

By the Committee on Claims and Representatives Levine,  
Arnall, Wiles and Greenstein

1                                   A bill to be entitled  
 2           An act relating to county leasing and financing  
 3           of property; amending s. 125.35, F.S.; allowing  
 4           counties to limit liability in specified  
 5           circumstances; providing an effective date.

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

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

11           125.35 County authorized to sell real and personal  
12 property and to lease real property.--

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

1 a hotel; retail establishment; or an office complex except for  
2 port users in excess of 25,000 square feet, and any leased  
3 space for an office complex except for port users of less than  
4 25,000 square feet must be reasonable and necessary for the  
5 operation of the port and must be physically located within  
6 the jurisdiction of the port authority.

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

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

28 Section 2. This act shall take effect July 1, 1999.  
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