

By Senator Campbell

33-610-99

1 A bill to be entitled
2 An act relating to waivers of liability;
3 amending s. 125.35, F.S.; authorizing counties
4 to waive sovereign immunity under specified
5 circumstances in cases of lease or financing of
6 airport or seaport operations or facilities or
7 of real property; 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 is expressly
16 authorized to sell and convey any real or personal property,
17 and to lease real property, belonging to the county, whenever
18 the board determines that it is to the best interest of the
19 county to do so, to the highest and best bidder for the
20 particular use the board deems to be the highest and best or,
21 alternatively, in the case of an airport or seaport operation
22 or facility lease, or a modification of an existing lease of
23 real property, or a new extension thereof for an additional
24 term not to exceed 25 years, where the improved leasehold
25 applicable to the lease involving such modification or
26 extension has an appraised value in excess of \$20 million,
27 after negotiation, for such length of term and such conditions
28 as the governing body may in its discretion determine. The
29 Board of County Commissioners is expressly authorized to lease
30 a professional sports franchise facility financed by revenues
31 received pursuant to s. 125.0104 or s. 212.20, under such

1 terms and conditions as negotiated by the board. In the case
2 of a seaport, however, leased space may not be negotiated for
3 a hotel; retail establishment; or an office complex except for
4 port users in excess of 25,000 square feet, and any leased
5 space for an office complex except for port users of less than
6 25,000 square feet must be reasonable and necessary for the
7 operation of the port and must be physically located within
8 the jurisdiction of the port authority.

9 (b) No sale of any real property shall be made unless
10 notice thereof is published once a week for at least 2 weeks
11 in some newspaper of general circulation published in the
12 county, calling for bids for the purchase of the real estate
13 so advertised to be sold. In the case of a sale, the bid of
14 the highest bidder complying with the terms and conditions set
15 forth in such notice shall be accepted, unless the board of
16 county commissioners rejects all bids because they are too
17 low. The board of county commissioners may require a deposit
18 to be made or a surety bond to be given, in such form or in
19 such amount as the board determines, with each bid submitted.

20 (c) In accordance with s. 13, Article X of the State
21 Constitution, a county may waive sovereign immunity and agree
22 to hold harmless and indemnify any party to a lease or
23 financing of real property or an airport or seaport operation
24 or facility against damages to third parties. Notwithstanding
25 s. 768.28, the waiver may be up to such amount as is
26 determined by the governing body of the county when such
27 damage has not resulted from the gross negligence or willful
28 misconduct of the indemnified party. The action authorized in
29 this paragraph may be taken only with respect to transactions
30 determined by the county to serve a paramount public purpose.

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