



POLICY 7.012

5-C I recommend that the Board approve development of the proposed revised Policy 7.012, entitled “Land and Facility Interim Property Management.”

[Contact: Barry Present, PX 21947.]

Development

CONSENT ITEM

- This revision defines “interim” property as improved or unimproved real property that is not currently being utilized for educational or ancillary purposes.
- This revision requires the District to: retain “interim” property for a future use consistent with the District’s 5 year capital improvement plan, educational program needs and mission; perform a periodic assessment of all real property assets; and to consider the property for future educational and operational needs of the District.
- This revision provides for the management of interim property, including leasing thereof. Guidelines are provided for the leasing of “interim” property as the need for written notice, written proposals, etc.
- Factors are provided for the Chief of Facilities Management and the Superintendent/designee to consider on reviewing any proposal to lease interim property.
- This policy is not applicable to the community’s use of school facilities as provided in Policy 7.18.
- This revision also updates statutory references.

POLICY 7.012

LAND AND FACILITY INTERIM PROPERTY MANAGEMENT

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3 1. **Purpose.** The School Board (Board) acknowledges its support and interest in
4 managing its real property consistent with its mission and the public interest. This
5 policy applies to “interim” property, which is defined as improved and/or
6 unimproved real property that is not currently being utilized for educational and or
7 ancillary purposes. Recommendations for interim use under this policy shall seek
8 to: preserve, protect, and secure interim land and facility assets of the Board; and
9 consider alternate sources of revenue to offset the taxpayer expense burden during
10 the interim property management period while complying with all land use and
11 facility building code compliance requirements as established by the Florida
12 statutes and the State Requirements for Educational Facilities (“SREF”).
- 13 2. **Exception.** School facilities utilized under the provisions of Policy 7.18 shall not be
14 classified as “interim” property.
- 15 3. **Policy Statement.** It is a policy of the Board to retain interim property for a future
16 use consistent with the District’s five-year capital improvement plan, educational
17 program needs and mission, or to dispose of such property consistent with Board
18 Policy 7.12 and state laws. In applying this policy, the Board discourages long-term
19 lease requests and lease requests which propose uses that are inconsistent with
20 the Board’s anticipated future use of the property and/or the local government
21 zoning and future land use classifications.
- 22 4. **Periodic Assessment of Property.** The District shall perform periodic
23 assessments of all real property assets to determine “interim” property status
24 periods.
- 25 5. **Timely Removal of Structures.** Should any resolution of the Board provide for
26 the removal of structures from any “interim” property, the removal or disposal of
27 such structures shall be completed in a timely manner to minimize the School
28 Board’s liability and costs.
- 29 6. **Management of “Interim” Property.**
 - 30 a. **Community or Government Requests.** The District will make reasonable
31 efforts to coordinate and cooperate with government entities and community
32 requests associated with “interim” property that are consistent with the
33 District’s five-year capital improvement plan mission.
 - 34 b. **Leasing of “Interim” Property.** In determining the feasibility of leasing “interim”
35 property, the Chief of Facilities Management, the Real Estate Services

36 Department and the Planning Department shall evaluate the “interim” property
37 pursuant to the District’s five year capital plan and any other applicable plan.
38 However, the “interim” property shall first be considered for current or future
39 educational and/or operational needs of the District. If an “interim” property is
40 to be leased, the following factors shall be considered.

41 i. Upon completion of the above evaluation, the Chief of Facilities
42 Management may designate an “interim” property as available for lease,
43 after the approval of the Superintendent and the Board. If approved, the
44 Chief Facilities Management shall provide appropriate notice of the land’s
45 availability for leasing, subject to any criteria approved by the School
46 Board.

47 ii. When “interim” property is available for leasing, any District department,
48 public school in the District, including charter schools pursuant to Fla.
49 Stat. § 1002.33 (18)(e)), or outside party seeking use of such property,
50 shall submit to the Chief of Facilities Management a written notice of
51 interest or written proposal for such lease. The notice of interest/proposal
52 of lease must be accompanied by a plan describing:

53 A. Any anticipated improvements to the property and, if applicable, how
54 and from where the funds will be raised for the improvements and for
55 the lease; and

56 B. The compatibility of the proposed use with the District’s educational
57 mission and programs.

58 iii. All proposals for the lease of “interim” property shall be reviewed by the
59 Chief of Facilities Management and the Superintendent/designee and
60 recommended to the School Board for action based on the anticipated
61 impact on the Board’s future use of the property. Anticipated impacts on
62 the real estate and business relate factors including but not limited to the
63 following, shall be evaluated:

64 A. Appraised value and fair market value;

65 B. Compatibility with surrounding areas and uses, including local zoning
66 and comprehensive land-use plans;

67 C. Revenue potential;

68 D. Maintenance (fencing and landscaping) costs;

69 E. Security costs

70 F. Environmental costs;

- 71 G. Liability risk to the District;
72 H. Safety of District students and employees;
73 I. Preservation of property for future use by District;
74 J. Conformance, consistency, and/or compatibility with District mission,
75 policies, and goals; and
76 K. Term of the lease.
- 77 iv. Proposals for leases of "interim" property shall be recommended to the
78 Board by the Superintendent/designee to be in the Board's best interest.
79 Determination factors shall include but not be limited to those stated in
80 subparagraphs (ii) and (iii) herein.
- 81 v. Any third party that will use any facility or property under this Policy shall
82 enter into a lease agreement satisfactory to the Board in form and
83 substance, and as determined by the Board to be in the Board's best
84 interests. Prior to entering into or executing any such lease, the Board
85 will consider approval thereof at any public meeting, at which a copy of
86 the proposed agreement in its final form shall be available for inspection
87 and review by the public, after due notice as require by Fla. Stat. §
88 120.525.

89 7. **Delegation of Authority and Responsibility.** The Superintendent may implement
90 administrative procedures and guidelines for the implementation of this Policy.

91 4. ~~Objective and Definition~~

92 a. ~~The Superintendent/designee shall:~~

93 i. ~~preserve, protect, and secure interim land and facility assets of the Board; and~~

94 ii. ~~consider alternate sources of revenue to offset the taxpayer expense burden during~~
95 ~~the interim property management period while complying with all land use and facility~~
96 ~~building code compliance requirements as established by the Florida statutes and the~~
97 ~~State Requirements for Educational Facilities ("SREF").~~

98 b. ~~The term "interim property management period for land" is defined as the period from the date~~
99 ~~of acquisition or demolition to the beginning of new construction of a school or school support~~
100 ~~facility.~~

101 c. ~~The term "interim property management period for facility" is defined as the period:~~

102 i. ~~from the date the facility was vacated until the date that the facility is needed for a~~
103 ~~public educational or ancillary use by the District; or~~

104 ii. ~~from the date the facility was demolished (the site reverts to land), until the site is~~
105 ~~either rebuilt, land-banked, or divested.~~

- 106 ~~2. This Policy shall specifically apply to "interim" property, which is defined as improved and/or~~
107 ~~unimproved real property that is not currently being utilized for educational or ancillary purposes.~~
108 ~~School facilities utilized under the provisions of Policy 7.18 shall not be classified as "interim"~~
109 ~~property.~~
- 110 ~~3. The District shall perform annual and ongoing assessments of all real property assets to determine~~
111 ~~"interim" property status periods.~~
- 112 ~~4. Real property noted as "interim" status may be considered by the District for lease or land banking~~
113 ~~under this Policy and/or disposal under Policy 7.12 and applicable law;~~
- 114 ~~5. The District will make every attempt to coordinate and cooperate with government and community~~
115 ~~requests associated with "interim" real property that are consistent with the District's comprehensive~~
116 ~~plan and mission statement.~~
- 117 ~~6. District "interim" property being considered for lease shall first be evaluated by the District's Chief of~~
118 ~~Facilities Management and the District's Planning Department pursuant to the five year capital plan~~
119 ~~and any other applicable plan. "Interim" property shall first be considered for current or future~~
120 ~~educational and/or operational needs of the District.~~
- 121 ~~a. Following completion of this evaluation, the Chief of Facilities Management may designate an~~
122 ~~"interim" property as available for lease and, upon making such designation, shall provide~~
123 ~~appropriate notice of that land's availability for leasing, subject to criteria approved by the~~
124 ~~Board.~~
- 125 ~~b. When "interim" property is available for leasing, any District department, public school in the~~
126 ~~District (including charter schools pursuant to Fla. Stat. § 1002.33(18)(e)), or outside party~~
127 ~~seeking use of such property, shall submit to the Chief of Facilities Management a written~~
128 ~~notice of interest or written proposal for such lease. The notice of interest/proposal of lease~~
129 ~~must be accompanied by a plan describing:~~
- 130 ~~i. any anticipated improvements to the property and, if applicable, how and from where~~
131 ~~the funds will be raised for the improvements and for the lease; and~~
- 132 ~~ii. the compatibility of the proposed use with the District's educational mission and~~
133 ~~programs.~~
- 134 ~~7. All proposals for the lease of "interim" property shall be reviewed by the Chief of Facilities~~
135 ~~Management and the Superintendent/ designee and recommended to the Board for action based on~~
136 ~~the following real estate and business related factors including but not limited to:~~
- 137 ~~a. appraised value and fair market value;~~
- 138 ~~b. compatibility with surrounding areas and uses, including local zoning and comprehensive~~
139 ~~land-use plans;~~
- 140 ~~c. revenue potential;~~
- 141 ~~d. maintenance (fencing and landscaping) costs;~~
- 142 ~~e. security costs;~~
- 143 ~~f. environmental costs;~~
- 144 ~~g. liability risk to the District;~~

- 145 h. ~~safety of District students and employees;~~
- 146 i. ~~preservation of property for future use by District;~~
- 147 j. ~~conformance, consistency, and/or compatibility with District mission, policies, and goals; and~~
- 148 k. ~~term of the lease.~~
- 149 8. ~~Long term and nonconforming-use lease requests for District "interim" property shall be~~
150 ~~discouraged. Proposals for leases of "interim" property shall be recommended to the Board by the~~
151 ~~Superintendent, only if determined by the Superintendent/designee to be in the Board's best~~
152 ~~interest. Determination factors shall include but not be limited to those stated in Section (7) of this~~
153 ~~Policy.~~
- 154 9. ~~Any third party that will use any facility or property under this Policy shall enter into a lease~~
155 ~~agreement satisfactory to the Board in form and substance, as being in the Board's best interests.~~
156 ~~Pursuant to Fla. Stat. § 1013.15(1) and SREF § 2.21(1), prior to entering into or executing any such~~
157 ~~lease, the Board will consider approval thereof at a public meeting, at which a copy of the proposed~~
158 ~~agreement in its final form shall be available for inspection and review by the public, after due notice~~
159 ~~as required by Fla. Stat. § 120.525.~~
- 160 10. ~~The Superintendent/designee may issue Bulletins to explain the use and implementation of this~~
161 ~~Policy, and this Policy shall be interpreted consistent with Florida and federal law.~~

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163 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(2), (9) and (25);
164 1001.43(2) and (4)

165 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.51(4), (10) and (11); 1013.15(1); 1013.28(1)

166 RULES SUPPLEMENTED: 6A-2.0010, F.A.C.; SREF § 2.2(1)

167 HISTORY: 06/03/02; 5/31/2006; ___/___2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.012 and finds it legally sufficient for development by the Board.

Attorney

Date