

By Senator Brown-Waite

10-426-01

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A bill to be entitled  
An act relating to county government; amending  
s. 125.35, F.S.; providing an alternative  
procedure for the sale or disposition of  
certain property by boards of county  
commissioners; providing an effective date.

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

Section 1. Section 125.35, Florida Statutes, is  
amended to read:

125.35 County authorized to sell real and personal  
property and to lease real property.--

(1)(a) The board of county commissioners is expressly  
authorized to sell and convey any real or personal property,  
and to lease real property, belonging to the county, whenever  
the board determines that it is to the best interest of the  
county to do so, to the highest and best bidder for the  
particular use the board deems to be the highest and best, for  
such length of term and such conditions as the governing body  
may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a),  
the Board of County Commissioners is expressly authorized to:

- 1. Negotiate the lease of an airport or seaport  
facility;
- 2. Modify or extend an existing lease of real property  
for an additional term not to exceed 25 years, where the  
improved value of the lease has an appraised value in excess  
of \$20 million; or

1           3. Lease a professional sports franchise facility  
2 financed by revenues received pursuant to s. 125.0104 or s.  
3 212.20;

4  
5 under such terms and conditions as negotiated by the board.

6           (c) No sale of any real property shall be made unless  
7 notice thereof is published once a week for at least 2 weeks  
8 in some newspaper of general circulation published in the  
9 county, calling for bids for the purchase of the real estate  
10 so advertised to be sold. In the case of a sale, the bid of  
11 the highest bidder complying with the terms and conditions set  
12 forth in such notice shall be accepted, unless the board of  
13 county commissioners rejects all bids because they are too  
14 low. The board of county commissioners may require a deposit  
15 to be made or a surety bond to be given, in such form or in  
16 such amount as the board determines, with each bid submitted.

17           (2) When the board of county commissioners finds that  
18 a parcel of real property is of insufficient size and shape to  
19 be issued a building permit for any type of development to be  
20 constructed on the property or when the board of county  
21 commissioners finds that the value of a parcel of real  
22 property is \$15,000 or less, as determined by a fee appraiser  
23 designated by the board or as determined by the county  
24 property appraiser, and when, due to the size, shape,  
25 location, and value of the parcel, it is determined by the  
26 board that the parcel is of use only to one or more adjacent  
27 property owners, the board may effect a private sale of the  
28 parcel. The board may, after sending notice of its intended  
29 action to owners of adjacent property by certified mail,  
30 effect a sale and conveyance of the parcel at private sale  
31 without receiving bids or publishing notice; however, if,

1 within 10 working days after receiving such mailed notice, two  
2 or more owners of adjacent property notify the board of their  
3 desire to purchase the parcel, the board shall accept sealed  
4 bids for the parcel from such property owners and may convey  
5 such parcel to the highest bidder or may reject all offers.

6 (3) As an alternative to subsections (1) and (2), the  
7 board of county commissioners may by ordinance prescribe  
8 disposition standards and procedures to be used by the county  
9 in selling and conveying any real or personal property and in  
10 leasing real property owned by the county. The standards and  
11 procedures must provide at a minimum for:

12 (a) Establishment of competition and qualification  
13 standards upon which disposition will be determined.

14 (b) Reasonable public notice of the intent to consider  
15 disposition of county property and the availability of copies  
16 of the standards. Reasonableness of the notice is to be  
17 determined by the efficacy and efficiency of the means of  
18 communication used.

19 (c) Identification of the form and manner by which an  
20 interested person may acquire county property.

21 (d) Types of negotiation procedures applicable to the  
22 selection of a person to whom county properties may be  
23 disposed.

24 (e) The manner in which interested persons will be  
25 advised of the board's intent to consider the proposed  
26 disposition of a property and the time and manner for making  
27 objections.

28 (f) Adherence in the disposition of real property to  
29 the governing comprehensive plan and zoning ordinances.

30 Section 2. This act shall take effect upon becoming a  
31 law.

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SENATE SUMMARY

Creates an alternative procedure for boards of county commissioners to use in disposing of certain county property. (See bill for details.)