

ORDINANCE NO. 25-

AN ORDINANCE OF MARION COUNTY, FLORIDA, RELATING TO THE ENHANCEMENT OF AFFORDABLE HOUSING OPPORTUNITIES; AMENDING CHAPTER 2, ARTICLE IX, SECTION 2-283 OF THE MARION COUNTY CODE OF ORDINANCES TO PROVIDE ALTERNATIVE STANDARDS AND PROCEDURES FOR DISPOSITION OF SURPLUS REAL PROPERTY; CREATING SECTION 2-284 PROVIDING FOR ALTERNATIVE STANDARDS AND PROCEDURES FOR DISPOSITION OF SURPLUS REAL PROPERTY SUITABLE FOR AFFORDABLE HOUSING; CREATING A LOCAL PREFERENCE; PROVIDING FOR DEPOSIT OF PROCEEDS FROM ALL SURPLUS REAL PROPERTY SALES INTO THE AFFORDABLE HOUSING TRUST FUND, UNLESS OTHERWISE DESIGNATED BY THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Marion County, Florida ("Board") previously adopted Ordinance No. 98-11 establishing a local affordable housing assistance program and trust fund to provide for the housing needs of its citizens; and

WHEREAS, the Board, then adopted Ordinance No. 01-18, to provide for alternative standards and procedures for the disposition of Marion County real property declared as surplus, to be disposed of in a manner that is in the best interest of, and results in the greatest benefit to, Marion County pursuant to Section 125.35(3), Florida Statutes; and

WHEREAS, Marion County owns, or may come into the possession of, certain real property which the Board of County Commissioners may determine and declare to be surplus suitable for affordable housing in the best interest of the County; and

WHEREAS, in order to provide Marion County with the flexibility and discretion needed to ensure permanent affordable housing for its residents, adopts standards and procedures and best practices for the disposition of surplus real property deemed suitable for affordable housing, pursuant to Section 125.379 (3), Florida Statutes, to include: sales with affordable housing restrictions under competitive bid, long-term ground leases and donations to non-profit housing organizations; and

WHEREAS, the Board, seeking to provide the maximum opportunity for increased participation of local developers in the county's bid process, in order to ensure permanent affordable housing in the County, declares a local preference for the highest competitive bidder respecting surplus properties deemed suitable for affordable housing and offered for sale or long-term lease; and

WHEREAS, the Board determines that the promotion of the health, safety and welfare of the citizens of Marion County will be best served by declaring that the proceeds from all surplus

property sales in Marion County be deposited into the Affordable Housing Trust Fund, unless otherwise designated by the Board of County Commissioners, and

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Marion County, Florida, as follows:

SECTION 1. Section 2-283 and 2-284 Amendments. Per section 1-6.3 – Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, Chapter 2 of the Marion County Code, Administration, Article IX, Surplus Real Property Disposition, Section 2-283, Standards and procedures for disposition of surplus real property, and new Section 2-284, is hereby amended to read as follows (additions are shown in underline text and deletions are shown in strikeout text):

Sec. 2-283. – Standards and procedures for disposition of surplus real property not suitable for Affordable Housing.

- a. Interested persons may acquire surplus real property not suitable for affordable housing by making written application to the county administrator and following the procedures set forth herein.
- b. Prior to the board offering any parcel of land, with an assessed value as determined by the most recent tax roll in excess of five thousand dollars (\$5,000.00), for sale, the board shall establish a minimum acceptable bid amount for the parcel.
- c. Upon determination by the board to accept bids for a surplus parcel or parcels, the board shall cause to be published in a newspaper of general circulation published in the county, a notice of intent to consider disposition of county property once a week for at least two (2) consecutive weeks. Such surplus lands and any terms or conditions established by the board, shall be described in the notice. The notice shall include a provision notifying the public of the means of obtaining copies of the standards and procedures for disposition. The bid package shall constitute the standards upon which disposition will be determined.
- d. In addition to the published notice described above, the board may authorize the advertisement of surplus parcels by the county, or a private professional service provider, through the utilization of additional means of notification, including, but not limited to, newspapers, periodicals, publications, on-site signs, and other media sources. The board may authorize the use of the services of private professional service providers to assist in the marketing and disposition of parcels declared as surplus by the board. If the board utilizes private professional service providers, the selection of such service providers and contracts to provide said services, shall be accomplished and completed in accordance with established Marion County purchasing procedures and applicable county ordinances and state statutes. For the purposes of this article private professional service providers shall include real estate brokers, real estate agents, and attorneys.
- e. In all cases, the board reserves the right to reject any and all bids and cancel the bid as they may deem in the best interest of the county. The board may require a deposit to be made or a bid bond to be given, in such form or in such amount as the board determines, with each bid submitted.

- f. Prior to final action approving the disposition of such parcel or parcels, the board shall cause to be published once a week for at least two (2) consecutive weeks, in a newspaper of general circulation published in the county, notice of the board's intent to consider final action on the disposition of a surplus parcel or parcels. The notice shall include the description of the parcel, the proposed purchase price, the date and the time of the regular meeting of the board at which final action will be considered on the proposed disposition. Said notice shall include a provision that interested persons may object either in person at said regular meeting, or by submitting written objections prior to said regular meeting. The board shall, on the date and time as established in the notice, consider all objections and, by majority vote, either approve or reject the proposed disposition.
- g. In the event the board does not receive a bid or bids meeting the minimum acceptable bid amount; or in the event the bid or bids received do not comply with other terms and conditions set forth in the notice; or in the event the board in its discretion rejects all bids because they are not in the county's interest, the board may authorize proceeding with the following disposition standards and procedures:
 - 1. Upon direction by the board to Marion County staff or a private professional service provider, the surplus parcels shall continue to be marketed by appropriate methods as necessary to provide for broad dissemination of the availability of the surplus parcel for purchase, for such period of time as directed by the board.
 - 2. During the period of time directed by the board to market the surplus parcels, the county staff or private professional service provider shall bring to the board, at a regularly scheduled meeting of the board, all offers to purchase a surplus parcel which meet or exceed the established minimum acceptable bid amount. The board may consider offers which include conditions or options which are proposed or agreed to by the proposed purchaser. Upon consideration by the board of the offer, the board shall either reject the offer or direct that a proposed agreement for sale and purchase be prepared, with or without changes to the proposed purchase price and conditions or options. The proposed purchaser shall within fifteen (15) days of receipt of the proposed sale and purchase agreement prepared at the board's direction, either reject, execute or propose a modification to the proposed sale and purchase agreement. If a modification is offered by the proposed purchaser, the modified sale and purchase agreement shall be brought to the board at the next regularly scheduled meeting and the provisions of this paragraph may, at the option of the board, be repeated.
 - 3. During the period of time directed by the board to market the surplus parcels, the county staff or private professional service provider shall provide to the board notice of all offers to purchase a surplus parcel which do not meet the established minimum acceptable bid amount, including any conditions or options. Upon review of the offer, the board may, at a regularly scheduled meeting of the board, direct that a proposed agreement for sale and purchase be prepared, with or without changes to the proposed purchase price and conditions or options. The proposed purchaser shall within fifteen (15) days of receipt of the proposed sale and purchase agreement prepared at the board's direction, either reject, execute or propose a

modification to the proposed sale and purchase agreement. If a modification is offered by the proposed purchaser, the modified sale and purchase agreement shall be brought to the board at the next regularly scheduled meeting and the provisions of this paragraph may, at the option of the board, be repeated.

4. The procedures as outlined above, may be repeated throughout the period of time as established by the board for the marketing of a surplus parcel.
5. Prior to final action approving the disposition of such parcel or parcels, the board shall cause to be published once a week for at least two (2) consecutive weeks, in a newspaper of general circulation published in the county, the board's intent to consider final action on the disposition of a surplus parcel or parcels. The notice shall include the description of the parcel, the proposed purchase price, the date and the time of the regular meeting of the board at which final action will be considered on the proposed disposition. Said notice shall include a provision that interested persons may object either in person at said regular meeting, or by submitting written objections prior to said regular meeting. The board shall, on the date and time as established in the notice, consider all objections and, by majority vote, either approve or reject the proposed disposition.
6. Proceeds from surplus property sales deemed not suitable for affordable housing are to be deposited into the Affordable Housing Trust Fund, as established by Ordinance 98-11 and codified in Chapter 9.3, Article III, Sec. 9.3-44, Marion County Code of Ordinances, to be used to purchase land for development of affordable housing or to increase the Trust Fund for affordable housing projects, in furtherance of the Affordable Housing Program, with the exception of properties that were purchased by the County with restricted funds, or unless otherwise designated by the Board of County Commissioners.

Sec. 2-284. – Standards and procedures for disposition of surplus real property suitable for Affordable Housing.

- a. In order to provide the County with the flexibility and discretion needed to ensure permanent affordable housing for its residents, the following standards and procedures are adopted as best practices for the disposition of surplus real property deemed suitable for affordable housing, pursuant to Section 125.379 (3), Florida Statutes, to include: sales with affordable housing restrictions under competitive bid and local preference for increased local developer participation, long-term ground leases and donations to non-profit housing organizations. Community Services shall evaluate each surplus property suitable for affordable housing and determine the most favorable disposition process in conformance with applicable laws and the best interests of the County and its residents.
- b. Interested persons may acquire or lease surplus real property deemed suitable for affordable housing and offered for sale or long-term lease, by making written application to the county administrator pursuant to Section 2-283 and following the additional procedures set forth herein.

- c. Once a local developer application has been approved by the community services department, the developer will be included in a database of affordable housing local developers. Community Services will be required to notify any matching local developers on the database of any surplus parcels open to written bids. Applications will be renewed bi-annually by local developers to verify that all requirements as stated in the definition of local developer are met.
- d. All surplus property sales requiring the receipt of competitive bids under this section shall be upon invitation for competitive bids. Invitations for bids shall be issued and shall include bid specifications, bid evaluation criteria, and all principal terms and conditions applicable to the sale. The bid evaluation criteria that will affect the bid price and/or be considered in evaluation for the award shall conform to Section 2-283.
- e. If a high bid is received by a responsive responsible bidder who is not a local developer, and the second highest bidder is a local developer submitting a responsive responsible bid within ten (10) percent of the high bid, both the high bidder and the second high bidder will have the opportunity to present a best and final offer (bid off). The high bidder and the second high bidder will be notified by email of the opportunity to present a best and final offer. The notice will be sent to the email listed in the solicitation response form. The best and final offer will be submitted in a sealed envelope by a date and time set forth by the Community Services department. The highest responsive, responsible bidder of the best and final offer (bid off) will be recommended for award of the bid. Developers shall affirm in writing their compliance as a local developer at the time of submitting their bid or proposal. A developer who knowingly misrepresents the local developer status of its firm in a proposal or bid will lose the privilege to claim local developer status for a period of one year. The Community Services director, at his/her discretion, may also recommend that the firm be referred for debarment in accordance with the Marion County Code of Ordinances.
- f. In cases of tie bids (monetary as well as all award criteria identified) of two (2) or more responsible and responsive bidders subject to such award, the award shall be made to the bidder doing business from a location within the county. If there is more than one bidder so situated, the award shall be made based on a coin toss by the county administrator or his/her designee before at least three (3) witnesses.
- g. In the event that the highest responsible and responsive bidder defaults on the contract awarded through the competitive sealed bid process, the Board of County Commissioners may award the contract to the next highest responsible and responsive bidder. When awarding a contract to the next highest bidder due to default of the highest bidder, the board of county commissioners shall reserve the right to seize the bid bond of the highest bidder for failure to faithfully perform under the terms of the bid specifications.
- h. When bonding is required, bonding requirements shall be stated in the bid documents as provided in Section 2-283.
- i. Proceeds from surplus property sales deemed suitable for affordable housing are to be deposited into the Affordable Housing Trust Fund, as established by Ordinance 98-11 and

codified in Chapter 9.3, Article III, Sec. 9.3-44, Marion County Code of Ordinances, to be used to purchase land for development of affordable housing or to increase the Trust Fund for affordable housing projects, in furtherance of the Affordable Housing Program, with the exception of properties that were purchased by the County with restricted funds, or unless otherwise designated by the Board of County Commissioners.

SECTION 2. REPEAL OF ORDINANCES. All ordinances, or parts of ordinances, in conflict with this ordinance are to the extent of such conflict hereby repealed.

SECTION 3. SEVERABILITY. It is declared to be the intent of the Marion County Board of County Commissioners that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of the Ordinance.

SECTION 4. INCLUSION IN CODE. It is the intention of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Marion County, Florida, that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article" or other appropriate designation.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Department of State by the Clerk within ten days after enactment by the Board, and shall take effect upon receipt of official acknowledgment of filing as provided in Section 125.66(2), Florida Statutes.

DULY ADOPTED this _____ day of _____, 2025.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**

GREGORY C. HARRELL, CLERK

KATHY BRYANT, CHAIRMAN