

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: October 22, 2024 **Consent** **Regular**
 Ordinance **Public Hearing**

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: an Ordinance of the Board of County Commissioners (BCC) of Palm Beach County, Florida to be entitled “The Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance” (PREM Ordinance), repealing and replacing Chapter 22, Article VI of the Palm Beach County Code providing for a title, providing for definitions; providing for determination of value; providing for standards and procedures for the sale, lease, development, management, or operation of real property; providing for delegation of authority; providing for supermajority vote; providing for the property review committee; providing for unsolicited proposals; providing for repeal of laws and ordinances in conflict; providing for severability; providing for captions; providing for a savings clause; providing for inclusion in the code of laws and ordinances; and providing an effective date.

Summary: The current PREM Ordinance was enacted in 2002 by means of Ordinance No. 2002-067, which in turn was amended by Ordinance No. 2009-052 to incorporate the establishment of the Property Review Committee (PRC) and by Ordinance 2019-038 to exempt the sale of workforce housing units from certain provisions of the Ordinance and to revise the conditions for PRC review. The PREM Ordinance warrants revisions to reflect current market conditions and optimize efficiencies in processes and procedures. Staff started working on proposed revisions to the PREM Ordinance approximately five (5) years ago; however, the ordinance was put on hold pending approval of the revisions to the Purchasing Ordinance to ensure consistency and compatibility with same. On May 14, 2024, the BCC approved the revisions to the Purchasing Ordinance. The proposed revisions to the PREM Ordinance seek to clarify, update, and codify the procedures by which County transacts real property related matters. It also adds a new section related to unsolicited proposals which mirrors the language recently approved under the Purchasing Ordinance. Preliminary reading of the proposed ordinance took place on September 17, 2024 at which time staff was given permission to advertise for public hearing. Following the preliminary hearing and upon further review, a modification was made to Section 22-105(a)(6) which changed the term “tenant estoppel certificate” to “estoppel certificate” which provides greater flexibility for the County Administrator, or designee, to execute such documents where the County is landlord or tenant. There are no other modifications since the preliminary hearing took place. Section 125.66(3)(a), Florida Statutes requires the County to prepare a Business Impact Estimate (BIE) before enacting an ordinance and to post the same on the County’s website no later than the date the notice of the proposed enactment is published. The BIE was posted on the County’s website on September 6, 2024 and submitted to the BCC to receive and file on September 17, 2024. (Property & Real Estate Management) Countywide (HJF)

Background and Policy Issues: The PREM Ordinance provides the framework under which the County acquires, disposes and leases real property. The proposed PREM Ordinance has been revised where needed to codify inclusion of agreements for development, management, or operation of real property to fall within the purview of the County’s Property and Real Estate Management Division. The proposed revisions to the Code were presented to BCC during its September 17, 2024 regular meeting.

Attachments:

1. Summary of Key Revisions to the PREM Ordinance
2. Proposed PREM Ordinance
3. Proposed Revisions to the PREM Ordinance (redline to current Code)

Recommended By: *R. Conner C. Ayal* 9/18/24
Department Director **Date**

Approved By: *J. Baker* 10/1/24
County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT*	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:	Yes	_____	No	_____	<u>X</u>
Does this item include use of Federal funds?	Yes	_____	No	_____	<u>X</u>
Does this item include the use of State funds?	Yes	_____	No	_____	<u>X</u>

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____ Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item carries no fiscal impact.

C. Departmental Fiscal Review: *Karen Aheer*

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Lisa Minter 9/20/2024
OFMB
AF 9/18/24
ESW 9-20

Brenda MacMillan 9/23/24
Contract Development and Control

B. Legal Sufficiency:

[Signature] 9/24/24
Assistant County Attorney

C. Other Department Review:

Department Director

Attachment #1
Summary of Key Revisions to the PREM Ordinance

**Summary of Key Revisions to the Property and Real Estate Management (PREM)
Ordinance**

Section/Topic	Comments
<p>Sec. 22-102 Definitions</p>	<p>Added defined term <i>Affordable Housing</i>.</p> <p>Added defined term <i>Area Median Income</i>.</p> <p>Added defined term <i>Workforce Housing</i>.</p> <p>Revised the definitions of <i>Invitation for Bid</i> and <i>Request for Proposals</i> to include solicitations for the development, management or operation of County-owned property.</p>
<p>Sec. 22-103 Determination of Value</p>	<p>Clarified that the reference value of real property is based on information provided by the Property Appraiser's Office.</p> <p>Increased (from \$25,000) to \$100,000 the threshold below which no appraisal shall be required for property to be acquired or disposed. Consequently, increased to \$100,000 (from \$25,000) the lower end of the range for which one appraisal shall be required.</p> <p>Added that the County may, at its option, utilize state procedures for obtaining appraisals where state requirements for a specific transaction so require (previously it was limited to federal).</p> <p>Added as an exemption to the appraisal requirements the sale of Affordable Housing units to a qualified buyer pursuant to an Affordable Housing program.</p> <p>Added as an exemption to the appraisal requirements the acquisition or exchange of property where the conveyance of the property to the County is required as part of a road right-of-way permit or as condition of a development order.</p>
<p>Sec. 22-104 Standard and Procedures for the sale, lease, development,</p>	<p>Added <i>development, management and operation</i> to the scope of actions covered by the standards.</p>

Section/Topic	Comments
management or operation of real property	<p>Added language authorizing the FDO Director to select the method of solicitation, postpone the date/time for response submission or response opening, and to cancel the solicitation for any reason prior to opening.</p> <p>Added language providing for the Administrator's authority to cancel the solicitation for any reason after opening.</p> <p>Added language stating the County's ability to negotiate an agreement for the development, management, use and/or operation of County-owned real property pursuant to the County's economic development powers under F.S. 125.045.</p> <p>Added language providing for the County's ability to negotiate an agreement for the lease, development, management or operation of real property when the delay incident to complying with all governing rules, regulations or procedures would be detrimental to the interests, health, safety, or welfare of the County.</p> <p>Added Section 125.35, Florida Statutes and Chapter 332, Florida Statutes as an exemption to the lease of airport property.</p> <p>Added F.S. 125.045 as an exemption to the Standards and Procedures requirements.</p> <p>Added as an exemption to the Standards and Procedures requirements the sale of Affordable Housing units to a qualified buyer pursuant to an Affordable Housing program.</p> <p>Added as an exemption to the Standards and Procedures requirements the acquisition or exchange of property where the conveyance of the property to the County is required as part of a road right-of-way permit or as condition of a development order.</p>
Sec. 22-105 Delegation of Authority	<p>Added delegation authority to the County Administrator or designee, for the following items reviewed by FDO (for terms and conditions) and the CAO (for legal sufficiency):</p>

Section/Topic	Comments
	<ul style="list-style-type: none"> - For County-owned real property, short term leases where the term does not exceed 90 days; license and use agreement not exceeding 1 year for non-government entities and not exceeding 3 years for government/non-profit entities; permits not to exceed 90 days; trespass affidavits as provided by law; and site access agreements for as long as necessary to complete the work. - For non-County-owned real property, short term leases, license agreements, use agreements, and permits that do not obligate the County to expend more than \$50,000 and where the term does not exceed 90 days, and site access agreements for as long as needed to complete the work. - Easements, utility agreements and other documents required as part of, or related to, a Board approved capital project. - Limited term easements granted to or by the County not to exceed 2 years. - Closing statements, seller's affidavits and other such documents for acquisition/disposition of real property previously approved by the Board. - Subordination, nondisturbance, attornment agreements, estoppel certificates and other documents typical in the administration of leases. - Standard license agreements, permits, development and use agreements and forms of federal, state and local governmental entities involving real property. - Revisions to governing documents of property owner associations where the the County is a member as long as the revisions do not materially impact the County's ownership rights and interests.

Section/Topic	Comments
	<ul style="list-style-type: none"> - Notices of non-compliance and termination for failure to comply with terms and conditions of an agreement for the use, lease, development, management and operation of real property. <p>Added language providing the County Administrator authority to execute all necessary agreements required due to a declared state of emergency.</p> <p>Added language to specify that nothing in this section shall be construed to limit the BCC's authority to grant delegations of authority.</p> <p>Added language to specify that nothing in this section shall be construed to invalidate prior delegations of authority.</p>
<p>Sec. 22-107 Property Review Committee</p>	<p>Revised the section to reflect that the PRC exists pursuant to Resolution 2019-1585.</p> <p>Increased to \$500,000 the threshold for transactions which require PRC review.</p> <p>Increased the threshold to \$500,000 from \$250,000 for the value of the consideration to be paid by or to the County for transactions involving the exchange of real property which require PRC review.</p> <p>Added as exemptions to PRC review:</p> <ul style="list-style-type: none"> - The sale of affordable housing units to a qualified buyer pursuant to the Affordable Housing program. - The acquisition or exchange of property when the conveyance of the property to the County is a requirement of a development order. - The disposition of property pursuant to a solicitation for the development of County-owned property where the County's contribution will be provided in the form of conveyance of the property.

Section/Topic	Comments
	<ul style="list-style-type: none"> - Any conveyance or sale of real property acquired by the County for delinquent taxes pursuant to Section 197.592, Florida Statutes.
Sec.22-108 Unsolicited Proposals	Added new section, mirroring the language recently approved under the Purchasing Ordinance.
Miscellaneous	Capitalized words throughout and performed grammatical cleanup as necessary.

Attachment #3
Proposed Revisions to the PREM Ordinance (redline to current Code)

Attachment #2
Proposed PREM Ordinance

42 authorize the County Administrator to execute all necessary real estate agreements during
43 a state of emergency; and to exempt the acquisition or exchange of property pursuant to a
44 development order and the County's economic development powers under Section
45 125.045, Florida Statutes, from certain requirements hereof.

46 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
47 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

48 **Article 1. REPEAL and REPLACEMENT:**

49 Chapter 22, Article VI of the Palm Beach County Code, is hereby repealed in its
50 entirety and replaced with the following:

51 **Section 22-101. Title.**

52 This article shall be known and may be cited as the "Palm Beach County Real
53 Property Acquisition, Disposition and Leasing Ordinance" (hereinafter the "PREM
54 Ordinance").

55 **Section 22-102. Definitions.**

56 *Affordable Housing* means housing units for households whose total income is
57 between zero percent (0%) and eighty percent (80%) of the Area Median Income also
58 known as AMI. The limits stated herein shall be automatically adjusted in accordance with
59 the limits established by the United States Department of Housing and Urban Development
60 (HUD) and the Florida Housing Finance Corporation (FHFC).

61 *Area Median Income (AMI)* means the midpoint of a specific area's income
62 distribution as calculated by HUD, FHFC, or any successor agency.

63 *Board* means the Board of County Commissioners of the County.

64 *County* means Palm Beach County, Florida.

65 *Department* means the County's Facilities Development and Operations
66 Department.

67 *Division* means the Property and Real Estate Management Division of the
68 Department.

69 *Extraordinary Assumption* means an assumption, directly related to a specific
70 appraisal, which, if found to be false, could alter the appraiser's opinions or conclusions.

71 Extraordinary Assumptions presume as fact otherwise uncertain information about
72 physical, legal, or economic characteristics of the subject property or about conditions
73 external to the property, such as market conditions or trends, or about the integrity of data
74 used in an appraisal analysis.

75 *Hypothetical Condition* means a condition not presently existing but supposed for
76 the purpose of analysis in an appraisal. Hypothetical Conditions assume conditions
77 contrary to known facts about physical, legal, or economic characteristics of the subject
78 property or about conditions external to the property, such as market conditions or trends
79 or about the integrity of data used in an appraisal analysis.

80 *Invitation for Bid* means a solicitation for offers to purchase, lease, develop,
81 manage, or operate County-owned real property in which price is the sole basis for
82 evaluation of Responses.

83 *Person* includes, but is not limited to, individuals, associations, partnerships,
84 corporations, limited liability companies, joint ventures and all other groups and
85 combinations.

86 *Request for Proposals* means a solicitation for proposals to purchase, lease, develop,
87 manage, or operate County-owned real property in which evaluation of Responses is based
88 primarily upon previously established criteria that include factors other than price.

89 *Response* means a responsive bid or proposal submitted in response to a Solicitation.

90 *Right-of-Way* means real property that will be used for development of a public road
91 or supporting infrastructure.

92 *Solicitation* means an Invitation for Bid or Request for Proposals.

93 *Workforce Housing* means housing units for households whose total income is
94 between sixty percent (60%) and one hundred forty percent (140%) of the Area Median
95 Income also known as AMI. The limits stated herein shall be automatically adjusted in
96 accordance with the limits established by HUD and FHFC.

97 *Workforce Housing Program* means the Workforce Housing Program established
98 by Ordinance No. 2006-055, as amended and as implemented in accordance with the

99 Workforce Housing Program Financial Assistance Strategy approved by the Board on May
100 15, 2018.

101 **Section 22-103. Determination of value.**

102 (a) If the proposed purchase price of real property to be acquired through purchase by
103 the County or the value of real property, as determined by the Palm Beach County Property
104 Appraiser, to be disposed of through sale by the County is:

105 (1) One hundred thousand dollars (\$100,000) or less, no appraisal shall be required.

106 (2) Greater than one hundred thousand dollars (\$100,000) but less than five hundred
107 thousand dollars (\$500,000), at least one (1) appraisal shall be required prior to
108 approval of the agreement for purchase or sale by the Board.

109 (3) Five hundred thousand dollars (\$500,000) or more, at least two (2) appraisals
110 shall be required prior to approval of the agreement for purchase or sale by the
111 Board.

112 (b) The County may, at its option, utilize state or federal procedures for obtaining
113 appraisals where state or federal requirements for a specific transaction differ than those
114 set forth in this section.

115 (c) The following are exempt from the requirements in (a) of this section:

116 (1) Acquisitions of real property from and disposition of real property to another
117 governmental entity;

118 (2) Acquisitions of Right-of-Way;

119 (3) The sale of Workforce Housing units to a qualified buyer pursuant to the
120 Workforce Housing Program;

121 (4) The sale of Affordable Housing units to a qualified buyer pursuant to an
122 Affordable Housing program; and

123 (5) Acquisition or exchange of property where the conveyance of the property to the
124 County is required as part of a road right-of-way permit or as condition of a
125 development order.

126 (d) Appraisal values and use of Extraordinary Assumptions or Hypothetical Conditions
127 shall be clearly disclosed in the agenda item presented to the Board for approval of a
128 transaction.

129 (e) The Board shall not be required to comply with the requirements of Section 125.355,
130 Florida Statutes, as may be amended, unless the Board seeks to utilize the exemption from
131 Section 119.07, Florida Statutes, as may be amended, for information relating to the
132 purchase of real property or except as otherwise required by law.

133 **Section 22-104. Standards and procedures for the sale, lease, development,**
134 **management, or operation of real property.**

135 (a) The Division is authorized by the Board to provide information to the public about
136 procedures for acquisition, disposition, lease, development, management, or operation of
137 County-owned real property.

138 (b) Except as otherwise provided in this section, the Division shall utilize one (1) of the
139 following competitive Solicitation procedures to select a Person to whom County-owned
140 real property may be sold or leased, or to select a Person to develop, manage or operate
141 County-owned real property: Invitation for Bid or Request for Proposals. The Solicitation
142 issued by the Division shall provide the criteria and qualification standards upon which the
143 sale, lease, development, management, or operation of County-owned real property will be
144 determined. Public notice of the County's intent to consider the sale, lease, development,
145 management, or operation of the County-owned real property and the availability of the
146 criteria and qualification standards shall be provided as required by law prior to the date
147 set for submission of Responses to the Solicitation. The Division shall notify, by United
148 States regular mail, email or hand-delivery, all Persons who have submitted a Response of
149 the County's intention to consider final action regarding the sale, lease, development
150 management, or operation of the County-owned real property at a Board meeting. The
151 notice shall state the time and manner for making public comments and shall be mailed,
152 delivered, or emailed to the physical or electronic address provided to the Division. The
153 Director of the Department shall have the authority to select the method of Solicitation, to
154 postpone the date and time for Response submission or Response opening, or to cancel the

155 Solicitation for any reason before the Response opening. The County Administrator shall
156 have the authority to cancel the Solicitation for any reason after the Response opening.

157 (c) In no event shall the sale, lease, development, management, or operation of County-
158 owned real property violate the County's comprehensive plan or zoning regulations.

159 (d) Notwithstanding the provisions of Section 22-104(b) above, the County may, in its
160 discretion:

161 (1) Extend the term of or otherwise modify the terms of an existing lease,
162 development agreement, management agreement, or operation agreement of real
163 property upon a finding by the Board that such extension or modification is in the
164 best interests of the County.

165 (2) Negotiate the sale or lease of real property with a particular Person based upon
166 a finding by the Board that the Person is the only Person capable of reasonably
167 utilizing the County-owned real property for the use which the Board has
168 determined to be the highest and best use of the County-owned real property.
169 Circumstances justifying such action may include, but shall not be limited to, the
170 location or restrictions on the use of the County-owned real property.

171 (3) Negotiate a lease of real property for a term not to exceed ninety (90) consecutive
172 days.

173 (4) Negotiate an agreement for the development, management, use, and/or operation
174 of County-owned real property pursuant to and in accordance with the County's
175 economic development powers under Section 125.045, Florida Statutes, as may be
176 amended.

177 (5) Negotiate an agreement for the lease, development, management, or operation
178 of real property when the delay incident to complying with all governing rules,
179 regulations or procedures would be detrimental to the interests, health, safety, or
180 welfare of the County.

181 (e) The provisions of this section shall not apply to any sale or lease of real property
182 which is exempt from the competitive bidding requirements of Section 125.35, Florida
183 Statutes, as may be amended; to exchanges of real property pursuant to Section 125.37,

184 Florida Statutes, as may be amended; to any sale or lease of real property pursuant to
185 Sections 125.045 and 125.38, Florida Statutes, as may be amended; to the sale of
186 Workforce Housing units to a qualified buyer pursuant to the Workforce Housing Program;
187 to the sale of Affordable Housing units to a qualified buyer pursuant to an Affordable
188 Housing program; to the lease of airport property pursuant to Section 125.35, Florida
189 Statutes as may be amended, or Chapter 332, Florida Statutes, as may be amended; or to
190 the acquisition or exchange of property where the conveyance of the property to or by the
191 County is required as condition of a development order.

192 **Section 22-105. Delegation of authority.**

193 (a) The County Administrator or designee shall have the authority to execute, on behalf
194 of the Board, the following documents that have been reviewed and approved by the
195 Department for terms and conditions and by the County Attorney's Office for legal
196 sufficiency:

197 (1) For County-owned real property, short term leases where the term does not
198 exceed ninety (90) days, license agreements and use agreements not to exceed one
199 (1) year for non-government entities and not to exceed three (3) years for
200 government and non-profit entities, permits not to exceed ninety (90) days, trespass
201 affidavits as provided by law, and site access agreements for as long as necessary to
202 complete the work.

203 (2) For non-County-owned real property, short term leases, license agreements, use
204 agreements, and permits that do not obligate the County to expend more than
205 \$50,000 and where the term does not exceed ninety (90) days, and site access
206 agreements for as long as necessary to complete the work.

207 (3) Easements, utility agreements and other documents required as part of, or related
208 to, a Board approved capital project, including but not limited to any future required
209 modifications, amendments, releases and/or partial releases thereof.

210 (4) Limited term easements granted to or by the County not to exceed two (2) years.

211 (5) Closing statements, seller's affidavits and other such documents for acquisitions
212 and dispositions of real property previously approved by the Board which are
213 standard to effectuate closing of a real estate transaction.

214 (6) Subordination, nondisturbance, attornment agreements, estoppel certificates and
215 other such documents which are standard in the administration of leases.

216 (7) Standard license agreements, permits, development and use agreements and
217 forms of federal, state and local governmental entities involving real property.

218 (8) Revisions to governing documents of property owner associations where the
219 County is member as long as the revisions do not materially impact the County's
220 ownership rights and interests.

221 (9) Notices of non-compliance and termination for failure to comply with terms and
222 conditions of an agreement for the use, lease, development, management and
223 operation of real property.

224 (b) When the Board has declared a state of emergency, or when a state of emergency
225 has been declared which affects the County, or when a state of emergency has been
226 declared in accordance with Section 9-35 of the Palm Beach County Code and the approval
227 of the Board cannot be obtained in a timely manner, the County Administrator shall have
228 the authority to execute, on behalf of the Board, all necessary agreements required due to
229 the state of emergency, including but limited to leases, rental agreements, license and use
230 agreements, development, management and operation agreements, access agreements and
231 easements on either County-owned property or non-County-owned property; provided that
232 said agreements shall be presented to the Board for ratification as soon as possible
233 following signature or approval by the County Administrator.

234 (c) Nothing in this Section shall be construed to invalidate prior delegations of authority
235 by the Board, or to limit the authority of the Board to grant delegations of authority to the
236 County Administrator related to real property, including without limitation, the acquisition,
237 disposition, lease, license, use, management, development or operation thereof.

238 **Section 22-106. Supermajority vote.**

239 All acquisitions (including eminent domain), dispositions and exchanges of fee
240 simple title to real property (including conveyances for no or nominal consideration) must
241 be approved by a supermajority vote of five (5) commissioners of the Board. The foregoing
242 supermajority vote requirement will not apply to County internal interdepartmental
243 transactions or transactions that do not require separate Board action due to a delegation of
244 authority by the Board to County staff prior to January 1, 2010. On or after January 2010,
245 delegation of authority to staff by the Board relating to acquisitions, dispositions and
246 exchanges (including eminent domain and conveyances for no or nominal consideration)
247 must be approved by a supermajority vote of the Board.

248 **Section 22-107. Property Review Committee.**

249 (a) Pursuant to Resolution No. R-2019-1585 the Board created the Property Review
250 Committee and hereby reaffirms the authority of the Property Review Committee to
251 review, evaluate and advise the Board regarding real estate transactions involving the
252 acquisition, disposition or exchange of fee simple title to real property, when transactions:

253 (1) Are based on appraisal(s) utilizing Hypothetical Conditions or Extraordinary
254 Assumptions.

255 (2) Are based upon appraisal(s) assuming a change of land use, a comprehensive
256 plan amendment or concurrency other than that which currently exists.

257 (3) Involve an acquisition in which the purchase price of the real property is greater
258 than one hundred ten percent (110%) of the fair market value.

259 (4) Involve acquisitions of Right-of-Way where the purchase price is greater than
260 one hundred fifteen percent (115%) of the fair market value;

261 (5) Involve a disposition in which the sale price of the real property is lower than
262 ninety percent (90%) of the fair market value.

263 (6) Involve an exchange of real property in which the purchase or sale price of the
264 real property to be conveyed to or by the County, plus any additional consideration
265 to be paid to or by the County in the exchange transaction exceeds five hundred
266 thousand dollars (\$500,000).

267 (b) The Board and the County Administrator shall be entitled to direct County staff to
268 present to the Property Review Committee any real property transaction not otherwise
269 required by this PREM Ordinance to be presented to the Property Review Committee.

270 (c) The following are exempt from provisions of this section:

271 (1) Transactions for less than five hundred thousand dollars (\$500,000).

272 (2) Acquisitions of Right-of-Way which involve eminent domain and/or inverse
273 condemnation litigation.

274 (3) Transactions subject to Federal Aviation Administration review or audit with the
275 exception of off-airport transactions for a non-airport purpose.

276 (4) Transactions pursuant to Chapter 11, Article XV, of this Code, the
277 "Conservation Lands Protection Ordinance".

278 (5) Any conveyance of real property to governmental and non-profit entities
279 pursuant to Section 125.38, Florida Statutes, as may be amended.

280 (6) The sale of Workforce Housing units to a qualified buyer in accordance with
281 the Workforce Housing Program.

282 (7) The sale of Affordable Housing units to a qualified buyer pursuant to the
283 Affordable Housing programs.

284 (8) The acquisition or exchange of property when the conveyance of the property
285 to the County is a requirement of a development order.

286 (9) The disposition of property pursuant to a Solicitation for the development of
287 County-owned property where the County's contribution will be provided in the
288 form of conveyance of the property.

289 (10) Any conveyance or sale of real property acquired by the County for
290 delinquent taxes pursuant to Section 197.592, Florida Statutes, as may be
291 amended.

292 **Section 22-108. Unsolicited Proposals.**

293 (a) *Submission.* Private entities may submit unsolicited proposals involving County-
294 owned real property to the Department Director.

295 (b) *Contents.* Any unsolicited proposal must include:

296 (1) An application fee of twenty-five thousand dollars (\$25,000) in the form of cash,
297 cashier's check or other non-cancelable instrument; and

298 (2) Sufficient detail and information as set out in Section 255.065, Florida Statutes,
299 for the County to evaluate the proposal in an objective and timely manner.

300 (c) *Board Notification.* Upon receipt of an unsolicited proposal, the Department
301 Director will notify the Board in writing of receipt of the unsolicited proposal. Any Board
302 member may request that the unsolicited proposal be placed on a future Board meeting
303 agenda for a determination of whether to reject the unsolicited proposal or whether to
304 advise staff to proceed with evaluation of the unsolicited proposal. If no request is received
305 from the Board, County staff may reject and not review the unsolicited proposal, or County
306 staff may place the unsolicited proposal on the next available meeting agenda for direction
307 from the Board. If placed on the next available Board meeting agenda, then the Board at
308 such meeting may by majority vote:

309 (1) Reject the unsolicited proposal; or

310 (2) Advise staff to proceed with evaluation of the unsolicited proposal.

311 (d) *Evaluation.* If so advised by the Board, County staff will evaluate the unsolicited
312 proposal and publish notice in accordance with the requirements of Section 255.065,
313 Florida Statutes, and in accordance with any applicable County ordinances, policies and
314 procedures. If the initial application fee does not cover the County's costs to evaluate the
315 unsolicited proposal, the County shall request additional fees from the proposer. The
316 proposer must remit the requested additional amount within thirty (30) days of receipt of
317 the request or the County will stop review of the unsolicited proposal and recommend its
318 rejection by the Board.

319 (e) *Notice of Competitive Proposals.* If County staff publishes notice soliciting
320 competitive proposals under (d) above, the County will use the procedures for soliciting
321 and evaluating proposals as set forth in Section 255.065, Florida Statutes, and in
322 accordance with any applicable County ordinances, policies and procedures. The submitter
323 of the unsolicited proposal shall respond to the competitive solicitation and offer the

324 County a proposal with terms not less favorable to the County than its original unsolicited
325 proposal.

326 (f) *Rejection.* If the unsolicited proposal is rejected by the County without evaluation,
327 County staff will notify the proposer of the County’s decision and return the proposer’s
328 application fee. The County is not required to give a reason for its decision. The County
329 reserves the right to determine, in its sole discretion, whether to reject or evaluate an
330 unsolicited proposal. The rejection of an unsolicited proposal shall create no rights in the
331 proposer and such decision shall not be subject to protest or appeal.

332 (g) Nothing contained herein shall limit or divest the Board of its authority pursuant to
333 Chapter 125, Florida Statutes or this PREM Ordinance.

334 **Article 2. REPEAL OF LAWS AND ORDINANCES IN CONFLICT:**

335 All local laws and ordinances in conflict with any provision of this Ordinance are
336 hereby repealed to the extent of any such conflict.

337 **Article 3. SEVERABILITY:**

338 If any provision, article, paragraph, sentence, clause, phrase, or work of this
339 Ordinance is for any reason held by a court to be unconstitutional, inoperative, or void,
340 such holding shall not affect the remainder of this Ordinance.

341 **Article 4. CAPTIONS:**

342 The captions, sections headings, and section designations used in this Ordinance are
343 for convenience only and shall have no effect on the interpretation of the provisions of this
344 Ordinance.

345 **Article 5. SAVINGS CLAUSE:**

346 Notwithstanding anything to the contrary, all provisions of the Palm Beach County
347 Ordinance No. 2019-038, are specifically preserved and remain in full force and effect for
348 the limited purpose of enforcing any alleged violations of said Ordinance which occurred
349 prior to its repeal or amendment. Furthermore, nothing in this Ordinance shall be
350 constructed to modify or affect the validity of any agreement entered into or permit issued
351 prior to the effective date of this Ordinance.

352 **Article 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

353 The provisions of this Ordinance shall become and be made a part of the Code of
354 Laws and Ordinances of Palm Beach County, Florida. The articles and sections of this
355 Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance"
356 may be changed to "Section", "Article", or other appropriate word.

357 **Article 7. EFFECTIVE DATE:**

358 The provision of this Ordinance shall become effective upon filing with the
359 Department of State.

360 APPROVED and ADOPTED by the Board of County Commissioners of Palm
361 Beach County, Florida, on this the ____ day of ____, 2024.

362 **ATTEST:**

363 JOSEPH ABRUZZO

PALM BEACH COUNTY, BY ITS

364 CLERK & COMPTROLLER

BOARD OF COUNTY COMMISSIONERS

365

366 By: _____
367 Deputy Clerk

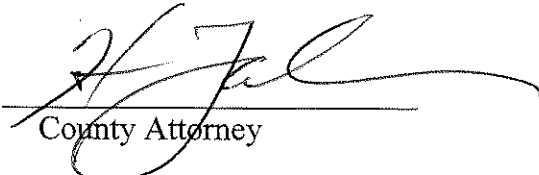
By: _____
Maria Sachs, Mayor

368

369 APPROVED AS TO FORM

370 AND LEGAL SUFFICIENCY

371

372 By: 
373 County Attorney

374

375 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
376 _____, 2024.

Attachment #3
Proposed Revisions to the PREM Ordinance (redline to current Code)

42 authorize the County Administrator to execute all necessary real estate agreements during
43 a state of emergency; and to exempt the acquisition or exchange of property pursuant to a
44 development order and the County's economic development powers under Section
45 125.045, Florida Statutes, from certain requirements hereof.

46 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
47 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

48 **Article 1. REPEAL and REPLACEMENT:**

49 Chapter 22, Article VI of the Palm Beach County Code, is hereby repealed in its
50 entirety and replaced with the following:

51 **Section 22-101. Title.**

52 This article shall be known and may be cited as the "Palm Beach County Real
53 Property Acquisition, Disposition and Leasing Ordinance" (hereinafter the "PREM
54 Ordinance").

55 **Section 22-102. Definitions.**

56 Affordable Housing means housing units for households whose total income is
57 between zero percent (0%) and eighty percent (80%) of the Area Median Income also
58 known as AMI. The limits stated herein shall be automatically adjusted in accordance with
59 the limits established by the United States Department of Housing and Urban Development
60 (HUD) and the Florida Housing Finance Corporation (FHFC).

61 Area Median Income (AMI) means the midpoint of a specific area's income
62 distribution as calculated by HUD, FHFC, or any successor agency.

63 *Board* means the Board of County Commissioners of the County.

64 *County* means Palm Beach County, Florida.

65 *Department* means the ~~County~~County's Facilities Development and Operations
66 Department.

67 *Division* means the Property and Real Estate Management Division of the ~~County~~
68 ~~Facilities Development and Operations Department.~~

69 *Extraordinary Assumption* means an assumption, directly related to a specific
70 appraisal, which, if found to be false, could alter the appraiser's opinions or conclusions.

71 Extraordinary Assumptions presume as fact otherwise uncertain information about
72 physical, legal, or economic characteristics of the subject property or about conditions
73 external to the property, such as market conditions or trends, or about the integrity of data
74 used in an appraisal analysis.

75 *Hypothetical Condition* means a condition not presently existing but supposed for
76 the purpose of analysis in an appraisal. Hypothetical Conditions assume conditions
77 contrary to known facts about physical, legal, or economic characteristics of the subject
78 property or about conditions external to the property, such as market conditions or trends
79 or about the integrity of data used in an appraisal analysis.

80 *Invitation ~~to~~for Bid* means a solicitation for offers ~~for the sale or to purchase,~~ lease
81 ~~of,~~ develop, manage, or operate County-owned real property in which price is the sole basis
82 for evaluation of ~~responses~~Responses.

83 *Person* includes, but is not limited to, individuals, associations, partnerships,
84 corporations, limited liability companies, joint ventures and all other groups and
85 combinations.

86 *Request for Proposals* means a solicitation for proposals ~~for the sale or to purchase,~~
87 ~~lease of,~~ develop, manage, or operate County-owned real property in which evaluation of
88 ~~responses~~Responses is based primarily upon previously established criteria that include
89 factors other than price.

90 *Response* means a responsive bid or proposal submitted ~~by a responsible person in~~
91 response to a ~~solicitation~~Solicitation.

92 *Right-of-Way* means real property that will be used for development of a public road
93 or supporting infrastructure.

94 *Solicitation* means an Invitation ~~to~~for Bid or Request for Proposals.

95 Workforce Housing means housing units for households whose total income is
96 between sixty percent (60%) and one hundred forty percent (140%) of the Area Median
97 Income also known as AMI. The limits stated herein shall be automatically adjusted in
98 accordance with the limits established by HUD and FHFC.

99 *Workforce Housing Program* means the Workforce Housing Program established
100 by Ordinance No. 2006-055, as amended and as implemented in accordance with the
101 Workforce Housing Program Financial Assistance Strategy approved by the Board on May
102 15, 2018.

103 **Section 22-103. Determination of value.**

104 (a) If the proposed purchase price of real property to be acquired through purchase by
105 the County or the value of real property, as determined by the Palm Beach County property
106 ~~appraiser~~Property Appraiser, to be disposed of through sale by the County is:

107 (1) ~~Twenty-five~~One hundred thousand dollars (~~\$25,000~~100,000) or less, no
108 appraisal shall be required.

109 (2) Greater than ~~twenty-five~~one hundred thousand dollars (~~\$25,000~~100,000) but less
110 than five hundred thousand dollars (\$500,000), at least one (1) appraisal shall be
111 ~~obtained~~required prior to approval of the agreement for purchase or sale by the
112 Board.

113 (3) Five hundred thousand dollars (\$500,000) or more, at least two (2) appraisals
114 shall be ~~obtained~~required prior to approval of the agreement for purchase or sale by
115 the Board.

116 (b) The County may, at its option, utilize state or federal procedures for obtaining
117 appraisals where state or federal requirements for a specific transaction differ than those
118 set forth in this section.

119 (c) The following are exempt from the requirements in (a) of this section:

120 (1) Acquisitions of real property from and disposition of real property to another
121 governmental entity are exempt from the requirements of this section when the
122 assessed value of the real property, as determined by the County property appraiser,
123 is equal to or greater than the purchase price of the real property;

124 ~~(d)~~(2) Acquisitions of Right-of-Way are exempt from the requirements of (a), (b)
125 and (c) of this section.;

126 ~~(e)~~(3) The sale of wWorkforce hHousing units to a qualified buyer pursuant to the
127 Workforce Housing Program are exempt from the requirements;

128 (4) The sale of Affordable Housing units to a qualified buyer pursuant to an
129 Affordable Housing program; and

130 (5) Acquisition or exchange of property where the conveyance of the property to the
131 County is required as part of a road right-of-way permit or as condition of a
132 development order.

133 ~~(d)~~ Appraisal values and use of Extraordinary Assumptions or Hypothetical Conditions
134 shall be clearly disclosed in the summary section of the agenda item presented to the Board
135 for approval of a transaction.

136 ~~(e)~~ The Board shall not be required to comply with the requirements of F.S. §Section
137 125.355, Florida Statutes, as may be amended, unless the Board seeks to utilize the
138 exemption from F.S. §Section 119.07, Florida Statutes, as may be amended, for
139 information relating to the purchase of real property or except as otherwise required by
140 law.

141 **Section 22-104. Standards and procedures for the sale ~~or lease,~~ lease,**
142 **development, management, or operation of real property.**

143 ~~(a) Any interested Person may request~~ The Division is authorized by the Board to provide
144 information regarding to the public about procedures for the acquisition ~~or,~~ disposition,
145 lease, development, management, or operation of County-owned real property by written
146 request to the division.

147 (b) Except as otherwise provided in this section, the Division shall utilize one (1) of the
148 following types of ~~negotiation~~ competitive Solicitation procedures in the selection of ~~to~~
149 select a Person to whom County-owned real property may be sold or leased, or to select a
150 Person to develop, manage or operate County-owned real property: Invitation for Bid or
151 Request for Proposals. The Solicitation issued by the Division shall provide for the
152 ~~competition~~ criteria and qualification standards upon which the sale ~~or,~~ lease, development,
153 management, or operation of County-owned real property will be determined. Public
154 notice of the County's intent to consider the sale ~~or,~~ lease, development, management, or
155 operation of the County-owned real property and the availability of the ~~competition~~ criteria
156 and qualification standards shall be provided a reasonable period of time as required by law

157 prior to the date set for submission of ~~responses~~Responses to the Solicitation. The Division
158 shall notify ~~all Persons who have submitted a response,~~ by United States regular mail, email
159 or hand-delivery, all Persons who have submitted a Response of the County's intention to
160 consider final action regarding the sale ~~or,~~ lease, development management, or operation
161 of the County-owned real property at a ~~regular~~Board meeting ~~of the Board.~~ The notice
162 shall state the time and manner for making ~~objections~~public comments and shall be mailed
163 ~~or,~~ delivered to the address provided to the Division or transmitted by email to the email,
164 or emailed to the physical or electronic address provided to the Division. The Director of
165 the Department shall have the authority to select the method of Solicitation, to postpone
166 the date and time for Response submission or Response opening, or to cancel the
167 Solicitation for any reason before the Response opening. The County Administrator shall
168 have the authority to cancel the Solicitation for any reason after the Response opening.

169 (c) In no event shall the sale ~~or,~~ lease, development, management, or operation of
170 County-owned real property violate the ~~County~~County's comprehensive plan or zoning
171 ~~regulations of the County.~~

172 (d) Notwithstanding the provisions of Section 22-104(b) above, the County may, in its
173 discretion:

174 (1) Extend the term of or otherwise modify the terms of an existing lease,
175 development agreement, management agreement, or operation agreement of real
176 property upon a finding by the Board that such extension or modification is in the
177 best interests of the County.

178 (2) Negotiate the sale or lease of real property with a particular ~~person~~Person based
179 upon a finding by the Board that the Person is the only Person capable of reasonably
180 utilizing the County-owned real property for the use which the Board has
181 determined to be the highest and best use of the County-owned real property.
182 Circumstances justifying such action may include, but shall not be limited to, the
183 location or restrictions on the use of the County-owned real property.

184 (3) Negotiate a lease of real property for a term not to exceed ninety (90) consecutive
185 days.

186 (4) Negotiate an agreement for the development, management, use, and/or operation
187 of County-owned real property pursuant to and in accordance with the County's
188 economic development powers under Section 125.045, Florida Statutes, as may be
189 amended.

190 (5) Negotiate an agreement for the lease, development, management, or operation
191 of real property when the delay incident to complying with all governing rules,
192 regulations or procedures would be detrimental to the interests, health, safety, or
193 welfare of the County.

194 (e) The provisions of this section shall not apply to any sale or lease of real property
195 which is exempt from the competitive bidding requirements of F.S. §Section 125.35,
196 Florida Statutes, as may be amended; to exchanges of real property pursuant to F.S.
197 §Section 125.37, Florida Statutes, as may be amended; to any sale or lease of real property
198 pursuant to F.S. §Sections 125.045 and 125.38, Florida Statutes, as may be amended; or to
199 the sale of wWorkforce hHousing units to a qualified buyer pursuant to the Workforce
200 Housing Program; to the sale of Affordable Housing units to a qualified buyer pursuant to
201 an Affordable Housing program; to the lease of airport property pursuant to Section 125.35,
202 Florida Statutes as may be amended, or Chapter 332, Florida Statutes, as may be amended;
203 or to the acquisition or exchange of property where the conveyance of the property to or
204 by the County is required as condition of a development order.

205 **Section 22-105. Delegation of authority.**

206 (a) The County Administrator or designee shall have the authority to execute, on behalf
207 of the Board, ~~license agreements and limited term easements using standard form~~
208 the following documents that have been reviewed and approved by the Board~~Department for~~
209 terms and such other standard form documents as may be approved~~conditions and by the~~
210 Board from time to time.County Attorney's Office for legal sufficiency:

211 (1) For County-owned real property, short term leases where the term does not
212 exceed ninety (90) days, license agreements and use agreements not to exceed one

213 (1) year for non-government entities and not to exceed three (3) years for
214 government and non-profit entities, permits not to exceed ninety (90) days, trespass

215 affidavits as provided by law, and site access agreements for as long as necessary to
216 complete the work.

217 (2) For non-County-owned real property, short term leases, license agreements, use
218 agreements, and permits that do not obligate the County to expend more than
219 \$50,000 and where the term does not exceed ninety (90) days, and site access
220 agreements for as long as necessary to complete the work.

221 (3) Easements, utility agreements and other documents required as part of, or related
222 to, a Board approved capital project, including but not limited to any future required
223 modifications, amendments, releases and/or partial releases thereof.

224 (4) Limited term easements granted to or by the County not to exceed two (2) years.

225 (5) Closing statements, seller's affidavits and other such documents for acquisitions
226 and dispositions of real property previously approved by the Board which are
227 standard to effectuate closing of a real estate transaction.

228 (6) Subordination, nondisturbance, attornment agreements, estoppel certificates and
229 other such documents which are standard in the administration of leases.

230 (7) Standard license agreements, permits, development and use agreements and
231 forms of federal, state and local governmental entities involving real property.

232 (8) Revisions to governing documents of property owner associations where the
233 County is member as long as the revisions do not materially impact the County's
234 ownership rights and interests.

235 (9) Notices of non-compliance and termination for failure to comply with terms and
236 conditions of an agreement for the use, lease, development, management and
237 operation of real property.

238 (b) When the Board has declared a state of emergency, or when a state of emergency
239 has been declared which affects the County, or when a state of emergency has been
240 declared in accordance with Section 9-35 of the Palm Beach County Code and the approval
241 of the Board cannot be obtained in a timely manner, the County Administrator shall have
242 the authority to execute, on behalf of the Board, all necessary agreements required due to
243 the state of emergency, including but limited to leases, rental agreements, license and use

244 agreements, development, management and operation agreements, access agreements and
245 easements on either County-owned property or non-County-owned property; provided that
246 said agreements shall be presented to the Board for ratification as soon as possible
247 following signature or approval by the County Administrator.

248 (c) Nothing in this Section shall be construed to invalidate prior delegations of authority
249 by the Board, or to limit the authority of the Board to grant delegations of authority to the
250 County Administrator related to real property, including without limitation, the acquisition,
251 disposition, lease, license, use, management, development or operation thereof.

252 **Section 22-106. Supermajority vote.**

253 All ~~purchase~~acquisitions (including eminent domain), ~~sales~~dispositions and
254 exchanges of fee simple title to real property (including conveyances for no or nominal
255 consideration) must be approved by a supermajority vote ~~(of five (5) commissioners)~~ of
256 the Board. The foregoing supermajority vote requirement will not apply to County internal
257 interdepartmental transactions or transactions that do not require separate Board action due
258 to a delegation of authority by the Board to County staff prior to January 1, 2010. On or
259 after January, 2010, delegation of authority to staff by the Board relating to ~~purchase,~~
260 ~~sales~~acquisitions, dispositions and exchanges (including eminent domain and conveyances
261 for no or nominal consideration) must be approved by a supermajority vote of the Board.

262 **Section 22-107. Property Review Committee.**

263 (a) ~~The Pursuant to Resolution No. R-2019-1585 the Board shall create by resolution,~~
264 ~~within sixty (60) days created the Property Review Committee and hereby reaffirms the~~
265 ~~authority of the effective date of this ordinance a committee to be named the property~~
266 ~~review committee~~Property Review Committee to review, evaluate and advise the Board
267 regarding real estate transactions involving the ~~purchase~~saleacquisition, disposition or
268 exchange of fee simple title to real property, ~~which~~when transactions:

269 (1) Are based on appraisal(s) utilizing ~~hypothetical conditions~~Hypothetical
270 Conditions or ~~extraordinary assumptions~~Extraordinary Assumptions.

271 (2) Are based upon appraisal(s) assuming a change of land use, a comprehensive
272 plan amendment or concurrency other than that which currently exists.

273 (3) Involve a ~~purchase~~ acquisition in which the purchase price of the real property
274 is greater than one hundred ten ~~(110)~~-percent (110%) of the fair market value ~~as~~
275 ~~determined by the appraisal or the average of the appraisals obtained by the County.~~

276 ~~Acquisitions:~~

277 (4) Involve acquisitions of Right-of-Way ~~require review~~ where the purchase price
278 is greater than one hundred fifteen ~~(115)~~-percent (115%) of the fair market value ~~;~~

279 (5) Involve a sale disposition in which the sale price of the real property is lower
280 than ninety ~~(90)~~-percent (90%) of the fair market value ~~as determined by the~~
281 ~~appraisal or the average of the appraisals obtained by the County.~~

282 (6) Involve an exchange of real property in which the purchase or sale price of the
283 real property to be conveyed to or by the County, plus any additional consideration
284 to be paid to or by the ~~county~~ County in the exchange transaction exceeds ~~two~~ five
285 hundred ~~fifty~~-thousand dollars ~~(\$250,000.00)~~ (\$500,000).

286 (b) The Board and the County Administrator shall be entitled to direct County staff to
287 present to the ~~property review committee~~ Property Review Committee any real property
288 transaction not otherwise required by this ~~ordinance~~ PREM Ordinance to be presented to
289 the ~~property review committee~~ Property Review Committee.

290 (c) The following are exempt from provisions of this section ~~shall not apply to~~
291 ~~transactions:~~

292 (1) Transactions for less than ~~two~~ five hundred ~~fifty~~-thousand dollars
293 ~~(\$250,000.00); acquisitions).~~

294 (2) Acquisitions of Right-of-Way which involve eminent domain and/or inverse
295 condemnation litigation ~~; transactions.~~

296 (3) Transactions subject to Federal Aviation Administration review or audit with the
297 exception of off-airport transactions for a non-airport purpose ~~; transactions pursuant~~
298 ~~to chapter 11, article XV, of this Code, the "conservation lands protection~~
299 ~~ordinance"; any intergovernmental conveyance of real property pursuant to Florida~~
300 ~~Statutes, § 125.38, as may be amended; or the sale of workforce housing units to a~~

301 ~~qualified buyer in accordance with the Workforce Housing Program. airport~~
302 ~~purpose.~~

303 (4) Transactions pursuant to Chapter 11, Article XV, of this Code, the
304 "Conservation Lands Protection Ordinance".

305 (5) Any conveyance of real property to governmental and non-profit entities
306 pursuant to Section 125.38, Florida Statutes, as may be amended.

307 (6) The sale of Workforce Housing units to a qualified buyer in accordance with
308 the Workforce Housing Program.

309 (7) The sale of Affordable Housing units to a qualified buyer pursuant to the
310 Affordable Housing programs.

311 (8) The acquisition or exchange of property when the conveyance of the property
312 to the County is a requirement of a development order.

313 (9) The disposition of property pursuant to a Solicitation for the development of
314 County-owned property where the County's contribution will be provided in the
315 form of conveyance of the property.

316 (10) Any conveyance or sale of real property acquired by the County for
317 delinquent taxes pursuant to Section 197.592, Florida Statutes, as may be
318 amended.

319 **Section 22-108. Unsolicited Proposals.**

320 (a) Submission. Private entities may submit unsolicited proposals involving County-
321 owned real property to the Department Director.

322 (b) Contents. Any unsolicited proposal must include:

323 (1) An application fee of twenty-five thousand dollars (\$25,000) in the form of cash,
324 cashier's check or other non-cancelable instrument; and

325 (2) Sufficient detail and information as set out in Section 255.065, Florida Statutes,
326 for the County to evaluate the proposal in an objective and timely manner.

327 (c) Board Notification. Upon receipt of an unsolicited proposal, the Department
328 Director will notify the Board in writing of receipt of the unsolicited proposal. Any Board
329 member may request that the unsolicited proposal be placed on a future Board meeting

330 agenda for a determination of whether to reject the unsolicited proposal or whether to
331 advise staff to proceed with evaluation of the unsolicited proposal. If no request is received
332 from the Board, County staff may reject and not review the unsolicited proposal, or County
333 staff may place the unsolicited proposal on the next available meeting agenda for direction
334 from the Board. If placed on the next available Board meeting agenda, then the Board at
335 such meeting may by majority vote:

336 (1) Reject the unsolicited proposal; or

337 (2) Advise staff to proceed with evaluation of the unsolicited proposal.

338 (d) *Evaluation.* If so advised by the Board, County staff will evaluate the unsolicited
339 proposal and publish notice in accordance with the requirements of Section 255.065,
340 Florida Statutes, and in accordance with any applicable County ordinances, policies and
341 procedures. If the initial application fee does not cover the County's costs to evaluate the
342 unsolicited proposal, the County shall request additional fees from the proposer. The
343 proposer must remit the requested additional amount within thirty (30) days of receipt of
344 the request or the County will stop review of the unsolicited proposal and recommend its
345 rejection by the Board.

346 (e) *Notice of Competitive Proposals.* If County staff publishes notice soliciting
347 competitive proposals under (d) above, the County will use the procedures for soliciting
348 and evaluating proposals as set forth in Section 255.065, Florida Statutes, and in
349 accordance with any applicable County ordinances, policies and procedures. The submitter
350 of the unsolicited proposal shall respond to the competitive solicitation and offer the
351 County a proposal with terms not less favorable to the County than its original unsolicited
352 proposal.

353 (f) *Rejection.* If the unsolicited proposal is rejected by the County without evaluation,
354 County staff will notify the proposer of the County's decision and return the proposer's
355 application fee. The County is not required to give a reason for its decision. The County
356 reserves the right to determine, in its sole discretion, whether to reject or evaluate an
357 unsolicited proposal. The rejection of an unsolicited proposal shall create no rights in the
358 proposer and such decision shall not be subject to protest or appeal.

359 (g) Nothing contained herein shall limit or divest the Board of its authority pursuant to
360 Chapter 125, Florida Statutes or this PREM Ordinance.

361 **Article 2. REPEAL OF LAWS AND ORDINANCES IN CONFLICT:**

362 All local laws and ordinances in conflict with any provision of this Ordinance are
363 hereby repealed to the extent of any such conflict.

364 **Article 3. SEVERABILITY:**

365 If any provision, article, paragraph, sentence, clause, phrase, or work of this
366 Ordinance is for any reason held by a court to be unconstitutional, inoperative, or void,
367 such holding shall not affect the remainder of this Ordinance.

368 **Article 4. CAPTIONS:**

369 The captions, sections headings, and section designations used in this Ordinance are
370 for convenience only and shall have no effect on the interpretation of the provisions of this
371 Ordinance.

372 **Article 5. SAVINGS CLAUSE:**

373 Notwithstanding anything to the contrary, all provisions of the Palm Beach County
374 Ordinance No. 2019-038, are specifically preserved and remain in full force and effect for
375 the limited purpose of enforcing any alleged violations of said Ordinance which occurred
376 prior to its repeal or amendment. Furthermore, nothing in this Ordinance shall be
377 constructed to modify or affect the validity of any agreement entered into or permit issued
378 prior to the effective date of this Ordinance.

379 **Article 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

380 The provisions of this Ordinance shall become and be made a part of the Code of
381 Laws and Ordinances of Palm Beach County, Florida. The articles and sections of this
382 Ordinance may be renumbered or relettered to accomplish such, and the word "Ordinance"
383 may be changed to "Section", "Article", or other appropriate word.

384 **Article 7. EFFECTIVE DATE:**

385 The provision of this Ordinance shall become effective upon filing with the
386 Department of State.

387 APPROVED and ADOPTED by the Board of County Commissioners of Palm
388 Beach County, Florida, on this the _____ day of _____, 2024.

389 ATTEST:

390 JOSEPH ABRUZZO PALM BEACH COUNTY, BY ITS
391 CLERK & COMPTROLLER BOARD OF COUNTY COMMISSIONERS

392

393 By: _____ By: _____
394 Deputy Clerk Maria Sachs, Mayor
395

396 APPROVED AS TO FORM
397 AND LEGAL SUFFICIENCY

398

399 By: _____
400 County Attorney

401

402 EFFECTIVE DATE: Filed with the Department of State on the ____ day of
403 _____, 2024.

Ad Preview

NOTICE OF PUBLIC HEARING
PLEASE TAKE NOTICE THAT AT
9:30 A.M. ON OCTOBER 22, 2024,
in the Palm Beach County Govern-
mental Center, Jane Thompson
Memorial Chambers, 6th Floor, 301
North Olive Avenue, West Palm
Beach FL., the Board of County
Commissioners of Palm Beach
County, FL., intends to hold a public
hearing for the purpose of consider-
ing the following proposed Palm
Beach County Ordinance (s):

AN ORDINANCE OF THE BOARD
OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA
TO BE ENTITLED "THE PALM
BEACH COUNTY REAL PROP-
ERTY ACQUISITION, DISPOSI-
TION AND LEASING ORDI-
NANCE" (PREM ORDINANCE),
REPEALING AND REPLACING
CHAPTER 22, ARTICLE VI OF
THE PALM BEACH COUNTY
CODE PROVIDING FOR A TITLE,
PROVIDING FOR DEFINITIONS;
PROVIDING FOR DETERMINA-
TION OF VALUE; PROVIDING
FOR STANDARDS AND PROCE-
DURES FOR THE SALE, LEASE,
DEVELOPMENT, MANAGEMENT,
OR OPERATION OF REAL PROP-
ERTY; PROVIDING FOR DELE-
GATION OF AUTHORITY;
PROVIDING FOR SUPERMAJOR-
ITY VOTE; PROVIDING FOR THE
PROPERTY REVIEW COMMIT-
TEE; PROVIDING FOR UNSOL-
ICITED PROPOSALS; PROVID-
ING FOR REPEAL OF LAWS AND
ORDINANCES IN CONFLICT;
PROVIDING FOR SEVERABIL-
ITY; PROVIDING FOR
CAPTIONS; PROVIDING FOR A
SAVINGS CLAUSE; PROVIDING
FOR INCLUSION IN THE CODE
OF LAWS AND ORDINANCES;
AND PROVIDING AN EFFECTIVE
DATE

A copy of the above-referenced
proposed ordinance is available for
inspection in the Minutes Depart-
ment, 2nd floor, Room 203.2,
Governmental Center. All interested
parties may appear at the meeting
and be heard with respect to the
proposed ordinance(s).

If a person decides to appeal any
decision made by this commission
with respect to any matter consid-
ered at this meeting or hearing they
will need to have a record of the
proceeding, and for that, for such
purpose, they may need to ensure
that a verbatim record of the
proceeding is made, which record
includes the testimony and evidence
upon which the appeal is based.

JOSEPH ABRUZZO,
Clerk of the Circuit Court & Comp-
troller
Board of County Commissioners
10/4/24 10584254