

CS/HB 829

2010

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

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

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

13 125.35 County authorized to sell real and personal
 14 property and to lease real property.—

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

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

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

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

32 | ~~4.3.~~ Lease a professional sports franchise facility
 33 | financed by revenues received pursuant to s. 125.0104 or s.
 34 | 212.20;

35 |
 36 | under such terms and conditions as negotiated by the board.

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

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

50 | 337.29 Vesting of title to roads; liability for torts.—

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

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

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