

1977

Session Law 77-475

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

| | | | |
|--------------------------|---------------------------------------|--------------------------------------|-----|
| Year 1977 | Session Law No. 99-475 | LOF Cite | #pp |
| Prime Bill# HB. 21-B | Sponsor Young | Comp./Sim. Bills SB1294, HB. 1830 | |
| JLMC Hist. Leg. Cites | Senate pp.#s | House pp.#s | #pp |
| Committee of Ref. | Senate ECCA House Comm. Aff. | Previous versions? | |

Committee Records

| H/S | Committee | Year | Record Series: Folder Title, etc. | Location Cite | #pp |
|----------------------------|-----------|-------|-----------------------------------|---------------|-----|
| H | Comm Aff | *1977 | Bill file - HB 1830 (1-31-90) | 19/469 | X |
| S | ECCA | 1991 | Bill file - SB 1294 | 18/88 | 7 |
| * finding aids are a MESS! | | | | | |

Senate/House Journals

| Page | ? | Date | #pp | Page | ? | Date | #pp |
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Tape Recordings

| H/S | Floor | Committee/subcommittee | Date | # Tapes | Location Cite |
|-----|-------|------------------------|------|---------|---------------|
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Other Documentation

| Record series title, folder title, etc. | Location Cite | #pp |
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By -- Senator Scott--

1 A bill to be entitled
 2 An act relating to county-owned real property;
 3 amending s. 125.35, Florida Statutes;
 4 authorizing the lease of ^{Certain} county real property
 5 by the board of county commissioners without
 6 competitive bids; providing for severability;
 7 providing an effective date.

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 CARLOS ~~IS~~ Carton ~~SK~~

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

11 Section 1. Section 125.35, Florida Statutes, is
12 amended to read:

13 125.35 County authorized to sell real and personal
 14 property and to lease real property.--The board of county
 15 commissioners is expressly authorized to sell and convey any
 16 property, real or personal, and to lease real property,
 17 belonging to the county, whenever such board shall determine
 18 that it is to the best interest of the county to do so, to the
 19 highest and best bidder for the particular use it deems to be
 20 the highest and best, or, alternatively, in the case of a sale
 21 lease, after negotiation, for such length of term and such
 22 conditions as the governing body may in its discretion
 23 determine. No sale ~~or lease~~ of any real property shall be
 24 made unless notice thereof shall be published once a week for
 25 at least 2 weeks in some newspaper of general circulation
 26 published in the county, calling for bids for the purchase ~~or~~
 27 ~~lease~~ of the real estate so advertised to be sold ~~or leased~~.
 28 The bid of the highest bidder, in the case of a sale, ~~or, in~~
 29 ~~case of lease, the bid serving the highest public interest as~~
 30 ~~authorized herein,~~ complying with the terms and conditions set
 31 forth in such notice, shall be accepted unless the board of

1 county commissioners shall reject all bids because the same
2 are too low. The board of county commissioners may require a
3 deposit to be made or a surety bond to be given, in such form
4 or in such amount as the board shall determine, with each bid
5 submitted.

6 Section 2. If any provision of this act or the
7 application thereof to any person or circumstance is held
8 invalid, the-~~invalidity~~ shall not affect other provisions or
9 applications of the act which can be given effect without the
10 invalid provision or application, and to this end the
11 provisions of this act are declared severable.

12 Section 3. This act shall take effect upon becoming a
13 law.

14
15 *****

16 SENATE SUMMARY

17 Authorizes the boards of county commissioners to lease
18 county real property without calling for competitive
19 bids. Provides that the lease be for such length of term
and such conditions as the governing body determines
after negotiating.

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COMMITTEE AMENDMENT

No. 1
(reported favorably)

18/88

Line numbers on amendment blank have no relation to line numbers on bills.

SB .1294

HB

The Committee on Economic, Community, & Consumer Affairs offered the following amendment which was moved by Senator and adopted: and failed:

Amendment

On page...1... , line.....20....., strike

- a .."a".....
 - b
 - c
 - d
 - e
 - f
 - g
- and insert:
- 1 .an airport operation or facility.....
 - 2
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|--|-------------------------|
| FOR COMMITTEE USE ONLY | PRINTER: Do not pick up |
| Amendment No. 1 ... , taken up by committee: | Adopted..X.. Failed.... |
| Offered by... Senator Gorman | |

DATE: May 12, 1977

COMMITTEE ACTION: 1. Fav. w/l Amend.

Amended - May 16, 1977 SENATE

2. _____

STAFF ANALYSIS AND ECONOMIC STATEMENT
Economic, Community & Consumer Affairs Comm.
(Gilmore)

3. _____

Amend. ~~xxxx~~ Attached 1

Bill No. and Sponsor:

Subject:

SB 1294

Lease of County Property

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REFERENCES: Economic, Community, & Consumer Affairs

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I. BILL SUMMARY:

Authorizes counties to lease county-owned property after negotiation rather than competitive bidding. Series 18 Carton 88

II. PURPOSE:

A. Present Situation:

Chapter 125.35, F.S., provides that a Board of County Commissioners is authorized to sell and convey any property, real or personal, and to lease real property belonging to the county, whenever such board should determine it is in the best interest of the county to do so, to the highest and best bidder for the particular use it determines to be the highest and best and further provides that no sale or lease shall be made unless notice thereof shall be published once a week for at least two weeks calling for bids for the purchase or lease of the real estate.

Dade and Duval counties are not subject to this requirement as charter counties.

Chapter 125.35 is inconsistent with Chapter 332, F. S., "The Airport Act of 1945." In addition, grant agreements with the Federal Aviation Administration executed upon acceptance of federal funds for airport construction require that all users desiring to utilize airport properties be permitted to do so on non-discriminatory terms.

Apparently, some of the counties are interpreting their federal obligations and s. 322, F.S., as taking precedence over s. 125.35, F.S.

B. Effect on Present Situation:

All counties would be authorized to lease an airport operation or facility without the necessity of the lengthy bidding process, but rather may negotiate directly with the prospective lessee.

III. ECONOMIC CONSIDERATIONS:

Economic Impact: Yes X No _____

A. Economic Impact on the Public:

To the extent that county revenues and expenses are affected by this bill (see Part B below), county taxes will be similarly affected.

B. Fiscal Impact on Implementing or Enforcing Agencies:

The expense of the competitive bidding process for the counties will be eliminated in transactions involving the leasing of airport operations or facilities. If, however, the counties are unable to obtain leases which are as favorable as they would have been with competitive bidding, the result will be a decrease in county revenue. Nothing would prohibit counties from continuing the competitive bidding process on leases which the county determines would be more favorable as a result.

IV. COMMENTS:

A companion bill, HB 1830, has been referred to the House Committee on Regulated Industries and Licensing.

May 17, 1977

IN SUPPORT OF SENATE BILL 01294

18/88

TESTIMONY OF L. E. WAGENER, DIRECTOR - BROWARD COUNTY AVIATION DIVISION

RE: CHANGES IN CHAPTER 125 F.S. REQUESTED BY BROWARD COUNTY

Chapter 125.35 Florida Statutes provides that a Board of County Commissioners is authorized to sell and convey any property, real or personal, and to lease real property belonging to the County, whenever such Board should determine it is in the best interest of the County to do so, to the highest and best bidder for the particular use it determines to be the highest and best and further provides that no sale or lease shall be made unless notice thereof shall be published once a week for at least two weeks calling for bids for the purchase or lease of the real estate. Duval and Dade Counties are not subject to this requirement as Charter Counties of the Constitutional Amendment type.

Chapter 125.35 is inconsistent with Chapter 332 FS, "The Airport Act of 1945", as well as Broward County Ordinance 77-19, which is a re-write of Chapter 69-902 FS, Special Acts of 1969, which became a County Ordinance upon Broward County becoming a Charter County and which defines the County's powers with respect to its airports.

In addition, grant agreements with the Federal Aviation Administration executed upon acceptance of federal funds for airport construction require that all users desiring to utilize airport properties be permitted to do so on non-discriminatory and equal terms. Air taxi operators are licensed by the FAA. Scheduled airlines are granted Certificates of Public Convenience and Necessity by the Civil Aeronautics Board and likewise fall into the category of users covered by the FAA requirements.

It is therefore most impractical and in total conflict with other requirements to decree that all users of airport properties must conform to Chapter 125.35. A check with other County operated airport facilities indicates that Broward County may be the only one operating under the terms of this law, the others considering that Chapter 332 may prevail wherein it is not required that Counties lease airport properties without the bid requirement.

As a matter of policy Broward County requires bids on all concession leases, rental cars, parking lots, newsstands, gift shops, restaurants, and taxicab/limousine transportation concessions.

However, since our discovery of Chapter 125.35 we have not been able to lease out small offices, shops, or other airport facilities without going through the long bid process. As a result we probably are in violation of our federal agreements and as a matter of practicality have lost customers to other competing airports who are not going through this long process with each and every airport user. To carry it further, we legally cannot permit operations of Eastern, Delta or any other airline without bids, even though they are certificated by the federal government.

It is therefore considered important that Broward County be eliminated from the requirement of Chapter 125.35 insofar as airports are concerned particularly, just as Dade and Duval Counties are not required to observe the bidding process and just as other counties may be apparently interpreting their federal obligations and Chapter 332 FS as taking precedence over the requirements of Chapter 125.35.

We do not feel that it was the legislatures intent that airports should be included in the restrictions of 125.35, nor was it the legislatures intent to interfere with the workings of Chapter 332, The Airport Act, or a county's federal obligations in airport matters. Perhaps the law could just be amended to eliminate airports, thus putting county operated airports on an equal footing with those operated by cities and authorities.