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## Sec. 2-170. Purpose and scope.

This division is adopted to set forth the methods by which the county may sell, lease, or otherwise dispose of surplus real property or improvements constructed thereon. The provisions of this division are strictly procedural in nature and create no substantive rights on behalf of any party.

(Ord. No. 2017-29, § 1, 8-8-17)

## Sec. 2-171. Declaration of surplus property.

- (a) Any real property owned by the county may be declared as surplus upon:
  - (1) Presentation of a staff request to the board of county commissioners ("the board") by the county administrator or the county administrator's designee (collectively "the county administrator").
  - (2) Presentation of an interested party's request to the board by the county administrator. The county administrator shall include a staff recommendation with the interested party's request.
  - (3) The board's own motion.
- (b) When the board finds that any county-owned real property or improvements constructed thereon are not needed for county purposes, the board may declare the property to be surplus property. Once the property is declared surplus, the property may be sold, leased, dedicated, donated, or otherwise conveyed to interested parties as provided for herein.
- (c) Declaring property as surplus is a discretionary act of the board. It is not subject to appeal.

(Ord. No. 2017-29, § 1, 8-8-17)

## Sec. 2-172. Methods of disposal.

Once the real property has been declared surplus, the county administrator shall recommend to the board one (1) of the following methods by which the surplus property can be alienated.

- (1) *Competitive selection.* In accordance with section 125.35, Florida Statutes, the county may sell, convey or lease any real property through one (1) of the following alternative competitive selection processes:
  - a. The county can solicit bids to award the property to the highest and best bidder for the particular use of the property that the board determines to be the highest and best. At a minimum, a notice of the solicitation shall be published once a week for at least two (2) weeks in a newspaper of general circulation, calling for bids on the property. In the discretion of the county administrator, the county may solicit bids by issuing a formal invitation to bid pursuant to the Hernando County Procurement Ordinance, chapter 2, article V, and the policies promulgated thereunder. Responses to the solicitation must be received by the county at least ten (10) days prior to the board meeting at which the property is to be sold, leased, or conveyed.
  - b. The county may solicit proposals for the disposition of property by issuing a request for proposals pursuant to the Hernando County Procurement Ordinance, chapter 2, article V, and the policies promulgated thereunder.
  - c. In addition to the utilization of any other means of advertising, the county shall publish notice of a solicitation of bids, invitation to bid, or a request for proposals once a week for two (2) weeks in a newspaper of general circulation.

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- (2) *Private sale.* In accordance with section 125.35(2), Florida Statutes, the county may negotiate a private sale with an adjacent property owner when the board finds that the property is of insufficient size and shape to be issued a permit for any type of development, or when the value of the property is fifteen thousand dollars (\$15,000.00) or less as determined by the Hernando County Property Appraiser, and of use only to the adjacent property owners. The board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if, within ten (10) working days after receiving such mailed notice, two (2) or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners.
  - (3) *Property exchange.* In accordance with section 125.37, Florida Statutes, the county may exchange surplus real property for another parcel of real property, provided that the board has published a notice for at least two (2) weeks in a newspaper of general circulation, before adoption of a resolution authorizing the exchange. The notice shall set forth the terms and conditions of the exchange of property.
  - (4) *Sale to government or non-profit.* In accordance with section 125.38, Florida Statutes, upon a finding by the board that the property is required for use by another governmental entity or non-profit entity, the county may sell, transfer, or convey real property to that entity for such price, whether nominal or otherwise as the board may fix. No advertisement is required. The fact of the application being made, the purpose for which such property is to be used, and the price or rent thereof shall be set out in a resolution duly adopted by the board, setting forth the following:
    - a. The facts of the application;
    - b. The purpose for which the property is to be used;
    - c. The purchase price and terms; and
    - d. A provision to be incorporated into the deed which states that in the event the property is not used or ceases to be used for the stated purpose, the property shall revert to the county which shall thereafter have the right to re-enter and repossess the property.
  - (5) *Affordable housing.* In accordance with section 125.379, Florida Statutes, the county may sell, transfer, or convey surplus real property to another governmental entity, a non-profit entity, or a private entity or person to carry out the provisions of chapter 420, Florida Statutes, relating to affordable housing. The county may adopt requirements for such conveyances on a case-by-case basis to insure that said property will be permanently preserved as affordable housing.
  - (6) *Direct negotiation.* The board can waive the process of soliciting offers and negotiate directly with a company for the sale, conveyance, or leasing of property if the company is a participant in a targeted industry, as that term is defined in section 11.5-28. To do so, the board shall:
    - a. Publish a notice in a newspaper of general circulation in the county at least ten (10) days before the board's regular meeting at which the bid or proposal waiver will be considered. The notice shall identify the nature of the proposed bid or proposal waiver and shall identify the county office where copies of the draft resolution providing for the bid or proposal waiver may be reviewed or obtained. The notice shall also provide the time and manner for persons making objections in writing or otherwise.
    - b. Consider the proposed waiver at a regularly scheduled board meeting. Although the item is not a public hearing, interested members of the public may comment on the item during general public comment or at the time the item is presented.

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- c. Adopt a resolution specifying the basis for the competitive bid waiver in the event the board determines to grant the waiver.
- (7) Reserved.
  - (8) *Real estate broker.* As authorized in section 125.35(3), Florida Statutes, the county may sell, lease, transfer, or convey real property or improvements thereon through any of the procedures set forth in subsections (1)—(6) above by using the services of a licensed real estate broker, as follows:
    - a. A licensed real estate broker shall be retained in accordance with the county's procurement policies.
    - b. Any offer made to a licensed real estate broker for purchase of listed surplus property shall be brought to the board in the form of a purchase agreement. Notice of the board's intent to consider the purchase agreement shall be provided by advertisement in a newspaper of general circulation in the county at least ten (10) days in advance of the board meeting.
  - (9) *Public auction.* As authorized in section 125.35(3), Florida Statutes, the county may sell, lease, transfer, or convey real property or improvements thereon by using the services of a public auction house, as follows:
    - a. The services of a public auction house shall be retained in accordance with the county's procurement policies.
    - b. For any real property dispositions made through public auction, the county shall establish a base reserve for the property.
  - (10) Notwithstanding the foregoing, the board retains its sole and absolute discretion to reject any and all offers to purchase or lease county-owned property.
  - (11) Any conveyance of property under this division shall be in accordance with and subject to all applicable laws, including:
    - a. The terms and conditions of any gift, trust, grant requirement, deed restriction, bond covenant or other covenants or restrictions, mortgage, deed of trust, lease, license, use agreement or other agreement applicable to such property; and
    - b. The provisions of any applicable federal or state law, or any regulations promulgated thereunder.

(Ord. No. 2017-29, § 1, 8-8-17)

### **Sec. 2-173. Treatment of unsolicited offers.**

The board of county commissioners is under no obligation to consider unsolicited bids to purchase or lease county-owned property. If the applicable property has not yet been determined to be surplus property, the offer shall be processed as a request to declare such property to be surplus pursuant to section 2-171(a)(2). If the board has determined that the applicable property is surplus, the board shall have the discretion to dispose of the applicable property through one (1) of the methods set forth in section 2-172.

(Ord. No. 2017-29, § 1, 8-8-17)