

By the Committee on Judiciary; and Senators Gelber and Bullard

590-03229-10

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1                   A bill to be entitled  
2           An act relating to local government; amending s.  
3           125.35, F.S.; authorizing a board of county  
4           commissioners to negotiate the lease of certain real  
5           property for a limited period; amending s. 337.29,  
6           F.S.; authorizing transfers of right-of-way between  
7           local governments by deed; providing an effective  
8           date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

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

14           125.35 County authorized to sell real and personal property  
15   and to lease real property.-

16           (1) (a) The board of county commissioners may ~~is expressly~~  
17   ~~authorized to~~ sell and convey any real or personal property, and  
18   to lease real property, belonging to the county, whenever the  
19   board determines that it is to the best interest of the county  
20   to do so, to the highest and best bidder for the particular use  
21   the board deems to be the highest and best, for such length of  
22   term and such conditions as the governing body may in its  
23   discretion determine.

24           (b) Notwithstanding ~~the provisions of~~ paragraph (a), the  
25   board of county commissioners is expressly authorized to:

- 26           1. Negotiate the lease of an airport or seaport facility;  
27           2. Negotiate the lease of real property, other than an  
28   airport or seaport facility, for a term not to exceed 5 years;  
29           3.2- Modify or extend an existing lease of real property

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30 for an additional term not to exceed 25 years, where the  
31 improved value of the lease has an appraised value in excess of  
32 \$20 million; or

33 ~~4.3.~~ Lease a professional sports franchise facility  
34 financed by revenues received pursuant to s. 125.0104 or s.  
35 212.20;

36  
37 under such terms and conditions as negotiated by the board.

38 (c) A ~~No~~ sale of any real property may not ~~shall~~ be made  
39 unless notice thereof is published once a week for at least 2  
40 weeks in some newspaper of general circulation published in the  
41 county, calling for bids for the purchase of the real estate so  
42 advertised to be sold. In the case of a sale, the bid of the  
43 highest bidder complying with the terms and conditions set forth  
44 in such notice shall be accepted, unless the board of county  
45 commissioners rejects all bids because they are too low. The  
46 board of county commissioners may require a deposit to be made  
47 or a surety bond to be given, in such form or in such amount as  
48 the board determines, with each bid submitted.

49 Section 2. Subsection (3) of section 337.29, Florida  
50 Statutes, is amended to read:

51 337.29 Vesting of title to roads; liability for torts.—

52 (3) Title to all roads transferred in accordance with the  
53 provisions of s. 335.0415 shall be in the governmental entity to  
54 which such roads have been transferred, upon the recording of a  
55 deed or a right-of-way map by the appropriate governmental  
56 entity in the public land records of the county or counties in  
57 which such rights-of-way are located. To the extent that  
58 sovereign immunity has been waived, liability for torts shall be

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59 in the governmental entity having operation and maintenance  
60 responsibility as provided in s. 335.0415. Except as otherwise  
61 provided by law, a municipality shall have the same  
62 governmental, corporate, and proprietary powers with relation to  
63 any public road or right-of-way within the municipality which  
64 has been transferred to another governmental entity pursuant to  
65 s. 335.0415 that the municipality has with relation to other  
66 public roads and rights-of-way within the municipality.

67 Section 3. This act shall take effect July 1, 2010.