

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Campbell

316-2025-99

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A bill to be entitled  
An act relating to county leasing; amending s.  
125.35, F.S.; authorizing counties to waive  
sovereign immunity under specified  
circumstances in cases of lease or financing of  
airport or seaport operations or facilities or  
of real property; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 125.35, Florida Statutes, is amended to read:

125.35 County authorized to sell real and personal property and to lease real property.--

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best or, alternatively, in the case of an airport or seaport operation or facility lease, or a modification of an existing lease of real property, or a new extension thereof for an additional term not to exceed 25 years, where the improved leasehold applicable to the lease involving such modification or extension has an appraised value in excess of \$20 million, after negotiation, for such length of term and such conditions as the governing body may in its discretion determine. The Board of County Commissioners is expressly authorized to lease a professional sports franchise facility financed by revenues received pursuant to s. 125.0104 or s. 212.20, under such

1 terms and conditions as negotiated by the board. In the case  
2 of a seaport, however, leased space may not be negotiated for  
3 a hotel; retail establishment; or an office complex except for  
4 port users in excess of 25,000 square feet, and any leased  
5 space for an office complex except for port users of less than  
6 25,000 square feet must be reasonable and necessary for the  
7 operation of the port and must be physically located within  
8 the jurisdiction of the port authority.

9 (b) No sale of any real property shall be made unless  
10 notice thereof is published once a week for at least 2 weeks  
11 in some newspaper of general circulation published in the  
12 county, calling for bids for the purchase of the real estate  
13 so advertised to be sold. In the case of a sale, the bid of  
14 the highest bidder complying with the terms and conditions set  
15 forth in such notice shall be accepted, unless the board of  
16 county commissioners rejects all bids because they are too  
17 low. The board of county commissioners may require a deposit  
18 to be made or a surety bond to be given, in such form or in  
19 such amount as the board determines, with each bid submitted.

20 (c) Counties that hold liability insurance may agree  
21 to hold harmless and indemnify any party to a lease or the  
22 financing of real property or airport or seaport operation or  
23 facility against damages to third parties, up to the limits of  
24 the counties' insurance coverage. Such indemnification shall  
25 not waive any defense of sovereign immunity and is not  
26 applicable to damages resulting from gross negligence or  
27 willful misconduct of the indemnified parties. The  
28 indemnification is to be limited only to transactions that  
29 serve a paramount public purpose.

30 Section 2. This act shall take effect upon becoming a  
31 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1110

Instead of creating a waiver of sovereign immunity that permits counties to indemnify the lessees of real property, port, and airport facilities, the committee substitute authorizes counties to indemnify such lessees only up to the limit of the county's insurance coverage. In addition, such indemnification is not considered to be a waiver of sovereign immunity and may only be provided when the county determines that the indemnification serves a "paramount public purpose."