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1. [Fla. Stat. § 125.031](#)

Client/Matter: -None-

[Fla. Stat. § 125.031](#)

Current through the 2021 Regular and First and Second Extraordinary Sessions.

LexisNexis® Florida Annotated Statutes > Title XI. County Organization and Intergovernmental Relations. (Chs. 124 — 164) > Chapter 125. County Government. (Pts. I — VI) > Part I. County Commissioners: Powers and Duties. (§§ 125.001 — 125.59)

§ 125.031. Lease or lease-purchases of property for public purposes.

Counties may enter into leases or lease-purchase arrangements relating to properties needed for public purposes for periods not to exceed 30 years at a stipulated rental to be paid from current or other legally available funds and may make all other contracts or agreements necessary or convenient to carry out such objective. The county shall have the right to enter into such leases or lease-purchase arrangements with private individuals, other governmental agencies, or corporations. When the term of such lease is for longer than 60 months, the rental shall be payable only from funds arising from sources other than ad valorem taxation. Such leases or lease-purchase arrangements shall be subject to approval by the board of county commissioners, and no such lease or lease-purchase contract shall be entered into without said approval. Notwithstanding any provision of law to the contrary, a lease entered into by a county, as defined in [s. 125.011\(1\)](#), with the state or another governmental entity or authorized under the provisions of [s. 125.01](#) is not subject to the 30-year lease term limitation of this section.

History

S. 1, ch. 71-240; s. 1, [ch. 89-103](#); s. 1, [ch. 2008-48](#), eff. July 1, 2008.

Annotations

LexisNexis® Notes

Notes

Amendments.

Fla. Stat. § 125.031

The 2008 amendment by s. 1, ch. 2008-48, effective July 1, 2008, added the last sentence.

Case Notes

Contracts Law: Remedies: Ratification

Governments: Local Governments: Administrative Boards

Contracts Law: Remedies: Ratification

Where board of county commissioners ratified a computer system lease agreement following an employee's unauthorized execution of the lease, such ratification was permitted under [Fla. Stat. § 125.031](#). For ratification to be valid, a board of county commissioners must have the power to approve an agreement, must ratify an agreement in the same manner in which the agreement would have been initially approved, and must have full knowledge of the material facts relative to the agreement. [Frankenmuth Mut. Ins. Co. v. Escambia County, 289 F.3d 723, 2002 U.S. App. LEXIS 7493 \(11th Cir. Fla. 2002\)](#).

Governments: Local Governments: Administrative Boards

Three-prong test is appropriate for determining whether an after-the-fact approval, or ratification, has occurred in satisfaction of [Fla. Stat. § 125.031](#). [Frankenmuth Mut. Ins. Co. v. Magaha, 769 So. 2d 1012, 2000 Fla. LEXIS 1889 \(Fla. 2000\)](#).

If an "approval" by a board of county commissioners of a lease or lease purchase agreement under [Fla. Stat. § 125.031](#) must be made in accordance with the Sunshine Law, it necessarily follows that any subsequent ratification of such an agreement must also be made in compliance with the Sunshine Law. [Frankenmuth Mut. Ins. Co. v. Magaha, 769 So. 2d 1012, 2000 Fla. LEXIS 1889 \(Fla. 2000\)](#).

For a board of county commissioners to approve a lease or lease-purchase agreement in accordance with [Fla. Stat. § 125.031](#), it is necessary that such approval be made in the sunshine. [Frankenmuth Mut. Ins. Co. v. Magaha, 769 So. 2d 1012, 2000 Fla. LEXIS 1889 \(Fla. 2000\)](#).

Term approval as used in [Fla. Stat. § 125.031](#) does not require a board of county commissioners to pass a formal resolution, unless passage of such a resolution is required by the governing law of the county. [Frankenmuth Mut. Ins. Co. v. Magaha, 769 So. 2d 1012, 2000 Fla. LEXIS 1889 \(Fla. 2000\)](#).

By enacting [Fla. Stat. § 125.031](#), the Florida Legislature clearly established that computer lease agreements may not be entered into without approval by a board of county commissioners. [Frankenmuth Mut. Ins. Co. v. Magaha, 769 So. 2d 1012, 2000 Fla. LEXIS 1889 \(Fla. 2000\)](#).

Fla. Stat. § 125.031

Board of county commissioners may approve a lease-purchase agreement under [Fla. Stat. § 125.031](#), even absent formal resolution, if a governing charter or ordinance does not require the board to take action by formal resolution. *Frankenmuth Mut. Ins. Co. v. Magaha*, 769 So. 2d 1012, 2000 Fla. LEXIS 1889 (Fla. 2000).

A board may ratify lease-purchase agreements absent formal resolution if its governing charter does not require formal resolution. *Frankenmuth Mut. Ins. Co. v. Magaha*, 769 So. 2d 1012, 2000 Fla. LEXIS 1889 (Fla. 2000).

Opinion Notes

OPINIONS OF ATTORNEY GENERAL

A county sheriff is authorized to acquire vehicles through the use of lease-purchase agreements, however the sheriff has no authority to bind the county commission to appropriate funds for a multi-year contract and any lease-purchase agreement entered into by the sheriff should contain provisions recognizing these fiscal limitations. AGO 2006-33, [2006 Fla. AG LEXIS 30](#).

Until legislatively or judicially determined to the contrary, the board of county commissioners, upon exercising its discretion to employ a county veteran service officer, has the duty and responsibility to provide said officers with office space. AGO 1985-95, [1985 Fla. AG LEXIS 10](#), 1985 Op. Att'y Gen. Fla. 264.

A county may, under [Fla. Stat. §§ 125.031](#) and [125.35](#), enter into agreements with a private corporation looking toward the construction on county-owned property of a courthouse to be leased back to the county under a lease-purchase agreement, provided the lease-purchase is financed from revenues other than ad valorem taxes. Or under [§ 125.01\(1\)\(r\)](#), id., the county may borrow money under short-term notes, to be paid only from non-ad valorem tax funds, for this purpose. AGO 1973-230, [1973 Fla. AG LEXIS 9](#), 1973 Op. Att'y Gen. Fla. 378.

Research References & Practice Aids

RESEARCH REFERENCES & PRACTICE AIDS

Florida Statutes references.

Chapter 315. Port Facilities Financing, [F.S. § 315.17](#). Waiver of term limitation for leases entered into by county with another governmental entity for benefit of a seaport.

Law Reviews & Journals

Fla. Stat. § 125.031

Recent Development: Public Contracts: Contracts & *Agreements* — *Commission Powers: Frankenmuth Mutual Insurance Company v. Magaha*, 769 S.2d 1012 (Fla. 2000), James J. Brown, Professor, Winter 2002, [31 Stetson L. Rev. 521](#).

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