused property may be made by sale,  
88 lease, or similar means as determined by the governmental entity  
89 that owns or occupies the property.

90 (a) When evaluating disposition other than sale, the  
91 evaluation must consider disposing of the property in a manner  
92 that provides the greatest combination of benefits to the  
93 general public and avoid uses that are contrary to the public  
94 interest.

95 (b) A district school board as defined in s. 1003.01; a  
96 board of trustees described in ss. 1001.60(3), 1001.71,  
97 1002.36(4), and 1002.37(2); a governing board of a charter  
98 school identified under s. 1002.33(7); or the governing body,  
99 agency head, or other governing figure of each entity that owns



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100 property must:  
101 1. Hold a public hearing before deciding whether to dispose  
102 of the property; and  
103 2. Make the final decision regarding whether to dispose of  
104 the property based on received business plans.  
105 (c) Grounds for refusing to dispose of underused property  
106 include suitability, zoning or use conflicts, mission conflicts,  
107 compatibility issues, or a determination that the property is  
108 not conducive to the proposed use.  
109 (9) The Auditor General shall include findings relating to  
110 a governmental entity's compliance with this section in any  
111 audits conducted pursuant to s. 11.45.  
112 (10) The department shall adopt rules to administer this  
113 section, including the procedures and requirements for  
114 submitting and updating the information and documentation  
115 relating to underused property.

116  
117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete line 47

120 and insert:

121 s. 255.257, F.S.; requiring all state-owned facilities  
122 to report energy consumption and cost data; creating  
123 s. 255.46, F.S.; creating the Underused Property  
124 Maximization Program in the Department of Management  
125 Services; providing legislative intent and  
126 definitions; requiring governmental entities to submit  
127 data and the department to establish an inventory of  
128 underused property; requiring governmental entities to



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129       consult such inventory and, if suitable, submit a  
130       business case to the entity that owns or occupies the  
131       property; providing for the disposition of underused  
132       property; requiring the Auditor General to include  
133       findings relating to compliance with this section in  
134       any audits; authorizing the department to adopt rules;  
135       amending s.