

ENROLLED
HB 767

2011 Legislature

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 real property for a limited
5 period; amending s. 337.29, F.S.; authorizing transfers of
6 right-of-way between local governments by deed; providing
7 an effective date.

8
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 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, without
25 undertaking the process required by paragraph (a), 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;

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29 ~~3.2.~~ Modify or extend an existing lease of real property
 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~~ ~~Ne~~ 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

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57 | which such rights-of-way are located. To the extent that
58 | sovereign immunity has been waived, liability for torts shall be
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, 2011.