

Business Operations
Ofelia San Pedro, Deputy Superintendent

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL
READING 6Gx13- 3B-1.09, DISPOSAL OF TANGIBLE PERSONAL
PROPERTY**

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

The School Board of Miami-Dade County, Florida, announced on January 19, 2005, its intention to amend School Board Rule 6Gx13- 3B-1.09, Disposal of Tangible Personal Property, at the meeting of March 16, 2005, to comply with the requirement to increase the threshold to acquire and dispose of tangible personal property from \$750.00 to \$1,000.00, pursuant to Section 274.02, Florida Statute.

The Notice of Intended Action was published in the *Miami Daily Business Review* on January 24, 2005, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to adopt amended School Board Rule 6Gx13- 3B-1.09, Disposal of Tangible Personal Property, and to file the rule with The School Board of Miami-Dade County, Florida, to be effective March 16, 2005.

OSP:lp

E-203

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 19, 2005, its intention to amend Board Rule 6Gx13- 3B-1.09, Disposal of Tangible Personal Property, at its meeting of March 16, 2005.

PURPOSE AND EFFECT: The amendment to the School Board Rule will revise the threshold for Disposal of Tangible Personal Property as established by Florida Statutes.

SUMMARY: Board Rule 6Gx13- 3B-1.09, Disposal of Tangible Personal Property, establishes procedures necessary to acquire and dispose of tangible personal property.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: Chapter 274; 1013.28 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF March 16, 2005, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 274.06 F.S., must do so in writing by February 14, 2005, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statute)

A COPY OF THE PROPOSED AMENDED RULE is available to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Joseph A. Gomez
Supervisor: Mr. Martin A. Berkowitz
Date: March 2, 2005

] REVISED
SUBSEQUENT
TO INITIAL
READING ON
1/19/05

Income**DISPOSAL OF TANGIBLE PERSONAL PROPERTY**

Pursuant to ~~s. 235.04~~, ~~s. § 274.05~~ and ~~s. § 274.06~~ Florida Statutes, the Board is authorized to acquire and dispose of tangible personal property. For purposes of this rule, tangible personal property means fixtures and other tangible personal property of a ~~non-consumable~~ non consumable nature, the value of which is \$1,000 ~~750~~ or more, and the normal expected life of which is one year or more. The Board has the authority to declare tangible personal property as surplus if it is obsolete, if continued use is uneconomical or inefficient, or if it serves no useful function.

1. Value

For purpose of this rule, the value of any tangible personal property shall be construed to mean the amount recorded on the personal property records of the ~~d~~District, and the appropriate priorities for disposition shall apply.

II. Disposition of Surplus Property Valued Between \$1,000 ~~750~~ and \$5,000

The Board may, in the reasonable exercise of its discretion, include any property valued between \$1,000 ~~750~~ and \$5,000 in a bid or auction, or offer such property, which is not otherwise disposed of by auction or bid, to governmental units or private ~~non-profit~~ nonprofit agencies as defined in ~~s. § 273.01(3)~~ Florida Statutes, in the District by direct sale.

If no governmental agency nor ~~non-profit~~ nonprofit organization within the District shall offer an acceptable price within a reasonable time, the property shall be offered to other governmental agencies or private ~~non-profit~~ nonprofit organizations for sale or donation.

Such offers shall disclose the value and condition of the property. In the case of offers for sale, the best bid shall be accepted by the Board. The cost of transferring the property shall be paid by the governmental agency offering a successful bid or the private-~~non-profit~~ nonprofit agency purchasing or receiving the property.

The Board may determine that property, not otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in ~~s. § 1.01~~ Florida Statutes, or if the property is without commercial

value it may be donated, destroyed, or abandoned.

III. Disposition of Surplus Property With a Value of \$5,000 or or More

Tangible personal property with an estimated value of \$5,000 or more, shall be sold only to the highest responsible bidder, or by public auction, after publication of notice for not less than one week nor more than two weeks, in a newspaper having general circulation in the county.

IV. Disposition of Surplus Property Valued Under \$1,000 ~~750~~

Surplus property, the value of which the Board estimates to be under \$1,000 ~~750~~, may be disposed of by sale or donation to any person, governmental agency, or ~~non-profit~~ nonprofit organization by appropriate procedures handled through Stores and Mail Distribution.

22. Record of Disposal

The disposal of property with a value of \$1,000 ~~750~~ or more, or any property included in a bid, auction, or donation, shall be approved by and recorded in the minutes of the Board.

Personal property that is obsolete, uneconomical, inefficient or that serves no useful function, shall be disposed of in the following manner and according to the following instructions, and the Superintendent of Schools is instructed to proceed accordingly:

- A. An appropriate outgoing equipment form is to be used to record any request for disposition of a described item of property and to record the consequent review and approval by two persons. A supply of said forms shall be distributed by the ~~Bureau of Procurement and Materials Management~~ Services to schools and other centers.
- B. Each request for disposition shall be submitted for review and approval of two persons:
 - 1. A person entirely familiar with the specified type of equipment and who is qualified to appraise its condition, its further usefulness, and the best method of disposition; and
 - 2. The location administrator into whose custody the property has been assigned.
- C. All items approved by these two persons and found by them to be

of a value of less than \$1,000 ~~750~~ for disposal as junk or salvage shall be assigned to Stores and Mail Distribution warehouses which will be the sole processor of disposal.

- D. Items which are to be sold for salvage value or scrap shall be processed in accordance with Board policy.

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: ~~235.04~~; Chapter 274; 1013.28 F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74
Amended: 7-12-95; 11-19-97