

By the Committees on Criminal and Civil Justice Appropriations;
and Judiciary; and Senators Gelber and Bullard

604-04276-10

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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.

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

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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 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, without
26 undertaking the process required by paragraph (a), to:

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

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30 ~~3.2.~~ Modify or extend an existing lease of real property
31 for an additional term not to exceed 25 years, where the
32 improved value of the lease has an appraised value in excess of
33 \$20 million; or

34 ~~4.3.~~ Lease a professional sports franchise facility
35 financed by revenues received pursuant to s. 125.0104 or s.
36 212.20;

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

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

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

52 337.29 Vesting of title to roads; liability for torts.—

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

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

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