

By Representative Baker

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

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

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

12 125.35 County authorized to sell real and personal
13 property and to lease real property.--

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

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

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

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

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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.)