

By Senator Gelber

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1                   A bill to be entitled  
2           An act relating to local government; amending s.  
3           125.35, F.S.; authorizing a board of county  
4           commissioners to negotiate the lease of certain county  
5           property for a limited period; amending s. 337.29,  
6           F.S.; authorizing transfers of right-of-way between  
7           local governments by deed; amending s. 843.08, F.S.;  
8           prohibiting a person from falsely impersonating a  
9           firefighter; providing criminal penalties; reenacting  
10          s. 921.0022, F.S., relating to the offense severity  
11          ranking chart of the Criminal Punishment Code, to  
12          incorporate the amendment made to s. 843.08, F.S., in  
13          a reference thereto; providing an effective date.

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

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17           Section 1. Subsection (1) of section 125.35, Florida  
18           Statutes, is amended to read:

19           125.35 County authorized to sell real and personal property  
20           and to lease real property.-

21           (1) (a) The board of county commissioners may ~~is expressly~~  
22           ~~authorized to~~ sell and convey any real or personal property, and  
23           to lease real property, belonging to the county, whenever the  
24           board determines that it is to the best interest of the county  
25           to do so, to the highest and best bidder for the particular use  
26           the board deems to be the highest and best, for such length of  
27           term and such conditions as the governing body may in its  
28           discretion determine.

29           (b) Notwithstanding ~~the provisions of~~ paragraph (a), the

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30 board of county commissioners is expressly authorized to:

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

32 2. Negotiate the lease of county property, other than an  
33 airport or seaport facility, for a term not to exceed 5 years;

34 3.2. Modify or extend an existing lease of real property  
35 for an additional term not to exceed 25 years, where the  
36 improved value of the lease has an appraised value in excess of  
37 \$20 million; or

38 4.3. Lease a professional sports franchise facility  
39 financed by revenues received pursuant to s. 125.0104 or s.  
40 212.20;

41  
42 under such terms and conditions as negotiated by the board.

43 (c) A ~~No~~ sale of any real property may not ~~shall~~ be made  
44 unless notice thereof is published once a week for at least 2  
45 weeks in some newspaper of general circulation published in the  
46 county, calling for bids for the purchase of the real estate so  
47 advertised to be sold. In the case of a sale, the bid of the  
48 highest bidder complying with the terms and conditions set forth  
49 in such notice shall be accepted, unless the board of county  
50 commissioners rejects all bids because they are too low. The  
51 board of county commissioners may require a deposit to be made  
52 or a surety bond to be given, in such form or in such amount as  
53 the board determines, with each bid submitted.

54 Section 2. Subsection (3) of section 337.29, Florida  
55 Statutes, is amended to read:

56 337.29 Vesting of title to roads; liability for torts.—

57 (3) Title to all roads transferred in accordance with the  
58 provisions of s. 335.0415 shall be in the governmental entity to

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59 which such roads have been transferred, upon the recording of a  
60 deed or a right-of-way map by the appropriate governmental  
61 entity in the public land records of the county or counties in  
62 which such rights-of-way are located. To the extent that  
63 sovereign immunity has been waived, liability for torts shall be  
64 in the governmental entity having operation and maintenance  
65 responsibility as provided in s. 335.0415. Except as otherwise  
66 provided by law, a municipality shall have the same  
67 governmental, corporate, and proprietary powers with relation to  
68 any public road or right-of-way within the municipality which  
69 has been transferred to another governmental entity pursuant to  
70 s. 335.0415 that the municipality has with relation to other  
71 public roads and rights-of-way within the municipality.

72 Section 3. Section 843.08, Florida Statutes, is amended to  
73 read:

74 843.08 Falsely personating officer, etc.—A person who  
75 falsely assumes or pretends to be a sheriff, officer of the  
76 Florida Highway Patrol, officer of the Fish and Wildlife  
77 Conservation Commission, officer of the Department of  
78 Environmental Protection, officer of the Department of  
79 Transportation, officer of the Department of Financial Services,  
80 officer of the Department of Corrections, correctional probation  
81 officer, deputy sheriff, state attorney or assistant state  
82 attorney, statewide prosecutor or assistant statewide  
83 prosecutor, state attorney investigator, coroner, police  
84 officer, firefighter, lottery special agent or lottery  
85 investigator, beverage enforcement agent, or watchman, or any  
86 member of the Parole Commission and any administrative aide or  
87 supervisor employed by the commission, or any personnel or

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88 representative of the Department of Law Enforcement, or a  
 89 federal law enforcement officer as defined in s. 901.1505, and  
 90 takes upon himself or herself to act as such, or to require any  
 91 other person to aid or assist him or her in a matter pertaining  
 92 to the duty of any such officer, commits a felony of the third  
 93 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 94 775.084; however, a person who falsely personates any such  
 95 officer during the course of the commission of a felony commits  
 96 a felony of the second degree, punishable as provided in s.  
 97 775.082, s. 775.083, or s. 775.084; except that if the  
 98 commission of the felony results in the death or personal injury  
 99 of another human being, the person commits a felony of the first  
 100 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 101 775.084.

102 Section 4. For the purpose of incorporating the amendment  
 103 made by this act to section 843.08, Florida Statutes, in a  
 104 reference thereto, paragraph (b) of subsection (3) of section  
 105 921.0022, Florida Statutes, is reenacted to read:

106 921.0022 Criminal Punishment Code; offense severity ranking  
 107 chart.—

108 (3) OFFENSE SEVERITY RANKING CHART

109 (b) LEVEL 2

Florida	Felony	
Statute	Degree	Description
379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

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112 379.2431(1)(e)4. 3rd Possession of more than 11 marine turtle  
eggs in violation of the Marine Turtle  
Protection Act.

403.413(5)(c) 3rd Dumps waste litter exceeding 500 lbs. in  
weight or 100 cubic feet in volume or  
any quantity for commercial purposes, or  
hazardous waste.

113 517.07 3rd Registration of securities and  
furnishing of prospectus required.

114 590.28(1) 3rd Willful, malicious, or intentional  
burning.

115 784.05(3) 3rd Storing or leaving a loaded firearm  
within reach of minor who uses it to  
inflict injury or death.

116 787.04(1) 3rd In violation of court order, take,  
entice, etc., minor beyond state limits.

117 806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more  
to public communication or any other  
public service.

118 810.061(2) 3rd Impairing or impeding telephone or power  
to a dwelling; facilitating or  
furthering burglary.

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- 810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.
- 812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more but less than \$5,000.
- 812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
- 812.015(7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
- 817.234(1)(a)2. 3rd False statement in support of insurance claim.
- 817.481(3)(a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
- 817.52(3) 3rd Failure to redeliver hired vehicle.
- 817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.
- 817.60(5) 3rd Dealing in credit cards of another.

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	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.	
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	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.	
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	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.	
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	831.01	3rd	Forgery.	
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	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.	
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	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.	
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	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.	
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	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.	
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	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.	
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	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.	

