

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: March 19, 2008 - MAR

Division: County Attorney

Bulk Item: Yes  No

Staff Contact Person: Christine Limbert-Barrows

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**AGENDA ITEM WORDING:**

Approval of a Resolution authorizing the Board to designate fee appraisers to establish the value of identified County-owned real property being considered for possible sale, establishing the qualifications required for fee appraiser designation and defining allowable usage of fee appraiser services by County staff or potential purchasers.

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**ITEM BACKGROUND:**

F. S. 125.35 authorizes the use of Board designated fee appraisers to determine the value of identified real property being considered for possible sale. F.S. 125.35(2) authorizes the sale of County-owned real property which is of insufficient size and shape to be issued a building permit or when the parcel of real property is valued at \$15,000 or less and F.S. 125.35(1)(a) authorizes the sale of larger parcels of property identified by the Board or by a property review committee convened at the Board's direction to review and evaluate potential best uses of County-owned real estate. This resolution requires appraisers meet the certification and licensure qualifications as set forth in F. S. 475.612 to qualify for fee appraiser designation by the Board and also defines allowable usage of fee appraiser services by County staff or potential purchasers. The usage of Board designated fee appraisers would aid in facilitating an expedited sale of identified County-owned properties.

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**PREVIOUS RELEVANT BOCC ACTION:**

N/A

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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TOTAL COST: N/A BUDGETED: Yes  No

COST TO COUNTY: N/A SOURCE OF FUNDS: \_\_\_\_\_

REVENUE PRODUCING: Yes  No  AMOUNT PER MONTH: \_\_\_\_\_

APPROVED BY: County Atty  OMB/Purchasing  Risk Management

DOCUMENTATION: Included  Not Required

DISPOSITION: \_\_\_\_\_ AGENDA ITEM # \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_-2008

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF MONROE COUNTY,  
FLORIDA, TO DESIGNATE FEE APPRAISERS  
PURSUANT TO FLORIDA STATUTES 125.35**

WHEREAS, it is anticipated that the County Administrator will from time to time convene a property review committee to review and evaluate potential uses of county owned real estate; and

WHEREAS, the Board of County Commissioners may determine that it is in the best interest of Monroe County to sell real property that it no longer needs; and

WHEREAS, pursuant to Florida Statutes 125.35(2), the Board of County Commissioners is authorized to sell real property which is of insufficient size and shape to be issued a building permit or when the parcel of real property is valued at \$15,000 or less; such value is determined by a fee appraiser designated by the Board of County Commissioners or Monroe County property appraiser; and

WHEREAS, fee appraisers services may be necessary at the request of County staff or a potential purchaser in order to evaluate sale prices and purchase offers of small parcels under F.S. 125.35(2), larger parcels of property under F.S. 125.35(1)(a) or parcels of property provided by the property review committee for possible sale; and

WHEREAS, it is to the County's benefit to designate fee appraisers and set forth qualifications and ensure that fee appraisers are certified or licensed as an appraiser pursuant to F.S. 475.612; and

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Monroe County:

Section 1. It is necessary to designate fee appraisers in order to facilitate the sale of real property by the Board of County Commissioners.

Section 2. Services of fee appraisers may be used by County staff or potential purchasers of County property if they meet the following qualifications;

- a. Fee appraisers shall be licensed or certified pursuant to F.S. 475.612, and comply with all state laws and regulations set forth by the Florida Real Estate Appraisal Board.
- b. Fee appraisers shall have no vested or fiduciary interest in such property.
- c. Fee appraisers shall operate and have their principal place of business in Monroe County.
- d. Fee appraisers shall be properly licensed or certified to appraise the type of property that is the subject of the appraisal.

Section 3. Fee appraisers with a certification of "certified general appraiser" by the Department of Business and Professional Regulation are preferred when the type of real property is not easily determined as such certification qualifies appraisers to issue appraisal reports for any type of real property.

Section 4. The fee appraiser must provide an affidavit stating compliance with the above stated requirements at the time of submission of the appraisal.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the 19<sup>th</sup> day of March, 2008.

Mayor Charles "Sonny" McCoy \_\_\_\_\_  
Mayor Pro Tem Mario DiGennaro \_\_\_\_\_  
Commissioner Sylvia Murphy \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner Dixie Spehar \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

(Seal)  
Attest: DANNY L. KOLHAGE, Clerk  
By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
*Christine M. Limbert-Barrows*  
CHRISTINE M. LIMBERT-BARROWS  
ASSISTANT COUNTY ATTORNEY  
Date 2/13/2008

Select Year: 2007 Go

## The 2007 Florida Statutes

<u>Title XI</u>	<u>Chapter 125</u>	<u>View Entire</u>
COUNTY ORGANIZATION AND INTERGOVERNMENTAL	COUNTY	<u>Chapter</u>
RELATIONS	GOVERNMENT	

### 125.35 County authorized to sell real and personal property and to lease real property.--

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a), the board of county commissioners is expressly authorized to:

1. Negotiate the lease of an airport or seaport facility;
2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of \$20 million; or
3. Lease a professional sports franchise facility financed by revenues received pursuant to s. [125.0104](#) or s. [212.20](#);

under such terms and conditions as negotiated by the board.

(c) No sale of any real property shall be made unless notice thereof is published once a week for at least 2 weeks in some newspaper of general circulation published in the county, calling for bids for the purchase of the real estate so advertised to be sold. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted, unless the board of county commissioners rejects all bids because they are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board determines, with each bid submitted.

(2) When the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the

board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. 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 10 working days after receiving such mailed notice, two 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 and may convey such parcel to the highest bidder or may reject all offers.

(3) As an alternative to subsections (1) and (2), the board of county commissioners may by ordinance prescribe disposition standards and procedures to be used by the county in selling and conveying any real or personal property and in leasing real property owned by the county. The standards and procedures must provide at a minimum for:

(a) Establishment of competition and qualification standards upon which disposition will be determined.

(b) Reasonable public notice of the intent to consider disposition of county property and the availability of copies of the standards. Reasonableness of the notice is to be determined by the efficacy and efficiency of the means of communication used.

(c) Identification of the form and manner by which an interested person may acquire county property.

(d) Types of negotiation procedures applicable to the selection of a person to whom county properties may be disposed.

(e) The manner in which interested persons will be notified of the board's intent to consider final action at a regular meeting of the board on the disposition of a property and the time and manner for making objections.

(f) Adherence in the disposition of real property to the governing comprehensive plan and zoning ordinances.

**History.**--s. 1, ch. 23829, 1947; s. 1, ch. 70-388; s. 1, ch. 77-475; s. 1, ch. 81-87; s. 1, ch. 83-100; s. 1, ch. 86-105; s. 2, ch. 89-103; s. 2, ch. 95-416; ss. 1, 2, ch. 99-190; s. 1, ch. 2001-252; ss. 56, 79, ch. 2002-402.

475.612 Certification, licensure, or registration required.--

(1) A person may not use the title "certified real estate appraiser," "licensed real estate appraiser," or "registered trainee real estate appraiser," or any abbreviation or words to that effect, or issue an appraisal report, unless such person is certified, licensed, or registered by the department under this part. However, the work upon which an appraisal report is based may be performed by a person who is not a certified or licensed appraiser or registered trainee appraiser if the work is supervised and approved, and the report is signed, by a certified or licensed appraiser who has full responsibility for all requirements of the report and valuation service. Only a certified or licensed appraiser may issue an appraisal report and receive direct compensation for providing valuation services for the appraisal report. A registered trainee appraiser may only receive compensation for appraisal services from her or his authorized certified or licensed appraiser.

(2) This section does not preclude a Florida licensed real estate broker, sales associate, or broker associate who is not a Florida certified or licensed real estate appraiser from providing valuation services for compensation. Such persons may continue to provide valuation services for compensation so long as they do not represent themselves as certified, licensed, or registered under this part.

(3) This section does not apply to a real estate broker or sales associate who, in the ordinary course of business, performs a comparative market analysis, gives a price opinion, or gives an opinion of the value of real estate. However, in no event may this comparative market analysis, price opinion, or opinion of value of real estate be referred to or construed as an appraisal.

(4) This section does not prevent any state court or administrative law judge from certifying as an expert witness in any legal or administrative proceeding an appraiser who is not certified, licensed, or registered; nor does it prevent any appraiser from testifying, with respect to the results of an appraisal.

(5) This section does not apply to any full-time graduate student who is enrolled in a degree program in appraising at a college or university in this state, if the student is acting under the direct supervision of a certified or licensed appraiser and is engaged only in appraisal activities related to the approved degree program. Any appraisal report by the student must be issued in the name of the supervising individual who is responsible for the report's content.

(6) This section does not apply to any employee of a local, state, or federal agency who performs appraisal services within the scope of her or his employment. However, this exemption does not apply where any local, state, or federal agency requires an employee to be registered, licensed, or certified to perform appraisal services.

**History.**--ss. 9, 11, ch. 91-89; s. 4, ch. 91-429; s. 224, ch. 96-410; s. 1119, ch. 97-103; s. 21, ch. 98-250; s. 3, ch. 2000-198; ss. 4, 50, ch. 2003-164; s. 2, ch. 2006-198.