

1                                   A bill to be entitled  
 2           An act relating to local government; amending s. 106.113,  
 3           F.S.; deleting provisions prohibiting electioneering  
 4           communication expenditures by local governments; revising  
 5           the applicability of provisions restricting expenditures  
 6           by local governments; amending s. 125.35, F.S.;  
 7           authorizing a board of county commissioners to negotiate  
 8           the lease of certain real property for a limited period;  
 9           amending s. 337.29, F.S.; authorizing transfers of right-  
 10          of-way between local governments by deed; providing an  
 11          effective date.

12  
 13   Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1.   Section 106.113, Florida Statutes, is amended  
 16   to read:

17           106.113   Expenditures by local governments.—

18           (1)   As used in this section, the term:

19           (a)   "Local government" means:

20           1.   A county, municipality, school district, or other  
 21   political subdivision in this state; and

22           2.   Any department, agency, board, bureau, district,  
 23   commission, authority, or similar body of a county,  
 24   municipality, school district, or other political subdivision of  
 25   this state.

26           (b)   "Public funds" means all moneys under the jurisdiction  
 27   or control of the local government.

28           (2)   A local government or a person acting on behalf of

29 | local government may not expend or authorize the expenditure of,  
 30 | and a person or group may not accept, public funds for a  
 31 | political advertisement ~~or electioneering communication~~  
 32 | concerning an issue, referendum, or amendment, including any  
 33 | state question, that is subject to a vote of the electors. ~~This~~  
 34 | ~~subsection does not apply to an electioneering communication~~  
 35 | ~~from a local government or a person acting on behalf of a local~~  
 36 | ~~government which is limited to factual information.~~

37 | (3) With the exception of the prohibitions specified in  
 38 | subsection (2), this section does not preclude or otherwise  
 39 | restrict:

40 | (a) An ~~elected~~ official of the local government from  
 41 | expressing an opinion on any issue at any time.

42 | (b) A local government from adopting or publishing public  
 43 | notices, resolutions, ordinances, analyses, reports, or similar  
 44 | materials.

45 | (c) A local government from making a contribution to a  
 46 | nongovernmental entity as long as such contribution, or any  
 47 | portion thereof, is not designated for the purpose of a  
 48 | political advertisement.

49 | Section 2. Subsection (1) of section 125.35, Florida  
 50 | Statutes, is amended to read:

51 | 125.35 County authorized to sell real and personal  
 52 | property and to lease real property.—

53 | (1) (a) The board of county commissioners may ~~is expressly~~  
 54 | ~~authorized to~~ sell and convey any real or personal property, and  
 55 | to lease real property, belonging to the county, whenever the  
 56 | board determines that it is to the best interest of the county

57 | to do so, to the highest and best bidder for the particular use  
 58 | the board deems to be the highest and best, for such length of  
 59 | term and such conditions as the governing body may in its  
 60 | discretion determine.

61 | (b) Notwithstanding ~~the provisions of~~ paragraph (a), the  
 62 | board of county commissioners is expressly authorized to:

63 | 1. Negotiate the lease of an airport or seaport facility;

64 | 2. Negotiate the lease of real property, other than an  
 65 | airport or seaport facility, for a term not to exceed 5 years;

66 | 3.2. Modify or extend an existing lease of real property  
 67 | for an additional term not to exceed 25 years, where the  
 68 | improved value of the lease has an appraised value in excess of  
 69 | \$20 million; or

70 | 4.3. Lease a professional sports franchise facility  
 71 | financed by revenues received pursuant to s. 125.0104 or s.  
 72 | 212.20;

73 |  
 74 | under such terms and conditions as negotiated by the board.

75 | (c) A ~~No~~ sale of any real property may not ~~shall~~ be made  
 76 | unless notice thereof is published once a week for at least 2  
 77 | weeks in some newspaper of general circulation published in the  
 78 | county, calling for bids for the purchase of the real estate so  
 79 | advertised to be sold. In the case of a sale, the bid of the  
 80 | highest bidder complying with the terms and conditions set forth  
 81 | in such notice shall be accepted, unless the board of county  
 82 | commissioners rejects all bids because they are too low. The  
 83 | board of county commissioners may require a deposit to be made  
 84 | or a surety bond to be given, in such form or in such amount as

CS/CS/CS/HB 829

2010

85 the board determines, with each bid submitted.

86 Section 3. Subsection (3) of section 337.29, Florida  
87 Statutes, is amended to read:

88 337.29 Vesting of title to roads; liability for torts.—

89 (3) Title to all roads transferred in accordance with the  
90 provisions of s. 335.0415 shall be in the governmental entity to  
91 which such roads have been transferred, upon the recording of a  
92 deed or a right-of-way map by the appropriate governmental  
93 entity in the public land records of the county or counties in  
94 which such rights-of-way are located. To the extent that  
95 sovereign immunity has been waived, liability for torts shall be  
96 in the governmental entity having operation and maintenance  
97 responsibility as provided in s. 335.0415. Except as otherwise  
98 provided by law, a municipality shall have the same  
99 governmental, corporate, and proprietary powers with relation to  
100 any public road or right-of-way within the municipality which  
101 has been transferred to another governmental entity pursuant to  
102 s. 335.0415 that the municipality has with relation to other  
103 public roads and rights-of-way within the municipality.

104 Section 4. This act shall take effect July 1, 2010.