

REAL ESTATE ACQUISITION
LAND PURCHASES

ALL SCHOOL SITES WILL BE REVIEWED BY THE SUPERINTENDENT'S SITE REVIEW COMMITTEE PRIOR TO BEING RECOMMENDED FOR PURCHASE. SEE POLICY 7000. ANCILLARY FACILITIES DO NOT REQUIRE A RECOMMENDATION FROM THE SUPERINTENDENT'S SITE REVIEW COMMITTEE, BUT CAN BE REVIEWED BY THE SUPERINTENDENT'S SITE REVIEW COMMITTEE UPON DIRECTION BY THE SCHOOL BOARD. AN ANCILLARY FACILITY IS DEFINED AS A SUPPORT OR ADMINISTRATIVE FACILITY OTHER THAN A SCHOOL BUILDING. ANCILLARY FACILITIES HAVE TO BE DESIGNATED OR APPROVED BY THE SCHOOL BOARD. PROPERTY CONSIDERED AS EXPANSION SITES FOR EXISTING SCHOOL SITES DO NOT REQUIRE A RECOMMENDATION FROM THE SUPERINTENDENT'S SITE REVIEW COMMITTEE.

FOLLOWING THE SCHOOL BOARD'S DESIGNATION OF ONE OR MORE SITES IN ORDER OF PREFERENCE, STAFF THEN INITIATES THE DUE DILIGENCE PROCESS WHICH INCLUDES OBTAINING APPRAISALS, A PERIMETER SURVEY OF THE PROPERTY, ENVIRONMENTAL AUDIT REPORTS, GEOTECHNICAL STUDIES, TRAFFIC STUDIES IF NECESSARY AND OTHER ENGINEERING STUDIES AS REQUIRED.

SCHOOL BOARD STAFF SHALL OBTAIN AT LEAST ONE APPRAISAL, BY AN APPROVED APPRAISER, FOR EACH PURCHASE IF THE PROPERTY IS VALUED BETWEEN \$100,000 AND \$500,000. FOR EACH PURCHASE IN EXCESS OF \$500,000, TWO APPRAISALS MUST BE OBTAINED (see F.S.1013.14 (1) (B)). A NEGOTIATION PARAMETERS COMMITTEE MEETING IS SCHEDULED ONCE THE APPRAISALS ARE OBTAINED.

ALL OFFERS FOR PURCHASE OF ~~LAND~~ REAL ESTATE WILL BE DETERMINED BY A NEGOTIATION PARAMETERS COMMITTEE (NPC), CONSISTING OF THE DEPUTY SUPERINTENDENT OF FACILITIES AND CONSTRUCTION MANAGEMENT DIVISION, THE TREASURER, ~~AND~~ THE DEPUTY SUPERINTENDENT, OFFICE OF THE SUPERINTENDENT, THE DIRECTOR OF CAPITAL BUDGET, AND THE DIRECTOR OF PURCHASING, OR THEIR APPOINTED DESIGNEES, THE EXECUTIVE DIRECTOR OF FACILITY MANAGEMENT, PLANNING & SITE ACQUISITION DEPARTMENT WILL PROVIDE THE NPC WITH ALL PERTINENT ~~LAND~~ REAL ESTATE ACQUISITION INFORMATION TO DETERMINE A BEGINNING OFFER AND A MAXIMUM NOT-TO-EXCEED OFFER, IN ORDER TO BEGIN NEGOTIATIONS. A MAJORITY OF THE COMMITTEE MEMBERS OR THEIR DESIGNEES SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.

EVERY APPRAISAL, OFFER AND COUNTEROFFER MUST BE IN WRITING AND IS EXEMPT FROM A PUBLIC RECORDS REQUEST UNDER THE PROVISIONS OF F.S. 119.07 (1) UNTIL THIRTY (30) DAYS BEFORE A PURCHASE CONTRACT IS CONSIDERED BY THE BOARD (see F.S. 1013.14 (1) (A)).

THE SCHOOL BOARD STAFF SHALL PROVIDE WRITTEN NOTICE TO THE AFFECTED LOCAL GOVERNMENT THAT HAS REGULATORY AUTHORITY OVER THE USE OF THE LAND CONSISTENT WITH THE INTERLOCAL AGREEMENT AT LEAST 60 DAYS PRIOR TO ~~ACQUIRING OR LEASING PROPERTY~~ CONSIDERATION BY THE SUPERINTENDENT'S SITE SELECTION COMMITTEE THAT THE PROPERTY MAY BE USED FOR A NEW PUBLIC EDUCATIONAL FACILITY. THE LOCAL GOVERNMENT, UPON RECEIPT OF THIS NOTICE, SHALL NOTIFY THE BOARD WITHIN 45 DAYS IF THE SITE IS CONSISTENT WITH THE LAND USE CATEGORIES AND POLICIES OF THE LOCAL GOVERNMENT'S COMPREHENSIVE PLAN. THIS PRELIMINARY NOTICE DOES NOT CONSTITUTE THE LOCAL GOVERNMENT'S DETERMINATION OF CONSISTENCY.

AS EARLY IN THE DESIGN PHASE AS FEASIBLE AND CONSISTENT WITH THE INTERLOCAL AGREEMENT, BUT NOT LATER THAN 90 DAYS BEFORE COMMENCING CONSTRUCTION, THE SCHOOL BOARD SHALL IN WRITING REQUEST A DETERMINATION OF CONSISTENCY WITH THE LOCAL GOVERNMENT'S COMPREHENSIVE PLAN.

THE LOCAL GOVERNING BODY THAT REGULATES THE USE OF LAND SHALL DETERMINE, IN WRITING WITHIN 45 DAYS AFTER RECEIVING THE NECESSARY INFORMATION AND THE SCHOOL BOARD'S REQUEST FOR A DETERMINATION, WHETHER A PROPOSED EDUCATIONAL FACILITY IS CONSISTENT WITH THE LOCAL COMPREHENSIVE PLAN AND CONSISTENT WITH THE LOCAL LAND DEVELOPMENT REGULATIONS. IF THE DETERMINATION IS AFFIRMATIVE, SCHOOL CONSTRUCTION MAY COMMENCE AND FURTHER LOCAL GOVERNMENT APPROVALS ARE NOT REQUIRED, EXCEPT AS PROVIDED IN THE STATUTE. FAILURE OF THE LOCAL GOVERNING BODY TO MAKE A DETERMINATION IN WRITING WITHIN 90 DAYS AFTER THE SCHOOL BOARD'S REQUEST FOR A DETERMINATION OF CONSISTENCY SHALL BE CONSIDERED AN APPROVAL OF THE SCHOOL BOARD'S APPLICATION.

A LOCAL GOVERNING BODY MAY NOT DENY THE SITE APPLICANT BASED ON ADEQUACY OF THE SITE PLAN AS IT RELATES SOLELY TO THE NEEDS OF THE SCHOOL. IF THE SITE IS CONSISTENT WITH THE COMPREHENSIVE PLAN'S LAND USE POLICIES AND CATEGORIES IN WHICH PUBLIC SCHOOLS ARE IDENTIFIED AS ALLOWABLE USES, THE LOCAL GOVERNMENT MAY NOT DENY THE APPLICATION BUT IT MAY IMPOSE REASONABLE DEVELOPMENT STANDARDS AND CONDITIONS IN ACCORDANCE WITH F.S. 1013.51 (1) AND CONSIDER THE SITE PLAN AND ITS ADEQUACY AS IT RELATES TO ENVIRONMENTAL CONCERNS, HEALTH, SAFETY AND WELFARE, AND EFFECTS ON ADJACENT PROPERTY. STANDARDS AND CONDITIONS MAY NOT BE IMPOSED WHICH CONFLICT WITH THOSE ESTABLISHED IN THIS CHAPTER OR THE FLORIDA BUILDING CODE, UNLESS MUTUALLY AGREED AND CONSISTENT WITH THE INTERLOCAL AGREEMENT REQUIRED BY SUBSECTIONS (2)-(8). (See F.S.1013.33 (11)-(13).

IN THE EVENT THAT A PROPERTY OWNER IS REPRESENTED BY SOMEONE OTHER THAN A LICENSED REAL ESTATE PROFESSIONAL, A POWER OF ATTORNEY WILL BE OBTAINED.

ON ALL ~~LAND~~ REAL ESTATE ACQUISITIONS, THE BOARD SHALL BE FURNISHED A LIST OF ALL THE OWNERS ~~OF THE LAND~~. IF A CORPORATION OR PARTNERSHIP IS THE OWNER ~~OF THE LAND~~, THE SELLER SHALL FURNISH THE NAMES OF THE PARTNERS OR THE NAMES OF THE OFFICERS, THEIR DIRECTORS OR STOCKHOLDERS HOLDING 20% OR MORE OF THE CORPORATE SHARES. WHEN PROPERTY LAND IS OWNED BY A TRUSTEE, THE NAMES OF THE BENEFICIARIES OF THE TRUST SHALL BE LISTED.

THE BOARD MEMBERS MUST DISCLOSE ANY DIRECT OR INDIRECT BUSINESS ASSOCIATIONS WITH ANY GROUP, ETC., OR IMMEDIATE FAMILY INVOLVED WITH ~~THE~~ ANY REAL ESTATE LAND PURCHASES. (See F.S.112.313 (3).

ANY KNOWN SIGNIFICANT IMPEDIMENTS PERTAINING TO THE INTENDED USE OF THE PROPERTY BEING ACQUIRED BY THE SCHOOL BOARD SHALL BE BROUGHT TO THE ATTENTION OF THE SCHOOL BOARD PRIOR TO ITS APPROVAL OF THE REAL ESTATE CONTRACT.

ALL LAND REAL ESTATE PURCHASES AND LEASES OVER \$500,000 AND ALL LAND PURCHASES IN EXCESS OF \$1 MILLION MUST BE BROUGHT BEFORE THE BOARD FOR CONSIDERATION ON AN OPEN AGENDA AND REAL ESTATE LAND PURCHASES IN EXCESS OF \$1,000,000 MUST BE BROUGHT BEFORE THE BOARD FOR CONSIDERATION, AND CANNOT BE PASSED ON A A CONSENT AGENDA. AN EXTRAORDINARY VOTE (ONE MORE THAN THE MAJORITY OF THE VOTING BODY) OF THE SCHOOL BOARD IS REQUIRED WHEN THE AGREED UPON SELLING PRICE EXCEEDS THE AVERAGE APPRAISAL VALUES. SEE F.S. 1013.14 (1) (B).

ALL PURCHASES OF REAL ESTATE BY THE SCHOOL BOARD SHALL BE FOR PROPERTY THAT IS EITHER (A) ALREADY ZONED FOR THE PURPOSE FOR WHICH IT IS INTENDED TO BE USED BY THE SCHOOL BOARD OR (B) IF REZONING IS REQUIRED, PURCHASED CONTINGENT UPON THE PROPERTY BECOMING ZONED FOR SCHOOL BOARD'S INTENDED USE WITHIN 120 DAYS OF CONTRACT EXECUTION AND PRIOR TO CLOSING, AND PURCHASE IS CONTINGENT UPON THE PROPERTY BECOMING ZONED FOR SCHOOL BOARD'S INTENDED USE, THE MUNICIPALITY IN THAT LOCATION WILL BE REQUESTED TO PROVIDE A RESOLUTION OF SUPPORT WITHIN 90 DAYS OF CONTRACT EXECUTION. THE PROPERTY MUST BE REZONED FOR THE SCHOOL BOARD'S INTENDED USE WITHIN 180 DAYS OF CONTRACT EXECUTION AND PRIOR TO CLOSING. STAFF WILL KEEP THE SCHOOL BOARD UPDATED ON EVIDENCE OF THIS SUPPORT BY THE MUNICIPALITY. THIS POLICY PROVISION MAY BE WAIVED FOR ANY SPECIFIC PURCHASE BY A VOTE OF THE SCHOOL BOARD.

IN SOME INSTANCES WHERE IT HAS BEEN DETERMINED THAT THE SITE IS CONSISTENT WITH THE COMPREHENSIVE PLAN'S LAND USE POLICIES AND CATEGORIES IN WHICH PUBLIC SCHOOLS ARE IDENTIFIED AS ALLOWABLE USES, SCHOOL CONSTRUCTION MAY COMMENCE AND FURTHER LOCAL GOVERNMENT APPROVALS ARE NOT REQUIRED. SEE F.S. 1013.33.

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