

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; authorizing the Department of Transportation to
4 grant a specified pay additive to law enforcement officers
5 assigned to the Office of Motor Carrier Compliance who
6 maintain certification by the Commercial Vehicle Safety
7 Alliance; amending s. 212.055, F.S.; providing that the
8 county commission may apply the proceeds from the charter
9 county transportation system surtax to the planning,
10 development, construction, expansion, operation, and
11 maintenance of on-demand transportation services; defining
12 the term "on-demand transportation services"; amending s.
13 310.0015, F.S., relating to pilotage rates; providing for
14 such rates to be set by the Pilotage Rate Review Committee
15 to conform to changes made by the act; amending s.
16 310.002, F.S.; revising the definition of the term
17 "pilotage" to conform to changes made by the act; amending
18 s. 310.011, F.S.; revising the membership of the Board of
19 Pilot Commissioners; amending s. 310.151, F.S.;
20 redesignating the "Pilotage Rate Review Board" as the
21 "Pilotage Rate Review Committee"; providing that the
22 committee is part of the Board of Pilot Commissioners;
23 revising membership and providing for appointment of
24 members from among the commissioners; requiring members to
25 comply with specified disclosure requirements; providing
26 that decisions of the committee regarding rates are not
27 appealable to the board; directing the Governor to make
28 certain appointments to the Board of Pilot Commissioners

29 | before a certain date; repealing s. 315.03(12)(c), F.S.,
30 | relating to legislative review of a loan program of the
31 | Florida Seaport Transportation and Economic Development
32 | Council; amending s. 316.003, F.S.; defining the term
33 | "motor carrier transportation contract" for purposes of
34 | the Florida Uniform Traffic Control Law; amending s.
35 | 316.1001, F.S.; revising the method to be used to provide
36 | notice following the issuance of a citation for failure to
37 | pay a toll; providing that receipt of the citation rather
38 | than its mailing constitutes notification; authorizing any
39 | governmental entity, including the clerk of court, to
40 | provide certain data to the Department of Highway Safety
41 | and Motor Vehicles regarding outstanding violations for
42 | failure to pay tolls; amending s. 316.302, F.S.; revising
43 | reference to specified federal rules and regulations
44 | applicable to owners and drivers of commercial motor
45 | vehicles engaged in intrastate commerce; providing that
46 | certain indemnification provisions in motor carrier
47 | transportation contracts are against public policy and are
48 | void and unenforceable; defining the term "promisee," as
49 | used in motor carrier transportation contracts; provides
50 | an exception to such definition; providing for application
51 | to certain contracts; amending s. 316.515, F.S.;
52 | conforming a cross-reference; amending s. 316.545, F.S.;
53 | providing for a reduction in the gross weight of certain
54 | vehicles equipped with idle-reduction technologies when
55 | calculating a penalty for exceeding maximum weight limits;
56 | requiring the operator to provide certification of the

57 | weight of the idle-reduction technology and to demonstrate
58 | or certify that the idle-reduction technology is fully
59 | functional at all times; amending s. 316.550, F.S.;
60 | authorizing the department or local authority to issue
61 | permits for certain vehicles to operate on certain routes;
62 | providing restrictions on routes; providing conditions
63 | when vehicles must be unloaded; conforming a cross-
64 | reference; amending s. 318.18, F.S.; revising provisions
65 | for distribution of proceeds collected by the clerk of the
66 | court for disposition of citations for failure to pay a
67 | toll; providing alternative procedures for disposition of
68 | such citation; providing for adjudication to be withheld
69 | and no points assessed against the driver's license unless
70 | adjudication is imposed by a court; authorizing a court to
71 | direct the department to suspend a person's driver's
72 | license for violations involving the failure to pay tolls;
73 | amending s. 320.03, F.S.; clarifying provisions requiring
74 | that the tax collector withhold issuance of a license
75 | plate or revalidation sticker if certain fines are
76 | outstanding; amending s. 320.08, F.S.; providing that
77 | specified license tax provisions apply to wreckers used
78 | for certain purposes; amending s. 320.08058, F.S.;
79 | revising authorized uses of revenue received from the sale
80 | of United We Stand license plates; amending s. 322.27,
81 | F.S.; providing for assessment of points against a
82 | driver's license for specified violations of requirements
83 | to pay a toll only when the points are imposed by a court;
84 | repealing s. 332.14, F.S., relating to the Secure Airports

85 | for Florida's Economy Council; providing for the use of
86 | funds accrued by the Secure Airports for Florida's Economy
87 | Council; amending s. 337.14, F.S.; revising application
88 | procedures for the qualification of contractors; requiring
89 | any required interim financial statement to be accompanied
90 | by an updated application; amending s. 337.401, F.S.;
91 | revising provisions for rules of the department that
92 | provide for the placement of and access to certain
93 | electrical transmission lines on the right-of-way of
94 | department-controlled roads; authorizing the rules to
95 | include that the use of the limited access right-of-way
96 | for longitudinal placement of such transmission lines is
97 | reasonable based upon consideration of certain economic
98 | and environmental factors; providing that removal or
99 | relocation of a transmission line shall be at the expense
100 | of the utility; amending s. 337.406, F.S.; prohibiting
101 | camping on certain parts of the right-of-way of the State
102 | Highway System; amending s. 338.155, F.S.; authorizing the
103 | department to adopt rules relating to the payment,
104 | collection, and enforcement of tolls; amending ss. 341.051
105 | and 341.3025, F.S.; requiring the use of universal common
106 | contactless fare media on new or upgraded public rail
107 | transit systems or public transit systems connecting to
108 | such rail systems; amending s. 343.64, F.S.; authorizing
109 | the Central Florida Regional Transportation Authority to
110 | borrow funds under certain circumstances; amending s.
111 | 348.51, F.S.; revising the definition for the term "bonds"
112 | when used in the Tampa-Hillsborough County Expressway

113 Authority Law; amending s. 348.545, F.S.; authorizing
114 certain costs to be financed by bonds issued on behalf of
115 the Tampa-Hillsborough County Expressway Authority
116 pursuant to the State Bond Act or bonds issued by the
117 authority under specified provisions; amending s. 348.56,
118 F.S.; authorizing bonds to be issued on behalf of the
119 authority pursuant to the State Bond Act or issued by the
120 authority under specified provisions; revising
121 requirements for such bonds; requiring the bonds to be
122 sold at public sale; authorizing the authority to
123 negotiate the sale of bonds with underwriters under
124 certain circumstances; amending s. 348.565, F.S.;
125 providing that facilities of the expressway system are
126 approved to be refinanced by the revenue bonds issued by
127 the Division of Bond Finance of the State Board of
128 Administration and the State Bond Act or by revenue bonds
129 issued by the authority; providing that certain projects
130 of the authority are approved for financing or refinancing
131 by revenue bonds; amending s. 348.57, F.S.; authorizing
132 the authority to provide for the issuance of certain bonds
133 for the refunding of bonds outstanding regardless of
134 whether the bonds being refunded were issued by the
135 authority or on behalf of the authority; amending s.
136 348.70, F.S.; providing that the Tampa-Hillsborough County
137 Expressway Authority Law does not repeal, rescind, or
138 modify any other laws; providing that such law supersedes
139 laws that are inconsistent with the provisions of that
140 law; creating pt. XI of ch. 348, F.S., titled "Osceola

141 County Expressway Authority"; providing a short title;
142 providing definitions; creating the Osceola County
143 Expressway Authority as an agency of the state; providing
144 for a governing body of the authority; providing for
145 membership, terms, organization, personnel, and
146 administration; authorizing payment of travel and other
147 expenses; directing the authority to cooperate with and
148 participate in any efforts to establish a regional
149 expressway authority; providing that the authority is not
150 eligible for voting membership in certain metropolitan
151 planning organizations; providing purposes and powers of
152 the authority for acquisition, construction, expansion,
153 maintenance, improvement, operation, ownership, and
154 leasing of the Osceola County Expressway System; providing
155 for use of certain funds to pay or secure obligations;
156 authorizing use of the Osceola County gasoline tax under
157 certain conditions; authorizing the authority to enter
158 into partnerships and other agreements; authorizing the
159 authority to construct, operate, and maintain roads,
160 bridges, avenues of access, thoroughfares, and boulevards,
161 and electronic toll payment systems thereon, outside the
162 jurisdictional boundaries of Osceola County; authorizing
163 the authority to enter into an interlocal agreement with
164 the Orlando-Orange County Expressway Authority to
165 coordinate and plan for projects; prohibiting the
166 authority from pledging the credit or taxing power of the
167 state; requiring consent of local and county jurisdictions
168 prior to acquisition of rights-of-way; requiring consent

169 of local and county jurisdictions for agreements that
170 would restrict construction of roads; providing for bond
171 financing of improvements to certain facilities; providing
172 for issuance and sale of bonds; providing for the
173 employment of fiscal agents; authorizing the State Board
174 of Administration to act as fiscal agent; providing
175 approval of certain facilities that have been financed by
176 the issuance of bonds or other evidence of indebtedness;
177 providing for rights and remedies granted to bondholders;
178 providing for appointment of a trustee to represent the
179 bondholders; providing for appointment of a receiver to
180 take possession of, operate, and maintain the system;
181 providing for lease of the system to the department under
182 a lease-purchase agreement; authorizing the department to
183 act in place of the authority under terms of the lease-
184 purchase agreement; requiring approval by the county for
185 certain provisions of the lease-purchase agreement;
186 providing that upon termination of such lease-purchase
187 agreement title to the system shall be transferred to the
188 state; providing that no pledge of Osceola County gasoline
189 tax funds as rentals under such lease-purchase agreement
190 shall be made without the consent of Osceola County;
191 authorizing the department to expend a limited amount of
192 funds; providing that the system is part of the state road
193 system; providing for the authority to appoint the
194 department as its agent for certain construction purposes;
195 authorizing the authority to acquire property; authorizing
196 the authority to exercise eminent domain; limiting

197 liability of the authority for preexisting contamination
 198 of an acquired property; providing for remedial acts
 199 necessary due to such contamination; authorizing
 200 agreements between the authority and other entities;
 201 providing pledge of the state to bondholders; exempting
 202 the authority from taxation; providing that investment in
 203 such bonds or other obligations constitutes legal
 204 investments; providing that such bonds are eligible for
 205 deposit as security for state, municipal, and other public
 206 funds; providing that pledges shall be enforceable by
 207 bondholders; providing for application and construction of
 208 the part; authorizing certain audits of the authority by
 209 the Osceola County auditor; requiring reports of such
 210 audits to be submitted to the authority and the governing
 211 body of Osceola County; providing for dissolution of the
 212 authority under certain circumstances; amending s.
 213 369.317, F.S.; providing that certain activity relating to
 214 mitigation of certain environmental impacts in the Wekiva
 215 Study Area or the Wekiva parkway alignment corridor meet
 216 specified impact requirements under certain conditions;
 217 amending s. 373.41492, F.S.; increasing the mitigation fee
 218 for mining activities in the Miami-Dade County Lake Belt;
 219 suspending an annual increase in the mitigation fee;
 220 revising the frequency of an interagency committee report;
 221 amending s. 403.4131, F.S.; removing provisions relating
 222 to a report on the adopt-a-highway program; amending s.
 223 479.01, F.S.; defining the terms "allowable uses,"
 224 "commercial use," "industrial use," and "zoning category"

225 | and revising the definition of the terms "commercial or
226 | industrial zone" and "main-traveled way" for purposes of
227 | provisions relating to outdoor advertising; conforming
228 | cross-references; amending s. 479.07, F.S.; providing for
229 | the placement of new or replacement signs erected on an
230 | interstate highway in certain areas; requiring such sign
231 | to be located on land designated for commercial or
232 | industrial use under the future land use map and land use
233 | development regulations; exempting such location from
234 | specified evaluation criteria; amending s. 479.261, F.S.;
235 | removing a provision authorizing the Department of
236 | Transportation to rotate certain logo signs relating to
237 | gas, food, and lodging services on the rights-of-way of
238 | the interstate highway system during a specified period;
239 | reducing the annual permit fees for businesses
240 | participating in the interstate highway logo sign program;
241 | designating pts. I and II of ch. 479, F.S., entitled
242 | "General Provisions" and "Special Programs," respectively;
243 | creating pt. III of ch. 479, F.S., entitled "Sign
244 | Removal"; creating s. 479.310, F.S.; providing intent
245 | relating to unpermitted and illegal signs; placing
246 | financial responsibility for the removal of such signs;
247 | providing the department authority to recover costs of
248 | removal of such signs; creating s. 479.311, F.S.,
249 | providing jurisdiction to consider claims to recover
250 | costs; defining the term "venue" for the purposes of a
251 | claim filed by the department; creating s. 479.312, F.S.;
252 | providing that costs incurred by the department in

253 removing certain signs shall be assessed against certain
 254 individuals; providing presumption of a ownership;
 255 creating s. 479.313, F.S.; providing for the assessment of
 256 the cost of removal for signs following the revocation of
 257 a sign permit; creating s. 479.315, F.S.; providing for
 258 the assessment of the cost of removal of signs located
 259 within a highway right-of-way; amending s. 705.18, F.S.;
 260 removing provisions for disposal of personal property lost
 261 or abandoned at certain public-use airports; creating s.
 262 705.182, F.S.; providing for disposal of personal property
 263 found on premises owned or controlled by the operator of a
 264 public-use airport; providing a timeframe for the property
 265 to be claimed; providing options for disposing of such
 266 personal property; providing procedures for selling
 267 abandoned personal property; providing for notice of sale;
 268 providing that the rightful owner of such property may
 269 reclaim the property at any time prior to sale; permitting
 270 airport tenants to establish lost and found procedures;
 271 providing that purchaser holds title to the property free
 272 of the rights of persons then holding any legal or
 273 equitable interest thereto; creating s. 705.183, F.S.;
 274 providing for disposition of derelict or abandoned
 275 aircraft on the premises of public-use airports; providing
 276 procedures for such disposition; requiring a record of
 277 when the aircraft is found; defining the terms "derelict
 278 aircraft" and "abandoned aircraft"; providing for
 279 notification of aircraft owner and all persons having an
 280 equitable or legal interest in the aircraft; providing for

281 notice if the owner of the aircraft is unknown or cannot
282 be found; providing for disposition if the aircraft is not
283 removed upon payment of required fees; requiring any sale
284 of the aircraft to be at a public auction; providing
285 notice requirements for such public auction; providing
286 procedures for disposal of the aircraft; providing for
287 liability if charges and costs related to the disposition
288 are more than that obtained from the sale; providing for a
289 lien by the airport for fees and charges; providing for
290 notice of lien; requiring recording of a claim of lien;
291 providing for the form of the claim of lien; providing for
292 service of the claim of lien; providing that the purchaser
293 of the aircraft takes the property free of rights of
294 persons holding legal or equitable interest in the
295 aircraft; requiring purchaser or recipient to notify the
296 Federal Aviation Administration of change in ownership;
297 providing for disposition of moneys received for an
298 aircraft sold at public sale; authorizing the airport to
299 issue documents relating to the aircraft's disposal;
300 creating s. 705.184, F.S.; providing for disposition of
301 derelict or abandoned motor vehicles on the premises of
302 public-use airports; providing procedures; requiring
303 recording of the abandoned motor vehicle; defining the
304 terms "derelict motor vehicle" and "abandoned motor
305 vehicle"; providing for removal of such motor vehicle from
306 airport premises; providing for notice to the owner, the
307 company insuring the motor vehicle, and any lienholder;
308 providing for disposition if the motor vehicle is not

309 removed upon payment of required fees; requiring any sale
 310 of the motor vehicle to be at a public auction; providing
 311 notice requirements for such public auction; providing
 312 procedures for disposal of the motor vehicle; providing
 313 for a lien by the airport or a licensed independent
 314 wrecker for fees and charges; providing for notice of
 315 lien; requiring recording of a claim of lien; providing
 316 for the form of the claim of lien; providing for service
 317 of claim of lien; providing that the purchaser of the
 318 motor vehicle takes the property free of the rights of
 319 persons holding legal or equitable interest in the motor
 320 vehicle; amending s. 479.156, F.S.; conforming cross-
 321 references; providing an effective date.

322

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

324

325 Section 1. Subsection (7) of section 20.23, Florida
 326 Statutes, as amended by chapter 2009-271, Laws of Florida, is
 327 renumbered as subsection (8), and a new subsection (7) is added
 328 to that section to read:

329 20.23 Department of Transportation.—There is created a
 330 Department of Transportation which shall be a decentralized
 331 agency.

332 (7) The department is authorized to continue to grant a
 333 pay additive of \$75 per pay period for law enforcement officers
 334 assigned to the Office of Motor Carrier Compliance who maintain
 335 certification by the Commercial Vehicle Safety Alliance.

336 Section 2. Subsection (1) of section 212.055, Florida

337 Statutes, is amended to read:

338 212.055 Discretionary sales surtaxes; legislative intent;
 339 authorization and use of proceeds.—It is the legislative intent
 340 that any authorization for imposition of a discretionary sales
 341 surtax shall be published in the Florida Statutes as a
 342 subsection of this section, irrespective of the duration of the
 343 levy. Each enactment shall specify the types of counties
 344 authorized to levy; the rate or rates which may be imposed; the
 345 maximum length of time the surtax may be imposed, if any; the
 346 procedure which must be followed to secure voter approval, if
 347 required; the purpose for which the proceeds may be expended;
 348 and such other requirements as the Legislature may provide.
 349 Taxable transactions and administrative procedures shall be as
 350 provided in s. 212.054.

351 (1) CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX.—

352 (a) Each charter county that has adopted a charter, and
 353 each county the government of which is consolidated with that of
 354 one or more municipalities, may levy a discretionary sales
 355 surtax, subject to approval by a majority vote of the electorate
 356 of the county or by a charter amendment approved by a majority
 357 vote of the electorate of the county.

358 (b) The rate shall be up to 1 percent.

359 (c) The proposal to adopt a discretionary sales surtax as
 360 provided in this subsection and to create a trust fund within
 361 the county accounts shall be placed on the ballot in accordance
 362 with law at a time to be set at the discretion of the governing
 363 body.

364 (d) Proceeds from the surtax shall be applied to as many

365 or as few of the uses enumerated below in whatever combination
 366 the county commission deems appropriate:

367 1. Deposited by the county in the trust fund and shall be
 368 used for the purposes of development, construction, equipment,
 369 maintenance, operation, supportive services, including a
 370 countywide bus system, on-demand transportation services, and
 371 related costs of a fixed guideway rapid transit system;

372 2. Remitted by the governing body of the county to an
 373 expressway, transit, or transportation authority created by law
 374 to be used, at the discretion of such authority, for the
 375 development, construction, operation, or maintenance of roads or
 376 bridges in the county;~~;~~ for the operation and maintenance of a
 377 bus system; for the operation and maintenance of on-demand
 378 transportation services;~~;~~ for the payment of principal and
 379 interest on existing bonds issued for the construction of such
 380 roads or bridges;~~;~~ and, upon approval by the county commission,
 381 such proceeds may be pledged for bonds issued to refinance
 382 existing bonds or new bonds issued for the construction of such
 383 roads or bridges;

384 3. Used by the charter county for the development,
 385 construction, operation, and maintenance of roads and bridges in
 386 the county; for the expansion, operation, and maintenance of bus
 387 and fixed guideway systems; for the expansion, operation, and
 388 maintenance of on-demand transportation services; and for the
 389 payment of principal and interest on bonds issued for the
 390 construction of fixed guideway rapid transit systems, bus
 391 systems, roads, or bridges; and such proceeds may be pledged by
 392 the governing body of the county for bonds issued to refinance

393 existing bonds or new bonds issued for the construction of such
394 fixed guideway rapid transit systems, bus systems, roads, or
395 bridges and no more than 25 percent used for nontransit uses;
396 and

397 4. Used by the charter county for the planning,
398 development, construction, operation, and maintenance of roads
399 and bridges in the county; for the planning, development,
400 expansion, operation, and maintenance of bus and fixed guideway
401 systems; for the planning, development, construction, operation,
402 and maintenance of on-demand transportation services; and for
403 the payment of principal and interest on bonds issued for the
404 construction of fixed guideway rapid transit systems, bus
405 systems, roads, or bridges; and such proceeds may be pledged by
406 the governing body of the county for bonds issued to refinance
407 existing bonds or new bonds issued for the construction of such
408 fixed guideway rapid transit systems, bus systems, roads, or
409 bridges. Pursuant to an interlocal agreement entered into
410 pursuant to chapter 163, the governing body of the charter
411 county may distribute proceeds from the tax to a municipality,
412 or an expressway or transportation authority created by law to
413 be expended for the purpose authorized by this paragraph. Any
414 charter county that has entered into interlocal agreements for
415 distribution of proceeds to one or more municipalities in the
416 county shall revise such interlocal agreements no less than
417 every 5 years in order to include any municipalities that have
418 been created since the prior interlocal agreements were
419 executed.

420 (e) As used in this subsection, the term "on-demand

421 transportation services" means transportation provided between
 422 flexible points of origin and destination selected by individual
 423 users with such service being provided at a time that is agreed
 424 upon by the user and the provider of the service and that is not
 425 fixed-schedule or fixed-route in nature.

426 Section 3. Paragraph (b) of subsection (3) of section
 427 310.0015, Florida Statutes, is amended to read:

428 310.0015 Piloting regulation; general provisions.—

429 (3) The rate-setting process, the issuance of licenses
 430 only in numbers deemed necessary or prudent by the board, and
 431 other aspects of the economic regulation of piloting established
 432 in this chapter are intended to protect the public from the
 433 adverse effects of unrestricted competition which would result
 434 from an unlimited number of licensed pilots being allowed to
 435 market their services on the basis of lower prices rather than
 436 safety concerns. This system of regulation benefits and protects
 437 the public interest by maximizing safety, avoiding uneconomic
 438 duplication of capital expenses and facilities, and enhancing
 439 state regulatory oversight. The system seeks to provide pilots
 440 with reasonable revenues, taking into consideration the normal
 441 uncertainties of vessel traffic and port usage, sufficient to
 442 maintain reliable, stable piloting operations. Pilots have
 443 certain restrictions and obligations under this system,
 444 including, but not limited to, the following:

445 (b) Pilots may not unilaterally determine the pilotage
 446 rates they charge. Such pilotage rates shall instead be
 447 determined by the Pilotage Rate Review Committee ~~Board~~, in the
 448 public interest, as set forth in s. 310.151.

449 Section 4. Subsection (7) of section 310.002, Florida
 450 Statutes, is amended to read:

451 310.002 Definitions.—As used in this chapter, except where
 452 the context clearly indicates otherwise:

453 (7) "Pilotage" means the compensation fixed by the
 454 Pilotage Rate Review Committee ~~Board~~ which is payable by a
 455 vessel, its owners, agents, charterers, or consignees to one or
 456 more pilots in the port where piloting is performed. The word
 457 "pilotage" also means the compensation of all types and sources
 458 derived by one or more pilots or deputy pilots for the
 459 performance of piloting at that port by licensed pilots or by
 460 certificated deputy pilots, whether such piloting is performed
 461 pursuant to this chapter or is performed by state-licensed
 462 pilots or state-certificated deputy pilots when acting as a
 463 federal pilot for vessels not required by this chapter to use a
 464 state-licensed pilot or state-certificated deputy pilot.

465 Section 5. Section 310.011, Florida Statutes, is amended
 466 to read:

467 310.011 Board of Pilot Commissioners.—

468 (1) A board is established within the Division of
 469 Professions of the Department of Business and Professional
 470 Regulation to be known as the Board of Pilot Commissioners. The
 471 board shall be composed of 10 members, to be appointed by the
 472 Governor, 5 of whom shall be licensed state pilots actively
 473 practicing their profession, 2 of whom shall be actively
 474 involved in a professional or business capacity in maritime or
 475 marine shipping or the commercial passenger cruise industry, 1
 476 of whom shall be a certified public accountant with at least 5

477 years of experience in financial management, and 2 of whom shall
478 be citizens of the state. The board shall perform such duties
479 and possess and exercise such powers relative to the protection
480 of the waters, harbors, and ports of this state as are
481 prescribed and conferred on it in this chapter.

482 ~~(2) In accordance with the requirements of subsection (1),~~
483 ~~the Governor shall appoint five licensed state pilots who are~~
484 ~~actively practicing their profession and five citizens of the~~
485 ~~state who are not pilots, one of whom shall be actively involved~~
486 ~~in a professional or business capacity in maritime or marine~~
487 ~~shipping, one of whom shall be a user of piloting services, and~~
488 ~~three of whom shall not be involved or monetarily interested in~~
489 ~~the piloting profession or in the maritime industry or marine~~
490 ~~shipping, to constitute the members of the board. For purposes~~
491 ~~of this subsection, a "user of piloting services" may include~~
492 ~~any person with an ownership interest in a business that~~
493 ~~regularly employs licensed state pilots or certificated deputy~~
494 ~~pilots for the purpose of delivering piloting services, or any~~
495 ~~person who is a direct employee of, and who is employed in a~~
496 ~~management position for, that business. Each member shall be~~
497 appointed for a term of 4 years. The Governor shall have power
498 to remove members of the board from office for neglect of duty
499 required by this chapter, for incompetency, or for
500 unprofessional conduct. Any vacancy which may occur in the board
501 in consequence of death, resignation, removal from the state, or
502 other cause shall be filled for the unexpired term by the
503 Governor in the same manner. A majority of those serving on the
504 board shall constitute a quorum.

505 (3) In appointing members to the board who are pilots, the
 506 Governor shall appoint one member from the state at large; one
 507 member from any of the following ports: Pensacola, Panama City,
 508 or Port St. Joe; one member from any of the following ports:
 509 Tampa Bay, Boca Grande, Punta Gorda, Charlotte Harbor, or Key
 510 West; one member from any of the following ports: Fernandina,
 511 Jacksonville, or Port Canaveral; and one member from any of the
 512 following ports: Ft. Pierce, Miami, Port Everglades, or Palm
 513 Beach.

514 Section 6. Section 310.151, Florida Statutes, is amended
 515 to read:

516 310.151 Rates of pilotage; Pilotage Rate Review Committee
 517 ~~Board~~.-

518 (1) (a) As used in ~~For the purposes of~~ this section, the
 519 term:

520 1. "Committee" ~~"board"~~ means the Pilotage Rate Review
 521 Committee established under this section as part of the Board of
 522 Pilot Commissioners.

523 2. "Board" means the Board of Pilot Commissioners.

524 (b) ~~1.~~ To carry out the provisions of this section, the
 525 Pilotage Rate Review Committee Board is established as part of
 526 the Board of Pilot Commissioners ~~created~~ within the Department
 527 of Business and Professional Regulation. ~~Members shall be~~
 528 ~~appointed by the Governor, subject to confirmation by the~~
 529 ~~Senate. Members shall be appointed for 4-year terms, except as~~
 530 ~~otherwise specified in this paragraph. No member may serve more~~
 531 ~~than two consecutive 4-year terms or more than 11 years on the~~
 532 ~~board.~~ The committee board shall consist of seven members of the

533 board, two of whom shall be licensed state pilots who are
534 actively practicing their profession who shall be appointed by
535 majority vote of the licensed state pilots serving on the board,
536 two of whom shall be actively involved in a professional or
537 business capacity in maritime or marine shipping or the
538 commercial passenger cruise industry, one of whom shall be a
539 certified public accountant with at least 5 years of experience
540 in financial management, and two shall be citizens of the state.
541 ~~No member may have ever served as a state pilot or deputy pilot,~~
542 ~~and no member may currently serve or have served as a direct~~
543 ~~employee, contract employee, partner, corporate officer, sole~~
544 ~~proprietor, or representative of any vessel operator, shipping~~
545 ~~agent, or pilot association or organization, except that one~~
546 ~~member shall be or have been a person licensed by the United~~
547 ~~States Coast Guard as an unlimited master, without a first class~~
548 ~~pilot's endorsement, initially appointed to a 2-year term. One~~
549 ~~member shall be a certified public accountant with at least 5~~
550 ~~years' experience in financial management, initially appointed~~
551 ~~to a 3-year term. One member shall be a former hearing officer~~
552 ~~or administrative law judge of the Division of Administrative~~
553 ~~Hearings, as defined in s. 120.65, or a former judge who has~~
554 ~~served on the Supreme Court or any district court of appeal,~~
555 ~~circuit court, or county court, initially appointed to a 4-year~~
556 ~~term. Except as otherwise provided in subparagraph 2., the~~
557 ~~remaining members shall be appointed by the Governor from among~~
558 ~~persons not prohibited pursuant to this paragraph. Members of~~
559 ~~the board shall be appointed so as to be geographically~~
560 ~~distributed, with the southern, central, northeastern, and~~

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561 ~~northwestern regions of the state having at least one member~~
562 ~~each.~~

563 ~~2. Three members shall be the consumer members of the~~
564 ~~Board of Pilot Commissioners serving on that board as of January~~
565 ~~1, 1994. Of those members, one shall be appointed to a 1-year~~
566 ~~term, one shall be appointed to a 2-year term, and one shall be~~
567 ~~appointed to a 3-year term. Each of those members shall be~~
568 ~~eligible for reappointment in the same fashion as other members~~
569 ~~of the board, but, thereafter, no member of the board shall be a~~
570 ~~current or former member of the Board of Pilot Commissioners.~~
571 ~~The service of the consumer members of the Board of Pilot~~
572 ~~Commissioners on this board, while they are maintaining~~
573 ~~concurrent membership with the Board of Pilot Commissioners,~~
574 ~~shall be considered duties in addition to and related to their~~
575 ~~duties on the Board of Pilot Commissioners. In the event that~~
576 ~~any of the three board members stipulated according to this~~
577 ~~subparagraph are unable to serve, the Governor shall fill the~~
578 ~~position or positions by appointment from among persons not~~
579 ~~prohibited pursuant to this paragraph.~~

580 (c) Committee members shall comply with the disclosure
581 requirements of s. 112.3143(4) if participating in any matter
582 that would result in special private gain or loss as described
583 in that subsection.

584 (d) ~~(e)~~ The committee board has authority to adopt rules
585 pursuant to ss. 120.536(1) and 120.54 to implement provisions of
586 this section conferring duties upon it. The department shall
587 provide the staff required by the committee board to carry out
588 its duties under this section.

589 (e) ~~(d)~~ All funds received pursuant to this section shall
590 be placed in the account of the Board of Pilot Commissioners,
591 and the Board of Pilot Commissioners shall pay for all expenses
592 incurred pursuant to this section.

593 (2) Any pilot, group of pilots, or other person or group
594 of persons whose substantial interests are directly affected by
595 the rates established by the committee board may apply to the
596 committee board for a change in rates. However, an application
597 for a change in rates shall not be considered for any port for
598 which rates have been changed by this committee board in the 18
599 months preceding the filing of the application. All applications
600 for changes in rates shall be made to the committee board, in
601 writing, pursuant to rules prescribed by the committee board. In
602 the case of an application for a rate change on behalf of a
603 pilot or group of pilots, the application shall be accompanied
604 by a consolidated financial statement, statement of profit or
605 loss, and balance sheet prepared by a certified public
606 accountant of the pilot or group of pilots and all relevant
607 information, fiscal and otherwise, on the piloting activities
608 within the affected port area, including financial information
609 on all entities owned or partially owned by the pilot or group
610 of pilots which provide pilot-related services in the affected
611 port area. In the case of an application for a rate change filed
612 on behalf of persons other than a pilot or group of pilots,
613 information regarding the financial state of interested parties
614 other than pilots shall be required only to the extent that such
615 financial information is made relevant by the application or
616 subsequent argument before the committee board. The committee

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617 ~~board~~ shall have the authority to set, by rule, a rate review
618 application fee of up to \$1,000, which must be submitted to the
619 committee ~~board~~ upon the filing of the application for a rate
620 change.

621 (3) The committee ~~board~~ shall investigate and determine
622 whether the requested rate change will result in fair, just, and
623 reasonable rates of pilotage pursuant to rules prescribed by the
624 committee ~~board~~. In addition to publication as required by law,
625 notice of a hearing to determine rates shall be mailed to each
626 person who has formally requested notice of any rate change in
627 the affected port area. The notice shall advise all interested
628 parties that they may file an answer, an additional or
629 alternative petition, or any other applicable pleading or
630 response, within 30 days after the date of publication of the
631 notice, and the notice shall specify the last date by which any
632 such pleading must be filed. The committee ~~board~~ may, for good
633 cause, extend the period for responses to a petition. Multiple
634 petitions filed in this manner do not warrant separate hearings,
635 and these petitions shall be consolidated to the extent that it
636 shall not be necessary to hold a separate hearing on each
637 petition. The committee ~~board~~ shall conclude its investigation,
638 conduct a public hearing, and determine whether to modify the
639 existing rates of pilotage in that port within 60 days after the
640 filing of the completed application, except that the committee
641 ~~board~~ may not be required to complete a hearing for more than
642 one port within any 60-day period. Hearings shall be held in the
643 affected port area, unless a different location is agreed upon
644 by all parties to the proceeding.

645 (4) (a) The applicant shall be given written notice, either
646 in person or by certified mail, that the committee ~~board~~ intends
647 to modify the pilotage rates in that port and that the applicant
648 may, within 21 days after receipt of the notice, request a
649 hearing pursuant to the Administrative Procedure Act. Notice of
650 the intent to modify the pilotage rates in that port shall also
651 be published in the Florida Administrative Weekly and in a
652 newspaper of general circulation in the affected port area and
653 shall be mailed to any person who has formally requested notice
654 of any rate change in the affected port area. Within 21 days
655 after receipt or publication of notice, any person whose
656 substantial interests will be affected by the intended committee
657 ~~board~~ action may request a hearing pursuant to the
658 Administrative Procedure Act. If the committee ~~board~~ concludes
659 that the petitioner has raised a disputed issue of material
660 fact, the committee ~~board~~ shall designate a hearing, which shall
661 be conducted by formal proceeding before an administrative law
662 judge assigned by the Division of Administrative Hearings
663 pursuant to ss. 120.569 and 120.57(1), unless waived by all
664 parties. If the committee ~~board~~ concludes that the petitioner
665 has not raised a disputed issue of material fact and does not
666 designate the petition for hearing, that decision shall be
667 considered final agency action for purposes of s. 120.68. The
668 failure to request a hearing within 21 days after receipt or
669 publication of notice shall constitute a waiver of any right to
670 an administrative hearing and shall cause the order modifying
671 the pilotage rates in that port to be entered. If an
672 administrative hearing is requested pursuant to this subsection,

673 notice of the time, date, and location of the hearing shall be
674 published in the Florida Administrative Weekly and in a
675 newspaper of general circulation in the affected port area and
676 shall be mailed to the applicant and to any person who has
677 formally requested notice of any rate change for the affected
678 port area.

679 (b) In any administrative proceeding pursuant to this
680 section, the committee's ~~board's~~ proposed rate determination
681 shall be immediately effective and shall not be stayed during
682 the administrative proceeding, provided that, pending rendition
683 of the committee's ~~board's~~ final order, the pilot or pilots in
684 the subject port deposit in an interest-bearing account all
685 amounts received which represent the difference between the
686 previous rates and the proposed rates. The pilot or pilots in
687 the subject port shall keep an accurate accounting of all
688 amounts deposited, specifying by whom or on whose behalf such
689 amounts were paid, and shall produce such an accounting upon
690 request of the committee ~~board~~. Upon rendition of the
691 committee's ~~board's~~ final order:

692 1. Any amounts deposited in the interest-bearing account
693 which are sustained by the final order shall be paid over to the
694 pilot or pilots in the subject port, including all interest
695 accrued on such funds; and

696 2. Any amounts deposited which exceed the rates sustained
697 in the committee's ~~board's~~ final order shall be refunded, with
698 the accrued interest, to those customers from whom the funds
699 were collected. Any funds that are not refunded after diligent
700 effort of the pilot or pilots to do so shall be disbursed by the

701 pilot or pilots as the committee ~~board~~ shall direct.

702 (5) (a) In determining whether the requested rate change
 703 will result in fair, just, and reasonable rates, the committee
 704 ~~board~~ shall give primary consideration to the public interest in
 705 promoting and maintaining efficient, reliable, and safe piloting
 706 services.

707 (b) The committee ~~board~~ shall also give consideration to
 708 the following factors:

709 1. The public interest in having qualified pilots
 710 available to respond promptly to vessels needing their service.

711 2. A determination of the average net income of pilots in
 712 the port, including the value of all benefits derived from
 713 service as a pilot. For the purposes of this subparagraph, "net
 714 income of pilots" refers to total pilotage fees collected in the
 715 port, minus reasonable operating expenses, divided by the number
 716 of licensed and active state pilots within the ports.

717 3. Reasonable operating expenses of pilots.

718 4. Pilotage rates in other ports.

719 5. The amount of time each pilot spends on actual piloting
 720 duty and the amount of time spent on other essential support
 721 services.

722 6. The prevailing compensation available to individuals in
 723 other maritime services of comparable professional skill and
 724 standing as that sought in pilots, it being recognized that in
 725 order to attract to the profession of piloting, and to hold the
 726 best and most qualified individuals as pilots, the overall
 727 compensation accorded pilots should be equal to or greater than
 728 that available to such individuals in comparable maritime

729 employment.

730 7. The impact rate change may have in individual pilot
731 compensation and whether such change will lead to a shortage of
732 licensed state pilots, certificated deputy pilots, or qualified
733 pilot applicants.

734 8. Projected changes in vessel traffic.

735 9. Cost of retirement and medical plans.

736 10. Physical risks inherent in piloting.

737 11. Special characteristics, dangers, and risks of the
738 particular port.

739 12. Any other factors the committee ~~board~~ deems relevant
740 in determining a just and reasonable rate.

741 (c) The committee ~~board~~ may take into consideration the
742 consumer price index or any other comparable economic indicator
743 when fixing rates of pilotage; however, because the consumer
744 price index or such other comparable economic indicator is
745 primarily related to net income rather than rates, the committee
746 ~~board~~ shall not use it as the sole factor in fixing rates of
747 pilotage.

748 (6) The committee ~~board~~ shall fix rates of pilotage
749 pursuant to this section based upon the following vessel
750 characteristics:

751 (a) Length.

752 (b) Beam.

753 (c) Net tonnage, gross tonnage, or dead weight tonnage.

754 (d) Freeboard or height above the waterline.

755 (e) Draft or molded depth.

756 (f) Any combination of the vessel characteristics listed

757 in this subsection or any other relevant vessel characteristic
 758 or characteristics.

759 (7) The decisions of the committee regarding rates are not
 760 appealable to the board.

761 Section 7. By October 31, 2010, the Governor shall appoint
 762 to the Board of Pilot Commissioners the two members actively
 763 involved in the maritime or marine shipping or the commercial
 764 passenger cruise industry, the certified public accountant, and
 765 the two citizens of the state.

766 Section 8. Paragraph (c) of subsection (12) of section
 767 315.03, Florida Statutes, is repealed.

768 Section 9. Subsection (86) is added to section 316.003,
 769 Florida Statutes, to read:

770 316.003 Definitions.—The following words and phrases, when
 771 used in this chapter, shall have the meanings respectively
 772 ascribed to them in this section, except where the context
 773 otherwise requires:

774 (86) MOTOR CARRIER TRANSPORTATION CONTRACT.—

775 (a) A contract, agreement, or understanding covering:

776 1. The transportation of property for compensation or hire
 777 by the motor carrier;

778 2. Entrance on property by the motor carrier for the
 779 purpose of loading, unloading, or transporting property for
 780 compensation or hire; or

781 3. A service incidental to activity described in
 782 subparagraph 1. or subparagraph 2., including, but not limited
 783 to, storage of property.

784 (b) "Motor carrier transportation contract" does not

785 include the Uniform Intermodal Interchange and Facilities Access
 786 Agreement administered by the Intermodal Association of North
 787 America or other agreements providing for the interchange, use,
 788 or possession of intermodal chassis, containers, or other
 789 intermodal equipment.

790 Section 10. Paragraph (b) of subsection (2) and subsection
 791 (4) of section 316.1001, Florida Statutes, are amended to read:

792 316.1001 Payment of toll on toll facilities required;
 793 penalties.—

794 (2)

795 (b) A citation issued under this subsection may be issued
 796 by mailing the citation by first-class ~~first class~~ mail, ~~or by~~
 797 ~~certified mail~~, return receipt requested, to the address of the
 798 registered owner of the motor vehicle involved in the violation.
 799 Receipt of Mailing the citation ~~to this address~~ constitutes
 800 notification. In the case of joint ownership of a motor vehicle,
 801 the traffic citation must be mailed to the first name appearing
 802 on the registration, unless the first name appearing on the
 803 registration is a business organization, in which case the
 804 second name appearing on the registration may be used. A
 805 citation issued under this paragraph must be mailed to the
 806 registered owner of the motor vehicle involved in the violation
 807 within 14 days after the date of issuance of the citation
 808 ~~violation~~. In addition to the citation, notification must be
 809 sent to the registered owner of the motor vehicle involved in
 810 the violation specifying remedies available under ss. 318.14(12)
 811 and 318.18(7).

812 (4) Any governmental entity, including, without

813 limitation, a clerk of court, may provide ~~supply~~ the department
 814 with data that is machine readable by the department's computer
 815 system, listing persons who have one or more outstanding
 816 violations of this section, with reference to the person's
 817 driver's license number or vehicle registration number in the
 818 case of a business entity. Pursuant to s. 320.03(8), those
 819 persons may not be issued a license plate or revalidation
 820 sticker for any motor vehicle.

821 Section 11. Paragraph (b) of subsection (1) of section
 822 316.302, Florida Statutes, is amended, and subsection (12) is
 823 added to that section, to read:

824 316.302 Commercial motor vehicles; safety regulations;
 825 transporters and shippers of hazardous materials; enforcement.-

826 (1)

827 (b) Except as otherwise provided in this section, all
 828 owners or drivers of commercial motor vehicles that are engaged
 829 in intrastate commerce are subject to the rules and regulations
 830 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 831 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 832 of bus, as such rules and regulations existed on October 1, 2009
 833 2007.

834 (12) (a) Notwithstanding any provision of law to the
 835 contrary, a provision, clause, covenant, or agreement contained
 836 in, collateral to, or affecting a motor carrier transportation
 837 contract that purports to indemnify, defend, or hold harmless,
 838 or has the effect of indemnifying, defending, or holding
 839 harmless, the promisee from or against any liability for loss or
 840 damage resulting from the negligence or intentional acts or

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841 omissions of the promisee is against the public policy of this
842 state and is void and unenforceable.

843 (b) As used in this subsection, the term "promisee" means
844 the contract's promisee and any agents, employees, servants, or
845 independent contractors who are directly responsible to the
846 contract's promisee, except that the term does not include motor
847 carriers which are party to a motor carrier transportation
848 contract with the contract's promisee, including such motor
849 carrier's agents, employees, servants, or independent
850 contractors directly responsible to such motor carrier.

851 (c) This subsection only applies to motor carrier
852 transportation contracts entered into or renewed on or after
853 July 1, 2010.

854 Section 12. Paragraph (c) of subsection (8) of section
855 316.515, Florida Statutes, is amended to read:

856 316.515 Maximum width, height, length.—

857 (8) WRECKERS.—The limitations imposed by this section do
858 not apply to a combination of motor vehicles consisting of a
859 wrecker licensed in accordance with s. 320.08(5)(d) or (e) and a
860 disabled motor vehicle, trailer, semitrailer, or tractor-trailer
861 combination, or a replacement motor vehicle, which is under tow
862 by the wrecker, if the size and weight of the towed vehicle is
863 consistent with statutory requirements and the requirements of
864 this subsection.

865 (c) Where the combined weight of the wrecker and the towed
866 vehicle exceeds the maximum weight limits as established by s.
867 316.535, the wrecker must be operating under a current wrecker
868 special use permit or permits as provided in s. 316.550(5)~~(4)~~ or

869 in accordance with paragraph (b).

870 Section 13. Paragraphs (c) and (d) of subsection (3) of
 871 section 316.545, Florida Statutes, are redesignated as
 872 paragraphs (d) and (e), respectively, and a new paragraph (c) is
 873 added to that subsection to read:

874 316.545 Weight and load unlawful; special fuel and motor
 875 fuel tax enforcement; inspection; penalty; review.—

876 (3) Any person who violates the overloading provisions of
 877 this chapter shall be conclusively presumed to have damaged the
 878 highways of this state by reason of such overloading, which
 879 damage is hereby fixed as follows:

880 (c) For a vehicle equipped with fully functional idle-
 881 reduction technology, any penalty shall be calculated by
 882 reducing the actual gross vehicle weight or the internal bridge
 883 weight by the certified weight of the idle-reduction technology
 884 or by 400 pounds, whichever is less. The vehicle operator must
 885 present written certification of the weight of the idle-
 886 reduction technology and must demonstrate or certify that the
 887 idle-reduction technology is fully functional at all times. This
 888 calculation is not allowed for vehicles described in s.
 889 316.535 (6);

890 Section 14. Subsections (4) through (10) of section
 891 316.550, Florida Statutes, are renumbered as subsections (5)
 892 through (11), respectively, present subsection (7) is amended,
 893 and a new subsection (4) is added to that section, to read:

894 316.550 Operations not in conformity with law; special
 895 permits.—

896 (4) (a) The Department of Transportation or local authority

897 may issue permits which authorize commercial vehicles
 898 transporting agricultural products with weights not exceeding
 899 the limits of s. 316.535(5), plus the scale tolerance provided
 900 in s. 316.545(2), to operate off the Interstate Highway System
 901 on a designated route specified in the permit.

902 (b) The designated route shall avoid any bridge which the
 903 department determines cannot safely accommodate vehicles with a
 904 gross vehicle weight authorized in paragraph (a).

905 (c) Any vehicle or combination of vehicles which exceeds
 906 the weight limits authorized in paragraph (a) shall be unloaded
 907 and all material so unloaded shall be cared for by the owner or
 908 operator.

909 (8)-(7) The Department of Transportation may impose fines
 910 for the operation of a vehicle in violation of this section, as
 911 provided in subsection (10) -(9).

912 Section 15. Subsection (7) of section 318.18, Florida
 913 Statutes, is amended to read:

914 318.18 Amount of penalties.—The penalties required for a
 915 noncriminal disposition pursuant to s. 318.14 or a criminal
 916 offense listed in s. 318.17 are as follows:

917 (7) Mandatory \$100 fine for each violation of s. 316.1001
 918 plus the amount of the unpaid toll shown on the traffic citation
 919 for each citation issued. The clerk of the court shall forward
 920 \$25 of the \$100 fine received, plus the amount of the unpaid
 921 toll that is shown on the citation, to the governmental entity
 922 that issued the citation for citations issued by toll
 923 enforcement officers or to the entity administering the tolls at
 924 the facility where the violation occurred for citations issued

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925 by law enforcement officers. However, a person may elect to pay
 926 \$30 to the clerk of the court, plus the amount of the unpaid
 927 toll that is shown on the citation, in which case adjudication
 928 is withheld, and no points may be assessed under s. 322.27. Upon
 929 receipt of the \$30 and unpaid toll amount, the clerk of the
 930 court shall retain \$5 for administrative purposes and shall
 931 forward the remaining \$25, plus the amount of the unpaid toll
 932 shown on the citation, to the governmental entity that issued
 933 the citation for citations issued by toll enforcement officers
 934 or to the entity administering the tolls at the facility where
 935 the violation occurred for citations issued by law enforcement
 936 officers. Additionally, adjudication shall be withheld and no
 937 points shall be assessed under s. 322.27, except when
 938 adjudication is imposed by the court after a hearing pursuant to
 939 s. 318.14(5), ~~or on whose behalf the citation was issued.~~ If a
 940 plea arrangement is reached prior to the date set for a
 941 scheduled evidentiary hearing and, as a result of the plea,
 942 adjudication is withheld, there shall be a mandatory fine
 943 assessed per citation of not less than \$50 and not more than
 944 \$100, plus the amount of the unpaid toll for each citation
 945 issued. The clerk of the court shall forward \$25 of the fine
 946 imposed plus the amount of the unpaid toll that is shown on the
 947 citation to the governmental entity that issued the citation for
 948 citations issued by toll enforcement officers or to the entity
 949 administering the tolls at the facility where the violation
 950 occurred for citations issued by law enforcement officers ~~or on~~
 951 ~~whose behalf the citation was issued.~~ The court shall have
 952 specific authority to consolidate issued citations for the same

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953 defendant for the purpose of sentencing and aggregate
954 jurisdiction. In addition, the court may direct the department
955 to shall suspend for 60 days the driver's license of a person
956 who is convicted of 10 violations of s. 316.1001 within a 36-
957 month period. Any funds received by a governmental entity for
958 this violation may be used for any lawful purpose related to the
959 operation or maintenance of a toll facility.

960 Section 16. Subsection (8) of section 320.03, Florida
961 Statutes, is amended to read:

962 320.03 Registration; duties of tax collectors;
963 International Registration Plan.—

964 (8) If the applicant's name appears on the list referred
965 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
966 license plate or revalidation sticker may not be issued until
967 that person's name no longer appears on the list or until the
968 person presents a receipt from the governmental entity or the
969 clerk of court that provided the data showing that the fines
970 outstanding have been paid. This subsection does not apply to
971 the owner of a leased vehicle if the vehicle is registered in
972 the name of the lessee of the vehicle. The tax collector and the
973 clerk of the court are each entitled to receive monthly, as
974 costs for implementing and administering this subsection, 10
975 percent of the civil penalties and fines recovered from such
976 persons. As used in this subsection, the term "civil penalties
977 and fines" does not include a wrecker operator's lien as
978 described in s. 713.78(13). If the tax collector has private tag
979 agents, such tag agents are entitled to receive a pro rata share
980 of the amount paid to the tax collector, based upon the

981 percentage of license plates and revalidation stickers issued by
 982 the tag agent compared to the total issued within the county.
 983 The authority of any private agent to issue license plates shall
 984 be revoked, after notice and a hearing as provided in chapter
 985 120, if he or she issues any license plate or revalidation
 986 sticker contrary to the provisions of this subsection. This
 987 section applies only to the annual renewal in the owner's birth
 988 month of a motor vehicle registration and does not apply to the
 989 transfer of a registration of a motor vehicle sold by a motor
 990 vehicle dealer licensed under this chapter, except for the
 991 transfer of registrations which is inclusive of the annual
 992 renewals. This section does not affect the issuance of the title
 993 to a motor vehicle, notwithstanding s. 319.23(7)(b).

994 Section 17. Paragraph (e) of subsection (5) of section
 995 320.08, Florida Statutes, is amended to read:

996 320.08 License taxes.—Except as otherwise provided herein,
 997 there are hereby levied and imposed annual license taxes for the
 998 operation of motor vehicles, mopeds, motorized bicycles as
 999 defined in s. 316.003(2), and mobile homes, as defined in s.
 1000 320.01, which shall be paid to and collected by the department
 1001 or its agent upon the registration or renewal of registration of
 1002 the following:

1003 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 1004 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1005 (d) A wrecker, as defined in s. 320.01(40), which is used
 1006 to tow a vessel as defined in s. 327.02(39), a disabled,
 1007 abandoned, stolen-recovered, or impounded motor vehicle as
 1008 defined in s. 320.01(38), or a replacement motor vehicle as

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1009 defined in s. 320.01(39): \$41 flat, of which \$11 shall be
 1010 deposited into the General Revenue Fund.

1011 (e) A wrecker that is used to tow any nondisabled motor
 1012 vehicle, ~~regardless of whether such motor vehicle is a disabled~~
 1013 ~~motor vehicle, a replacement motor vehicle,~~ a vessel, or any
 1014 other cargo unless used as defined in paragraph (d), as follows:

1015 1. Gross vehicle weight of 10,000 pounds or more, but less
 1016 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
 1017 into the General Revenue Fund.

1018 2. Gross vehicle weight of 15,000 pounds or more, but less
 1019 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
 1020 into the General Revenue Fund.

1021 3. Gross vehicle weight of 20,000 pounds or more, but less
 1022 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
 1023 into the General Revenue Fund.

1024 4. Gross vehicle weight of 26,000 pounds or more, but less
 1025 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
 1026 into the General Revenue Fund.

1027 5. Gross vehicle weight of 35,000 pounds or more, but less
 1028 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 1029 into the General Revenue Fund.

1030 6. Gross vehicle weight of 44,000 pounds or more, but less
 1031 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 1032 into the General Revenue Fund.

1033 7. Gross vehicle weight of 55,000 pounds or more, but less
 1034 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 1035 into the General Revenue Fund.

1036 8. Gross vehicle weight of 62,000 pounds or more, but less

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1037 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 1038 deposited into the General Revenue Fund.

1039 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 1040 flat, of which \$343 shall be deposited into the General Revenue
 1041 Fund.

1042 Section 18. Paragraph (b) of subsection (32) of section
 1043 320.08058, Florida Statutes, is amended to read:

1044 320.08058 Specialty license plates.—

1045 (32) UNITED WE STAND LICENSE PLATES.—

1046 (b) The department shall retain all revenues from the sale
 1047 of such plates until all startup costs for developing and
 1048 issuing the plates have been recovered. Thereafter, 100 percent
 1049 of the annual use fee shall be distributed to the Department of
 1050 Transportation to fund security-related aviation projects
 1051 pursuant to chapter 332 SAFE Council to fund a grant program to
 1052 enhance security at airports throughout the state, pursuant to
 1053 s. 332.14.

1054 Section 19. Paragraph (d) of subsection (3) of section
 1055 322.27, Florida Statutes, is amended to read:

1056 322.27 Authority of department to suspend or revoke
 1057 license.—

1058 (3) There is established a point system for evaluation of
 1059 convictions of violations of motor vehicle laws or ordinances,
 1060 and violations of applicable provisions of s. 403.413(6) (b) when
 1061 such violations involve the use of motor vehicles, for the
 1062 determination of the continuing qualification of any person to
 1063 operate a motor vehicle. The department is authorized to suspend
 1064 the license of any person upon showing of its records or other

1065 good and sufficient evidence that the licensee has been
 1066 convicted of violation of motor vehicle laws or ordinances, or
 1067 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 1068 more points as determined by the point system. The suspension
 1069 shall be for a period of not more than 1 year.

1070 (d) The point system shall have as its basic element a
 1071 graduated scale of points assigning relative values to
 1072 convictions of the following violations:

- 1073 1. Reckless driving, willful and wanton—4 points.
- 1074 2. Leaving the scene of a crash resulting in property
 1075 damage of more than \$50—6 points.
- 1076 3. Unlawful speed resulting in a crash—6 points.
- 1077 4. Passing a stopped school bus—4 points.
- 1078 5. Unlawful speed:
 - 1079 a. Not in excess of 15 miles per hour of lawful or posted
 1080 speed—3 points.
 - 1081 b. In excess of 15 miles per hour of lawful or posted
 1082 speed—4 points.
- 1083 6. A violation of a traffic control signal device as
 1084 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 1085 7. All other moving violations (including parking on a
 1086 highway outside the limits of a municipality)—3 points. However,
 1087 no points shall be imposed for a violation of s. 316.0741 or s.
 1088 316.2065(12); and points shall be imposed for a violation of s.
 1089 316.1001 only when imposed by the court after a hearing pursuant
 1090 to s. 318.14(5).
- 1091 8. Any moving violation covered above, excluding unlawful
 1092 speed, resulting in a crash—4 points.

1093 9. Any conviction under s. 403.413(6)(b)—3 points.
 1094 10. Any conviction under s. 316.0775(2)—4 points.
 1095 Section 20. Section 332.14, Florida Statutes, is repealed.
 1096 Section 21. All funds accrued by the Secure Airports for
 1097 Florida's Economy Council prior to July 1, 2010, shall be
 1098 retained by the Department of Transportation. The Department of
 1099 Transportation is authorized to use these funds for statewide
 1100 training purposes relating to airport security and management.
 1101 The Department of Transportation is further authorized to use
 1102 these funds for security-related aviation projects pursuant to
 1103 chapter 332, Florida Statutes.
 1104 Section 22. Subsection (1) of section 337.14, Florida
 1105 Statutes, is amended to read:
 1106 337.14 Application for qualification; certificate of
 1107 qualification; restrictions; request for hearing.—
 1108 (1) Any person desiring to bid for the performance of any
 1109 construction contract in excess of \$250,000 which the department
 1110 proposes to let must first be certified by the department as
 1111 qualified pursuant to this section and rules of the department.
 1112 The rules of the department shall address the qualification of
 1113 persons to bid on construction contracts in excess of \$250,000
 1114 and shall include requirements with respect to the equipment,
 1115 past record, experience, financial resources, and organizational
 1116 personnel of the applicant necessary to perform the specific
 1117 class of work for which the person seeks certification. The
 1118 department is authorized to limit the dollar amount of any
 1119 contract upon which a person is qualified to bid or the
 1120 aggregate total dollar volume of contracts such person is

1121 allowed to have under contract at any one time. Each applicant
 1122 seeking qualification to bid on construction contracts in excess
 1123 of \$250,000 shall furnish the department a statement under oath,
 1124 on such forms as the department may prescribe, setting forth
 1125 detailed information as required on the application. Each
 1126 application for certification shall be accompanied by the latest
 1127 annual financial statement of the applicant completed within the
 1128 last 12 months. If the application or the annual financial
 1129 statement shows the financial condition of the applicant more
 1130 than 4 months prior to the date on which the application is
 1131 received by the department, then an interim financial statement
 1132 must ~~also~~ be submitted and be accompanied by an updated
 1133 application. The interim financial statement must cover the
 1134 period from the end date of the annual statement and must show
 1135 the financial condition of the applicant no more than 4 months
 1136 prior to the date the interim financial statement ~~on which the~~
 1137 ~~application~~ is received by the department. Each required annual
 1138 or interim financial statement must be audited and accompanied
 1139 by the opinion of a certified public accountant or a public
 1140 accountant approved by the department. The information required
 1141 by this subsection is confidential and exempt from the
 1142 provisions of s. 119.07(1). The department shall act upon the
 1143 application for qualification within 30 days after the
 1144 department determines that the application is complete. The
 1145 department may waive the requirements of this subsection for
 1146 projects having a contract price of \$500,000 or less if the
 1147 department determines that the project is of a noncritical
 1148 nature and the waiver will not endanger public health, safety,

1149 or property.

1150 Section 23. Subsection (1) of section 337.401, Florida
 1151 Statutes, is amended to read:

1152 337.401 Use of right-of-way for utilities subject to
 1153 regulation; permit; fees.—

1154 (1) (a) The department and local governmental entities,
 1155 referred to in ss. 337.401-337.404 as the "authority," that have
 1156 jurisdiction and control of public roads or publicly owned rail
 1157 corridors are authorized to prescribe and enforce reasonable
 1158 rules or regulations with reference to the placing and
 1159 maintaining along, across, or on any road or publicly owned rail
 1160 corridors under their respective jurisdictions any electric
 1161 transmission, telephone, telegraph, or other communications
 1162 services lines; pole lines; poles; railways; ditches; sewers;
 1163 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 1164 pumps; or other structures referred to in this section as the
 1165 "utility." ~~For aerial and underground electric utility~~
 1166 ~~transmission lines designed to operate at 69 or more kilovolts~~
 1167 ~~that are needed to accommodate the additional electrical~~
 1168 ~~transfer capacity on the transmission grid resulting from new~~
 1169 ~~base-load generating facilities, where there is no other~~
 1170 ~~practicable alternative available for placement of the electric~~
 1171 ~~utility transmission lines on the department's rights-of-way,~~
 1172 ~~the department's rules shall provide for placement of and access~~
 1173 ~~to such transmission lines adjacent to and within the right-of-~~
 1174 ~~way of any department-controlled public roads, including~~
 1175 ~~longitudinally within limited access facilities to the greatest~~
 1176 ~~extent allowed by federal law, if compliance with the standards~~

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1177 ~~established by such rules is achieved. Such rules may include,~~
1178 ~~but need not be limited to, that the use of the right-of-way is~~
1179 ~~reasonable based upon a consideration of economic and~~
1180 ~~environmental factors, including, without limitation, other~~
1181 ~~practicable alternative alignments, utility corridors and~~
1182 ~~easements, impacts on adjacent property owners, and minimum~~
1183 ~~clear zones and other safety standards, and further provide that~~
1184 ~~placement of the electric utility transmission lines within the~~
1185 ~~department's right-of-way does not interfere with operational~~
1186 ~~requirements of the transportation facility or planned or~~
1187 ~~potential future expansion of such transportation facility. If~~
1188 ~~the department approves longitudinal placement of electric~~
1189 ~~utility transmission lines in limited access facilities,~~
1190 ~~compensation for the use of the right-of-way is required. Such~~
1191 ~~consideration or compensation paid by the electric utility in~~
1192 ~~connection with the department's issuance of a permit does not~~
1193 ~~create any property right in the department's property~~
1194 ~~regardless of the amount of consideration paid or the~~
1195 ~~improvements constructed on the property by the utility. Upon~~
1196 ~~notice by the department that the property is needed for~~
1197 ~~expansion or improvement of the transportation facility, the~~
1198 ~~electric utility transmission line will relocate from the~~
1199 ~~facility at the electric utility's sole expense. The electric~~
1200 ~~utility shall pay to the department reasonable damages resulting~~
1201 ~~from the utility's failure or refusal to timely relocate its~~
1202 ~~transmission lines. The rules to be adopted by the department~~
1203 ~~may also address the compensation methodology and relocation. As~~
1204 ~~used in this subsection, the term "base-load generating~~

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1205 ~~facilities" means electric power plants that are certified under~~
1206 ~~part II of chapter 403.~~ The department may enter into a permit-
1207 delegation agreement with a governmental entity if issuance of a
1208 permit is based on requirements that the department finds will
1209 ensure the safety and integrity of facilities of the Department
1210 of Transportation; however, the permit-delegation agreement does
1211 not apply to facilities of electric utilities as defined in s.
1212 366.02(2).

1213 (b) For aerial and underground electric utility
1214 transmission lines designed to operate at 69 or more kilovolts
1215 that are needed to accommodate the additional electrical
1216 transfer capacity on the transmission grid resulting from new
1217 base-load generating facilities, the department's rules shall
1218 provide for placement of and access to such transmission lines
1219 adjacent to and within the right-of-way of any department-
1220 controlled public roads, including longitudinally within limited
1221 access facilities where there is no other practicable
1222 alternative available, to the greatest extent allowed by federal
1223 law, if compliance with the standards established by such rules
1224 is achieved. Without limiting or conditioning the department's
1225 jurisdiction or authority described in paragraph (a), with
1226 respect to limited access right-of-way, such rules may include,
1227 but need not be limited to, that the use of the right-of-way for
1228 longitudinal placement of electric utility transmission lines is
1229 reasonable based upon a consideration of economic and
1230 environmental factors, including, without limitation, other
1231 practicable alternative alignments, utility corridors and
1232 easements, impacts on adjacent property owners, and minimum

1233 clear zones and other safety standards, and further provide that
 1234 placement of the electric utility transmission lines within the
 1235 department's right-of-way does not interfere with operational
 1236 requirements of the transportation facility or planned or
 1237 potential future expansion of such transportation facility. If
 1238 the department approves longitudinal placement of electric
 1239 utility transmission lines in limited access facilities,
 1240 compensation for the use of the right-of-way is required. Such
 1241 consideration or compensation paid by the electric utility in
 1242 connection with the department's issuance of a permit does not
 1243 create any property right in the department's property
 1244 regardless of the amount of consideration paid or the
 1245 improvements constructed on the property by the utility. Upon
 1246 notice by the department that the property is needed for
 1247 expansion or improvement of the transportation facility, the
 1248 electric utility transmission line will be removed or relocated
 1249 at the electric utility's sole expense. The electric utility
 1250 shall pay to the department reasonable damages resulting from
 1251 the utility's failure or refusal to timely remove or relocate
 1252 its transmission lines. The rules to be adopted by the
 1253 department may also address the compensation methodology and
 1254 removal or relocation. As used in this subsection, the term
 1255 "base-load generating facilities" means electric power plants
 1256 that are certified under part II of chapter 403.

1257 Section 24. Subsection (4) of section 337.406, Florida
 1258 Statutes, is renumbered as subsection (5), and a new subsection
 1259 (4) is added to that section to read:

1260 337.406 Unlawful use of state transportation facility

1261 right-of-way; penalties.-

1262 (4) Camping is prohibited on any portion of the right-of-
 1263 way of the State Highway System that is within 100 feet of a
 1264 bridge, causeway, overpass, or ramp.

1265 Section 25. Subsection (1) of section 338.155, Florida
 1266 Statutes, is amended to read:

1267 338.155 Payment of toll on toll facilities required;
 1268 exemptions.-

1269 (1) No persons are permitted to use any toll facility
 1270 without payment of tolls, except employees of the agency
 1271 operating the toll project when using the toll facility on
 1272 official state business, state military personnel while on
 1273 official military business, handicapped persons as provided in
 1274 this section, persons exempt from toll payment by the
 1275 authorizing resolution for bonds issued to finance the facility,
 1276 and persons exempt on a temporary basis where use of such toll
 1277 facility is required as a detour route. Any law enforcement
 1278 officer operating a marked official vehicle is exempt from toll
 1279 payment when on official law enforcement business. Any person
 1280 operating a fire vehicle when on official business or a rescue
 1281 vehicle when on official business is exempt from toll payment.
 1282 Any person participating in the funeral procession of a law
 1283 enforcement officer or firefighter killed in the line of duty is
 1284 exempt from toll payment. The secretary, or the secretary's
 1285 designee, may suspend the payment of tolls on a toll facility
 1286 when necessary to assist in emergency evacuation. The failure to
 1287 pay a prescribed toll constitutes a noncriminal traffic
 1288 infraction, punishable as a moving violation pursuant to s.

1289 318.18. The department is authorized to adopt rules relating to
 1290 the payment, collection, and enforcement of tolls, as authorized
 1291 in chapters 316, 318, 320, 322, and 338, including, but not
 1292 limited to, rules for the implementation of video or other image
 1293 billing and variable pricing ~~guaranteed toll accounts.~~

1294 Section 26. Subsection (7) is added to section 341.051,
 1295 Florida Statutes, to read:

1296 341.051 Administration and financing of public transit and
 1297 intercity bus service programs and projects.—

1298 (7) INTEROPERABLE FARE COLLECTION SYSTEMS.—

1299 (a) The Legislature recognizes the importance of
 1300 encouraging the seamless use of local and regional public
 1301 transportation systems by residents of and visitors to the state
 1302 wherever possible. The paramount concern is to encourage the
 1303 implementation of fare collection systems that are interoperable
 1304 and compatible with multiple public transportation systems
 1305 throughout the state.

1306 (b) Notwithstanding any other provision of law to the
 1307 contrary, in order to facilitate the ease of transfer from one
 1308 public transportation system to another, any public transit
 1309 system which connects directly with a new public rail system put
 1310 into service after December 1, 2010, and which is adding a new
 1311 fare media system or is upgrading its existing fare media system
 1312 shall use a universal common contactless fare media that is
 1313 compatible with the American Public Transportation Association's
 1314 Contactless Fare Media System Standard and allows users to
 1315 purchase fares at a single point of sale with coin, cash, or
 1316 credit card. This paragraph does not require the use of a

1317 universal common contactless fare media for the paratransit
 1318 element of any transit system or by any public transit system
 1319 that does not share one or more points of origin or destination
 1320 with a public rail system.

1321
 1322 For purposes of this section, the term "net operating costs"
 1323 means all operating costs of a project less any federal funds,
 1324 fares, or other sources of income to the project.

1325 Section 27. Subsection (7) of section 341.3025, Florida
 1326 Statutes, is renumbered as subsection (8), and a new subsection
 1327 (7) is added to that section to read:

1328 341.3025 Multicounty public rail system fares and
 1329 enforcement.—

1330 (7) (a) The Legislature recognizes the importance of
 1331 encouraging the seamless use of local and regional public
 1332 transportation systems by residents of and visitors to the state
 1333 wherever possible. The paramount concern is to encourage the
 1334 implementation of fare collection systems that are interoperable
 1335 and compatible with multiple public transportation systems
 1336 throughout the state.

1337 (b) Notwithstanding any other provision of law to the
 1338 contrary, in order to facilitate the ease of transfer from one
 1339 public transportation system to another, any new public rail
 1340 system that is constructed after December 1, 2010, by the state,
 1341 an agency of the state, a regional transportation authority, or
 1342 one or more counties or municipalities shall use a universal
 1343 common contactless fare media that is compatible with the
 1344 American Public Transportation Association's Contactless Fare

1345 Media System Standard and allows users to purchase fares at a
 1346 single point of sale with coin, cash, or credit card.
 1347 Additionally, any existing public rail system that is adding a
 1348 new fare media system or is upgrading its existing fare media
 1349 system shall use a universal common contactless fare media that
 1350 is compatible with the American Public Transportation
 1351 Association's Contactless Fare Media System Standard and allows
 1352 users to purchase fares at a single point of sale with coin,
 1353 cash, or credit card.

1354 Section 28. Paragraph (q) is added to subsection (2) of
 1355 section 343.64, Florida Statutes, to read:

1356 343.64 Powers and duties.—

1357 (2) The authority may exercise all powers necessary,
 1358 appurtenant, convenient, or incidental to the carrying out of
 1359 the aforesaid purposes, including, but not limited to, the
 1360 following rights and powers:

1361 (q) Notwithstanding s. 343.65, to borrow money in a
 1362 principal amount not to exceed \$10 million in any calendar year
 1363 to refinance all or part of the costs or obligations of the
 1364 authority, including, but not limited to, obligations of the
 1365 authority as a lessee under a lease.

1366 Section 29. Subsection (3) of section 348.51, Florida
 1367 Statutes, is amended to read:

1368 348.51 Definitions.—The following terms whenever used or
 1369 referred to in this part shall have the following meanings,
 1370 except in those instances where the context clearly indicates
 1371 otherwise:

1372 (3) "Bonds" means and includes the notes, bonds, refunding

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1373 | bonds, or other evidences of indebtedness or obligations, in
 1374 | either temporary or definitive form, which ~~of~~ the authority is
 1375 | authorized to issue ~~issued~~ pursuant to this part.

1376 | Section 30. Section 348.545, Florida Statutes, is amended
 1377 | to read:

1378 | 348.545 Facility improvement; bond financing authority.—
 1379 | Pursuant to s. 11(f), Art. VII of the State Constitution, the
 1380 | Legislature hereby approves for bond financing by the Tampa-
 1381 | Hillsborough County Expressway Authority improvements to toll
 1382 | collection facilities, interchanges to the legislatively
 1383 | approved expressway system, and any other facility appurtenant,
 1384 | necessary, or incidental to the approved system. Subject to
 1385 | terms and conditions of applicable revenue bond resolutions and
 1386 | covenants, such costs ~~financing~~ may be financed in whole or in
 1387 | part by revenue bonds issued pursuant to s. 348.56(1)(a) or (b),
 1388 | whether currently issued or issued in the future, or by a
 1389 | combination of such bonds.

1390 | Section 31. Subsections (1) and (2) of section 348.56,
 1391 | Florida Statutes, are amended to read:

1392 | 348.56 Bonds of the authority.—

1393 | (1) (a) Bonds may be issued on behalf of the authority
 1394 | pursuant to the State Bond Act.

1395 | (b) Alternatively, the authority shall have the power and
 1396 | is hereby authorized from time to time to issue bonds in such
 1397 | principal amount as, in the opinion of the authority, shall be
 1398 | necessary to provide sufficient moneys for achieving its
 1399 | corporate purposes, including construction, reconstruction,
 1400 | improvement, extension, repair, maintenance and operation of the

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1401 | expressway system, the cost of acquisition of all real property,
1402 | interest on bonds during construction and for a reasonable
1403 | period thereafter, establishment of reserves to secure bonds,
1404 | and all other expenditures of the authority incident to and
1405 | necessary or convenient to carry out its corporate purposes and
1406 | powers.

1407 | (2) (a) Bonds issued by the authority pursuant to paragraph
1408 | (1) (a) or paragraph (1) (b) shall be authorized by resolution of
1409 | the members of the authority and shall bear such date or dates,
1410 | mature at such time or times, not exceeding 40 years from their
1411 | respective dates, bear interest at such rate or rates, not
1412 | exceeding the maximum rate fixed by general law for authorities,
1413 | be in such denominations, be in such form, either coupon or
1414 | fully registered, carry such registration, exchangeability and
1415 | interchangeability privileges, be payable in such medium of
1416 | payment and at such place or places, be subject to such terms of
1417 | redemption and be entitled to such priorities of lien on the
1418 | revenues, other available moneys, and the Hillsborough County
1419 | gasoline tax funds as such resolution or any resolution
1420 | subsequent thereto may provide. The bonds shall be executed
1421 | either by manual or facsimile signature by such officers as the
1422 | authority shall determine, provided that such bonds shall bear
1423 | at least one signature which is manually executed thereon. The
1424 | coupons attached to such bonds shall bear the facsimile
1425 | signature or signatures of such officer or officers as shall be
1426 | designated by the authority. Such bonds shall have the seal of
1427 | the authority affixed, imprinted, reproduced, or lithographed
1428 | thereon.

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1429 (b) The bonds issued pursuant to paragraph (1) (a) or
1430 paragraph (1) (b) shall be sold at public sale in the same manner
1431 provided in the State Bond Act, ~~and the net interest cost to the~~
1432 ~~authority on such bonds shall not exceed the maximum rate fixed~~
1433 ~~by general law for authorities. If all bids received on the~~
1434 ~~public sale are rejected, the authority may then proceed to~~
1435 ~~negotiate for the sale of the bonds at a net interest cost which~~
1436 ~~shall be less than the lowest net interest cost stated in the~~
1437 ~~bids rejected at the public sale. However, if the authority~~
1438 determines, by official action at a public meeting, that a
1439 negotiated sale of such bonds is in the best interest of the
1440 authority, the authority may negotiate the sale of such bonds
1441 with the underwriter or underwriters designated by the authority
1442 and the Division of Bond Finance within the State Board of
1443 Administration with respect to bonds issued pursuant to
1444 paragraph (1) (a) or solely by the authority with respect to
1445 bonds issued pursuant to paragraph (1) (b). The authority's
1446 determination to negotiate the sale of such bonds may be based,
1447 in part, upon the written advice of the authority's financial
1448 adviser. Pending the preparation of definitive bonds, temporary
1449 bonds or interim certificates may be issued to the purchaser or
1450 purchasers of such bonds and may contain such terms and
1451 conditions as the authority may determine.

1452 Section 32. Section 348.565, Florida Statutes, is amended
1453 to read:

1454 348.565 Revenue bonds for specified projects.—The existing
1455 facilities that constitute the Tampa-Hillsborough County
1456 Expressway System are hereby approved to be refinanced by ~~the~~

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1457 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance
 1458 of the State Board of Administration pursuant to s. 11(f), Art.
 1459 VII of the State Constitution and the State Bond Act or by
 1460 revenue bonds issued by the authority pursuant to s.
 1461 348.56(1)(b). In addition, the following projects of the Tampa-
 1462 Hillsborough County Expressway Authority are approved to be
 1463 financed or refinanced by the issuance of revenue bonds in
 1464 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of
 1465 the State Constitution:

- 1466 (1) Brandon area feeder roads.
- 1467 (2) Capital improvements to the expressway system,
 1468 including safety and operational improvements and toll
 1469 collection equipment.
- 1470 (3) Lee Roy Selmon Crosstown Expressway System widening.
- 1471 (4) The connector highway linking the Lee Roy Selmon
 1472 Crosstown Expressway to Interstate 4.

1473 Section 33. Subsection (1) of section 348.57, Florida
 1474 Statutes, is amended to read:

1475 348.57 Refunding bonds.—

- 1476 (1) Subject to public notice as provided in s. 348.54, the
 1477 authority is authorized to provide by resolution for the
 1478 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
 1479 for the purpose of refunding any bonds then outstanding
 1480 regardless of whether the bonds being refunded were issued by
 1481 the authority pursuant to this chapter or on behalf of the
 1482 authority pursuant to the State Bond Act. The authority is
 1483 further authorized to provide by resolution for the issuance of
 1484 bonds for the combined purpose of:

1485 (a) Paying the cost of constructing, reconstructing,
 1486 improving, extending, repairing, maintaining and operating the
 1487 expressway system.

1488 (b) Refunding bonds then outstanding. The authorization,
 1489 sale and issuance of such obligations, the maturities and other
 1490 details thereof, the rights and remedies of the holders thereof,
 1491 and the rights, powers, privileges, duties and obligations of
 1492 the authority with respect to the same shall be governed by the
 1493 foregoing provisions of this part insofar as the same may be
 1494 applicable.

1495 Section 34. Section 348.70, Florida Statutes, is amended
 1496 to read:

1497 348.70 This part complete and additional authority.-

1498 (1) The powers conferred by this part shall be in addition
 1499 and supplemental to the existing respective powers of the
 1500 authority, the department, the county, and the city, if any, and
 1501 this part shall not be construed as repealing any of the
 1502 provisions of any other law, general, special, or local, but
 1503 shall be deemed to supersede such other law or laws in the
 1504 exercise of the powers provided in this part insofar as such
 1505 other law or laws are inconsistent with the provisions of this
 1506 part and to provide a complete method for the exercise of the
 1507 powers granted herein. The construction, reconstruction,
 1508 improvement, extension, repair, maintenance, and operation of
 1509 the expressway system, and the issuance of bonds hereunder to
 1510 finance all or part of the cost thereof, may be accomplished
 1511 upon compliance with the provisions of this part without regard
 1512 to or necessity for compliance with the provisions, limitations,

1513 or restrictions contained in any other general, special, or
 1514 local law, including, but not limited to, s. 215.821, and no
 1515 approval of any bonds issued under this part by the qualified
 1516 electors or qualified electors who are freeholders in the state
 1517 or in the county or in the city or in any other political
 1518 subdivision of the state shall be required for the issuance of
 1519 such bonds.

1520 (2) This part does not repeal, rescind, or modify any
 1521 other law or laws relating to the State Board of Administration,
 1522 the Department of Transportation, or the Division of Bond
 1523 Finance of the State Board of Administration, but shall
 1524 supersede such other law or laws as are inconsistent with the
 1525 provisions of this part, including, but not limited to, s.
 1526 215.821.

1527 Section 35. Part XI of chapter 348, Florida Statutes,
 1528 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
 1529 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,
 1530 348.9960, 348.9961, 348.9962, 348.9963, 348.9964, 348.9965,
 1531 348.9966, and 348.9967, is created to read:

1532 PART XI

1533 OSCEOLA COUNTY EXPRESSWAY AUTHORITY

1534 348.9950 Short title.—This part may be cited as the
 1535 "Osceola County Expressway Authority Law."

1536 348.9951 Definitions.—As used in this part, except where
 1537 the context clearly indicates otherwise, the term:

1538 (1) "Agency of the state" means the state and any
 1539 department of or corporation, agency, or instrumentality
 1540 created, designated, or established by the state.

1541 (2) "Authority" means the body politic and corporate and
 1542 agency of the state created by this part.

1543 (3) "Bonds" means and includes the notes, bonds, refunding
 1544 bonds, or other evidences of indebtedness or obligations, in
 1545 either temporary or definitive form, that the authority is
 1546 authorized to issue under this part.

1547 (4) "County" means Osceola County.

1548 (5) "Department" means the Department of Transportation.

1549 (6) "Federal agency" means the United States, the
 1550 President of the United States, and any department of or
 1551 corporation, agency, or instrumentality created, designated, or
 1552 established by the United States.

1553 (7) "Lease-purchase agreement" means any lease-purchase
 1554 agreement the authority is authorized under this part to enter
 1555 into with the department.

1556 (8) "Limited access expressway" or "expressway" means a
 1557 street or highway especially designed for through traffic and
 1558 over, from, or to which no person has a right of easement, use,
 1559 or access except in accordance with the rules and regulations
 1560 adopted by the authority for the use of such facility. Such
 1561 streets or highways may be parkways from which trucks, buses,
 1562 and other commercial vehicles are excluded or freeways open to
 1563 use by all customary forms of street and highway traffic.

1564 (9) "Members" means the governing body of the authority,
 1565 and the term "member" means one of the individuals constituting
 1566 such governing body.

1567 (10) "Osceola County Expressway System" or "system" means
 1568 any and all expressways and appurtenant facilities thereto,

1569 including, but not limited to, all approaches, roads, bridges,
 1570 and avenues of access for such expressways that are built by the
 1571 authority or the ownership of which is transferred to the
 1572 authority by other governmental or private entities.

1573 (11) "Osceola County gasoline tax funds" means all the 80-
 1574 percent surplus gasoline tax funds accruing in each year to the
 1575 department for use in Osceola County under s. 9, Art. XII of the
 1576 State Constitution after deduction only of any amounts of such
 1577 gasoline tax funds pledged by the department or the county for
 1578 outstanding obligations.

1579 (12) "State Board of Administration" means the body
 1580 corporate existing under s. 9, Art. XII of the State
 1581 Constitution or any successor thereto.

1582 348.9952 Osceola County Expressway Authority.—

1583 (1) There is created a body politic and corporate, an
 1584 agency of the state, to be known as the Osceola County
 1585 Expressway Authority.

1586 (2) (a) The governing body of the authority shall consist
 1587 of six members. Five members must be residents of Osceola
 1588 County, three of whom shall be appointed by the governing body
 1589 of the county and two of whom shall be appointed by the
 1590 Governor. The sixth member shall be the district secretary of
 1591 the department serving in the district that includes Osceola
 1592 County, who shall serve as an ex officio, nonvoting member. The
 1593 term of each appointed member shall be for 4 years, except that
 1594 the first term of the initial members appointed by the Governor
 1595 shall be 2 years each. Each appointed member shall hold office
 1596 until his or her successor has been appointed and has qualified.

1597 A vacancy occurring during a term shall be filled only for the
1598 balance of the unexpired term. Each appointed member of the
1599 authority shall be a person of outstanding reputation for
1600 integrity, responsibility, and business ability, but no person
1601 who is an officer or employee of any city or of Osceola County
1602 in any other capacity shall be an appointed member of the
1603 authority. A member of the authority is eligible for
1604 reappointment.

1605 (b) Members of the authority may be removed from office by
1606 the Governor for misconduct, malfeasance, or nonfeasance in
1607 office.

1608 (3) (a) The authority shall elect one of its members as
1609 chair. The authority shall also elect a secretary and a
1610 treasurer, who may be members of the authority. The chair,
1611 secretary, and treasurer shall hold such offices at the will of
1612 the authority.

1613 (b) Three members of the authority constitute a quorum,
1614 and the vote of three members is necessary for any action taken
1615 by the authority. A vacancy in the authority does not impair the
1616 right of a quorum of the authority to exercise all of the rights
1617 and perform all of the duties of the authority.

1618 (4) (a) The authority may employ an executive secretary, an
1619 executive director, its own counsel and legal staff, technical
1620 experts, engineers, and other employees, permanent or temporary,
1621 as it may require; may determine the qualifications and fix the
1622 compensation of such persons, firms, or corporations; and may
1623 employ a fiscal agent or agents. However, the authority shall
1624 solicit sealed proposals from at least three persons, firms, or

1625 corporations for the performance of any services as fiscal
 1626 agents. The authority may delegate to one or more of its agents
 1627 or employees such of its power as it deems necessary to carry
 1628 out the purposes of this part, subject always to the supervision
 1629 and control of the authority.

1630 (b) Members of the authority are entitled to receive from
 1631 the authority their travel and other necessary expenses incurred
 1632 in connection with the business of the authority as provided in
 1633 s. 112.061, but they shall draw no salaries or other
 1634 compensation.

1635 (c) The department is not required to grant funds for
 1636 startup costs to the authority; however, the governing body of
 1637 the county may provide funds for such startup costs.

1638 (d) The authority shall cooperate with and participate in
 1639 any efforts to establish a regional expressway authority.

1640 (e) Notwithstanding any other provision of law, including
 1641 s. 339.175(3), the authority shall not be entitled to voting
 1642 membership in a metropolitan planning organization in which
 1643 Osceola County, or any of the municipalities therein, are also
 1644 voting members.

1645 348.9953 Purposes and powers.—

1646 (1) The authority may acquire, hold, construct, improve,
 1647 maintain, operate, own, and lease in the capacity of lessor the
 1648 Osceola County Expressway System and, in the construction of the
 1649 system, may construct any extensions, additions, or improvements
 1650 to the system or appurtenant facilities, including all necessary
 1651 approaches, roads, bridges, and avenues of access, with such
 1652 changes, modifications, or revisions of such project as the

1653 authority deems desirable and proper.

1654 (2) The authority may exercise all powers necessary,
 1655 appurtenant, convenient, or incidental to the carrying out of
 1656 its purposes, including, but not limited to, the following
 1657 rights and powers:

1658 (a) To sue and be sued, implead and be impleaded, and
 1659 complain and defend in all courts.

1660 (b) To adopt, use, and alter at will a corporate seal.

1661 (c) To acquire by donation, purchase, or otherwise and
 1662 hold, lease as lessee, and use any franchise or property, real,
 1663 personal, or mixed, tangible or intangible, or any options
 1664 thereof, in its own name or in conjunction with others, or
 1665 interest therein, necessary or desirable for carrying out the
 1666 purposes of the authority and to sell, lease as lessor,
 1667 transfer, and dispose of any property or interest therein at any
 1668 time acquired by it.

1669 (d) To enter into lease agreements for terms not exceeding
 1670 40 years as either lessee or lessor to carry out the right to
 1671 lease as set forth in this part.

1672 (e) To enter into lease-purchase agreements with the
 1673 department for terms not exceeding 40 years, or until any bonds
 1674 secured by a pledge of rentals thereunder and any refundings
 1675 thereof are fully paid as to both principal and interest,
 1676 whichever is longer.

1677 (f) To fix, alter, charge, establish, and collect rates,
 1678 fees, rentals, and other charges for the services and facilities
 1679 of the system, which rates, fees, rentals, and other charges
 1680 must always be sufficient to comply with any covenants made with

1681 the holders of any bonds issued pursuant to this part; however,
 1682 such right and power may be assigned or delegated by the
 1683 authority to the department.

1684 (g) To borrow money and make and issue negotiable notes,
 1685 bonds, refunding bonds, and other evidences of indebtedness or
 1686 obligations, either in temporary or definitive form, hereinafter
 1687 in this part sometimes called "bonds" of the authority, for the
 1688 purpose of financing all or part of the improvement or extension
 1689 of the system and appurtenant facilities, including all
 1690 approaches, streets, roads, bridges, and avenues of access for
 1691 the system and for any other purpose authorized by this part,
 1692 such bonds to mature no more than 40 years after the date of the
 1693 issuance thereof, and to secure the payment of such bonds or any
 1694 part thereof by a pledge of any or all of its revenues, rates,
 1695 fees, rentals, or other charges, including all or any portion of
 1696 the Osceola County gasoline tax funds received by the authority
 1697 pursuant to the terms of any lease-purchase agreement between
 1698 the authority and the department; and, in general, to provide
 1699 for the security of such bonds and the rights and remedies of
 1700 the holders thereof. However, no portion of the Osceola County
 1701 gasoline tax funds shall be pledged for the construction of any
 1702 project for which a toll is to be charged unless the anticipated
 1703 tolls are reasonably estimated by the board of county
 1704 commissioners, at the date of its resolution pledging such
 1705 funds, to be sufficient to cover the principal and interest of
 1706 such obligations during the period when such pledge of funds
 1707 shall be in effect.

1708 1. The authority shall reimburse Osceola County for any

1709 sums expended from such gasoline tax funds used for the payment
 1710 of such obligations. Any gasoline tax funds so disbursed shall
 1711 be repaid when the authority deems it practicable, together with
 1712 interest at the highest rate applicable to any obligations of
 1713 the authority.

1714 2. If the authority decides to fund or refund any bonds
 1715 issued by the authority or by the commission prior to their
 1716 maturity, the proceeds of such funding or refunding bonds must,
 1717 pending the prior redemption of the bonds to be funded or
 1718 refunded, be invested in direct obligations of the United
 1719 States. Such outstanding bonds may be funded or refunded by the
 1720 issuance of bonds pursuant to this part.

1721 (h) To make contracts of every name and nature, including,
 1722 but not limited to, partnerships providing for participation in
 1723 ownership and revenues, and to execute all instruments necessary
 1724 or convenient for the carrying on of its business.

1725 (i) Without limitation of the foregoing, to borrow money
 1726 and accept grants from and to enter into contracts, leases, or
 1727 other transactions with any federal agency, the state, any
 1728 agency of the state, Osceola County, or any other public body of
 1729 the state.

1730 (j) To have the power of eminent domain, including the
 1731 procedural powers granted under chapters 73 and 74.

1732 (k) To pledge, hypothecate, or otherwise encumber all or
 1733 any part of the revenues, rates, fees, rentals, or other charges
 1734 or receipts of the authority, including all or any portion of
 1735 the Osceola County gasoline tax funds received by the authority
 1736 pursuant to the terms of any lease-purchase agreement between

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1737 the authority and the department, as security for all or any of
1738 the obligations of the authority.

1739 (l) To enter into partnerships and other agreements
1740 respecting ownership and revenue participation in order to
1741 facilitate financing and constructing any project or portions
1742 thereof.

1743 (m) To participate in developer agreements or to receive
1744 developer contributions.

1745 (n) To contract with Osceola County for the operation of a
1746 toll facility within the county.

1747 (o) To do all acts and things necessary or convenient for
1748 the conduct of its business and the general welfare of the
1749 authority in order to carry out the powers granted to it by this
1750 part or any other law.

1751 (p) With the consent of the county within the jurisdiction
1752 of which the following activities occur, to construct, operate,
1753 and maintain roads, bridges, avenues of access, thoroughfares,
1754 and boulevards outside the jurisdictional boundaries of Osceola
1755 County, and to construct, repair, replace, operate, install, and
1756 maintain electronic toll payment systems thereon, with all
1757 necessary and incidental powers to accomplish the foregoing.

1758 (q) To enter into an interlocal agreement with the
1759 Orlando-Orange County Expressway Authority to coordinate and
1760 plan for projects in order to avoid any negative impacts on
1761 either authority.

1762 (3) The authority shall not, at any time or in any manner,
1763 pledge the credit or taxing power of the state or any political
1764 subdivision or agency thereof, including Osceola County, nor

1765 shall the authority's obligations be deemed to be an obligation
 1766 of the state or of any political subdivision or agency thereof,
 1767 nor shall the state or any political subdivision or agency
 1768 thereof, except the authority, be liable for the payment of the
 1769 principal of or interest on such obligations.

1770 (4) Notwithstanding any other provision of this part,
 1771 acquisition of right-of-way for a project of the authority which
 1772 is within the boundaries of any municipality in Osceola County
 1773 shall not be initiated unless and until the governing body of
 1774 that municipality has approved the route of such project.

1775 (5) Notwithstanding any other provision of this part,
 1776 acquisition of right-of-way for a project of the authority which
 1777 is within the unincorporated area of Osceola County shall not be
 1778 initiated unless and until the governing body of Osceola County
 1779 has approved the route of such project.

1780 (6) The authority shall not, without the consent of
 1781 Osceola County or any affected municipality, enter into any
 1782 agreement that would legally prohibit the construction of any
 1783 road by Osceola County or by any municipality within Osceola
 1784 County.

1785 348.9954 Bond financing authority for improvements.-
 1786 Pursuant to s. 11(f), Art. VII of the State Constitution, the
 1787 Legislature hereby approves for bond financing by the Osceola
 1788 County Expressway Authority improvements to toll collection
 1789 facilities, interchanges to the legislatively approved
 1790 expressway system, and any other facility appurtenant,
 1791 necessary, or incidental to the approved system. Subject to
 1792 terms and conditions of applicable revenue bond resolutions and

1793 covenants, such costs may be financed in whole or in part by
 1794 revenue bonds issued pursuant to s. 348.9955(1) (a) or (b) or by
 1795 a combination of such bonds, whether currently issued or issued
 1796 in the future.

1797 348.9955 Bonds of the authority.-

1798 (1) (a) Bonds may be issued on behalf of the authority
 1799 pursuant to the State Bond Act.

1800 (b) Alternatively, the authority may issue its own bonds
 1801 pursuant to this part at such times and in such principal amount
 1802 as, in the opinion of the authority, is necessary to provide
 1803 sufficient moneys for achieving its purposes; however, such
 1804 bonds may not pledge the full faith and credit of the state.
 1805 Bonds issued by the authority pursuant to this paragraph or
 1806 paragraph (a), whether on original issuance or on refunding,
 1807 shall be authorized by resolution of the members thereof and may
 1808 be either term or serial bonds, shall bear such date or dates,
 1809 mature at such time or times, not exceeding 40 years from their
 1810 respective dates, bear interest at such rate or rates, payable
 1811 semiannually, be in such denominations, be in such form, either
 1812 coupon or fully registered, shall carry such registration,
 1813 exchangeability, and interchangeability privileges, be payable
 1814 in such medium of payment and at such place or places, be
 1815 subject to such terms of redemption, and be entitled to such
 1816 priorities on the revenues, rates, fees, rentals, or other
 1817 charges or receipts of the authority, including the Osceola
 1818 County gasoline tax funds received by the authority pursuant to
 1819 the terms of any lease-purchase agreement between the authority
 1820 and the department, as such resolution or any resolution

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1821 subsequent thereto may provide. The bonds shall be executed
1822 either by manual or facsimile signature by such officers as the
1823 authority shall determine, provided that such bonds shall bear
1824 at least one signature which is manually executed thereon, and
1825 the coupons attached to such bonds shall bear the facsimile
1826 signature or signatures of such officer or officers as shall be
1827 designated by the authority and shall have the seal of the
1828 authority affixed, imprinted, reproduced, or lithographed
1829 thereon, all as may be prescribed in such resolution or
1830 resolutions.

1831 (c) Bonds issued pursuant to paragraph (a) or paragraph
1832 (b) shall be sold at public sale in the same manner provided by
1833 the State Bond Act. However, if the authority shall, by official
1834 action at a public meeting, determine that a negotiated sale of
1835 such bonds is in the best interest of the authority, the
1836 authority may negotiate the sale of such bonds with the
1837 underwriter designated by the authority and the Division of Bond
1838 Finance of the State Board of Administration with respect to
1839 bonds issued pursuant to paragraph (a) or solely the authority
1840 with respect to bonds issued pursuant to paragraph (b). The
1841 authority's determination to negotiate the sale of such bonds
1842 may be based, in part, upon the written advice of the
1843 authority's financial adviser. Pending the preparation of
1844 definitive bonds, interim certificates may be issued to the
1845 purchaser or purchasers of such bonds and may contain such terms
1846 and conditions as the authority may determine.

1847 (d) The authority may issue bonds pursuant to paragraph
1848 (b) to refund any bonds previously issued regardless of whether

1849 the bonds being refunded were issued by the authority pursuant
 1850 to this part or on behalf of the authority pursuant to the State
 1851 Bond Act.

1852 (2) Any such resolution or resolutions authorizing any
 1853 bonds under this part may contain provisions which shall be part
 1854 of the contract with the holders of such bonds, as to:

1855 (a) The pledging of all or any part of the revenues,
 1856 rates, fees, rentals, including all or any portion of the
 1857 Osceola County gasoline tax funds received by the authority
 1858 pursuant to the terms of any lease-purchase agreement between
 1859 the authority and the department, or any part thereof, or other
 1860 charges or receipts of the authority, derived by the authority,
 1861 from the Osceola County Expressway System.

1862 (b) The completion, improvement, operation, extension,
 1863 maintenance, repair, lease, or lease-purchase agreement of the
 1864 system and the duties of the authority and others, including the
 1865 department, with reference thereto.

1866 (c) Limitations on the purposes to which the proceeds of
 1867 the bonds, then or thereafter to be issued, or of any loan or
 1868 grant by the United States or the state may be applied.

1869 (d) The fixing, charging, establishing, and collecting of
 1870 rates, fees, rentals, or other charges for use of the services
 1871 and facilities of the Osceola County Expressway System or any
 1872 part thereof.

1873 (e) The setting aside of reserves or sinking funds or
 1874 repair and replacement funds and the regulation and disposition
 1875 thereof.

1876 (f) Limitations on the issuance of additional bonds.

1877 (g) The terms and provisions of any lease-purchase
 1878 agreement, deed of trust, or indenture securing the bonds or
 1879 under which the bonds may be issued.

1880 (h) Any other or additional agreements with the holders of
 1881 the bonds which the authority may deem desirable and proper.

1882 (3) The authority may employ fiscal agents as provided by
 1883 this part, or the State Board of Administration may, upon
 1884 request of the authority, act as fiscal agent for the authority
 1885 in the issuance of any bonds that may be issued pursuant to this
 1886 part. The State Board of Administration may, upon request of the
 1887 authority, take over the management, control, administration,
 1888 custody, and payment of any or all debt services or funds or
 1889 assets now or hereafter available for any bonds issued pursuant
 1890 to this part. The authority may enter into any deeds of trust,
 1891 indentures, or other agreements with its fiscal agent or with
 1892 any bank or trust company within or without the state as
 1893 security for such bonds and may, under such agreements, sign and
 1894 pledge all or any of the revenues, rates, fees, rentals, or
 1895 other charges or receipts of the authority, including all or any
 1896 portion of the Osceola County gasoline tax funds received by the
 1897 authority pursuant to the terms of any lease-purchase agreement
 1898 between the authority and the department, thereunder. Such deed
 1899 of trust, indenture, or other agreement may contain such
 1900 provisions as are customary in such instruments or, as the
 1901 authority may authorize, including, but without limitation,
 1902 provisions as to:

1903 (a) The completion, improvement, operation, extension,
 1904 maintenance, repair, and lease of or lease-purchase agreement

1905 relating to the Osceola County Expressway System and the duties
 1906 of the authority and others, including the department, with
 1907 reference thereto.

1908 (b) The application of funds and the safeguarding of funds
 1909 on hand or on deposit.

1910 (c) The rights and remedies of the trustee and the holders
 1911 of the bonds.

1912 (d) The terms and provisions of the bonds or the
 1913 resolutions authorizing the issuance of the bonds.

1914 (4) Any of the bonds issued pursuant to this part are, and
 1915 are declared to be, negotiable instruments and shall have all
 1916 the qualities and incidents of negotiable instruments under the
 1917 law merchant and the negotiable instruments law of the state.

1918 (5) Notwithstanding any of the provisions of this part,
 1919 each project, building, or facility which has been financed by
 1920 the issuance of bonds or other evidence of indebtedness under
 1921 this part and any refinancing thereof is hereby approved as
 1922 provided for in s. 11(f), Art. VII of the State Constitution.

1923 348.9956 Remedies of the bondholders.—

1924 (1) The rights and remedies conferred by this part upon or
 1925 granted to the bondholders shall be in addition to and not in
 1926 limitation of any rights and remedies lawfully granted to such
 1927 bondholders by the resolution or resolutions providing for the
 1928 issuance of bonds or by a lease-purchase agreement, deed of
 1929 trust, indenture, or other agreement under which the bonds may
 1930 be issued or secured. If the authority defaults in the payment
 1931 of the principal of or interest on any of the bonds issued under
 1932 this part after such principal of or interest on such bonds

1933 becomes due, whether at maturity or upon call for redemption, or
 1934 if the department defaults in any payments under or covenants
 1935 made in any lease-purchase agreement between the authority and
 1936 the department, and such default continues for a period of 30
 1937 days, or if the authority or the department fails or refuses to
 1938 comply with this part or any agreement made with or for the
 1939 benefit of the holders of the bonds, the holders of 25 percent
 1940 in aggregate principal amount of the bonds then outstanding
 1941 shall be entitled as of right to the appointment of a trustee to
 1942 represent such bondholders for the purposes hereof; provided,
 1943 however, that such holders of 25 percent in aggregate principal
 1944 amount of the bonds then outstanding have first given notice to
 1945 the authority and to the department of their intention to
 1946 appoint a trustee. Such notice shall be deemed to have been
 1947 given if given in writing, deposited in a securely sealed
 1948 postpaid wrapper, mailed at a regularly maintained United States
 1949 post office box or station, and addressed, respectively, to the
 1950 chair of the authority and to the Secretary of Transportation at
 1951 the principal office of the department.

1952 (2) Such trustee and any trustee under any deed of trust,
 1953 indenture, or other agreement may, and upon written request of
 1954 the holders of 25 percent or such other percentages as may be
 1955 specified in any deed of trust, indenture, or other agreement
 1956 aforesaid in principal amount of the bonds then outstanding
 1957 shall, in any court of competent jurisdiction in his, her, or
 1958 its own name:

1959 (a) By mandamus or other suit, action, or proceeding at
 1960 law or in equity, enforce all rights of the bondholders,

1961 including the right to require the authority to fix, establish,
 1962 maintain, collect, and charge rates, fees, rentals, and other
 1963 charges adequate to carry out any agreement as to or pledge of
 1964 the revenues or receipts of the authority, to carry out any
 1965 other covenants and agreements with or for the benefit of the
 1966 bondholders, and to perform its and their duties under this
 1967 part.

1968 (b) By mandamus or other suit, action, or proceeding at
 1969 law or in equity, enforce all rights of the bondholders under or
 1970 pursuant to any lease-purchase agreement between the authority
 1971 and the department, including the right to require the
 1972 department to make all rental payments required to be made by it
 1973 under the provisions of any such lease-purchase agreement,
 1974 whether from the Osceola County gasoline tax funds or other
 1975 funds of the department so agreed to be paid, and to require the
 1976 department to carry out any other covenants and agreements with
 1977 or for the benefit of the bondholders and to perform its and
 1978 their duties under this part.

1979 (c) Bring suit upon the bonds.

1980 (d) By action or suit in equity, require the authority or
 1981 the department to account as if it were the trustee of an
 1982 express trust for the bondholders.

1983 (e) By action or suit in equity, enjoin any acts or things
 1984 which may be unlawful or in violation of the rights of the
 1985 bondholders.

1986 (3) Whether or not all bonds have been declared due and
 1987 payable, any trustee, when appointed under this section or
 1988 acting under a deed of trust, indenture, or other agreement,

1989 shall be entitled as of right to the appointment of a receiver
 1990 who may enter upon and take possession of the Osceola County
 1991 Expressway System or the facilities or any part or parts
 1992 thereof, the rates, fees, rentals, or other revenues, charges,
 1993 or receipts from which are or may be applicable to the payment
 1994 of the bonds so in default; and, subject to and in compliance
 1995 with the provisions of any lease-purchase agreement between the
 1996 authority and the department, operate and maintain the same for
 1997 and on behalf and in the name of the authority, the department,
 1998 and the bondholders; and collect and receive all rates, fees,
 1999 rentals, and other charges or receipts or revenues arising
 2000 therefrom in the same manner as the authority or the department
 2001 might do; and shall deposit all such moneys in a separate
 2002 account and apply the same in such manner as the court shall
 2003 direct. In any suit, action, or proceeding by the trustee, the
 2004 fees, counsel fees, and expenses of the trustee and such
 2005 receiver, if any, and all costs and disbursements allowed by the
 2006 court shall be a first charge on any rates, fees, rentals, or
 2007 other charges, revenues, or receipts derived from the Osceola
 2008 County Expressway System or the facilities or services or any
 2009 part or parts thereof, including payments under any such lease-
 2010 purchase agreement as aforesaid which such rates, fees, rentals,
 2011 or other charges, revenues, or receipts shall or may be
 2012 applicable to the payment of the bonds so in default. Such
 2013 trustee shall also have and possess all of the powers necessary
 2014 or appropriate for the exercise of any functions specifically
 2015 set forth in this part or incident to the representation of the
 2016 bondholders in the enforcement and protection of their rights.

2017 (4) Nothing in this section or any other section of this
 2018 part authorizes any receiver appointed pursuant to this part for
 2019 the purpose, subject to and in compliance with the provisions of
 2020 any lease-purchase agreement between the authority and the
 2021 department, of operating and maintaining the Osceola County
 2022 Expressway System or any facilities or part or parts thereof to
 2023 sell, assign, mortgage, or otherwise dispose of any of the
 2024 assets of whatever kind and character belonging to the
 2025 authority. It is the intention of this part to limit the powers
 2026 of such receiver, subject to and in compliance with the
 2027 provisions of any lease-purchase agreement between the authority
 2028 and the department, to the operation and maintenance of the
 2029 Osceola County Expressway System or any facility or part or
 2030 parts thereof, as the court may direct, in the name and for and
 2031 on behalf of the authority, the department, and the bondholders.
 2032 No holder of bonds of the authority or any trustee shall ever
 2033 have the right in any suit, action, or proceeding at law or in
 2034 equity to compel a receiver, nor shall any receiver be
 2035 authorized or any court be empowered to direct the receiver, to
 2036 sell, assign, mortgage, or otherwise dispose of any assets of
 2037 whatever kind or character belonging to the authority.

2038 348.9957 Lease-purchase agreement.—

2039 (1) In order to effectuate the purposes of this part and
 2040 as authorized by this part, the authority may enter into a
 2041 lease-purchase agreement with the department relating to and
 2042 covering the system.

2043 (2) Such lease-purchase agreement shall provide for the
 2044 leasing of the system by the authority as lessor to the

2045 department as lessee, shall prescribe the term of such lease and
 2046 the rentals to be paid under the lease, and shall provide that,
 2047 upon the completion of the faithful performance under and
 2048 termination of the agreement, title in fee simple absolute to
 2049 the system as then constituted shall be transferred in
 2050 accordance with law by the authority to the state and the
 2051 authority shall deliver to the department such deeds and
 2052 conveyances as are necessary or convenient to vest title in fee
 2053 simple absolute in the state.

2054 (3) Such lease-purchase agreement may include such other
 2055 provisions, agreements, and covenants as the authority and the
 2056 department deem advisable or required, including, but not
 2057 limited to, provisions as to the bonds to be issued under and
 2058 for the purposes of this part; the completion, extension,
 2059 improvement, operation, and maintenance of the system; the
 2060 expenses and the cost of operation of the authority; the
 2061 charging and collection of tolls, rates, fees, and other charges
 2062 for the use of the services and facilities of the system; the
 2063 application of federal or state grants or aid which may be made
 2064 or given to assist the authority in the completion, extension,
 2065 improvement, operation, and maintenance of the system, which the
 2066 authority may accept and apply to such purposes; the enforcement
 2067 of payment and collection of rentals; and any other terms,
 2068 provisions, or covenants necessary, incidental, or appurtenant
 2069 to the making of and full performance under the agreement.

2070 (4) The department as lessee under such lease-purchase
 2071 agreement is authorized to pay as rentals thereunder any rates,
 2072 fees, charges, funds, moneys, receipts, or income accruing to

2073 the department from the operation of the system and the Osceola
 2074 County gasoline tax funds and may also pay as rentals any
 2075 appropriations received by the department pursuant to any act of
 2076 the Legislature. However, nothing in this part or in such lease-
 2077 purchase agreement shall require the making or continuance of
 2078 such appropriations, nor shall any holder of bonds issued
 2079 pursuant to this part have any right to compel the making or
 2080 continuance of such appropriations.

2081 (5) A pledge of Osceola County gasoline tax funds as
 2082 rentals under such lease-purchase agreement shall not be made
 2083 without the consent of Osceola County evidenced by a resolution
 2084 duly adopted by the board of county commissioners of the county
 2085 at a public hearing held pursuant to due notice thereof
 2086 published at least once a week for 3 consecutive weeks before
 2087 the hearing in a newspaper of general circulation in Osceola
 2088 County. In addition to other provisions, the resolution must
 2089 provide that any excess of such pledged gasoline tax funds which
 2090 is not required for debt service or reserves for such debt
 2091 service for any bonds issued by the authority shall be returned
 2092 annually to the department for distribution to Osceola County as
 2093 provided by law. Before making any application for such pledge
 2094 of gasoline tax funds, the authority shall present the plan of
 2095 its proposed project to the Osceola County Planning and Zoning
 2096 Commission for its comments and recommendations.

2097 (6) The department may covenant in any lease-purchase
 2098 agreement that it will pay, from sources other than the revenues
 2099 derived from the operation of the system and Osceola County
 2100 gasoline tax funds, all or any part of the cost of the

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2101 operation, maintenance, repair, renewal, and replacement of the
 2102 system and any part of the cost of completing the system to the
 2103 extent that the proceeds of bonds issued therefor are
 2104 insufficient. The department may also agree to make such other
 2105 payments from any moneys available to the county in connection
 2106 with the construction or completion of the system as the
 2107 department deems to be fair and proper under such covenants.

2108 (7) The system shall be a part of the state road system,
 2109 and the department may, upon the request of the authority,
 2110 expend moneys from funds available for such purposes and use its
 2111 engineering and other forces as it deems necessary and desirable
 2112 for the operation of the authority and for traffic surveys,
 2113 borings, surveys, preparation of plans and specifications,
 2114 estimates of cost, and other preliminary engineering and other
 2115 studies; however, the aggregate amount of moneys expended for
 2116 such purposes by the department must not exceed \$375,000.

2117 348.9958 Department may be appointed agent of authority
 2118 for construction.—The authority may appoint the department as
 2119 its agent for the purpose of constructing improvements and
 2120 extensions to and the completion of the system. In such event,
 2121 the authority shall provide the department with complete copies
 2122 of all documents, agreements, resolutions, contracts, and
 2123 instruments relating to the system; shall request the department
 2124 to do such construction work, including the planning, surveying,
 2125 and actual construction of the completion, extensions, and
 2126 improvements to the system; and shall transfer to the credit of
 2127 an account of the department in the treasury of the state the
 2128 necessary funds for such purpose. After such appointment and

2129 receipt of funds, the department is authorized, empowered, and
 2130 directed to proceed with such construction and to use the funds
 2131 for such purpose in the same manner as it is authorized to use
 2132 funds otherwise provided to it by law for the construction of
 2133 roads and bridges.

2134 348.9959 Acquisition of lands and property.-

2135 (1) For the purposes of this part, the authority may
 2136 acquire, by gift, devise, purchase, or condemnation by eminent
 2137 domain proceedings, private or public property and property
 2138 rights, including rights of access, air, view, and light, as the
 2139 authority may deem necessary for any of the purposes of this
 2140 part, including, but not limited to, any lands reasonably
 2141 necessary for securing applicable permits, areas necessary for
 2142 management of access, borrow pits, drainage ditches, water
 2143 retention areas, rest areas, replacement access for landowners
 2144 whose access is impaired due to the construction of a facility,
 2145 and replacement rights-of-way for relocated rail and utility
 2146 facilities; for existing, proposed, or anticipated
 2147 transportation facilities on the system or in a transportation
 2148 corridor designated by the authority; or for the purposes of
 2149 screening, relocation, removal, or disposal of junkyards and
 2150 scrap metal processing facilities. The authority may condemn any
 2151 material and property necessary for such purposes.

2152 (2) The right of eminent domain conferred in this part
 2153 shall be exercised by the authority in the manner provided by
 2154 law.

2155 (3) When the authority acquires property for a
 2156 transportation facility or in a transportation corridor, the

2157 authority is not subject to any liability imposed by chapter 376
 2158 or chapter 403 for preexisting soil or groundwater contamination
 2159 due solely to its ownership of the property. This section does
 2160 not affect the rights or liabilities of any past or future
 2161 owners of the acquired property and does not affect the
 2162 liability of any governmental entity for the results of its
 2163 actions which create or exacerbate a pollution source. The
 2164 authority and the Department of Environmental Protection may
 2165 enter into interagency agreements for the performance, funding,
 2166 and reimbursement of the investigative and remedial acts
 2167 necessary for property acquired by the authority.

2168 348.9960 Cooperation with other units, boards, agencies,
 2169 and individuals.—Any county, municipality, drainage district,
 2170 road and bridge district, school district, or other political
 2171 subdivision, board, commission, or individual in or of the state
 2172 may make and enter into any contract, lease, conveyance,
 2173 partnership, or other agreement with the authority within the
 2174 provisions and for purposes of this part; and the authority may
 2175 make and enter into any contract, lease, conveyance,
 2176 partnership, or other agreement with any political subdivision,
 2177 agency, or instrumentality of the state or any federal agency,
 2178 corporation, or individual for the purpose of carrying out the
 2179 provisions of this part.

2180 348.9961 Covenant of the state.—The state does hereby
 2181 pledge to and agrees with any person, firm, or corporation or
 2182 federal or state agency subscribing to or acquiring the bonds to
 2183 be issued by the authority for the purposes of this part that
 2184 the state will not limit or alter the rights hereby vested in

2185 the authority and the department until all bonds at any time
 2186 issued together with the interest thereon are fully paid and
 2187 discharged insofar as the same affects the rights of the holders
 2188 of bonds issued hereunder. The state does further pledge to and
 2189 agree with the United States that in the event any federal
 2190 agency shall construct or contribute any funds for the
 2191 completion, extension, or improvement of the Osceola County
 2192 Expressway System, or any part or portion thereof, the state
 2193 will not alter or limit the rights and powers of the authority
 2194 and the department in any manner which would be inconsistent
 2195 with the continued maintenance and operation of the Osceola
 2196 County Expressway System or the completion, extension, or
 2197 improvement thereof or which would be inconsistent with the due
 2198 performance of any agreements between the authority and any such
 2199 federal agency. The authority and the department shall continue
 2200 to have and may exercise all powers herein granted so long as
 2201 the same shall be necessary or desirable for the carrying out of
 2202 the purposes of this part and the purposes of the United States
 2203 in the completion, extension, or improvement of the Osceola
 2204 County Expressway System or any part or portion thereof.

2205 348.9962 Exemption from taxation.—The effectuation of the
 2206 authorized purposes of the authority created under this part is
 2207 and shall be in all respects for the benefit of the people of
 2208 the state, for the increase of their commerce and prosperity,
 2209 and for the improvement of their health and living conditions;
 2210 and, since the authority will be performing essential
 2211 governmental functions in effectuating such purposes, the
 2212 authority is not required to pay any taxes or assessments of any

2213 kind or nature whatsoever upon any property acquired or used by
 2214 it for such purposes or upon any rates, fees, rentals, receipts,
 2215 income, or charges at any time received by it; and the bonds
 2216 issued by the authority, their transfer, and the income
 2217 therefrom, including any profits made on the sale thereof, shall
 2218 at all times be free from taxation of any kind by the state or
 2219 by any political subdivision or taxing agency or instrumentality
 2220 thereof. This section does not apply to any tax imposed by
 2221 chapter 220 on interest, income, or profits on debt obligations
 2222 owned by corporations.

2223 348.9963 Eligibility for investments and security.—Any
 2224 bonds or other obligations issued pursuant to this part shall be
 2225 and constitute legal investments for banks, savings banks,
 2226 trustees, executors, administrators, and all other fiduciaries
 2227 and for all state, municipal, and other public funds and shall
 2228 also be and constitute securities eligible for deposit as
 2229 security for all state, municipal, or other public funds,
 2230 notwithstanding the provisions of any other law or laws to the
 2231 contrary.

2232 348.9964 Pledges enforceable by bondholders.—It is the
 2233 express intention of this part that any pledge by the department
 2234 of rates, fees, revenues, Osceola County gasoline tax funds, or
 2235 other funds, as rentals, to the authority, or any covenants or
 2236 agreements relative thereto, may be enforceable in any court of
 2237 competent jurisdiction against the authority or directly against
 2238 the department by any holder of bonds issued by the authority.

2239 348.9965 This part complete and additional authority.—
 2240 (1) The powers conferred by this part are in addition and

2241 supplemental to the existing powers of the State Board of
 2242 Administration and the department, and this part does not repeal
 2243 any provision of any other law, general, special, or local, but
 2244 supersedes such a provision to the extent of any conflict in the
 2245 exercise of the powers provided in this part and to provide a
 2246 complete method for the exercise of the powers granted in this
 2247 part. The extension and improvement of the system and the
 2248 issuance of bonds under this part to finance all or part of the
 2249 cost of the system may be accomplished upon compliance with the
 2250 provisions of this part without regard to or necessity for
 2251 compliance with the provisions, limitations, or restrictions
 2252 contained in any other general, special, or local law,
 2253 including, but not limited to, s. 215.821. The issuance of bonds
 2254 pursuant to this part does not require approval by the qualified
 2255 electors or qualified electors who are freeholders in the state
 2256 or in Osceola County or in any other political subdivision of
 2257 the state.

2258 (2) This part does not repeal, rescind, or modify the
 2259 Osceola County Charter and does not repeal, rescind, or modify
 2260 any other law relating to the department, the State Board of
 2261 Administration, or the Division of Bond Finance of the State
 2262 Board of Administration but supersedes any such law to the
 2263 extent of any conflict with this part, including, but not
 2264 limited to, s. 215.821.

2265 348.9966 Osceola County auditor.—In addition to other
 2266 financial requirements provided by this part or by general law,
 2267 the Office of the Osceola County Commission Auditor as created
 2268 in Article II, section 2.3 of the Osceola County Home Rule

2269 Charter may conduct financial and compliance, economy and
 2270 efficiency, and performance audits of the authority with written
 2271 reports to be submitted to the authority and the governing body
 2272 of Osceola County.

2273 348.9967 Automatic dissolution.—If, prior to January 1,
 2274 2020, the authority has not encumbered any funds to further its
 2275 purposes and powers as authorized in s. 348.9953 to establish
 2276 the system, the authority is dissolved.

2277 Section 36. Subsection (6) of section 369.317, Florida
 2278 Statutes, is amended to read:

2279 369.317 Wekiva Parkway.—

2280 (6) The Orlando-Orange County Expressway Authority is
 2281 hereby granted the authority to act as a third-party acquisition
 2282 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
 2283 or chapter 373 on behalf of the governing board of the St. Johns
 2284 River Water Management District, for the acquisition of all
 2285 necessary lands, property and all interests in property
 2286 identified herein, including fee simple or less-than-fee simple
 2287 interests. The lands subject to this authority are identified in
 2288 paragraph 10.a., State of Florida, Office of the Governor,
 2289 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
 2290 of the Wekiva Basin Area Task Force created by Executive Order
 2291 2002-259, such lands otherwise known as Neighborhood Lakes, a
 2292 1,587+/-acre parcel located in Orange and Lake Counties within
 2293 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
 2294 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
 2295 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake
 2296 County within Section 37, Township 19 South, Range 28 East; New

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2297 Garden Coal; a 1,605+/-acre parcel in Lake County within
 2298 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
 2299 East; Pine Plantation, a 617+/-acre tract consisting of eight
 2300 individual parcels within the Apopka City limits. The Department
 2301 of Transportation, the Department of Environmental Protection,
 2302 the St. Johns River Water Management District, and other land
 2303 acquisition entities shall participate and cooperate in
 2304 providing information and support to the third-party acquisition
 2305 agent. The land acquisition process authorized by this paragraph
 2306 shall begin no later than December 31, 2004. Acquisition of the
 2307 properties identified as Neighborhood Lakes, Pine Plantation,
 2308 and New Garden Coal, or approval as a mitigation bank shall be
 2309 concluded no later than December 31, 2010. Department of
 2310 Transportation and Orlando-Orange County Expressway Authority
 2311 funds expended to purchase an interest in those lands identified
 2312 in this subsection shall be eligible as environmental mitigation
 2313 for road construction related impacts in the Wekiva Study Area.
 2314 If any of the lands identified in this subsection are used as
 2315 environmental mitigation for road-construction-related impacts
 2316 incurred by the Department of Transportation or Orlando-Orange
 2317 County Expressway Authority, or for other impacts incurred by
 2318 other entities, within the Wekiva Study Area or within the
 2319 Wekiva parkway alignment corridor and, if the mitigation offsets
 2320 these impacts, the St. Johns River Water Management District and
 2321 the Department of Environmental Protection shall consider the
 2322 activity regulated under part IV of chapter 373 to meet the
 2323 cumulative impact requirements of s. 373.414(8)(a).

2324 Section 37. Subsections (2) and (5) and paragraph (b) of

2325 subsection (9) of section 373.41492, Florida Statutes, are
 2326 amended to read:

2327 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
 2328 mitigation for mining activities within the Miami-Dade County
 2329 Lake Belt.—

2330 (2) To provide for the mitigation of wetland resources
 2331 lost to mining activities within the Miami-Dade County Lake Belt
 2332 Plan, effective October 1, 1999, a mitigation fee is imposed on
 2333 each ton of limerock and sand extracted by any person who
 2334 engages in the business of extracting limerock or sand from
 2335 within the Miami-Dade County Lake Belt Area and the east one-
 2336 half of sections 24 and 25 and all of sections 35 and 36,
 2337 Township 53 South, Range 39 East. The mitigation fee is imposed
 2338 for each ton of limerock and sand sold from within the
 2339 properties where the fee applies in raw, processed, or
 2340 manufactured form, including, but not limited to, sized
 2341 aggregate, asphalt, cement, concrete, and other limerock and
 2342 concrete products. The mitigation fee imposed by this subsection
 2343 for each ton of limerock and sand sold shall be 12 cents per ton
 2344 beginning January 1, 2007; 18 cents per ton beginning January 1,
 2345 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45
 2346 cents per ton beginning January 1, 2011. To upgrade a water
 2347 treatment plant that treats water coming from the Northwest
 2348 Wellfield in Miami-Dade County, a water treatment plant upgrade
 2349 fee is imposed within the same Lake Belt Area subject to the
 2350 mitigation fee and upon the same kind of mined limerock and sand
 2351 subject to the mitigation fee. The water treatment plant upgrade
 2352 fee imposed by this subsection for each ton of limerock and sand

2353 sold shall be 15 cents per ton beginning on January 1, 2007, and
 2354 the collection of this fee shall cease once the total amount of
 2355 proceeds collected for this fee reaches the amount of the actual
 2356 moneys necessary to design and construct the water treatment
 2357 plant upgrade, as determined in an open, public solicitation
 2358 process. Any limerock or sand that is used within the mine from
 2359 which the limerock or sand is extracted is exempt from the fees.
 2360 The amount of the mitigation fee and the water treatment plant
 2361 upgrade fee imposed under this section must be stated separately
 2362 on the invoice provided to the purchaser of the limerock or sand
 2363 product from the limerock or sand miner, or its subsidiary or
 2364 affiliate, for which the fee or fees apply. The limerock or sand
 2365 miner, or its subsidiary or affiliate, who sells the limerock or
 2366 sand product shall collect the mitigation fee and the water
 2367 treatment plant upgrade fee and forward the proceeds of the fees
 2368 to the Department of Revenue on or before the 20th day of the
 2369 month following the calendar month in which the sale occurs.

2370 (5) Each January 1, beginning January 1, 2010, through
 2371 December 31, 2011 ~~and each January 1 thereafter~~, the per-ton
 2372 mitigation fee shall be increased by 2.1 percentage points, plus
 2373 a cost growth index. The cost growth index shall be the
 2374 percentage change in the weighted average of the Employment Cost
 2375 Index for All Civilian Workers (ecu 10001I), issued by the
 2376 United States Department of Labor for the most recent 12-month
 2377 period ending on September 30, and the percentage change in the
 2378 Producer Price Index for All Commodities (WPU 00000000), issued
 2379 by the United States Department of Labor for the most recent 12-
 2380 month period ending on September 30, compared to the weighted

2381 average of these indices for the previous year. The weighted
 2382 average shall be calculated as 0.6 times the percentage change
 2383 in the Employment Cost Index for All Civilian Workers (ecu
 2384 10001I), plus 0.4 times the percentage change in the Producer
 2385 Price Index for All Commodities (WPU 00000000). If either index
 2386 is discontinued, it shall be replaced by its successor index, as
 2387 identified by the United States Department of Labor.

2388 (9)

2389 (b) No sooner than January 31, 2010, and no more
 2390 frequently than every 2 ~~5~~ years thereafter, the interagency
 2391 committee shall submit to the Legislature a report recommending
 2392 any needed adjustments to the mitigation fee, including the
 2393 annual escalator provided for in subsection (5), to ensure that
 2394 the revenue generated reflects the actual costs of the
 2395 mitigation.

2396 Section 38. Subsection (1) of section 403.4131, Florida
 2397 Statutes, is amended to read:

2398 403.4131 Litter control.—

2399 (1) The Department of Transportation shall establish an
 2400 "adopt-a-highway" program to allow local organizations to be
 2401 identified with specific highway cleanup and highway
 2402 beautification projects authorized under s. 339.2405. ~~The~~
 2403 ~~department shall report to the Governor and the Legislature on~~
 2404 ~~the progress achieved and the savings incurred by the "adopt-a-~~
 2405 ~~highway" program.~~ The department shall also monitor and report
 2406 ~~on~~ compliance with the provisions of the adopt-a-highway program
 2407 to ensure that organizations participating ~~that participate~~ in
 2408 the program comply with the goals identified by the department.

2409 Section 39. Section 479.01, Florida Statutes, is amended
 2410 to read:

2411 479.01 Definitions.—As used in this chapter, the term:

2412 (1) "Allowable uses" means those uses that are authorized
 2413 within a zoning category without the requirement to obtain a
 2414 variance or waiver. The term includes conditional uses and those
 2415 allowed by special exception, but does not include uses that are
 2416 accessory, incidental to the allowable uses, or allowed only on
 2417 a temporary basis.

2418 (2)~~(1)~~ "Automatic changeable facing" means a facing that
 2419 is capable of delivering two or more advertising messages
 2420 through an automated or remotely controlled process.

2421 (3)~~(2)~~ "Business of outdoor advertising" means the
 2422 business of constructing, erecting, operating, using,
 2423 maintaining, leasing, or selling outdoor advertising structures,
 2424 outdoor advertising signs, or outdoor advertisements.

2425 (4)~~(3)~~ "Commercial or industrial zone" means a parcel of
 2426 land designated for commercial or industrial uses ~~use~~ under both
 2427 the future land use map of the comprehensive plan and the land
 2428 use development regulations adopted pursuant to chapter 163. If
 2429 a parcel is located in an area designated for multiple uses on
 2430 the future land use map of a comprehensive plan and the zoning
 2431 category of the land development regulations does ~~do~~ not clearly
 2432 designate that parcel for a specific use, the area will be
 2433 considered an unzoned commercial or industrial area if it meets
 2434 the criteria of subsection (26) ~~(23)~~.

2435 (5) "Commercial use" means activities associated with the
 2436 sale, rental, or distribution of products or the performance of

2437 services. The term includes, without limitation, such uses or
 2438 activities as retail sales; wholesale sales; rentals of
 2439 equipment, goods, or products; offices; restaurants; food
 2440 service vendors; sports arenas; theaters; and tourist
 2441 attractions.

2442 (6)~~(4)~~ "Controlled area" means ~~shall mean~~ 660 feet or less
 2443 from the nearest edge of the right-of-way of any portion of the
 2444 State Highway System, interstate, or federal-aid primary system
 2445 and beyond 660 feet of the nearest edge of the right-of-way of
 2446 any portion of the State Highway System, interstate, or federal-
 2447 aid primary system outside an urban area.

2448 (7)~~(5)~~ "Department" means the Department of
 2449 Transportation.

2450 (8)~~(6)~~ "Erect" means to construct, build, raise, assemble,
 2451 place, affix, attach, create, paint, draw, or in any other way
 2452 bring into being or establish; but it does not include any of
 2453 the foregoing activities when performed as an incident to the
 2454 change of advertising message or customary maintenance or repair
 2455 of a sign.

2456 (9)~~(7)~~ "Federal-aid primary highway system" means the
 2457 existing, unbuilt, or unopened system of highways or portions
 2458 thereof, which shall include the National Highway System,
 2459 designated as the federal-aid primary highway system by the
 2460 department.

2461 (10)~~(8)~~ "Highway" means any road, street, or other way
 2462 open or intended to be opened to the public for travel by motor
 2463 vehicles.

2464 (11) "Industrial use" means activities associated with the

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2465 manufacture, assembly, processing, or storage of products or the
 2466 performance of services relating thereto. The term includes,
 2467 without limitation, such uses or activities as automobile
 2468 manufacturing or repair, boat manufacturing or repair, junk
 2469 yards, meat packing facilities, citrus processing and packing
 2470 facilities, produce processing and packing facilities,
 2471 electrical generating plants, water treatment plants, sewage
 2472 treatment plants, and solid waste disposal sites.

2473 (12)~~(9)~~ "Interstate highway system" means the existing,
 2474 unbuilt, or unopened system of highways or portions thereof
 2475 designated as the national system of interstate and defense
 2476 highways by the department.

2477 (13)~~(10)~~ "Main-traveled way" means the traveled way of a
 2478 highway on which through traffic is carried. In the case of a
 2479 divided highway, the traveled way of each of the separate
 2480 roadways for traffic in opposite directions is a main-traveled
 2481 way. It does not include such facilities as frontage roads,
 2482 turning roadways which specifically include on-ramps or off-
 2483 ramps to the interstate highway system, or parking areas.

2484 (14)~~(11)~~ "Maintain" means to allow to exist.

2485 (15)~~(12)~~ "Motorist services directional signs" means signs
 2486 providing directional information about goods and services in
 2487 the interest of the traveling public where such signs were
 2488 lawfully erected and in existence on or before May 6, 1976, and
 2489 continue to provide directional information to goods and
 2490 services in a defined area.

2491 (16)~~(13)~~ "New highway" means the construction of any road,
 2492 paved or unpaved, where no road previously existed or the act of

2493 paving any previously unpaved road.

2494 (17)~~(14)~~ "Nonconforming sign" means a sign which was
 2495 lawfully erected but which does not comply with the land use,
 2496 setback, size, spacing, and lighting provisions of state or
 2497 local law, rule, regulation, or ordinance passed at a later date
 2498 or a sign which was lawfully erected but which later fails to
 2499 comply with state or local law, rule, regulation, or ordinance
 2500 due to changed conditions.

2501 (18)~~(15)~~ "Premises" means all the land areas under
 2502 ownership or lease arrangement to the sign owner which are
 2503 contiguous to the business conducted on the land except for
 2504 instances where such land is a narrow strip contiguous to the
 2505 advertised activity or is connected by such narrow strip, the
 2506 only viable use of such land is to erect or maintain an
 2507 advertising sign. When the sign owner is a municipality or
 2508 county, "premises" shall mean all lands owned or leased by such
 2509 municipality or county within its jurisdictional boundaries as
 2510 set forth by law.

2511 (19)~~(16)~~ "Remove" means to disassemble, transport from the
 2512 site, and dispose of sign materials by sale or destruction.

2513 (20)~~(17)~~ "Sign" means any combination of structure and
 2514 message in the form of an outdoor sign, display, device, figure,
 2515 painting, drawing, message, placard, poster, billboard,
 2516 advertising structure, advertisement, logo, symbol, or other
 2517 form, whether placed individually or on a V-type, back-to-back,
 2518 side-to-side, stacked, or double-faced display or automatic
 2519 changeable facing, designed, intended, or used to advertise or
 2520 inform, any part of the advertising message or informative

2521 contents of which is visible from any place on the main-traveled
 2522 way. The term does not include an official traffic control sign,
 2523 official marker, or specific information panel erected, caused
 2524 to be erected, or approved by the department.

2525 (21)~~(18)~~ "Sign direction" means that direction from which
 2526 the message or informative contents are most visible to oncoming
 2527 traffic on the main-traveled way.

2528 (22)~~(19)~~ "Sign face" means the part of the sign, including
 2529 trim and background, which contains the message or informative
 2530 contents.

2531 (23)~~(20)~~ "Sign facing" includes all sign faces and
 2532 automatic changeable faces displayed at the same location and
 2533 facing the same direction.

2534 (24)~~(21)~~ "Sign structure" means all the interrelated parts
 2535 and material, such as beams, poles, and stringers, which are
 2536 constructed for the purpose of supporting or displaying a
 2537 message or informative contents.

2538 (25)~~(22)~~ "State Highway System" means the existing,
 2539 unbuilt, or unopened system of highways or portions thereof
 2540 designated as the State Highway System by the department.

2541 (26)~~(23)~~ "Unzoned commercial or industrial area" means a
 2542 parcel of land designated by the future land use map of the
 2543 comprehensive plan for multiple uses that include commercial or
 2544 industrial uses but are not specifically designated for
 2545 commercial or industrial uses under the land development
 2546 regulations, in which three or more separate and distinct
 2547 conforming industrial or commercial activities are located.

2548 (a) These activities must satisfy the following criteria:

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2549 | 1. At least one of the commercial or industrial activities
 2550 | must be located on the same side of the highway and within 800
 2551 | feet of the sign location;

2552 | 2. The commercial or industrial activities must be within
 2553 | 660 feet from the nearest edge of the right-of-way; and

2554 | 3. The commercial industrial activities must be within
 2555 | 1,600 feet of each other.

2556 |
 2557 | Distances specified in this paragraph must be measured from the
 2558 | nearest outer edge of the primary building or primary building
 2559 | complex when the individual units of the complex are connected
 2560 | by covered walkways.

2561 | (b) Certain activities, including, but not limited to, the
 2562 | following, may not be so recognized as commercial or industrial
 2563 | activities:

2564 | 1. Signs.

2565 | 2. Agricultural, forestry, ranching, grazing, farming, and
 2566 | related activities, including, but not limited to, wayside fresh
 2567 | produce stands.

2568 | 3. Transient or temporary activities.

2569 | 4. Activities not visible from the main-traveled way.

2570 | 5. Activities conducted more than 660 feet from the
 2571 | nearest edge of the right-of-way.

2572 | 6. Activities conducted in a building principally used as
 2573 | a residence.

2574 | 7. Railroad tracks and minor sidings.

2575 | 8. Communication towers.

2576 | (27)~~(24)~~ "Urban area" has the same meaning as defined in

2577 s. 334.03 (29) ~~(32)~~.

2578 ~~(28)~~ ~~(25)~~ "Visible commercial or industrial activity" means
 2579 a commercial or industrial activity that is capable of being
 2580 seen without visual aid by a person of normal visual acuity from
 2581 the main-traveled way and that is generally recognizable as
 2582 commercial or industrial.

2583 ~~(29)~~ ~~(26)~~ "Visible sign" means that the advertising message
 2584 or informative contents of a sign, whether or not legible, is
 2585 capable of being seen without visual aid by a person of normal
 2586 visual acuity.

2587 ~~(30)~~ ~~(27)~~ "Wall mural" means a sign that is a painting or
 2588 an artistic work composed of photographs or arrangements of
 2589 color and that displays a commercial or noncommercial message,
 2590 relies solely on the side of the building for rigid structural
 2591 support, and is painted on the building or depicted on vinyl,
 2592 fabric, or other similarly flexible material that is held in
 2593 place flush or flat against the surface of the building. The
 2594 term excludes a painting or work placed on a structure that is
 2595 erected for the sole or primary purpose of signage.

2596 (31) "Zoning category" means the designation under the
 2597 land development regulations or other similar ordinance enacted
 2598 to regulate the use of land as provided in s. 163.3202(2)(b),
 2599 which designation sets forth the allowable uses, restrictions,
 2600 and limitations on use applicable to properties within the
 2601 category.

2602 Section 40. Paragraph (c) of subsection (9) of section
 2603 479.07, Florida Statutes, is amended to read:

2604 479.07 Sign permits.—

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(9)

(c) Notwithstanding subparagraph (a)1., there is established a pilot program in Orange, Hillsborough, and Osceola Counties, and within the boundaries of the City of Miami, under which the distance between permitted signs on the same side of an interstate highway may be reduced to 1,000 feet if all other requirements of this chapter are met and if:

1. The local government has adopted a plan, program, resolution, ordinance, or other policy encouraging the voluntary removal of signs in a downtown, historic, redevelopment, infill, or other designated area which also provides for a new or replacement sign to be erected on an interstate highway within that jurisdiction if a sign in the designated area is removed;
2. The sign owner and the local government mutually agree to the terms of the removal and replacement; and
3. The local government notifies the department of its intention to allow such removal and replacement as agreed upon pursuant to subparagraph 2.
4. The new or replacement sign to be erected on an interstate highway within that jurisdiction is to be located on a parcel of land specifically designated for commercial or industrial use under both the future land use map of the comprehensive plan and the land use development regulations adopted pursuant to chapter 163 and such parcel shall not be subject to an evaluation in accordance with the criteria set forth in the s. 479.01(26) to determine if the parcel can be considered an unzoned commercial or industrial area.

2633 The department shall maintain statistics tracking the use of the
 2634 provisions of this pilot program based on the notifications
 2635 received by the department from local governments under this
 2636 paragraph.

2637 Section 41. Subsections (1) and (5) of section 479.261,
 2638 Florida Statutes, are amended to read:

2639 479.261 Logo sign program.—

2640 (1) The department shall establish a logo sign program for
 2641 the rights-of-way of the interstate highway system to provide
 2642 information to motorists about available gas, food, lodging,
 2643 camping, attractions, and other services, as approved by the
 2644 Federal Highway Administration, at interchanges through the use
 2645 of business logos and may include additional interchanges under
 2646 the program.

2647 (a) As used in this chapter, the term "attraction" means
 2648 an establishment, site, facility, or landmark that is open a
 2649 minimum of 5 days a week for 52 weeks a year; that has as its
 2650 principal focus family-oriented entertainment, cultural,
 2651 educational, recreational, scientific, or historical activities;
 2652 and that is publicly recognized as a bona fide tourist
 2653 attraction.

2654 (b) The department shall incorporate the use of RV-
 2655 friendly markers on specific information logo signs for
 2656 establishments that cater to the needs of persons driving
 2657 recreational vehicles. Establishments that qualify for
 2658 participation in the specific information logo program and that
 2659 also qualify as "RV-friendly" may request the RV-friendly marker
 2660 on their specific information logo sign. An RV-friendly marker

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2661 must consist of a design approved by the Federal Highway
2662 Administration. The department shall adopt rules in accordance
2663 with chapter 120 to administer this paragraph, including rules
2664 setting forth the minimum requirements that establishments must
2665 meet in order to qualify as RV-friendly. These requirements
2666 shall include large parking spaces, entrances, and exits that
2667 can easily accommodate recreational vehicles and facilities
2668 having appropriate overhead clearances, if applicable.

2669 ~~(c) The department may implement a 3-year, rotation-based~~
2670 ~~logo program providing for the removal and addition of~~
2671 ~~participating businesses in the program.~~

2672 (5) At a minimum, permit fees for businesses that
2673 participate in the program must be established in an amount
2674 sufficient to offset the total cost to the department for the
2675 program, including contract costs. The department shall provide
2676 the services in the most efficient and cost-effective manner
2677 through department staff or by contracting for some or all of
2678 the services. The department shall adopt rules that set
2679 reasonable rates based upon factors such as population, traffic
2680 volume, market demand, and costs for annual permit fees.
2681 However, annual permit fees for sign locations inside an urban
2682 area, as defined in s. 334.03(32), may not exceed \$3,500 ~~\$5,000~~,
2683 and annual permit fees for sign locations outside an urban area,
2684 as defined in s. 334.03(32), may not exceed \$2,000 ~~\$2,500~~. After
2685 recovering program costs, the proceeds from the annual permit
2686 fees shall be deposited into the State Transportation Trust Fund
2687 and used for transportation purposes.

2688 Section 42. Sections 479.01, 479.015, 479.02, 479.03,

2689 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,
 2690 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
 2691 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
 2692 are designated as part I of chapter 479, Florida Statutes, and
 2693 entitled "General Provisions."

2694 Section 43. Sections 479.261, 479.262, 479.27, 479.28, and
 2695 479.30, Florida Statutes, are designated as part II of chapter
 2696 479, Florida Statutes, and entitled "Special Programs."

2697 Section 44. Part III of chapter 479, Florida Statutes,
 2698 consisting of sections 479.310, 479.311, 479.312, 479.313, and
 2699 479.315, is created to read:

2700 PART III

2701 SIGN REMOVAL

2702 479.310 Unpermitted and illegal signs; intent.—It is the
 2703 intent of this part to relieve the department from the financial
 2704 burden incurred in the removal of unpermitted and illegal signs
 2705 located within the right-of-way of and controlled areas adjacent
 2706 to the State Highway System, interstate highway system, and
 2707 federal-aid primary highway system; to place the financial
 2708 responsibility for the cost of such removal directly upon those
 2709 benefiting from the location and operation of such unpermitted
 2710 and illegal signs; and to provide clear authority to the
 2711 department for the recovery of cost incurred by the department
 2712 in the removal of such unpermitted and illegal signs.

2713 479.311 Jurisdiction; venue.—The county court shall have
 2714 jurisdiction concurrent with the circuit court to consider
 2715 claims filed by the department in amounts which are within their
 2716 jurisdictional limitations. For the purposes of a claim filed by

2717 the department to recover its cost as provided in this section,
 2718 venue shall be Leon County.

2719 479.312 Unpermitted signs; cost of removal.-All costs
 2720 incurred by the department in connection with the removal of a
 2721 sign located within a controlled area adjacent to the State
 2722 Highway System, interstate highway system, or federal-aid
 2723 primary highway system which has not been issued a permit under
 2724 part I shall be assessed against and collected from the owner of
 2725 the sign, the advertiser displayed on the sign, or the owner of
 2726 the property upon which the sign is located. For the purposes of
 2727 this section, a sign that does not display the name of the sign
 2728 owner shall be presumed to be owned by the owner of the property
 2729 upon which the sign is located.

2730 479.313 Permit revocation; cost of removal.-All costs
 2731 incurred by the department in connection with the removal of a
 2732 sign located within a controlled area adjacent to the State
 2733 Highway System, interstate highway system, or federal-aid
 2734 primary highway system following the revocation of the permit
 2735 for such sign shall be assessed against and collected from the
 2736 permittee.

2737 479.315 Highway rights-of way; cost of sign removal.-All
 2738 cost incurred by the department in connection with the removal
 2739 of a sign located within the right-of-way of the State Highway
 2740 System, interstate highway system, or federal-aid primary
 2741 highway system shall be assessed against and collected from the
 2742 owner of the sign or the advertiser displayed on the sign.

2743 Section 45. Section 705.18, Florida Statutes, is amended
 2744 to read:

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2745 705.18 Disposal of personal property lost or abandoned on
 2746 university or community college campuses ~~or certain public-use~~
 2747 ~~airports~~; disposition of proceeds from sale ~~thereof~~.-

2748 (1) Whenever any lost or abandoned personal property shall
 2749 be found on a campus of an institution in the State University
 2750 System or a campus of a state-supported community college, ~~or on~~
 2751 ~~premises owned or controlled by the operator of a public-use~~
 2752 ~~airport having regularly scheduled international passenger~~
 2753 ~~service~~, the president of the institution or the president's
 2754 designee ~~or the director of the airport or the director's~~
 2755 ~~designee~~ shall take charge of the property ~~thereof~~ and make a
 2756 record of the date such property was found. If, within 30 days
 2757 after such property is found, or a longer period of time as may
 2758 be deemed appropriate by the president ~~or the director~~ under the
 2759 circumstances, the property ~~it~~ is not claimed by the owner, the
 2760 president ~~or director~~ shall order it sold at public outcry after
 2761 giving notice of the time and place of sale in a publication of
 2762 general circulation on the campus of such institution ~~or within~~
 2763 ~~the county where the airport is located~~ and written notice to
 2764 the owner if known. The rightful owner of such property may
 2765 reclaim the same at any time prior to sale.

2766 (2) All moneys realized from such institution's sale shall
 2767 be placed in an appropriate fund and used solely for student
 2768 scholarship and loan purposes. ~~All moneys realized from such~~
 2769 ~~sale by an airport, less its costs of storage, transportation,~~
 2770 ~~and publication of notice, shall, unless another use is required~~
 2771 ~~by federal law, be deposited into the state school fund.~~

2772 Section 46. Section 705.182, Florida Statutes, is created

2773 to read:

2774 705.182 Disposal of personal property found on the
 2775 premises of public-use airports.-

2776 (1) Whenever any personal property, other than an aircraft
 2777 or motor vehicle, is found on premises owned or controlled by
 2778 the operator of a public-use airport, the director of the
 2779 airport or the director's designee shall take charge of the
 2780 property and make a record of the date such property was found.

2781 (2) If, within 30 calendar days after such property is
 2782 found or for a longer period of time as may be deemed
 2783 appropriate by the director or the director's designee under the
 2784 circumstances, the property is not claimed by the owner, the
 2785 director or the director's designee may:

2786 (a) Retain any or all of the property for use by the
 2787 airport or for use by the state or the unit of local government
 2788 owning or operating the airport;

2789 (b) Trade such property to another unit of local
 2790 government or a state agency;

2791 (c) Donate the property to a charitable organization;

2792 (d) Sell the property; or

2793 (e) Dispose of the property through an appropriate refuse
 2794 removal company or a company that provides salvage services for
 2795 the type of personal property found or located on the airport
 2796 premises.

2797 (3) The airport shall notify the owner, if known, of the
 2798 property found on the airport premises and that the airport
 2799 intends to dispose of the property as provided in subsection

2800 (2).

2801 (4) If the airport elects to sell the property under
 2802 paragraph (2) (d), the property must be sold at a public auction
 2803 either on the Internet or at a specified physical location after
 2804 giving notice of the time and place of sale, at least 10
 2805 calendar days prior to the date of sale, in a publication of
 2806 general circulation within the county where the airport is
 2807 located and after written notice, via certified mail, return
 2808 receipt requested, is provided to the owner, if known. Any such
 2809 notice shall be sufficient if the notice refers to the airport's
 2810 intention to sell all then-accumulated found property, and there
 2811 is no requirement that the notice identify each item to be sold.
 2812 The rightful owner of such property may reclaim the property at
 2813 any time prior to sale by presenting acceptable evidence of
 2814 ownership to the airport director or the director's designee.
 2815 All proceeds from the sale of the property shall be retained by
 2816 the airport for use by the airport in any lawfully authorized
 2817 manner.

2818 (5) Nothing in this section shall preclude the airport
 2819 from allowing a domestic or international air carrier or other
 2820 tenant, on premises owned or controlled by the operator of a
 2821 public-use airport, to establish its own lost and found
 2822 procedures for personal property and to dispose of such personal
 2823 property.

2824 (6) A purchaser or recipient in good faith of personal
 2825 property sold or obtained under this section shall take the
 2826 property free of the rights of persons then holding any legal or
 2827 equitable interest thereto, whether or not recorded.

2828 Section 47. Section 705.183, Florida Statutes, is created

2829 to read:

2830 705.183 Disposal of derelict or abandoned aircraft on the
 2831 premises of public-use airports.-

2832 (1) (a) Whenever any derelict or abandoned aircraft is
 2833 found or located on premises owned or controlled by the operator
 2834 of a public-use airport, whether or not such premises are under
 2835 a lease or license to a third party, the director of the airport
 2836 or the director's designee shall make a record of the date the
 2837 aircraft was found or determined to be present on the airport
 2838 premises.

2839 (b) For purposes of this section, the term:

2840 1. "Abandoned aircraft" means an aircraft that has been
 2841 disposed of on a public-use airport in a wrecked, inoperative,
 2842 or partially dismantled condition or an aircraft that has
 2843 remained in an idle state on premises owned or controlled by the
 2844 operator of a public-use airport for 45 consecutive calendar
 2845 days.

2846 2. "Derelict aircraft" means any aircraft that is not in a
 2847 flyable condition, does not have a current certificate of air
 2848 worthiness issued by the Federal Aviation Administration, and is
 2849 not in the process of actively being repaired.

2850 (2) The director or the director's designee shall contact
 2851 the Federal Aviation Administration, Aircraft Registration
 2852 Branch, to determine the name and address of the last registered
 2853 owner of the aircraft and shall make a diligent personal search
 2854 of the appropriate records, or contact an aircraft title search
 2855 company, to determine the name and address of any person having
 2856 an equitable or legal interest in the aircraft. Within 10

2857 business days after receipt of the information, the director or
 2858 the director's designee shall notify the owner and all persons
 2859 having an equitable or legal interest in the aircraft by
 2860 certified mail, return receipt requested, of the location of the
 2861 derelict or abandoned aircraft on the airport premises, that
 2862 fees and charges for the use of the airport by the aircraft have
 2863 accrued and the amount thereof, that the aircraft is subject to
 2864 a lien under subsection (5) for the accrued fees and charges for
 2865 the use of the airport and for the transportation, storage, and
 2866 removal of the aircraft, that the lien is subject to enforcement
 2867 pursuant to law, and that the airport may cause the use, trade,
 2868 sale, or removal of the aircraft as described in s.
 2869 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days
 2870 after the date of receipt of such notice, the aircraft has not
 2871 been removed from the airport upon payment in full of all
 2872 accrued fees and charges for the use of the airport and for the
 2873 transportation, storage, and removal of the aircraft. Such
 2874 notice may require removal of the aircraft in less than 30
 2875 calendar days if the aircraft poses a danger to the health or
 2876 safety of users of the airport, as determined by the director or
 2877 the director's designee.

2878 (3) If the owner of the aircraft is unknown or cannot be
 2879 found, the director or the director's designee shall cause a
 2880 laminated notice to be placed upon such aircraft in
 2881 substantially the following form:

2882
 2883 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 2884 PROPERTY. This property, to wit: ...(setting forth brief

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2885 description)... is unlawfully upon public property known as
 2886 ...(setting forth brief description of location)... and has
 2887 accrued fees and charges for the use of the ...(same description
 2888 of location as above)... and for the transportation, storage,
 2889 and removal of the property. These accrued fees and charges must
 2890 be paid in full and the property must be removed within 30
 2891 calendar days after the date of this notice; otherwise, the
 2892 property will be removed and disposed of pursuant to chapter
 2893 705, Florida Statutes. The property is subject to a lien for all
 2894 accrued fees and charges for the use of the public property
 2895 known as ...(same description of location as above)... by such
 2896 property and for all fees and charges incurred by the public
 2897 property known as ...(same description of location as above)...
 2898 for the transportation, storage, and removal of the property.
 2899 This lien is subject to enforcement pursuant to law. The owner
 2900 will be liable for such fees and charges, as well as the cost
 2901 for publication of this notice. Dated this: ...(setting forth
 2902 the date of posting of notice)..., signed: ...(setting forth
 2903 name, title, address, and telephone number of law enforcement
 2904 officer)....

2905
 2906 Such notice shall be not less than 8 inches by 10 inches and
 2907 shall be sufficiently weatherproof to withstand normal exposure
 2908 to the weather. If, at the end of 30 calendar days after posting
 2909 the notice, the owner or any person interested in the described
 2910 derelict or abandoned aircraft has not removed the aircraft from
 2911 the airport upon payment in full of all accrued fees and charges
 2912 for the use of the airport and for the transportation, storage,

2913 and removal of the aircraft, or shown reasonable cause for
 2914 failure to do so, the director or the director's designee may
 2915 cause the use, trade, sale, or removal of the aircraft as
 2916 described in s. 705.182(2) (a), (b), (d), or (e).

2917 (4) Such aircraft shall be removed within the time period
 2918 specified in the notice provided under subsection (2) or
 2919 subsection (3). If, at the end of such period of time, the owner
 2920 or any person interested in the described derelict or abandoned
 2921 aircraft has not removed the aircraft from the airport upon
 2922 payment in full of all accrued fees and charges for the use of
 2923 the airport and for the transportation, storage, and removal of
 2924 the aircraft, or shown reasonable cause for the failure to do
 2925 so, the director or the director's designee may cause the use,
 2926 trade, sale, or removal of the aircraft as described in s.
 2927 705.182(2) (a), (b), (d), or (e).

2928 (a) If the airport elects to sell the aircraft in
 2929 accordance with s. 705.182(2) (d), the aircraft must be sold at
 2930 public auction after giving notice of the time and place of
 2931 sale, at least 10 calendar days prior to the date of sale, in a
 2932 publication of general circulation within the county where the
 2933 airport is located and after providing written notice of the
 2934 intended sale to all parties known to have an interest in the
 2935 aircraft.

2936 (b) If the airport elects to dispose of the aircraft in
 2937 accordance with s. 705.182(2) (e), the airport shall be entitled
 2938 to negotiate with the company for a price to be received from
 2939 such company in payment for the aircraft, or, if circumstances
 2940 so warrant, a price to be paid to such company by the airport

2941 for the costs of disposing of the aircraft. All information
 2942 pertaining to the establishment of such price and the
 2943 justification for the amount of such price shall be prepared and
 2944 maintained by the airport, and such negotiated price shall be
 2945 deemed to be a commercially reasonable price.

2946 (c) If the sale price or the negotiated price is less than
 2947 the airport's then current charges and costs against the
 2948 aircraft, or if the airport is required to pay the salvage
 2949 company for its services, the owner of the aircraft shall remain
 2950 liable to the airport for the airport's costs that are not
 2951 offset by the sale price or negotiated price, in addition to the
 2952 owner's liability for payment to the airport of the price the
 2953 airport was required to pay any salvage company. All costs
 2954 incurred by the airport in the removal, storage, and sale of any
 2955 aircraft shall be recoverable against the owner of the aircraft.

2956 (5) The airport shall have a lien on a derelict or
 2957 abandoned aircraft for all fees and charges for the use of the
 2958 airport by such aircraft and for all fees and charges incurred
 2959 by the airport for the transportation, storage, and removal of
 2960 the aircraft. As a prerequisite to perfecting a lien under this
 2961 section, the airport director or the director's designee must
 2962 serve a notice in accordance with subsection (2) on the last
 2963 registered owner and all persons having an equitable or legal
 2964 interest in the aircraft. Serving the notice does not dispense
 2965 with recording the claim of lien.

2966 (6) (a) For the purpose of perfecting its lien under this
 2967 section, the airport shall record a claim of lien which shall
 2968 state:

2997 ...(year)..., by _____ .
 2998 ...(Signature)...
 2999 Sworn to (or affirmed) and subscribed before me this _____ day
 3000 of _____, ...(year)..., by ...(name of person making statement)....
 3001 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 3002 Commissioned name of Notary Public)...
 3003 Personally Known OR Produced _____ as identification.

3004
 3005 However, the negligent inclusion or omission of any information
 3006 in this claim of lien which does not prejudice the last
 3007 registered owner does not constitute a default that operates to
 3008 defeat an otherwise valid lien.

3009 (d) The claim of lien shall be served on the last
 3010 registered owner of the aircraft and all persons having an
 3011 equitable or legal interest in the aircraft. The claim of lien
 3012 shall be so served before recordation.

3013 (e) The claim of lien shall be recorded with the clerk of
 3014 court in the county where the airport is located. The recording
 3015 of the claim of lien shall be constructive notice to all persons
 3016 of the contents and effect of such claim. The lien shall attach
 3017 at the time of recordation and shall take priority as of that
 3018 time.

3019 (7) A purchaser or recipient in good faith of an aircraft
 3020 sold or obtained under this section takes the property free of
 3021 the rights of persons then holding any legal or equitable
 3022 interest to the aircraft, whether or not recorded. The purchaser
 3023 or recipient is required to notify the appropriate Federal
 3024 Aviation Administration office of such change in the registered

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3025 owner of the aircraft.

3026 (8) If the aircraft is sold at public sale, the airport
 3027 shall deduct from the proceeds of sale the costs of
 3028 transportation, storage, publication of notice, and all other
 3029 costs reasonably incurred by the airport, and any balance of the
 3030 proceeds shall be deposited into an interest-bearing account not
 3031 later than 30 calendar days after the airport's receipt of the
 3032 proceeds and held there for 1 year. The rightful owner of the
 3033 aircraft may claim the balance of the proceeds within 1 year
 3034 after the date of the deposit by making application to the
 3035 airport and presenting acceptable written evidence of ownership
 3036 to the airport's director or the director's designee. If no
 3037 rightful owner claims the proceeds within the 1-year period, the
 3038 balance of the proceeds shall be retained by the airport to be
 3039 used in any manner authorized by law.

3040 (9) Any person acquiring a legal interest in an aircraft
 3041 that is sold by an airport under this section or s. 705.182
 3042 shall be the lawful owner of such aircraft and all other legal
 3043 or equitable interests in such aircraft shall be divested and of
 3044 no further force and effect, provided that the holder of any
 3045 such legal or equitable interests was notified of the intended
 3046 disposal of the aircraft to the extent required in this section.
 3047 The airport may issue documents of disposition to the purchaser
 3048 or recipient of an aircraft disposed of under this section.

3049 Section 48. Section 705.184, Florida Statutes, is created
 3050 to read:

3051 705.184 Derelict or abandoned motor vehicles on the
 3052 premises of public-use airports.-

3053 (1) (a) Whenever any derelict or abandoned motor vehicle is
 3054 found on premises owned or controlled by the operator of a
 3055 public-use airport, including airport premises leased to a third
 3056 party, the director of the airport or the director's designee
 3057 may take charge of the motor vehicle and make a record of the
 3058 date such motor vehicle was found.

3059 (b) For purposes of this section, the term:

3060 1. "Abandoned motor vehicle" means a motor vehicle that
 3061 has been disposed of on a public-use airport in a wrecked,
 3062 inoperative, or partially dismantled condition or a motor
 3063 vehicle that has remained in an idle state on the premises of a
 3064 public-use airport for 45 consecutive calendar days.

3065 2. "Derelict motor vehicle" means any motor vehicle that
 3066 is not in a drivable condition.

3067 (c) After the information relating to the abandoned or
 3068 derelict motor vehicle is recorded in the airport's records, the
 3069 director or the director's designee may cause the motor vehicle
 3070 to be removed from airport premises by the airport's wrecker or
 3071 by a licensed independent wrecker company to be stored at a
 3072 suitable location on or off the airport premises. If the motor
 3073 vehicle is to be removed from airport premises by the airport's
 3074 wrecker, the airport must follow the procedures in subsections
 3075 (2)-(8). The procedures in subsections (2)-(8) do not apply if
 3076 the motor vehicle is removed from the airport premises by a
 3077 licensed independent wrecker company, and the licensed wrecking
 3078 company shall comply with s. 713.78.

3079 (2) The airport director or the director's designee shall
 3080 contact the Department of Highway Safety and Motor Vehicles to

3081 notify that department that the airport has possession of the
 3082 abandoned or derelict motor vehicle and to determine the name
 3083 and address of the owner of the motor vehicle, the insurance
 3084 company insuring the motor vehicle, notwithstanding the
 3085 provisions of s. 627.736, and any person who has filed a lien on
 3086 the motor vehicle. Within 7 business days after receipt of the
 3087 information, the director or the director's designee shall send
 3088 notice by certified mail, return receipt requested, to the owner
 3089 of the motor vehicle, the insurance company insuring the motor
 3090 vehicle, notwithstanding the provisions of s. 627.736, and all
 3091 persons of record claiming a lien against the motor vehicle. The
 3092 notice shall state the fact of possession of the motor vehicle,
 3093 that charges for reasonable towing, storage, and parking fees,
 3094 if any, have accrued and the amount thereof, that a lien as
 3095 provided in subsection (6) will be claimed, that the lien is
 3096 subject to enforcement pursuant to law, that the owner or
 3097 lienholder, if any, has the right to a hearing as set forth in
 3098 subsection (4), and that any motor vehicle which, at the end of
 3099 30 calendar days after receipt of the notice, has not been
 3100 removed from the airport upon payment in full of all accrued
 3101 charges for reasonable towing, storage, and parking fees, if
 3102 any, may be disposed of as provided in s. 705.182(2) (a), (b),
 3103 (d), or (e), including, but not limited to, the motor vehicle
 3104 being sold free of all prior liens after 35 calendar days after
 3105 the time the motor vehicle is stored if any prior liens on the
 3106 motor vehicle are more than 5 years of age or after 50 calendar
 3107 days after the time the motor vehicle is stored if any prior
 3108 liens on the motor vehicle are 5 years of age or less.

3109 (3) If attempts to notify the owner or lienholder pursuant
3110 to subsection (2) are not successful, the requirement of notice
3111 by mail shall be considered met and the director or the
3112 director's designee, in accordance with subsection (5), may
3113 cause the motor vehicle to be disposed of as provided in s.
3114 705.182(2)(a), (b), (d), or (e), including, but not limited to,
3115 the motor vehicle being sold free of all prior liens after 35
3116 calendar days after the time the motor vehicle is stored if any
3117 prior liens on the motor vehicle are more than 5 years of age or
3118 after 50 calendar days after the time the motor vehicle is
3119 stored if any prior liens on the motor vehicle are 5 years of
3120 age or less.

3121 (4)(a) The owner of, or any person with a lien on, a motor
3122 vehicle removed pursuant to subsection (1), may, within 10
3123 calendar days after the time he or she has knowledge of the
3124 location of the motor vehicle, file a complaint in the county
3125 court of the county in which the motor vehicle is stored to
3126 determine if his or her property was wrongfully taken or
3127 withheld.

3128 (b) Upon filing a complaint, an owner or lienholder may
3129 have his or her motor vehicle released upon posting with the
3130 court a cash or surety bond or other adequate security equal to
3131 the amount of the fees for towing, storage, and accrued parking,
3132 if any, to ensure the payment of such fees in the event he or
3133 she does not prevail. Upon the posting of the bond or other
3134 adequate security and the payment of any applicable fee, the
3135 clerk of the court shall issue a certificate notifying the
3136 airport of the posting of the bond or other adequate security

3137 and directing the airport to release the motor vehicle. At the
3138 time of such release, after reasonable inspection, the owner or
3139 lienholder shall give a receipt to the airport reciting any
3140 claims he or she has for loss or damage to the motor vehicle or
3141 the contents of the motor vehicle.

3142 (5) If, after 30 calendar days after receipt of the
3143 notice, the owner or any person claiming a lien has not removed
3144 the motor vehicle from its storage location upon payment in full
3145 of all accrued charges for reasonable towing, storage, and
3146 parking fees, if any, or shown reasonable cause for the failure
3147 to do so, the airport director or the director's designee may
3148 dispose of the motor vehicle as provided in s. 705.182(2) (a),
3149 (b), (d), or (e). If the airport elects to sell the motor
3150 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be
3151 sold free of all prior liens after 35 calendar days after the
3152 time the motor vehicle is stored if any prior liens on the motor
3153 vehicle are more than 5 years of age or after 50 calendar days
3154 after the time the motor vehicle is stored if any prior liens on
3155 the motor vehicle are 5 years of age or less. The sale shall be
3156 a public auction either on the Internet or at a specified
3157 physical location. If the date of the sale was not included in
3158 the notice required in subsection (2), notice of the sale, sent
3159 by certified mail, return receipt requested, shall be given to
3160 the owner of the motor vehicle and to all persons claiming a
3161 lien on the motor vehicle. Such notice shall be mailed not less
3162 than 10 calendar days before the date of the sale. In addition
3163 to the notice by mail, public notice of the time and place of
3164 the sale at auction shall be made by publishing a notice of the

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3165 sale at auction one time, at least 10 calendar days prior to the
 3166 date of sale, in a newspaper of general circulation in the
 3167 county in which the sale is to be held. All costs incurred by
 3168 the airport for the towing, storage, and sale of the motor
 3169 vehicle, as well as all accrued parking fees, if any, shall be
 3170 recovered by the airport from the proceeds of the sale, and any
 3171 proceeds of the sale in excess of such costs shall be retained
 3172 by the airport for use by the airport in any manner authorized
 3173 by law.

3174 (6) The airport pursuant to this section or, if used, a
 3175 licensed independent wrecker company pursuant to s. 713.78 shall
 3176 have a lien on an abandoned or derelict motor vehicle for all
 3177 reasonable towing, storage, and accrued parking fees, if any,
 3178 except that no storage fee shall be charged if the motor vehicle
 3179 is stored less than 6 hours. As a prerequisite to perfecting a
 3180 lien under this section, the airport director or the director's
 3181 designee must serve a notice in accordance with subsection (2)
 3182 on the owner of the motor vehicle, the insurance company
 3183 insuring the motor vehicle, notwithstanding the provisions of s.
 3184 627.736, and all persons of record claiming a lien against the
 3185 motor vehicle. If attempts to notify the owner, the insurance
 3186 company insuring the motor vehicle, notwithstanding the
 3187 provisions of s. 627.736, or lienholders are not successful, the
 3188 requirement of notice by mail shall be considered met. Serving
 3189 of the notice does not dispense with recording the claim of
 3190 lien.

3191 (7) (a) For the purpose of perfecting its lien under this
 3192 section, the airport shall record a claim of lien which shall

- 3193 state:
- 3194 1. The name and address of the airport.
- 3195 2. The name of the owner of the motor vehicle, the
- 3196 insurance company insuring the motor vehicle, notwithstanding
- 3197 the provisions of s. 627.736, and all persons of record claiming
- 3198 a lien against the motor vehicle.
- 3199 3. The costs incurred from reasonable towing, storage, and
- 3200 parking fees, if any.
- 3201 4. A description of the motor vehicle sufficient for
- 3202 identification.
- 3203 (b) The claim of lien shall be signed and sworn to or
- 3204 affirmed by the airport director or the director's designee.
- 3205 (c) The claim of lien shall be sufficient if it is in
- 3206 substantially the following form:

3207

3208 CLAIM OF LIEN

3209 State of _____

3210 County of _____

3211 Before me, the undersigned notary public, personally appeared

3212 _____, who was duly sworn and says that he/she is the

3213 _____ of _____, whose address is _____; and that the

3214 following described motor vehicle:

3215 ...(Description of motor vehicle)...

3216 owned by _____, whose address is _____, has accrued

3217 \$ _____ in fees for a reasonable tow, for storage, and for

3218 parking, if applicable; that the lienor served its notice to the

3219 owner, the insurance company insuring the motor vehicle

3220 notwithstanding the provisions of s. 627.736, Florida Statutes,

3221 and all persons of record claiming a lien against the motor
 3222 vehicle on , ...(year)..., by .
 3223 ...(Signature)...
 3224 Sworn to (or affirmed) and subscribed before me this day
 3225 of , ...(year)..., by ...(name of person making statement)....
 3226 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 3227 Commissioned name of Notary Public)...
 3228 Personally Known OR Produced as identification.

3229
 3230 However, the negligent inclusion or omission of any information
 3231 in this claim of lien which does not prejudice the owner does
 3232 not constitute a default that operates to defeat an otherwise
 3233 valid lien.

3234 (d) The claim of lien shall be served on the owner of the
 3235 motor vehicle, the insurance company insuring the motor vehicle,
 3236 notwithstanding the provisions of s. 627.736, and all persons of
 3237 record claiming a lien against the motor vehicle. If attempts to
 3238 notify the owner, the insurance company insuring the motor
 3239 vehicle notwithstanding the provisions of s. 627.736, or
 3240 lienholders are not successful, the requirement of notice by
 3241 mail shall be considered met. The claim of lien shall be so
 3242 served before recordation.

3243 (e) The claim of lien shall be recorded with the clerk of
 3244 court in the county where the airport is located. The recording
 3245 of the claim of lien shall be constructive notice to all persons
 3246 of the contents and effect of such claim. The lien shall attach
 3247 at the time of recordation and shall take priority as of that
 3248 time.

3249 (8) A purchaser or recipient in good faith of a motor
 3250 vehicle sold or obtained under this section takes the property
 3251 free of the rights of persons then holding any legal or
 3252 equitable interest thereto, whether or not recorded.

3253 Section 49. Section 479.156, Florida Statutes, is amended
 3254 to read:

3255 479.156 Wall murals.—Notwithstanding any other provision
 3256 of this chapter, a municipality or county may permit and
 3257 regulate wall murals within areas designated by such government.
 3258 If a municipality or county permits wall murals, a wall mural
 3259 that displays a commercial message and is within 660 feet of the
 3260 nearest edge of the right-of-way within an area adjacent to the
 3261 interstate highway system or the federal-aid primary highway
 3262 system shall be located in an area that is zoned for industrial
 3263 or commercial use and the municipality or county shall establish
 3264 and enforce regulations for such areas that, at a minimum, set
 3265 forth criteria governing the size, lighting, and spacing of wall
 3266 murals consistent with the intent of the Highway Beautification
 3267 Act of 1965 and with customary use. Whenever a municipality or
 3268 county exercises such control and makes a determination of
 3269 customary use pursuant to 23 U.S.C. s. 131(d), such
 3270 determination shall be accepted in lieu of controls in the
 3271 agreement between the state and the United States Department of
 3272 Transportation, and the department shall notify the Federal
 3273 Highway Administration pursuant to the agreement, 23 U.S.C. s.
 3274 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
 3275 subject to municipal or county regulation and the Highway
 3276 Beautification Act of 1965 must be approved by the Department of

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3277 Transportation and the Federal Highway Administration when
3278 required by federal law and federal regulation under the
3279 agreement between the state and the United States Department of
3280 Transportation and federal regulations enforced by the
3281 Department of Transportation under s. 479.02(1). The existence
3282 of a wall mural as defined in s. 479.01(30)~~(27)~~ shall not be
3283 considered in determining whether a sign as defined in s.
3284 479.01(20)~~(17)~~, either existing or new, is in compliance with s.
3285 479.07(9)(a).

3286 Section 50. This act shall take effect July 1, 2010.