

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing PCB: Transportation & Highway  
2 Safety Subcommittee  
3 Representative Stewart offered the following:  
4

5 **Amendment**

6 Remove lines 562-735 and insert:

7 (4) The department may sell or convey, in the name of the  
8 state, any land, building, or other property, real or personal,  
9 which was acquired under the provisions of subsection (1) and  
10 which the department has determined is not needed for the  
11 construction, operation, and maintenance of a transportation  
12 facility. With the exception of any parcel governed by paragraph  
13 (c), paragraph (d), paragraph (e), paragraph (g) ~~(f)~~, paragraph  
14 (h) ~~(g)~~, or paragraph (i), the department shall afford first  
15 right of refusal to the local government in the jurisdiction of  
16 which the parcel is situated. When such a determination has been  
17 made, property may be disposed of through negotiation, sealed

Amendment No.

18 competitive bid, or auction, with due advertisement for property  
19 valued at more than \$10,000. A sale may not occur at a price  
20 less than the department's current estimate of value except as  
21 provided in paragraph (a). The department shall afford the right  
22 of first refusal to the local government or other political  
23 subdivision in which the parcel is situated for at least 90 days  
24 after such determination. ~~in the following manner:~~

25 (a) If the value of the property is \$10,000 or less as  
26 determined by department estimate, the department may negotiate  
27 the sale.

28 (b) If the ~~value of the property is to be used for a~~  
29 public purpose, the property may be conveyed to a governmental  
30 department without consideration exceeds \$10,000 as determined  
31 by department estimate, such property may be sold to the highest  
32 bidder through receipt of sealed competitive bids, after due  
33 advertisement, or by public auction held at the site of the  
34 improvement which is being sold.

35 (c) If, at ~~in~~ the discretion of the department, a public  
36 sale to anyone other than an abutting property owner would be  
37 inequitable, the property may be sold to the abutting owner for  
38 the department's current estimate of value.

39 (d) Notwithstanding paragraph (c), properties may be sold  
40 by negotiation to the owner holding title to the property  
41 abutting the property to be sold, provided such sale is at a  
42 negotiated price not less than fair market value as determined  
43 by an independent appraisal, the cost of which shall be paid by

PCB THSS 14-01 a2

Published On: 1/8/2014 6:55:28 PM

Amendment No.

44 the owner of the abutting land. If negotiations do not result in  
45 the sale of the property to the owner of the abutting land and  
46 the property is sold to someone else, the cost of the  
47 independent appraisal shall be borne by the purchaser; and the  
48 owner of the abutting land shall have the cost of the appraisal  
49 refunded to him or her. If, however, no purchase takes place,  
50 the owner of the abutting land shall forfeit the sum paid by him  
51 or her for the independent appraisal. If, due to action of the  
52 department, the property is removed from eligibility for sale,  
53 the cost of any appraisal prepared shall be refunded to the  
54 owner of the abutting land.

55 (e)~~(d)~~ If property acquired for use as a borrow pit is no  
56 longer needed, the department may sell such property to the  
57 owner of the parcel of abutting land from which the borrow pit  
58 was originally acquired, provided the sale is at a negotiated  
59 price not less than fair market value as determined by an  
60 independent appraisal, the cost of which shall be paid by the  
61 owner of such abutting land.

62 (f)~~(e)~~ If the department begins the process for disposing  
63 of the property on its own initiative, either by negotiation  
64 ~~under the provisions of paragraph (a), paragraph (c), paragraph~~  
65 ~~(d), or paragraph (i),~~ or by receipt of sealed competitive bids  
66 or public auction ~~under the provisions of paragraph (b) or~~  
67 ~~paragraph (i),~~ a department staff appraiser may determine the  
68 fair market value of the property by an appraisal.

69 (g)~~(f)~~ Any property which was acquired by a county or by

Amendment No.

70 the department using constitutional gas tax funds for the  
71 purpose of a right-of-way or borrow pit for a road on the State  
72 Highway System, State Park Road System, or county road system  
73 and which is no longer used or needed by the department may be  
74 conveyed without consideration to that county. The county may  
75 then sell such surplus property upon receipt of competitive bids  
76 in the same manner prescribed in this section.

77 (h) ~~(g)~~ If a property has been donated to the state for  
78 transportation purposes and the facility has not been  
79 constructed for a period of at least 5 years and no plans have  
80 been prepared for the construction of such facility and the  
81 property is not located in a transportation corridor, the  
82 governmental entity may authorize reconveyance of the donated  
83 property for no consideration to the original donor or the  
84 donor's heirs, successors, assigns, or representatives.

85 ~~(h) If property is to be used for a public purpose, the~~  
86 ~~property may be conveyed without consideration to a governmental~~  
87 ~~entity.~~

88 (i) If property was originally acquired specifically to  
89 provide replacement housing for persons displaced by  
90 transportation projects, the department may negotiate for the  
91 sale of such property as replacement housing. As compensation,  
92 the state shall receive no less than its investment in such  
93 properties or fair market value, whichever is lower. It is  
94 expressly intended that this benefit be extended only to those  
95 persons actually displaced by such project. Dispositions to any

PCB THSS 14-01 a2

Published On: 1/8/2014 6:55:28 PM

Amendment No.

96 other persons must be for fair market value.

97 (j) If the department determines that the property will  
98 require significant costs to be incurred or that continued  
99 ownership of the property exposes the department to significant  
100 liability risks, the department may use the projected  
101 maintenance costs over the next 10 ~~5~~ years to offset the market  
102 value in establishing a value for disposal of the property, even  
103 if that value is zero.

104 (5) The department may convey a leasehold interest for  
105 commercial or other purposes, in the name of the state, to any  
106 land, building, or other property, real or personal, which was  
107 acquired under the provisions of subsection (1).

108 (a) All leases shall be entered into by negotiation,  
109 sealed competitive bid, or auction. The department may negotiate  
110 such a lease at the prevailing market value with the owner from  
111 whom the property was acquired; with the holders of leasehold  
112 estates existing at the time of the department's acquisition;  
113 or, if public bidding would be inequitable, with the owner  
114 holding title to privately owned abutting property, ~~if~~  
115 ~~reasonable notice is provided to all other owners of abutting~~  
116 ~~property.~~ The department may allow an outdoor advertising sign  
117 to remain on the property acquired, or be relocated on  
118 department property, and such sign shall not be considered a  
119 nonconforming sign pursuant to chapter 479.

120 (b) All other leases shall be by competitive bid.

121 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~be~~

Amendment No.

122 ~~paragraph (b) shall~~ be for a period of more than 5 years;  
123 however, the department may renegotiate or extend such a lease  
124 for an additional term of 5 years as the department deems  
125 appropriate ~~without rebidding~~.

126 (d) Each lease shall provide that unless otherwise  
127 directed by the lessor, any improvements made to the property  
128 during the term of the lease shall be removed at the lessee's  
129 expense.

130 (e) If property is to be used for a public purpose,  
131 ~~including a fair, art show, or other educational, cultural, or~~  
132 ~~fundraising activity~~, the property may be leased without  
133 consideration to a governmental entity or school board. Any  
134 public-purpose lease is exempt from the term limits provided by  
135 paragraph (c).

136 (f) Paragraphs (c) and (d) do not apply to leases entered  
137 into pursuant to s. 260.0161(3), except as provided in such a  
138 lease.

139 (g) No lease executed under this subsection may be  
140 utilized by the lessee to establish the 4 years' standing  
141 required by s. 73.071(3)(b) if the business had not been  
142 established for 4 years on the date title passed to the  
143 department.