

ORDINANCE NO. C-26-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE CHARTER OF THE CITY OF FORT LAUDERDALE, FLORIDA, CONDITIONED ON THE APPROVAL OF A BALLOT MEASURE, SIMPLIFYING THE SALE OF CITY-OWNED PERSONAL PROPERTY SUCH AS VEHICLES, FURNITURE, AND EQUIPMENT, AND CITY-OWNED LAND OTHER THAN PARKS, ADDING LIMITATIONS ON AGREEMENTS WITH PRIVATE PARTIES FOR THE USE OF CITY-OWNED LAND, AND ADDING LIMITATIONS ON THE SALE OR LEASE OF CITY-OWNED LAND TO OTHER GOVERNMENTS, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Charter Revision Board has recommended to the City Commission that certain amendments be made to the Charter of the City of Fort Lauderdale, Florida; and

WHEREAS, the City Commission proposes certain amendments to the Charter of the City of Fort Lauderdale, Florida, to be submitted for voter approval;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 8.01 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 8.01. - Sale of personal property; ~~procedure; public notice.~~

Personal property belonging to the city shall not be sold, except as provided by ordinance ~~where competitive bidding conditions have been maintained. Where the value of the personal property exceeds five thousand dollars (\$5,000.00), same may not be sold except after public notice to bidders by publication. The sale shall be made to the highest and best bidder for cash, and no personal property shall be sold on terms. The provisions of this section shall not apply in instances where depreciated personal property is traded in on new equipment, bought by the city, but in such instances the~~

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~~amount allowed for personal property traded in on new equipment purchased must be definitely specified in the bid.~~

SECTION 2. That Section 8.02 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

Sec. 8.02. - Sale or lease of city public lands and of public property to public bodies.

~~The City of Fort Lauderdale is hereby authorized and empowered, upon adoption of a resolution by the affirmative vote of at least four commissioners, to enter into contracts with and to sell, lease, alienate, exchange, give, grant, or otherwise convey to the United States of America or any of its departments or agencies, to the State of Florida or any of its counties, districts, subdivisions, municipalities, or agencies, or to any other public body, any public places or any public property, real or personal, now owned by said the City of Fort Lauderdale or hereafter acquired, or allow any such public body to make improvements on any property owned by the City, to be used by such public body or agency for a public purpose, to wit, an activity that is essential to the health, safety, or general welfare of the City, as determined by the city commission, notwithstanding an incidental benefit to a private party or make improvements upon public property used for a public purpose, under the following conditions, to-wit:~~

- (a) ~~The city commission shall first adopt a resolution determining and declaring its intention to sell, alienate, give, exchange, grant, or convey certain public property to a designated public body, or make improvement to public property, and such resolution shall particularly describe the public lands, public property, improvements or places intended to be conveyed or improved, the purchase price to be paid, if any, the public purpose for which such land or such property will be used by the grantee, and other details of the sale, and designate a day not less than thirty (30) days after the adoption of such resolution, on which a public hearing will be had before the city commission upon such proposal.~~

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- (b) ~~If any public property intended to be sold, alienated, given away, granted or conveyed to any other public body is encumbered by any bonds or obligation for which such property or the revenue derived therefrom is specially pledged, provision must be made in the proposal and plan to simultaneously discharge and pay the obligations for payment of which such lands or revenues derived therefrom are specially pledged.~~
- (c) ~~Such resolution shall be published in full in two (2) issues of a newspaper published in said city with the first publication not less than ten (10) days before such public hearing and the second publication one (1) week after the first publication.~~
- (d) ~~At the time designated for a public hearing, the terms of the proposal and the use of the property shall be explained to the public and opportunity given for citizens and taxpayers to be heard upon such proposal.~~
- (e) ~~At such meetings, or any designated adjourned meeting, the city commission shall pass another resolution either confirming or repealing the resolution previously adopted, or confirming the previous resolution with amendments or additions. If the previous resolution is confirmed in its original form, or with amendments or additions, such confirming resolution shall direct the proper city officials to execute and deliver deed of conveyance under the terms and conditions set out in the resolution as confirmed.~~
- (f) ~~The provisions of this section to the contrary notwithstanding, the city may sell (for fair market value) or trade (for like value) surplus stock of supplies or equipment belonging to the city to another governmental entity by any procedure as may be established under the "Purchasing Ordinance of the City of Fort Lauderdale" [Code ch. 2, art. V, div. 2].~~

SECTION 3. That Section 8.04 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

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Sec. 8.04. - Sale of real property to private partiespersons, firms or corporations.

Except as provided in Section 8.21, the City of Fort Lauderdale is hereby authorized and empowered to sell any public lands and improvements thereon real property owned by the, title to which is vested in City of Fort Lauderdale, to any private party, or exchange, deed, or convey any real property owned by the City in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, as provided by ordinance and consistent with applicable law, subject to the following, person, firm or corporation (other than a public body) under the following conditions, to-wit:

- (a) ~~Resolution declaring property not needed for public use. The city commission shall adopt a resolution at a regular meeting of the city commission particularly describing the land by metes and bounds, reference to a recorded plat or government survey, its location by street number, if any there be, a description of all improvements located upon the land, and shall declare how said land has been used since same has belonged to the city, why it is desirable to sell same, and that the city does declare and determine that it is for the best interests of the city that such lands and facilities be sold. The resolution declaring that such lands be sold shall state whether the sale shall be made for cash or terms. Where the value of the land is determined by the city commission to be less than ten thousand dollars (\$10,000.00), the sale shall be for cash. Where the value of the land is determined by the city commission to exceed ten thousand dollars (\$10,000.00), the city commission may sell same for twenty five (25) percent cash and the balance upon terms, with installments due yearly, not exceeding ten (10) years, with interest to be determined by the city commission. The city shall sell, without competitive bidding, to the party making the best offer, but the city may reject any and all offers at any time. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the~~

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~~offer. In no event shall the sale be for less than seventy five (75) percent of the appraised value of the property as determined by the city commission. The approval of any sale, exchange, or conveyance of improved or unimproved real property shall be pursuant to a resolution containing a finding that such sale, exchange, or conveyance would be in the City's best interest adopted by the affirmative vote of at least four commissioners.~~

- (b) ~~Notice; offers. Within seven (7) days after the adoption of the resolution, it shall be published by the city in one (1) issue of the official newspaper. Offers shall be accompanied by cashier's checks or certified checks payable to the city in an amount equal to at least ten (10) percent of the offer.~~
- (c) ~~Protests. During the period intervening between the adoption of the resolution and the date of sale, taxpayers and registered electors of the city may protest or object to the sale, or propose other public uses for the said property, and the city commission may rescind its former action and repeal the resolution declaring the property should be sold, if it deems same expedient and proper.~~
- (d) ~~Authority to sell; cemetery lots excepted. Subject to the foregoing provisions, City of Fort Lauderdale is hereby empowered to sell and dispose of any lands, improvements, public buildings, recreational parks and other lands now owned or hereafter acquired by said city, and in the deed of conveyance may place such conditions, limitations and restrictions on the use of such property by the purchasers as to the city commission shall seem proper. The above restrictions as to sale of public property shall not apply to sale of municipal cemetery lots, which are subject to rules and regulations governing same.~~
- (e) ~~Resolution accepting offer and authorizing conveyance. At any regular meeting after publication of the resolution as heretofore provided in paragraph (b), the city commission may adopt a resolution accepting the best offer and authorizing the execution of a deed of conveyance; provided~~

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~~that if such property is encumbered by any bonds or obligations for which such property or the revenue derived therefrom is specially pledged, the purchase price must be sufficient to pay and discharge such bonds or obligations according to the terms thereof.~~

- (f) ~~Notwithstanding the provisions of this section or other provisions of this article City of Fort Lauderdale shall have the right to exchange, deed or convey portions of publicly owned lands, or grant concessions, leases or rights therein to private persons, in consummating a transaction whereby City of Fort Lauderdale acquires property needed in connection with a public improvement or a public use.~~

- (g) ~~The City of Fort Lauderdale is hereby authorized to pay a real estate commission to any registered real estate broker, licensed to do business in the State of Florida, who negotiates and procures a purchaser or tenant for any real estate sold or leased by the City of Fort Lauderdale. Such real estate commission shall only be paid, however, on the consummation of such sale or lease, and the commission paid shall in each instance be determined by the city commission based upon what it believes to be a fair and equitable commission for the service to be rendered.~~

SECTION 4. That Section 8.07 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby repealed as follows:

~~**Sec. 8.07. - Leases with governmental entities or agencies for governmental purposes.***~~

~~The City of Fort Lauderdale is hereby empowered to lease to other governmental entities or agencies for governmental purposes, for periods of not more than fifty (50) years, any property of the city, without the necessity for submitting the same to competitive bidding, upon such terms and conditions as the city commission shall by resolution determine. Any and all such leases previously entered into by the City of Fort Lauderdale are hereby ratified and confirmed.~~

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SECTION 5. That Section 8.09 of the Charter of the City of Fort Lauderdale, Florida, be, and is hereby amended to provide as follows:

~~Sec. 8.09. -- Leases for more than one year and not more than fifty years.~~

~~City is hereby empowered to lease or concession to private persons, firms or corporations, for nonpublic purposes, any lands, improvements, public buildings, recreational parks or facilities, golf courses, public beaches, public utility plants, or any public works or public property of any kind including air space over public property owned or operated by the City of Fort Lauderdale, and not needed for governmental purposes, whether used in a governmental or in a proprietary capacity, for a period of not more than fifty (50) years, plus such length of time, not to exceed five (5) years, determined by the city commission to be reasonably necessary to complete construction of the improvements proposed for the demised premises by such persons, firms or corporations. Each lease shall be authorized only after public hearing, under authority of a resolution duly adopted at a meeting duly held at a designated adjourned meeting, under the following conditions, to wit:~~

- ~~(a) One (1) of the conditions for leasing such public property may be obligations of the lessee to construct thereon buildings or improvements to be used in connection with an existing facility, or to construct improvements on said property, if same is vacant, and in a manner not detrimental or harmful to the operation of the proposed facility. In no event shall the fee title of the city be subordinated except upon terms and conditions as approved by the city commission.~~
- ~~(b) The city commission shall adopt a resolution at a regular meeting of the city commission specifying the facility to be leased, described by metes and bounds, or by reference to a recorded plat, if any, and giving its location by street number, if any, and a description of all improvements located upon the land, and shall declare how said land and improvements have been~~

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~~used since same have belonged to the city and the reasons for offering such land and improvements for lease.~~

- ~~(c) At any time, not less than thirty (30) days nor more than sixty (60) days, after the adoption of such resolution the land and improvements shall be offered upon competitive conditions for lease as desired and a notice shall be published by the city in the official newspaper for two (2) issues prior to the date set for receiving such bids for lease, with the first publication not less than ten (10) days before said date of receiving bids and the second publication one (1) week after the first, on which date sealed bids shall be received by the city commission for the lease of said publicly owned lands and facilities. The sealed bids must be accompanied by cash, cashier's check or certified check payable to the city in an amount equal to at least ten (10) percent of the first year's rental. The city commission, in offering such public property or public owned facility for lease, shall set out in said resolution and notice such terms and conditions as deemed pertinent under which said facility will be leased and the number of years for which said facility shall be leased. The city commission shall consider any and all proposals and accept the proposal which, in its judgment, shall be the most advantageous lease for the city; but the city commission may reject any and all bids. Upon the city commission approving any proposal submitted as provided herein, said proposal shall be accepted by resolution duly adopted, authorizing preparation of the lease, provided a valid referendum petition has not been filed. If before the day advertised for receiving bids for lease of such property, a referendum petition is filed with the city clerk signed by fifteen (15) percent of the registered voters, demanding a referendum election upon the question of leasing such property, no lease shall be executed by the officials of the city until after approved by a majority of the voters participating in such referendum election. Such referendum election shall be called and held as provided in this charter.~~

~~The resolution accepting the bid shall require the preparation of a form of lease for execution, embodying the terms and conditions of the bid and~~

~~other legal requirements, for submission to the commission at its next regular meeting or at a designated meeting. At least three (3) days before the meeting date, the lease shall be posted on a public bulletin board by the city clerk and each commissioner shall be given a copy of the lease with a covering summary letter, providing, however, that in case of emergency, such procedure may be waived by the affirmative vote of three (3) of the commissioners. The city attorney or city manager shall be required to give a summary of the lease to the public at such meeting which shall be open to the public. Citizens and taxpayers shall have an opportunity to object to the terms and conditions of such lease. If the commission is satisfied with the terms and conditions of such lease, it shall pass a resolution authorizing execution of such lease by the proper officials of the city, upon compliance upon the part of the lessee. Amendment to such lease may be made from time to time by mutual consent, observing the same formality as in the original lease.~~

Sec. 8.09. – Leases, licenses, concessions, and use agreements for more than one year.

The City is hereby empowered to enter into lease agreements, license agreements, concession agreements, facility use agreements, or other types of use agreements with private parties, (each is an “Agreement”), for the use of any improved or unimproved real property, including air space over such real property, owned by the City, and not needed for City purposes, or in consummating a transaction whereby the City acquires property needed in connection with a public improvement or a public use, for periods (each, including any renewals and extensions, is a “term”), as follows:

- (a) Any Agreement for a term exceeding one year but not more than three years shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners.
- (b) Any Agreement for a term exceeding three years but not more than ten years shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners containing a finding, based on a fair market value

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analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the City at the private party's expense, that such use of the property would be in the City's best interest.

- (c) Any Agreement for a term exceeding ten years shall be pursuant to a resolution adopted by the affirmative vote of at least four commissioners containing a finding, based on a fair market value analysis of the property and an evaluation of the qualifications of the private party prepared by a qualified independent consultant hired by the City at the private party's expense, that such use of the property would be in the City's best interest. In addition, included in the city commission's consideration of the Agreement shall be the consideration of a business viability report prepared by a qualified independent consultant hired by the City at the private party's expense.

Each Agreement shall contain a provision that the Agreement may not be assigned except upon the affirmative vote of at least four commissioners.

SECTION 6. That Sections 1, 2, 3, 4, and 5 of this Ordinance shall not take effect unless a corresponding ballot measure is approved by a majority of the electors of the City of Fort Lauderdale voting at the election to be held on November 3, 2026. The ballot measure to be submitted shall be in substantially the following form:

CHARTER AMENDMENT NO. ____

SALE OF CITY-OWNED PERSONAL PROPERTY
AND SALE OR LEASE OF CITY-OWNED LAND

Should the City of Fort Lauderdale Charter be amended to simplify the sale of City-owned personal property such as vehicles, furniture, and equipment, and City-owned land other than parks, to add limitations on lease, license, concession, or other types of use agreements with private parties for the use of City-owned land, and to add limitations on the sale or lease of City-owned land to other governments?

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YES, for approval

NO, for rejection

SECTION 7. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 8. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 9. That, at the direction of the City Attorney, the publisher of the Code of Ordinances of the City of Fort Lauderdale, Florida, is authorized to conform chapter, article, section, subsection, clause numbers and letters, and capitalization, as set forth in the Code of Ordinances of the City of Fort Lauderdale, Florida, and to correct any non-substantive scrivener's errors in the codification of these Charter amendments.

SECTION 10. That this Ordinance shall be in full force and effect, as conditioned in Section 6, ten days from the date of certification by the Supervisor of Elections for Broward County, Florida, of approval by the electors of the ballot question.

PASSED FIRST READING this the _____ day of _____, 2026.

PASSED SECOND READING this the _____ day of _____, 2026.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

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