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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2021	.	
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The Committee on Rules (Diaz) recommended the following:

Senate Amendment (with title amendment)

Between lines 102 and 103
insert:

Section 4. 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



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 is
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 in writing and sent to the previous owner via certified
31 mail or hand delivery, which is 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, which is effective upon dispatch. If the previous
36 owner exercises his or her right of first refusal, the previous
37 owner has a minimum of 90 days to close on the property. The
38 right of first refusal set forth in this subsection may not be
39 required for the disposal of property acquired more than 10
40 years before the date of disposition by the department.



41 (a) If the property has been donated to the state for
42 transportation purposes and a transportation facility has not
43 been constructed for at least 5 years, plans have not been
44 prepared for the construction of such facility, and the property
45 is not located in a transportation corridor, the governmental
46 entity may authorize reconveyance of the donated property for no
47 consideration to the original donor or the donor's heirs,
48 successors, assigns, or representatives.

49 (b) If the property is to be used for a public purpose, the
50 property may be conveyed without consideration to a governmental
51 entity.

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

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

69 (e) If, at the discretion of the department, a sale to a



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70 person other than an abutting property owner would be
71 inequitable, the property may be sold to the abutting owner for
72 the department's current estimate of value.

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

75 And the title is amended as follows:

76 Between lines 20 and 21

77 insert:

78 337.25, F.S.; requiring the Department of
79 Transportation to afford a right of first refusal to
80 certain individuals under specified circumstances;
81 providing requirements and procedures relating to the
82 right of first refusal; amending s.