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LEGISLATIVE ACTION

Senate

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House

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03/04/2020 01:44 PM

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Senator Diaz moved the following:

Senate Amendment (with title amendment)

Between lines 136 and 137

insert:

Section 5. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(4) The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has



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12 determined is not needed for the construction, operation, and
13 maintenance of a transportation facility. When such a
14 determination has been made, property may be disposed of through
15 negotiations, sealed competitive bids, auctions, or any other
16 means the department deems to be in its best interest, with due
17 advertisement for property valued by the department at greater
18 than \$10,000. A sale may not occur at a price less than the
19 department's current estimate of value, except as provided in
20 paragraphs (a)-(d). The department may afford a right of first
21 refusal to the local government or other political subdivision
22 in the jurisdiction in which the parcel is situated, except in a
23 conveyance transacted under paragraph (a), paragraph (c), or
24 paragraph (e). Notwithstanding any provision of this section to
25 the contrary, before any conveyance under this subsection may be
26 made, except a conveyance under paragraph (a) or paragraph (c),
27 the department shall first afford a right of first refusal to
28 the previous property owner for the department's current
29 estimate of value of the property. The right of first refusal
30 must be made in writing and sent to the previous owner via
31 certified mail or hand delivery, effective upon receipt. The
32 right of first refusal must provide the previous owner with a
33 minimum of 30 days to exercise the right in writing and must be
34 sent to the originator of the offer by certified mail or hand
35 delivery, effective upon dispatch. If the previous owner
36 exercises his or her right of first refusal, the previous owner
37 has a minimum of 90 days to close on the property.

38 (a) If the property has been donated to the state for
39 transportation purposes and a transportation facility has not
40 been constructed for at least 5 years, plans have not been



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41 prepared for the construction of such facility, and the property
42 is not located in a transportation corridor, the governmental
43 entity may authorize reconveyance of the donated property for no
44 consideration to the original donor or the donor's heirs,
45 successors, assigns, or representatives.

46 (b) If the property is to be used for a public purpose, the
47 property may be conveyed without consideration to a governmental
48 entity.

49 (c) If the property was originally acquired specifically to
50 provide replacement housing for persons displaced by
51 transportation projects, the department may negotiate for the
52 sale of such property as replacement housing. As compensation,
53 the state shall receive at least its investment in such property
54 or the department's current estimate of value, whichever is
55 lower. It is expressly intended that this benefit be extended
56 only to persons actually displaced by the project. Dispositions
57 to any other person must be for at least the department's
58 current estimate of value.

59 (d) If the department determines that the property requires
60 significant costs to be incurred or that continued ownership of
61 the property exposes the department to significant liability
62 risks, the department may use the projected maintenance costs
63 over the next 10 years to offset the property's value in
64 establishing a value for disposal of the property, even if that
65 value is zero.

66 (e) If, at the discretion of the department, a sale to a
67 person other than an abutting property owner would be
68 inequitable, the property may be sold to the abutting owner for
69 the department's current estimate of value.



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

And the title is amended as follows:

Delete line 29

and insert:

changes under certain circumstances; amending s.
337.25, F.S.; requiring the Department of
Transportation to afford a right of first refusal to
certain individuals under specified circumstances;
providing requirements and procedures for the right of
first refusal; amending s.