

**Business Impact Estimate**

Proposed ordinance's title/reference:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING AND REPLACING CHAPTER 22, ARTICLE VI OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 2019-038 THE PALM BEACH COUNTY REAL PROPERTY ACQUISITION, DISPOSITION AND LEASING ORDINANCE); 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.**

This Business Impact Estimate is provided in accordance with Section 126.66, Florida Statutes. If one or more boxes are checked below, this means Palm Beach County is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation.
- The proposed ordinance relates to the issuance or refinancing of debt.
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget.
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the county government.
- The proposed ordinance is an emergency ordinance.
- The ordinance relates to procurement.
- The proposed ordinance is enacted to implement the following:
  - a. Development orders and development permits, as those terms are defined in Section 163.3164, Florida Statutes, and development agreements as authorized by the Florida Local Government Development Agreement Act under Sections 163.3220-163.3243, Florida Statutes;
  - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the county;
  - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

---

See Section 126.66(3)(c)

In accordance with the provisions of controlling law, Palm Beach County hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance repeals and replaces Chapter 22, Article VI of the Palm Beach County Code, entitled "The Palm Beach County Real Property Acquisition, Disposition and Leasing Ordinance." The aim is to clarify, update, and codify the procedures by which County transacts real property related matters. The public purpose is to ensure a transparent and consistent process for the acquisition, disposition, lease, development, management, and operation of County-owned real property.

A summary of the changes include:

**Sec. 22-102 Definitions**

Added definitions for *Affordable Housing, Area Median Income, and Workforce Housing*. Revised definitions of *Invitation for Bid* and *Request for Proposals* to include solicitations for the development, management or operation of County-owned property.

**Sec. 22-103 Determination of Value**

Clarified that the value of real property is based on the Property Appraiser's Office. Increased the threshold from \$25,000 to \$100,000 below which no appraisal shall be required for property to be acquired or disposed. Consequently, increased the lower end of the range from \$25,000 to \$100,000 for which one appraisal shall be required. Added that the County may, at its option, utilize state procedures for obtaining appraisals where required (previously limited to federal). Added as an exemption to the appraisal requirements the sale of Affordable Housing units to a qualified buyer. Acquisition or exchange of property where conveyance to the County is required as part of a road right-of-way permit or as condition of a development order.

**Sec. 22-104 Standards & Procedures**

Added *development, management and operation* to the scope of actions covered by this Section. Added language authorizing the FDO Director to select the method of solicitation, postpone the date/time for response submission or opening, and to cancel the solicitation for any reason prior to opening. Added language providing for the County Administrator's authority to cancel the solicitation for any reason after opening. 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 Section 125.045, Florida Statutes. 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. Added as exemptions to the requirements of this Section: Lease of airport property pursuant to Section 125.35 and Chapter 332, Florida Statutes; conveyances/leases under economic development powers pursuant to Section 125.045, Florida Statutes; sale of Affordable Housing units to a qualified buyer; 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.

**Sec. 22-105 Delegation of Authority**

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):

- 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, tenant 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; and
- Revisions to governing documents of property owner associations where the County is a member as long as the revisions do not materially impact the County's ownership rights and interests;
- 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.

Added language providing the County Administrator authority to execute all necessary agreements required due to a declared state of emergency; added language to specify that nothing in this section shall be construed to limit the BCC's authority to grant delegations of authority; and added language to specify that nothing in this section shall be construed to invalidate prior delegations of authority.

**Sec. 22-107 Property Review Committee**

Revised Section to reflect that the PRC exists pursuant to Resolution 2019-1585. 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.

**Sec. 22-108 Unsolicited Proposals**

Added new Section, setting forth the procedures for submittal and review of unsolicited proposals.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in Palm Beach County, including the following, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.
- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.
- (c) An estimate of the county's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the Board of County Commissioners deem useful (if any):

None.