

By Representatives Levine, Arnall, Bitner and Wiles

1 A bill to be entitled
2 An act relating to to county leasing and
3 financing of property; amending s. 125.35,
4 F.S.; providing for a waiver of sovereign
5 immunity with respect to certain county
6 contracts; providing an effective date.

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

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

12 125.35 County authorized to sell real and personal
13 property and to lease real property.--

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

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

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

19 (c) In accordance with s. 13, Art. X of the State
20 Constitution, the state shall waive sovereign immunity on
21 behalf of a county when, by contract, the county agrees to
22 hold harmless and indemnify any party to a lease or financing
23 of real property or airport or seaport operation or facility
24 against damages to third parties, notwithstanding s. 768.28,
25 up to such amount as is set forth in the contract where such
26 damage has not resulted from the gross negligence or willful
27 misconduct of the indemnified parties. The action authorized
28 pursuant to this paragraph is to be limited only to
29 transactions which serve a paramount public purpose.

30 Section 2. This act shall take effect July 1, 1999.
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HOUSE SUMMARY

Provides that the state shall waive sovereign immunity on behalf of a county when, by contract, the county agrees to hold harmless and indemnify any party to a lease or financing of real property or airport or seaport operation or facility against damages to third parties, up to such amount as is set forth in the contract where such damage has not resulted from the gross negligence or willful misconduct of the indemnified parties. Provides that the action authorized is to be limited only to transactions which serve a paramount public interest.