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2010 Legislature

1 A bill to be entitled
2 An act relating to transportation; amending s. 212.055,
3 F.S.; authorizing counties within or under an interlocal
4 agreement with a regional transportation or transit
5 authority to levy a discretionary sales surtax for
6 transportation systems under certain conditions; providing
7 that the county commission may apply the proceeds from the
8 charter county transportation system surtax to the
9 planning, development, construction, expansion, operation,
10 and maintenance of on-demand transportation services;
11 defining the term "on-demand transportation services";
12 amending s. 310.0015, F.S., relating to pilotage rates;
13 providing for such rates to be set by the Pilotage Rate
14 Review Committee to conform to changes made by the act;
15 amending s. 310.002, F.S.; revising the definition of the
16 term "pilotage" to conform to changes made by the act;
17 amending s. 310.011, F.S.; revising the membership of the
18 Board of Pilot Commissioners; amending s. 310.151, F.S.;
19 redesignating the "Pilotage Rate Review Board" as the
20 "Pilotage Rate Review Committee"; providing that the
21 committee is part of the Board of Pilot Commissioners;
22 revising membership and providing for appointment of
23 members from among the commissioners; requiring members to
24 comply with specified disclosure requirements; providing
25 that decisions of the committee regarding rates are not
26 appealable to the board; directing the Governor to make
27 certain appointments to the Board of Pilot Commissioners
28 before a certain date; providing requirements for the

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29 transfer of pending matters; repealing s. 315.03(12)(c),
 30 F.S., relating to legislative review of a loan program of
 31 the Florida Seaport Transportation and Economic
 32 Development Council; amending s. 316.003, F.S.; defining
 33 the term "motor carrier transportation contract" for
 34 purposes of the Florida Uniform Traffic Control Law;
 35 amending s. 316.1001, F.S.; revising the method to be used
 36 to provide notice following the issuance of a citation for
 37 failure to pay a toll; providing that receipt of the
 38 citation rather than its mailing constitutes notification;
 39 authorizing any governmental entity, including the clerk
 40 of court, to provide certain data to the Department of
 41 Highway Safety and Motor Vehicles regarding outstanding
 42 violations for failure to pay tolls; amending s. 316.302,
 43 F.S.; revising reference to specified federal rules and
 44 regulations applicable to owners and drivers of commercial
 45 motor vehicles engaged in intrastate commerce; providing
 46 that 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

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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 | requiring issuance of permits within a specified period
63 | after a request; providing restrictions on routes;
64 | providing conditions when vehicles must be unloaded;
65 | conforming a cross-reference; amending s. 318.18, F.S.;

66 | revising provisions for distribution of proceeds collected
67 | by the clerk of the court for disposition of citations for
68 | failure to pay a toll; providing alternative procedures
69 | for disposition of such citation; providing for
70 | adjudication to be withheld and no points assessed against
71 | the driver's license unless adjudication is imposed by a
72 | court; authorizing a court to direct the department to
73 | suspend a person's driver's license for violations
74 | involving the failure to pay tolls; amending s. 320.03,
75 | F.S.; clarifying provisions requiring that the tax
76 | collector withhold issuance of a license plate or
77 | revalidation sticker if certain fines are outstanding;
78 | amending s. 320.08, F.S.; providing that specified license
79 | tax provisions apply to wreckers used for certain
80 | purposes; amending s. 320.08058, F.S.; revising authorized
81 | uses of revenue received from the sale of United We Stand
82 | license plates; amending s. 322.27, F.S.; providing for
83 | assessment of points against a driver's license for
84 | specified violations of requirements to pay a toll only

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85 | when the points are imposed by a court; repealing s.
 86 | 332.14, F.S., relating to the Secure Airports for
 87 | Florida's Economy Council; providing for the use of funds
 88 | accrued by the Secure Airports for Florida's Economy
 89 | Council; amending s. 337.14, F.S.; revising application
 90 | procedures for the qualification of contractors; requiring
 91 | any required interim financial statement to be accompanied
 92 | by an updated application; amending s. 337.401, F.S.;
 93 | revising provisions for rules of the department that
 94 | provide for the placement of and access to certain
 95 | electrical transmission lines on the right-of-way of
 96 | department-controlled roads; authorizing the rules to
 97 | include that the use of the limited access right-of-way
 98 | for longitudinal placement of such transmission lines is
 99 | reasonable based upon consideration of certain economic
 100 | and environmental factors; providing that removal or
 101 | relocation of a transmission line shall be at the expense
 102 | of the utility; amending s. 337.406, F.S.; prohibiting
 103 | camping on certain parts of the right-of-way of the State
 104 | Highway System; amending s. 338.155, F.S.; authorizing the
 105 | department to adopt rules relating to the payment,
 106 | collection, and enforcement of tolls; amending ss. 341.051
 107 | and 341.3025, F.S.; requiring the use of universally
 108 | accepted contactless fare media on new or upgraded public
 109 | rail transit systems or public transit systems connecting
 110 | to such rail systems; amending s. 343.64, F.S.;
 111 | authorizing the Central Florida Regional Transportation
 112 | Authority to borrow funds under certain circumstances;

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113 | amending s. 348.51, F.S.; revising the definition for the
114 | term "bonds" when used in the Tampa-Hillsborough County
115 | Expressway Authority Law; amending s. 348.545, F.S.;
116 | authorizing certain costs to be financed by bonds issued
117 | on behalf of the Tampa-Hillsborough County Expressway
118 | Authority pursuant to the State Bond Act or bonds issued
119 | by the authority under specified provisions; amending s.
120 | 348.56, F.S.; authorizing bonds to be issued on behalf of
121 | the authority pursuant to the State Bond Act or issued by
122 | the authority under specified provisions; revising
123 | requirements for such bonds; requiring the bonds to be
124 | sold at public sale; authorizing the authority to
125 | negotiate the sale of bonds with underwriters under
126 | certain circumstances; amending s. 348.565, F.S.;
127 | providing that facilities of the expressway system are
128 | approved to be refinanced by the revenue bonds issued by
129 | the Division of Bond Finance of the State Board of
130 | Administration and the State Bond Act or by revenue bonds
131 | issued by the authority; providing that certain projects
132 | of the authority are approved for financing or refinancing
133 | by revenue bonds; amending s. 348.57, F.S.; authorizing
134 | the authority to provide for the issuance of certain bonds
135 | for the refunding of bonds outstanding regardless of
136 | whether the bonds being refunded were issued by the
137 | authority or on behalf of the authority; amending s.
138 | 348.70, F.S.; providing that the Tampa-Hillsborough County
139 | Expressway Authority Law does not repeal, rescind, or
140 | modify any other laws; providing that such law supersedes

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141 laws that are inconsistent with the provisions of that
 142 law; creating part XI of ch. 348, F.S.; creating s.
 143 348.9950, F.S.; providing a short title; creating s.
 144 348.9951, F.S.; providing that certain terms have the same
 145 meaning as in the Florida Expressway Authority Act for
 146 certain purposes; creating s. 348.9952, F.S.; creating the
 147 Osceola County Expressway Authority as an agency of the
 148 state; providing for a governing body of the authority;
 149 providing for membership, terms, organization, personnel,
 150 and administration; authorizing payment of travel and
 151 other expenses; directing the authority to cooperate with
 152 and participate in any efforts to establish a regional
 153 expressway authority; declaring that the authority is not
 154 eligible for voting membership in certain metropolitan
 155 planning organizations; creating s. 348.9953, F.S.;
 156 providing purposes and powers of the authority; creating
 157 s. 348.9954, F.S.; authorizing the issuance of bonds to
 158 pay or secure certain obligations; creating s. 348.9955,
 159 F.S.; authorizing the authority to enter into certain
 160 agreements; creating s. 348.9956, F.S.; authorizing the
 161 department to act as the authority's appointed agent under
 162 certain circumstances; creating s. 348.9957, F.S.;
 163 authorizing the authority to acquire certain lands and
 164 property; authorizing the authority to exercise eminent
 165 domain; creating s. 348.9958, F.S.; authorizing certain
 166 entities to enter into agreements with the authority;
 167 creating s. 348.9959, F.S.; providing legislative intent
 168 and a pledge of the state to bondholders; creating s.

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169 348.9960, F.S.; exempting the authority from taxation;
 170 providing an exemption from taxes for bonds issued by or
 171 on behalf of the authority and the income therefrom;
 172 providing an exception; creating s. 348.9961, F.S.;
 173 providing for dissolution of the authority under certain
 174 circumstances; amending s. 369.317, F.S.; providing that
 175 certain activity relating to mitigation of certain
 176 environmental impacts in the Wekiva Study Area or the
 177 Wekiva parkway alignment corridor meet specified impact
 178 requirements under certain conditions; amending s.
 179 373.41492, F.S.; increasing the mitigation fee for mining
 180 activities in the Miami-Dade County Lake Belt; suspending
 181 an annual increase in the mitigation fee; revising the
 182 frequency of an interagency committee report; amending s.
 183 403.4131, F.S.; removing provisions relating to a report
 184 on the adopt-a-highway program; amending s. 479.01, F.S.;
 185 defining the terms "allowable uses," "commercial use,"
 186 "industrial use," and "zoning category" and revising the
 187 definition of the terms "commercial or industrial zone"
 188 and "main-traveled way" for purposes of provisions
 189 relating to outdoor advertising; conforming cross-
 190 references; amending s. 479.07, F.S.; providing for the
 191 placement of new or replacement signs erected on an
 192 interstate highway in certain areas; requiring such sign
 193 to be located on land designated for commercial or
 194 industrial use under the future land use map and land use
 195 development regulations; exempting such location from
 196 specified evaluation criteria; amending s. 479.261, F.S.;

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197 removing a provision authorizing the Department of
198 Transportation to rotate certain logo signs relating to
199 gas, food, and lodging services on the rights-of-way of
200 the interstate highway system during a specified period;
201 reducing the annual permit fees for businesses
202 participating in the interstate highway logo sign program;
203 designating pts. I and II of ch. 479, F.S., entitled
204 "General Provisions" and "Special Programs," respectively;
205 creating pt. III of ch. 479, F.S., entitled "Sign
206 Removal"; creating s. 479.310, F.S.; providing intent
207 relating to unpermitted and illegal signs; placing
208 financial responsibility for the removal of such signs;
209 providing the department authority to recover costs of
210 removal of such signs; creating s. 479.311, F.S.,
211 providing jurisdiction to consider claims to recover
212 costs; defining the term "venue" for the purposes of a
213 claim filed by the department; creating s. 479.312, F.S.;
214 providing that costs incurred by the department in
215 removing certain signs shall be assessed against certain
216 individuals; providing presumption of a ownership;
217 creating s. 479.313, F.S.; providing for the assessment of
218 the cost of removal for signs following the revocation of
219 a sign permit; creating s. 479.315, F.S.; providing for
220 the assessment of the cost of removal of signs located
221 within a highway right-of-way; amending s. 705.18, F.S.;
222 removing provisions for disposal of personal property lost
223 or abandoned at certain public-use airports; creating s.
224 705.182, F.S.; providing for disposal of personal property

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225 found on premises owned or controlled by the operator of a
 226 public-use airport; providing a timeframe for the property
 227 to be claimed; providing options for disposing of such
 228 personal property; providing procedures for selling
 229 abandoned personal property; providing for notice of sale;
 230 providing that the rightful owner of such property may
 231 reclaim the property at any time prior to sale; permitting
 232 airport tenants to establish lost and found procedures;
 233 providing that purchaser holds title to the property free
 234 of the rights of persons then holding any legal or
 235 equitable interest thereto; creating s. 705.183, F.S.;

236 providing for disposition of derelict or abandoned
 237 aircraft on the premises of public-use airports; providing
 238 procedures for such disposition; requiring a record of
 239 when the aircraft is found; defining the terms "derelict
 240 aircraft" and "abandoned aircraft"; providing for
 241 notification of aircraft owner and all persons having an
 242 equitable or legal interest in the aircraft; providing for
 243 notice if the owner of the aircraft is unknown or cannot
 244 be found; providing for disposition if the aircraft is not
 245 removed upon payment of required fees; requiring any sale
 246 of the aircraft to be at a public auction; providing
 247 notice requirements for such public auction; providing
 248 procedures for disposal of the aircraft; providing for
 249 liability if charges and costs related to the disposition
 250 are more than that obtained from the sale; providing for a
 251 lien by the airport for fees and charges; providing for
 252 notice of lien; requiring recording of a claim of lien;

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253 providing for the form of the claim of lien; providing for
254 service of the claim of lien; providing that the purchaser
255 of the aircraft takes the property free of rights of
256 persons holding legal or equitable interest in the
257 aircraft; requiring purchaser or recipient to notify the
258 Federal Aviation Administration of change in ownership;
259 providing for disposition of moneys received for an
260 aircraft sold at public sale; authorizing the airport to
261 issue documents relating to the aircraft's disposal;
262 creating s. 705.184, F.S.; providing for disposition of
263 derelict or abandoned motor vehicles on the premises of
264 public-use airports; providing procedures; requiring
265 recording of the abandoned motor vehicle; defining the
266 terms "derelict motor vehicle" and "abandoned motor
267 vehicle"; providing for removal of such motor vehicle from
268 airport premises; providing for notice to the owner, the
269 company insuring the motor vehicle, and any lienholder;
270 providing for disposition if the motor vehicle is not
271 removed upon payment of required fees; requiring any sale
272 of the motor vehicle to be at a public auction; providing
273 notice requirements for such public auction; providing
274 procedures for disposal of the motor vehicle; providing
275 for a lien by the airport or a licensed independent
276 wrecker for fees and charges; providing for notice of
277 lien; requiring recording of a claim of lien; providing
278 for the form of the claim of lien; providing for service
279 of claim of lien; providing that the purchaser of the
280 motor vehicle takes the property free of the rights of

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281 persons holding legal or equitable interest in the motor
 282 vehicle; amending s. 479.156, F.S.; conforming cross-
 283 references; providing an effective date.

284

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

286

287 Section 1. Subsection (1) of section 212.055, Florida
 288 Statutes, is amended to read:

289 212.055 Discretionary sales surtaxes; legislative intent;
 290 authorization and use of proceeds.—It is the legislative intent
 291 that any authorization for imposition of a discretionary sales
 292 surtax shall be published in the Florida Statutes as a
 293 subsection of this section, irrespective of the duration of the
 294 levy. Each enactment shall specify the types of counties
 295 authorized to levy; the rate or rates which may be imposed; the
 296 maximum length of time the surtax may be imposed, if any; the
 297 procedure which must be followed to secure voter approval, if
 298 required; the purpose for which the proceeds may be expended;
 299 and such other requirements as the Legislature may provide.
 300 Taxable transactions and administrative procedures shall be as
 301 provided in s. 212.054.

302 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
 303 SURTAX.—

304 (a) Each charter county that has adopted a charter, ~~and~~
 305 each county the government of which is consolidated with that of
 306 one or more municipalities, and each county that is within or
 307 under an interlocal agreement with a regional transportation or
 308 transit authority created under chapter 343 or chapter 349 may

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309 | levy a discretionary sales surtax, subject to approval by a
 310 | majority vote of the electorate of the county or by a charter
 311 | amendment approved by a majority vote of the electorate of the
 312 | county.

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

314 | (c) The proposal to adopt a discretionary sales surtax as
 315 | provided in this subsection and to create a trust fund within
 316 | the county accounts shall be placed on the ballot in accordance
 317 | with law at a time to be set at the discretion of the governing
 318 | body.

319 | (d) Proceeds from the surtax shall be applied to as many
 320 | or as few of the uses enumerated below in whatever combination
 321 | the county commission deems appropriate:

322 | 1. Deposited by the county in the trust fund and shall be
 323 | used for the purposes of development, construction, equipment,
 324 | maintenance, operation, supportive services, including a
 325 | countywide bus system, on-demand transportation services, and
 326 | related costs of a fixed guideway rapid transit system;

327 | 2. Remitted by the governing body of the county to an
 328 | expressway, transit, or transportation authority created by law
 329 | to be used, at the discretion of such authority, for the
 330 | development, construction, operation, or maintenance of roads or
 331 | bridges in the county, for the operation and maintenance of a
 332 | bus system, for the operation and maintenance of on-demand
 333 | transportation services, for the payment of principal and
 334 | interest on existing bonds issued for the construction of such
 335 | roads or bridges, and, upon approval by the county commission,
 336 | such proceeds may be pledged for bonds issued to refinance

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337 existing bonds or new bonds issued for the construction of such
 338 roads or bridges;

339 3. Used by the ~~charter~~ county for the development,
 340 construction, operation, and maintenance of roads and bridges in
 341 the county; for the expansion, operation, and maintenance of bus
 342 and fixed guideway systems; for the expansion, operation, and
 343 maintenance of on-demand transportation services; and for the
 344 payment of principal and interest on bonds issued for the
 345 construction of fixed guideway rapid transit systems, bus
 346 systems, roads, or bridges; and such proceeds may be pledged by
 347 the governing body of the county for bonds issued to refinance
 348 existing bonds or new bonds issued for the construction of such
 349 fixed guideway rapid transit systems, bus systems, roads, or
 350 bridges and no more than 25 percent used for nontransit uses;
 351 and

352 4. Used by the ~~charter~~ county for the planning,
 353 development, construction, operation, and maintenance of roads
 354 and bridges in the county; for the planning, development,
 355 expansion, operation, and maintenance of bus and fixed guideway
 356 systems; for the planning, development, construction, operation,
 357 and maintenance of on-demand transportation services; and for
 358 the payment of principal and interest on bonds issued for the
 359 construction of fixed guideway rapid transit systems, bus
 360 systems, roads, or bridges; and such proceeds may be pledged by
 361 the governing body of the county for bonds issued to refinance
 362 existing bonds or new bonds issued for the construction of such
 363 fixed guideway rapid transit systems, bus systems, roads, or
 364 bridges. Pursuant to an interlocal agreement entered into

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365 pursuant to chapter 163, the governing body of the ~~charter~~
 366 county may distribute proceeds from the tax to a municipality,
 367 or an expressway or transportation authority created by law to
 368 be expended for the purpose authorized by this paragraph. Any
 369 ~~charter~~ county that has entered into interlocal agreements for
 370 distribution of proceeds to one or more municipalities in the
 371 county shall revise such interlocal agreements no less than
 372 every 5 years in order to include any municipalities that have
 373 been created since the prior interlocal agreements were
 374 executed.

375 (e) As used in this subsection, the term "on-demand
 376 transportation services" means transportation provided between
 377 flexible points of origin and destination selected by individual
 378 users with such service being provided at a time that is agreed
 379 upon by the user and the provider of the service and that is not
 380 fixed-schedule or fixed-route in nature.

381 Section 2. Paragraph (b) of subsection (3) of section
 382 310.0015, Florida Statutes, is amended to read:

383 310.0015 Piloting regulation; general provisions.—

384 (3) The rate-setting process, the issuance of licenses
 385 only in numbers deemed necessary or prudent by the board, and
 386 other aspects of the economic regulation of piloting established
 387 in this chapter are intended to protect the public from the
 388 adverse effects of unrestricted competition which would result
 389 from an unlimited number of licensed pilots being allowed to
 390 market their services on the basis of lower prices rather than
 391 safety concerns. This system of regulation benefits and protects
 392 the public interest by maximizing safety, avoiding uneconomic

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393 duplication of capital expenses and facilities, and enhancing
 394 state regulatory oversight. The system seeks to provide pilots
 395 with reasonable revenues, taking into consideration the normal
 396 uncertainties of vessel traffic and port usage, sufficient to
 397 maintain reliable, stable piloting operations. Pilots have
 398 certain restrictions and obligations under this system,
 399 including, but not limited to, the following:

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

404 Section 3. Subsection (7) of section 310.002, Florida
 405 Statutes, is amended to read:

406 310.002 Definitions.—As used in this chapter, except where
 407 the context clearly indicates otherwise:

408 (7) "Pilotage" means the compensation fixed by the
 409 Pilotage Rate Review Committee ~~Board~~ which is payable by a
 410 vessel, its owners, agents, charterers, or consignees to one or
 411 more pilots in the port where piloting is performed. The word
 412 "pilotage" also means the compensation of all types and sources
 413 derived by one or more pilots or deputy pilots for the
 414 performance of piloting at that port by licensed pilots or by
 415 certificated deputy pilots, whether such piloting is performed
 416 pursuant to this chapter or is performed by state-licensed
 417 pilots or state-certificated deputy pilots when acting as a
 418 federal pilot for vessels not required by this chapter to use a
 419 state-licensed pilot or state-certificated deputy pilot.

420 Section 4. Section 310.011, Florida Statutes, is amended

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421 to read:
 422 310.011 Board of Pilot Commissioners.—
 423 (1) A board is established within the Division of
 424 Professions of the Department of Business and Professional
 425 Regulation to be known as the Board of Pilot Commissioners. The
 426 board shall be composed of 10 members, to be appointed by the
 427 Governor, as follows: five members ~~5 of whom~~ shall be licensed
 428 state pilots actively practicing their profession; two members
 429 shall be actively involved in a professional or business
 430 capacity in the maritime industry, marine shipping industry, or
 431 commercial passenger cruise industry; one member shall be a
 432 certified public accountant with at least 5 years of experience
 433 in financial management; and two members shall be citizens of
 434 the state. The latter three board members shall not be involved
 435 in, or have any financial interest in, the piloting profession,
 436 the maritime industry, the marine shipping industry, or the
 437 commercial passenger cruise industry. The board shall perform
 438 such duties and possess and exercise such powers relative to the
 439 protection of the waters, harbors, and ports of this state as
 440 are prescribed and conferred on it in this chapter.

441 ~~(2) In accordance with the requirements of subsection (1),~~
 442 ~~the Governor shall appoint five licensed state pilots who are~~
 443 ~~actively practicing their profession and five citizens of the~~
 444 ~~state who are not pilots, one of whom shall be actively involved~~
 445 ~~in a professional or business capacity in maritime or marine~~
 446 ~~shipping, one of whom shall be a user of piloting services, and~~
 447 ~~three of whom shall not be involved or monetarily interested in~~
 448 ~~the piloting profession or in the maritime industry or marine~~

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449 ~~shipping, to constitute the members of the board. For purposes~~
 450 ~~of this subsection, a "user of piloting services" may include~~
 451 ~~any person with an ownership interest in a business that~~
 452 ~~regularly employs licensed state pilots or certificated deputy~~
 453 ~~pilots for the purpose of delivering piloting services, or any~~
 454 ~~person who is a direct employee of, and who is employed in a~~
 455 ~~management position for, that business. Each member shall be~~
 456 appointed for a term of 4 years. The Governor shall have power
 457 to remove members of the board from office for neglect of duty
 458 required by this chapter, for incompetency, or for
 459 unprofessional conduct. Any vacancy which may occur in the board
 460 in consequence of death, resignation, removal from the state, or
 461 other cause shall be filled for the unexpired term by the
 462 Governor in the same manner. A majority of those serving on the
 463 board shall constitute a quorum.

464 (3) In appointing members to the board who are pilots, the
 465 Governor shall appoint one member from the state at large; one
 466 member from any of the following ports: Pensacola, Panama City,
 467 or Port St. Joe; one member from any of the following ports:
 468 Tampa Bay, Boca Grande, Punta Gorda, Charlotte Harbor, or Key
 469 West; one member from any of the following ports: Fernandina,
 470 Jacksonville, or Port Canaveral; and one member from any of the
 471 following ports: Ft. Pierce, Miami, Port Everglades, or Palm
 472 Beach.

473 Section 5. Section 310.151, Florida Statutes, is amended
 474 to read:

475 310.151 Rates of pilotage; Pilotage Rate Review Committee
 476 Board.-

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

479 1. "Committee" ~~"board"~~ means the Pilotage Rate Review
 480 Committee established under this section as part of the Board of
 481 Pilot Commissioners.

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

483 (b) ~~1.~~ To carry out the provisions of this section, the
 484 Pilotage Rate Review Committee ~~Board~~ is established as part of
 485 the Board of Pilot Commissioners ~~created~~ within the Department
 486 of Business and Professional Regulation. ~~Members shall be~~
 487 ~~appointed by the Governor, subject to confirmation by the~~
 488 ~~Senate. Members shall be appointed for 4-year terms, except as~~
 489 ~~otherwise specified in this paragraph. No member may serve more~~
 490 ~~than two consecutive 4-year terms or more than 11 years on the~~
 491 ~~board.~~ The committee ~~board~~ shall consist of the following seven
 492 members of the board: two board members who are licensed state
 493 pilots actively practicing their profession, who shall be
 494 appointed by majority vote of the licensed state pilots serving
 495 on the board; two board members who are actively involved in a
 496 professional or business capacity in the maritime industry,
 497 marine shipping industry, or commercial passenger cruise
 498 industry; one board member who is a certified public accountant
 499 with at least 5 years of experience in financial management; and
 500 two board members who are citizens of the state. ~~No member may~~
 501 ~~have ever served as a state pilot or deputy pilot, and no member~~
 502 ~~may currently serve or have served as a direct employee,~~
 503 ~~contract employee, partner, corporate officer, sole proprietor,~~
 504 ~~or representative of any vessel operator, shipping agent, or~~

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505 ~~pilot association or organization, except that one member shall~~
 506 ~~be or have been a person licensed by the United States Coast~~
 507 ~~Guard as an unlimited master, without a first class pilot's~~
 508 ~~endorsement, initially appointed to a 2-year term. One member~~
 509 ~~shall be a certified public accountant with at least 5 years'~~
 510 ~~experience in financial management, initially appointed to a 3-~~
 511 ~~year term. One member shall be a former hearing officer or~~
 512 ~~administrative law judge of the Division of Administrative~~
 513 ~~Hearings, as defined in s. 120.65, or a former judge who has~~
 514 ~~served on the Supreme Court or any district court of appeal,~~
 515 ~~circuit court, or county court, initially appointed to a 4-year~~
 516 ~~term. Except as otherwise provided in subparagraph 2., the~~
 517 ~~remaining members shall be appointed by the Governor from among~~
 518 ~~persons not prohibited pursuant to this paragraph. Members of~~
 519 ~~the board shall be appointed so as to be geographically~~
 520 ~~distributed, with the southern, central, northeastern, and~~
 521 ~~northwestern regions of the state having at least one member~~
 522 ~~each.~~

523 ~~2. Three members shall be the consumer members of the~~
 524 ~~Board of Pilot Commissioners serving on that board as of January~~
 525 ~~1, 1994. Of those members, one shall be appointed to a 1-year~~
 526 ~~term, one shall be appointed to a 2-year term, and one shall be~~
 527 ~~appointed to a 3-year term. Each of those members shall be~~
 528 ~~eligible for reappointment in the same fashion as other members~~
 529 ~~of the board, but, thereafter, no member of the board shall be a~~
 530 ~~current or former member of the Board of Pilot Commissioners.~~
 531 ~~The service of the consumer members of the Board of Pilot~~
 532 ~~Commissioners on this board, while they are maintaining~~

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533 ~~concurrent membership with the Board of Pilot Commissioners,~~
 534 ~~shall be considered duties in addition to and related to their~~
 535 ~~duties on the Board of Pilot Commissioners. In the event that~~
 536 ~~any of the three board members stipulated according to this~~
 537 ~~subparagraph are unable to serve, the Governor shall fill the~~
 538 ~~position or positions by appointment from among persons not~~
 539 ~~prohibited pursuant to this paragraph.~~

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

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

549 (e) ~~(d)~~ All funds received pursuant to this section shall
 550 be placed in the account of the Board of Pilot Commissioners,
 551 and the Board of Pilot Commissioners shall pay for all expenses
 552 incurred pursuant to this section.

553 (2) Any pilot, group of pilots, or other person or group
 554 of persons whose substantial interests are directly affected by
 555 the rates established by the committee board may apply to the
 556 committee board for a change in rates. However, an application
 557 for a change in rates shall not be considered for any port for
 558 which rates have been changed by this committee board in the 18
 559 months preceding the filing of the application. All applications
 560 for changes in rates shall be made to the committee board, in

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561 writing, pursuant to rules prescribed by the committee ~~board~~. In
562 the case of an application for a rate change on behalf of a
563 pilot or group of pilots, the application shall be accompanied
564 by a consolidated financial statement, statement of profit or
565 loss, and balance sheet prepared by a certified public
566 accountant of the pilot or group of pilots and all relevant
567 information, fiscal and otherwise, on the piloting activities
568 within the affected port area, including financial information
569 on all entities owned or partially owned by the pilot or group
570 of pilots which provide pilot-related services in the affected
571 port area. In the case of an application for a rate change filed
572 on behalf of persons other than a pilot or group of pilots,
573 information regarding the financial state of interested parties
574 other than pilots shall be required only to the extent that such
575 financial information is made relevant by the application or
576 subsequent argument before the committee ~~board~~. The committee
577 ~~board~~ shall have the authority to set, by rule, a rate review
578 application fee of up to \$1,000, which must be submitted to the
579 committee ~~board~~ upon the filing of the application for a rate
580 change.

581 (3) The committee ~~board~~ shall investigate and determine
582 whether the requested rate change will result in fair, just, and
583 reasonable rates of pilotage pursuant to rules prescribed by the
584 committee ~~board~~. In addition to publication as required by law,
585 notice of a hearing to determine rates shall be mailed to each
586 person who has formally requested notice of any rate change in
587 the affected port area. The notice shall advise all interested
588 parties that they may file an answer, an additional or

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589 alternative petition, or any other applicable pleading or
590 response, within 30 days after the date of publication of the
591 notice, and the notice shall specify the last date by which any
592 such pleading must be filed. The committee ~~board~~ may, for good
593 cause, extend the period for responses to a petition. Multiple
594 petitions filed in this manner do not warrant separate hearings,
595 and these petitions shall be consolidated to the extent that it
596 shall not be necessary to hold a separate hearing on each
597 petition. The committee ~~board~~ shall conclude its investigation,
598 conduct a public hearing, and determine whether to modify the
599 existing rates of pilotage in that port within 60 days after the
600 filing of the completed application, except that the committee
601 ~~board~~ may not be required to complete a hearing for more than
602 one port within any 60-day period. Hearings shall be held in the
603 affected port area, unless a different location is agreed upon
604 by all parties to the proceeding.

605 (4) (a) The applicant shall be given written notice, either
606 in person or by certified mail, that the committee ~~board~~ intends
607 to modify the pilotage rates in that port and that the applicant
608 may, within 21 days after receipt of the notice, request a
609 hearing pursuant to the Administrative Procedure Act. Notice of
610 the intent to modify the pilotage rates in that port shall also
611 be published in the Florida Administrative Weekly and in a
612 newspaper of general circulation in the affected port area and
613 shall be mailed to any person who has formally requested notice
614 of any rate change in the affected port area. Within 21 days
615 after receipt or publication of notice, any person whose
616 substantial interests will be affected by the intended committee

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617 ~~board~~ action may request a hearing pursuant to the
618 Administrative Procedure Act. If the committee ~~board~~ concludes
619 that the petitioner has raised a disputed issue of material
620 fact, the committee ~~board~~ shall designate a hearing, which shall
621 be conducted by formal proceeding before an administrative law
622 judge assigned by the Division of Administrative Hearings
623 pursuant to ss. 120.569 and 120.57(1), unless waived by all
624 parties. If the committee ~~board~~ concludes that the petitioner
625 has not raised a disputed issue of material fact and does not
626 designate the petition for hearing, that decision shall be
627 considered final agency action for purposes of s. 120.68. The
628 failure to request a hearing within 21 days after receipt or
629 publication of notice shall constitute a waiver of any right to
630 an administrative hearing and shall cause the order modifying
631 the pilotage rates in that port to be entered. If an
632 administrative hearing is requested pursuant to this subsection,
633 notice of the time, date, and location of the hearing shall be
634 published in the Florida Administrative Weekly and in a
635 newspaper of general circulation in the affected port area and
636 shall be mailed to the applicant and to any person who has
637 formally requested notice of any rate change for the affected
638 port area.

639 (b) In any administrative proceeding pursuant to this
640 section, the committee's ~~board's~~ proposed rate determination
641 shall be immediately effective and shall not be stayed during
642 the administrative proceeding, provided that, pending rendition
643 of the committee's ~~board's~~ final order, the pilot or pilots in
644 the subject port deposit in an interest-bearing account all

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645 amounts received which represent the difference between the
 646 previous rates and the proposed rates. The pilot or pilots in
 647 the subject port shall keep an accurate accounting of all
 648 amounts deposited, specifying by whom or on whose behalf such
 649 amounts were paid, and shall produce such an accounting upon
 650 request of the committee ~~board~~. Upon rendition of the
 651 committee's ~~board's~~ final order:

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

656 2. Any amounts deposited which exceed the rates sustained
 657 in the committee's ~~board's~~ final order shall be refunded, with
 658 the accrued interest, to those customers from whom the funds
 659 were collected. Any funds that are not refunded after diligent
 660 effort of the pilot or pilots to do so shall be disbursed by the
 661 pilot or pilots as the committee ~~board~~ shall direct.

662 (5) (a) In determining whether the requested rate change
 663 will result in fair, just, and reasonable rates, the committee
 664 ~~board~~ shall give primary consideration to the public interest in
 665 promoting and maintaining efficient, reliable, and safe piloting
 666 services.

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

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

671 2. A determination of the average net income of pilots in
 672 the port, including the value of all benefits derived from

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673 service as a pilot. For the purposes of this subparagraph, "net
674 income of pilots" refers to total pilotage fees collected in the
675 port, minus reasonable operating expenses, divided by the number
676 of licensed and active state pilots within the ports.

677 3. Reasonable operating expenses of pilots.

678 4. Pilotage rates in other ports.

679 5. The amount of time each pilot spends on actual piloting
680 duty and the amount of time spent on other essential support
681 services.

682 6. The prevailing compensation available to individuals in
683 other maritime services of comparable professional skill and
684 standing as that sought in pilots, it being recognized that in
685 order to attract to the profession of piloting, and to hold the
686 best and most qualified individuals as pilots, the overall
687 compensation accorded pilots should be equal to or greater than
688 that available to such individuals in comparable maritime
689 employment.

690 7. The impact rate change may have in individual pilot
691 compensation and whether such change will lead to a shortage of
692 licensed state pilots, certificated deputy pilots, or qualified
693 pilot applicants.

694 8. Projected changes in vessel traffic.

695 9. Cost of retirement and medical plans.

696 10. Physical risks inherent in piloting.

697 11. Special characteristics, dangers, and risks of the
698 particular port.

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

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701 (c) The committee ~~board~~ may take into consideration the
 702 consumer price index or any other comparable economic indicator
 703 when fixing rates of pilotage; however, because the consumer
 704 price index or such other comparable economic indicator is
 705 primarily related to net income rather than rates, the committee
 706 ~~board~~ shall not use it as the sole factor in fixing rates of
 707 pilotage.

708 (6) The committee ~~board~~ shall fix rates of pilotage
 709 pursuant to this section based upon the following vessel
 710 characteristics:

- 711 (a) Length.
- 712 (b) Beam.
- 713 (c) Net tonnage, gross tonnage, or dead weight tonnage.
- 714 (d) Freeboard or height above the waterline.
- 715 (e) Draft or molded depth.
- 716 (f) Any combination of the vessel characteristics listed
 717 in this subsection or any other relevant vessel characteristic
 718 or characteristics.

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

721 Section 6. By October 31, 2010, the Governor shall appoint
 722 to the Board of Pilot Commissioners: two members actively
 723 involved in a professional or business capacity in the maritime
 724 industry, marine shipping industry, or commercial passenger
 725 cruise industry; one member who is a certified public accountant
 726 with at least 5 years of experience in financial management; and
 727 two members who are citizens of the state. Notwithstanding any
 728 other provision of this act, the nonpilot members of the board

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729 as of the effective date of this act shall continue to serve
 730 until the Governor makes the appointments required in this
 731 section. The terms of the pilot members of the board shall not
 732 be affected by this section. Any pending matters before the
 733 Pilotage Rate Review Board as of the effective date of this act
 734 shall be transferred for further action to the Pilotage Rate
 735 Review Committee.

736 Section 7. Paragraph (c) of subsection (12) of section
 737 315.03, Florida Statutes, is repealed.

738 Section 8. Subsection (86) is added to section 316.003,
 739 Florida Statutes, to read:

740 316.003 Definitions.—The following words and phrases, when
 741 used in this chapter, shall have the meanings respectively
 742 ascribed to them in this section, except where the context
 743 otherwise requires:

744 (86) MOTOR CARRIER TRANSPORTATION CONTRACT.—

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

746 1. The transportation of property for compensation or hire
 747 by the motor carrier;

748 2. Entrance on property by the motor carrier for the
 749 purpose of loading, unloading, or transporting property for
 750 compensation or hire; or

751 3. A service incidental to activity described in
 752 subparagraph 1. or subparagraph 2., including, but not limited
 753 to, storage of property.

754 (b) "Motor carrier transportation contract" does not
 755 include the Uniform Intermodal Interchange and Facilities Access
 756 Agreement administered by the Intermodal Association of North

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757 America or other agreements providing for the interchange, use,
 758 or possession of intermodal chassis, containers, or other
 759 intermodal equipment.

760 Section 9. Paragraph (b) of subsection (2) and subsection
 761 (4) of section 316.1001, Florida Statutes, are amended to read:
 762 316.1001 Payment of toll on toll facilities required;
 763 penalties.—

764 (2)

765 (b) A citation issued under this subsection may be issued
 766 by mailing the citation by first-class ~~first-class~~ mail, ~~or by~~
 767 ~~certified mail~~, return receipt requested, to the address of the
 768 registered owner of the motor vehicle involved in the violation.
 769 Receipt of Mailing the citation ~~to this address~~ constitutes
 770 notification. In the case of joint ownership of a motor vehicle,
 771 the traffic citation must be mailed to the first name appearing
 772 on the registration, unless the first name appearing on the
 773 registration is a business organization, in which case the
 774 second name appearing on the registration may be used. A
 775 citation issued under this paragraph must be mailed to the
 776 registered owner of the motor vehicle involved in the violation
 777 within 14 days after the date of issuance of the citation
 778 ~~violation~~. In addition to the citation, notification must be
 779 sent to the registered owner of the motor vehicle involved in
 780 the violation specifying remedies available under ss. 318.14(12)
 781 and 318.18(7).

782 (4) Any governmental entity, including, without
 783 limitation, a clerk of court, may provide ~~supply~~ the department
 784 with data that is machine readable by the department's computer

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785 system, listing persons who have one or more outstanding
 786 violations of this section, with reference to the person's
 787 driver's license number or vehicle registration number in the
 788 case of a business entity. Pursuant to s. 320.03(8), those
 789 persons may not be issued a license plate or revalidation
 790 sticker for any motor vehicle.

791 Section 10. Paragraph (b) of subsection (1) of section
 792 316.302, Florida Statutes, is amended, and subsection (12) is
 793 added to that section, to read:

794 316.302 Commercial motor vehicles; safety regulations;
 795 transporters and shippers of hazardous materials; enforcement.—

796 (1)

797 (b) Except as otherwise provided in this section, all
 798 owners or drivers of commercial motor vehicles that are engaged
 799 in intrastate commerce are subject to the rules and regulations
 800 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 801 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 802 of bus, as such rules and regulations existed on October 1, 2009
 803 2007.

804 (12) (a) Notwithstanding any provision of law to the
 805 contrary, a provision, clause, covenant, or agreement contained
 806 in, collateral to, or affecting a motor carrier transportation
 807 contract that purports to indemnify, defend, or hold harmless,
 808 or has the effect of indemnifying, defending, or holding
 809 harmless, the promisee from or against any liability for loss or
 810 damage resulting from the negligence or intentional acts or
 811 omissions of the promisee is against the public policy of this
 812 state and is void and unenforceable.

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813 (b) As used in this subsection, the term "promisee" means
 814 the contract's promisee and any agents, employees, servants, or
 815 independent contractors who are directly responsible to the
 816 contract's promisee, except that the term does not include motor
 817 carriers which are party to a motor carrier transportation
 818 contract with the contract's promisee, including such motor
 819 carrier's agents, employees, servants, or independent
 820 contractors directly responsible to such motor carrier.

821 (c) This subsection only applies to motor carrier
 822 transportation contracts entered into or renewed on or after
 823 July 1, 2010.

824 Section 11. Paragraph (c) of subsection (8) of section
 825 316.515, Florida Statutes, is amended to read:

826 316.515 Maximum width, height, length.—

827 (8) WRECKERS.—The limitations imposed by this section do
 828 not apply to a combination of motor vehicles consisting of a
 829 wrecker licensed in accordance with s. 320.08(5)(d) or (e) and a
 830 disabled motor vehicle, trailer, semitrailer, or tractor-trailer
 831 combination, or a replacement motor vehicle, which is under tow
 832 by the wrecker, if the size and weight of the towed vehicle is
 833 consistent with statutory requirements and the requirements of
 834 this subsection.

835 (c) Where the combined weight of the wrecker and the towed
 836 vehicle exceeds the maximum weight limits as established by s.
 837 316.535, the wrecker must be operating under a current wrecker
 838 special use permit or permits as provided in s. 316.550 (5) ~~(4)~~ or
 839 in accordance with paragraph (b).

840 Section 12. Paragraphs (c) and (d) of subsection (3) of

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841 section 316.545, Florida Statutes, are redesignated as
 842 paragraphs (d) and (e), respectively, and a new paragraph (c) is
 843 added to that subsection to read:

844 316.545 Weight and load unlawful; special fuel and motor
 845 fuel tax enforcement; inspection; penalty; review.—

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

850 (c) For a vehicle equipped with fully functional idle-
 851 reduction technology, any penalty shall be calculated by
 852 reducing the actual gross vehicle weight or the internal bridge
 853 weight by the certified weight of the idle-reduction technology
 854 or by 400 pounds, whichever is less. The vehicle operator must
 855 present written certification of the weight of the idle-
 856 reduction technology and must demonstrate or certify that the
 857 idle-reduction technology is fully functional at all times. This
 858 calculation is not allowed for vehicles described in s.
 859 316.535(6);

860 Section 13. Subsections (4) through (10) of section
 861 316.550, Florida Statutes, are renumbered as subsections (5)
 862 through (11), respectively, present subsection (7) is amended,
 863 and a new subsection (4) is added to that section, to read:

864 316.550 Operations not in conformity with law; special
 865 permits.—

866 (4) (a) The Department of Transportation or local authority
 867 may issue permits that authorize commercial vehicles having
 868 weights not exceeding the limits of s. 316.535(5), plus the

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869 scale tolerance provided in s. 316.545(2), to operate off the
 870 interstate highway system on a designated route specified in the
 871 permit. Such permits shall be issued within 14 days after
 872 receipt of the request.

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

876 (c) Any vehicle or combination of vehicles which exceeds
 877 the weight limits authorized in paragraph (a) shall be unloaded
 878 and all material so unloaded shall be cared for by the owner or
 879 operator.

880 (8) ~~(7)~~ The Department of Transportation may impose fines
 881 for the operation of a vehicle in violation of this section, as
 882 provided in subsection (10) ~~(9)~~.

883 Section 14. Subsection (7) of section 318.18, Florida
 884 Statutes, is amended to read:

885 318.18 Amount of penalties.—The penalties required for a
 886 noncriminal disposition pursuant to s. 318.14 or a criminal
 887 offense listed in s. 318.17 are as follows:

888 (7) Mandatory \$100 fine for each violation of s. 316.1001
 889 plus the amount of the unpaid toll shown on the traffic citation
 890 for each citation issued. The clerk of the court shall forward
 891 \$25 of the \$100 fine received, plus the amount of the unpaid
 892 toll that is shown on the citation, to the governmental entity
 893 that issued the citation for citations issued by toll
 894 enforcement officers or to the entity administering the tolls at
 895 the facility where the violation occurred for citations issued
 896 by law enforcement officers. However, a person may elect to pay

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897 \$30 to the clerk of the court, plus the amount of the unpaid
898 toll that is shown on the citation, in which case adjudication
899 is withheld, and no points may be assessed under s. 322.27. Upon
900 receipt of the \$30 and unpaid toll amount, the clerk of the
901 court shall retain \$5 for administrative purposes and shall
902 forward the remaining \$25, plus the amount of the unpaid toll
903 shown on the citation, to the governmental entity that issued
904 the citation for citations issued by toll enforcement officers
905 or to the entity administering the tolls at the facility where
906 the violation occurred for citations issued by law enforcement
907 officers. Additionally, adjudication shall be withheld and no
908 points shall be assessed under s. 322.27, except when
909 adjudication is imposed by the court after a hearing pursuant to
910 s. 318.14(5), ~~or on whose behalf the citation was issued.~~ If a
911 plea arrangement is reached prior to the date set for a
912 scheduled evidentiary hearing and, as a result of the plea,
913 adjudication is withheld, there shall be a mandatory fine
914 assessed per citation of not less than \$50 and not more than
915 \$100, plus the amount of the unpaid toll for each citation
916 issued. The clerk of the court shall forward \$25 of the fine
917 imposed plus the amount of the unpaid toll that is shown on the
918 citation to the governmental entity that issued the citation for
919 citations issued by toll enforcement officers or to the entity
920 administering the tolls at the facility where the violation
921 occurred for citations issued by law enforcement officers ~~or on~~
922 ~~whose behalf the citation was issued.~~ The court shall have
923 specific authority to consolidate issued citations for the same
924 defendant for the purpose of sentencing and aggregate

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925 jurisdiction. In addition, the court may direct the department
926 to ~~shall~~ suspend for 60 days the driver's license of a person
927 who is convicted of 10 violations of s. 316.1001 within a 36-
928 month period. Any funds received by a governmental entity for
929 this violation may be used for any lawful purpose related to the
930 operation or maintenance of a toll facility.

931 Section 15. Subsection (8) of section 320.03, Florida
932 Statutes, is amended to read:

933 320.03 Registration; duties of tax collectors;
934 International Registration Plan.—

935 (8) If the applicant's name appears on the list referred
936 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
937 license plate or revalidation sticker may not be issued until
938 that person's name no longer appears on the list or until the
939 person presents a receipt from the governmental entity or the
940 clerk of court that provided the data showing that the fines
941 outstanding have been paid. This subsection does not apply to
942 the owner of a leased vehicle if the vehicle is registered in
943 the name of the lessee of the vehicle. The tax collector and the
944 clerk of the court are each entitled to receive monthly, as
945 costs for implementing and administering this subsection, 10
946 percent of the civil penalties and fines recovered from such
947 persons. As used in this subsection, the term "civil penalties
948 and fines" does not include a wrecker operator's lien as
949 described in s. 713.78(13). If the tax collector has private tag
950 agents, such tag agents are entitled to receive a pro rata share
951 of the amount paid to the tax collector, based upon the
952 percentage of license plates and revalidation stickers issued by

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953 the tag agent compared to the total issued within the county.
 954 The authority of any private agent to issue license plates shall
 955 be revoked, after notice and a hearing as provided in chapter
 956 120, if he or she issues any license plate or revalidation
 957 sticker contrary to the provisions of this subsection. This
 958 section applies only to the annual renewal in the owner's birth
 959 month of a motor vehicle registration and does not apply to the
 960 transfer of a registration of a motor vehicle sold by a motor
 961 vehicle dealer licensed under this chapter, except for the
 962 transfer of registrations which is inclusive of the annual
 963 renewals. This section does not affect the issuance of the title
 964 to a motor vehicle, notwithstanding s. 319.23(7)(b).

965 Section 16. Paragraph (e) of subsection (5) of section
 966 320.08, Florida Statutes, is amended to read:

967 320.08 License taxes.—Except as otherwise provided herein,
 968 there are hereby levied and imposed annual license taxes for the
 969 operation of motor vehicles, mopeds, motorized bicycles as
 970 defined in s. 316.003(2), and mobile homes, as defined in s.
 971 320.01, which shall be paid to and collected by the department
 972 or its agent upon the registration or renewal of registration of
 973 the following:

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

976 (d) A wrecker, as defined in s. 320.01(40), which is used
 977 to tow a vessel as defined in s. 327.02(39), a disabled,
 978 abandoned, stolen-recovered, or impounded motor vehicle as
 979 defined in s. 320.01(38), or a replacement motor vehicle as
 980 defined in s. 320.01(39): \$41 flat, of which \$11 shall be

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981 deposited into the General Revenue Fund.

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

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

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

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

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

998 5. Gross vehicle weight of 35,000 pounds or more, but less
 999 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 1000 into the General Revenue Fund.

1001 6. Gross vehicle weight of 44,000 pounds or more, but less
 1002 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 1003 into the General Revenue Fund.

1004 7. Gross vehicle weight of 55,000 pounds or more, but less
 1005 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 1006 into the General Revenue Fund.

1007 8. Gross vehicle weight of 62,000 pounds or more, but less
 1008 than 72,000 pounds: \$1,080 flat, of which \$280 shall be

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1009 deposited into the General Revenue Fund.

1010 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 1011 flat, of which \$343 shall be deposited into the General Revenue
 1012 Fund.

1013 Section 17. Paragraph (b) of subsection (32) of section
 1014 320.08058, Florida Statutes, is amended to read:

1015 320.08058 Specialty license plates.—

1016 (32) UNITED WE STAND LICENSE PLATES.—

1017 (b) The department shall retain all revenues from the sale
 1018 of such plates until all startup costs for developing and
 1019 issuing the plates have been recovered. Thereafter, 100 percent
 1020 of the annual use fee shall be distributed to the Department of
 1021 Transportation to fund security-related aviation projects
 1022 pursuant to chapter 332 ~~SAFE Council to fund a grant program to~~
 1023 ~~enhance security at airports throughout the state, pursuant to~~
 1024 ~~s. 332.14.~~

1025 Section 18. Paragraph (d) of subsection (3) of section
 1026 322.27, Florida Statutes, is amended to read:

1027 322.27 Authority of department to suspend or revoke
 1028 license.—

1029 (3) There is established a point system for evaluation of
 1030 convictions of violations of motor vehicle laws or ordinances,
 1031 and violations of applicable provisions of s. 403.413(6) (b) when
 1032 such violations involve the use of motor vehicles, for the
 1033 determination of the continuing qualification of any person to
 1034 operate a motor vehicle. The department is authorized to suspend
 1035 the license of any person upon showing of its records or other
 1036 good and sufficient evidence that the licensee has been

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1037 convicted of violation of motor vehicle laws or ordinances, or
 1038 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 1039 more points as determined by the point system. The suspension
 1040 shall be for a period of not more than 1 year.

1041 (d) The point system shall have as its basic element a
 1042 graduated scale of points assigning relative values to
 1043 convictions of the following violations:

- 1044 1. Reckless driving, willful and wanton—4 points.
- 1045 2. Leaving the scene of a crash resulting in property
 1046 damage of more than \$50—6 points.
- 1047 3. Unlawful speed resulting in a crash—6 points.
- 1048 4. Passing a stopped school bus—4 points.
- 1049 5. Unlawful speed:
 - 1050 a. Not in excess of 15 miles per hour of lawful or posted
 1051 speed—3 points.
 - 1052 b. In excess of 15 miles per hour of lawful or posted
 1053 speed—4 points.
- 1054 6. A violation of a traffic control signal device as
 1055 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 1056 7. All other moving violations (including parking on a
 1057 highway outside the limits of a municipality)—3 points. However,
 1058 no points shall be imposed for a violation of s. 316.0741 or s.
 1059 316.2065(12); and points shall be imposed for a violation of s.
 1060 316.1001 only when imposed by the court after a hearing pursuant
 1061 to s. 318.14(5).
- 1062 8. Any moving violation covered above, excluding unlawful
 1063 speed, resulting in a crash—4 points.
- 1064 9. Any conviction under s. 403.413(6)(b)—3 points.

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1065 10. Any conviction under s. 316.0775(2)-4 points.

1066 Section 19. Section 332.14, Florida Statutes, is repealed.

1067 Section 20. All funds accrued by the Secure Airports for

1068 Florida's Economy Council prior to July 1, 2010, shall be

1069 retained by the Department of Transportation. The Department of

1070 Transportation is authorized to use these funds for statewide

1071 training purposes relating to airport security and management.

1072 The Department of Transportation is further authorized to use

1073 these funds for security-related aviation projects pursuant to

1074 chapter 332, Florida Statutes.

1075 Section 21. Subsection (1) of section 337.14, Florida

1076 Statutes, is amended to read:

1077 337.14 Application for qualification; certificate of

1078 qualification; restrictions; request for hearing.—

1079 (1) Any person desiring to bid for the performance of any

1080 construction contract in excess of \$250,000 which the department

1081 proposes to let must first be certified by the department as

1082 qualified pursuant to this section and rules of the department.

1083 The rules of the department shall address the qualification of

1084 persons to bid on construction contracts in excess of \$250,000

1085 and shall include requirements with respect to the equipment,

1086 past record, experience, financial resources, and organizational

1087 personnel of the applicant necessary to perform the specific

1088 class of work for which the person seeks certification. The

1089 department is authorized to limit the dollar amount of any

1090 contract upon which a person is qualified to bid or the

1091 aggregate total dollar volume of contracts such person is

1092 allowed to have under contract at any one time. Each applicant

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1093 seeking qualification to bid on construction contracts in excess
 1094 of \$250,000 shall furnish the department a statement under oath,
 1095 on such forms as the department may prescribe, setting forth
 1096 detailed information as required on the application. Each
 1097 application for certification shall be accompanied by the latest
 1098 annual financial statement of the applicant completed within the
 1099 last 12 months. If the application or the annual financial
 1100 statement shows the financial condition of the applicant more
 1101 than 4 months prior to the date on which the application is
 1102 received by the department, then an interim financial statement
 1103 must ~~also~~ be submitted and be accompanied by an updated
 1104 application. The interim financial statement must cover the
 1105 period from the end date of the annual statement and must show
 1106 the financial condition of the applicant no more than 4 months
 1107 prior to the date the interim financial statement ~~on which the~~
 1108 ~~application~~ is received by the department. Each required annual
 1109 or interim financial statement must be audited and accompanied
 1110 by the opinion of a certified public accountant or a public
 1111 accountant approved by the department. The information required
 1112 by this subsection is confidential and exempt from the
 1113 provisions of s. 119.07(1). The department shall act upon the
 1114 application for qualification within 30 days after the
 1115 department determines that the application is complete. The
 1116 department may waive the requirements of this subsection for
 1117 projects having a contract price of \$500,000 or less if the
 1118 department determines that the project is of a noncritical
 1119 nature and the waiver will not endanger public health, safety,
 1120 or property.

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1121 Section 22. Subsection (1) of section 337.401, Florida
 1122 Statutes, is amended to read:

1123 337.401 Use of right-of-way for utilities subject to
 1124 regulation; permit; fees.—

1125 (1) (a) The department and local governmental entities,
 1126 referred to in ss. 337.401-337.404 as the "authority," that have
 1127 jurisdiction and control of public roads or publicly owned rail
 1128 corridors are authorized to prescribe and enforce reasonable
 1129 rules or regulations with reference to the placing and
 1130 maintaining along, across, or on any road or publicly owned rail
 1131 corridors under their respective jurisdictions any electric
 1132 transmission, telephone, telegraph, or other communications
 1133 services lines; pole lines; poles; railways; ditches; sewers;
 1134 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 1135 pumps; or other structures referred to in this section as the
 1136 "utility." ~~For aerial and underground electric utility~~
 1137 ~~transmission lines designed to operate at 69 or more kilovolts~~
 1138 ~~that are needed to accommodate the additional electrical~~
 1139 ~~transfer capacity on the transmission grid resulting from new~~
 1140 ~~base-load generating facilities, where there is no other~~
 1141 ~~practicable alternative available for placement of the electric~~
 1142 ~~utility transmission lines on the department's rights-of-way,~~
 1143 ~~the department's rules shall provide for placement of and access~~
 1144 ~~to such transmission lines adjacent to and within the right-of-~~
 1145 ~~way of any department-controlled public roads, including~~
 1146 ~~longitudinally within limited access facilities to the greatest~~
 1147 ~~extent allowed by federal law, if compliance with the standards~~
 1148 ~~established by such rules is achieved. Such rules may include,~~

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1149 ~~but need not be limited to, that the use of the right-of-way is~~
 1150 ~~reasonable based upon a consideration of economic and~~
 1151 ~~environmental factors, including, without limitation, other~~
 1152 ~~practicable alternative alignments, utility corridors and~~
 1153 ~~easements, impacts on adjacent property owners, and minimum~~
 1154 ~~clear zones and other safety standards, and further provide that~~
 1155 ~~placement of the electric utility transmission lines within the~~
 1156 ~~department's right-of-way does not interfere with operational~~
 1157 ~~requirements of the transportation facility or planned or~~
 1158 ~~potential future expansion of such transportation facility. If~~
 1159 ~~the department approves longitudinal placement of electric~~
 1160 ~~utility transmission lines in limited access facilities,~~
 1161 ~~compensation for the use of the right-of-way is required. Such~~
 1162 ~~consideration or compensation paid by the electric utility in~~
 1163 ~~connection with the department's issuance of a permit does not~~
 1164 ~~create any property right in the department's property~~
 1165 ~~regardless of the amount of consideration paid or the~~
 1166 ~~improvements constructed on the property by the utility. Upon~~
 1167 ~~notice by the department that the property is needed for~~
 1168 ~~expansion or improvement of the transportation facility, the~~
 1169 ~~electric utility transmission line will relocate from the~~
 1170 ~~facility at the electric utility's sole expense. The electric~~
 1171 ~~utility shall pay to the department reasonable damages resulting~~
 1172 ~~from the utility's failure or refusal to timely relocate its~~
 1173 ~~transmission lines. The rules to be adopted by the department~~
 1174 ~~may also address the compensation methodology and relocation. As~~
 1175 ~~used in this subsection, the term "base load generating~~
 1176 ~~facilities" means electric power plants that are certified under~~

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1177 ~~part II of chapter 403.~~ The department may enter into a permit-
 1178 delegation agreement with a governmental entity if issuance of a
 1179 permit is based on requirements that the department finds will
 1180 ensure the safety and integrity of facilities of the Department
 1181 of Transportation; however, the permit-delegation agreement does
 1182 not apply to facilities of electric utilities as defined in s.
 1183 366.02(2).

1184 (b) For aerial and underground electric utility
 1185 transmission lines designed to operate at 69 or more kilovolts
 1186 that are needed to accommodate the additional electrical
 1187 transfer capacity on the transmission grid resulting from new
 1188 base-load generating facilities, the department's rules shall
 1189 provide for placement of and access to such transmission lines
 1190 adjacent to and within the right-of-way of any department-
 1191 controlled public roads, including longitudinally within limited
 1192 access facilities where there is no other practicable
 1193 alternative available, to the greatest extent allowed by federal
 1194 law, if compliance with the standards established by such rules
 1195 is achieved. Without limiting or conditioning the department's
 1196 jurisdiction or authority described in paragraph (a), with
 1197 respect to limited access right-of-way, such rules may include,
 1198 but need not be limited to, that the use of the right-of-way for
 1199 longitudinal placement of electric utility transmission lines is
 1200 reasonable based upon a consideration of economic and
 1201 environmental factors, including, without limitation, other
 1202 practicable alternative alignments, utility corridors and
 1203 easements, impacts on adjacent property owners, and minimum
 1204 clear zones and other safety standards, and further provide that

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1205 placement of the electric utility transmission lines within the
 1206 department's right-of-way does not interfere with operational
 1207 requirements of the transportation facility or planned or
 1208 potential future expansion of such transportation facility. If
 1209 the department approves longitudinal placement of electric
 1210 utility transmission lines in limited access facilities,
 1211 compensation for the use of the right-of-way is required. Such
 1212 consideration or compensation paid by the electric utility in
 1213 connection with the department's issuance of a permit does not
 1214 create any property right in the department's property
 1215 regardless of the amount of consideration paid or the
 1216 improvements constructed on the property by the utility. Upon
 1217 notice by the department that the property is needed for
 1218 expansion or improvement of the transportation facility, the
 1219 electric utility transmission line will be removed or relocated
 1220 at the electric utility's sole expense. The electric utility
 1221 shall pay to the department reasonable damages resulting from
 1222 the utility's failure or refusal to timely remove or relocate
 1223 its transmission lines. The rules to be adopted by the
 1224 department may also address the compensation methodology and
 1225 removal or relocation. As used in this subsection, the term
 1226 "base-load generating facilities" means electric power plants
 1227 that are certified under part II of chapter 403.

1228 Section 23. Subsection (4) of section 337.406, Florida
 1229 Statutes, is renumbered as subsection (5), and a new subsection
 1230 (4) is added to that section to read:

1231 337.406 Unlawful use of state transportation facility
 1232 right-of-way; penalties.—

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1233 (4) Camping is prohibited on any portion of the right-of-
 1234 way of the State Highway System that is within 100 feet of a
 1235 bridge, causeway, overpass, or ramp.

1236 Section 24. Subsection (1) of section 338.155, Florida
 1237 Statutes, is amended to read:

1238 338.155 Payment of toll on toll facilities required;
 1239 exemptions.—

1240 (1) No persons are permitted to use any toll facility
 1241 without payment of tolls, except employees of the agency
 1242 operating the toll project when using the toll facility on
 1243 official state business, state military personnel while on
 1244 official military business, handicapped persons as provided in
 1245 this section, persons exempt from toll payment by the
 1246 authorizing resolution for bonds issued to finance the facility,
 1247 and persons exempt on a temporary basis where use of such toll
 1248 facility is required as a detour route. Any law enforcement
 1249 officer operating a marked official vehicle is exempt from toll
 1250 payment when on official law enforcement business. Any person
 1251 operating a fire vehicle when on official business or a rescue
 1252 vehicle when on official business is exempt from toll payment.
 1253 Any person participating in the funeral procession of a law
 1254 enforcement officer or firefighter killed in the line of duty is
 1255 exempt from toll payment. The secretary, or the secretary's
 1256 designee, may suspend the payment of tolls on a toll facility
 1257 when necessary to assist in emergency evacuation. The failure to
 1258 pay a prescribed toll constitutes a noncriminal traffic
 1259 infraction, punishable as a moving violation pursuant to s.
 1260 318.18. The department is authorized to adopt rules relating to

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1261 the payment, collection, and enforcement of tolls, as authorized
 1262 in chapters 316, 318, 320, 322, and 338, including, but not
 1263 limited to, rules for the implementation of video or other image
 1264 billing and variable pricing ~~guaranteed toll accounts.~~

1265 Section 25. Subsection (7) is added to section 341.051,
 1266 Florida Statutes, to read:

1267 341.051 Administration and financing of public transit and
 1268 intercity bus service programs and projects.—

1269 (7) INTEROPERABLE FARE COLLECTION SYSTEMS.—

1270 (a) The Legislature recognizes the importance of
 1271 encouraging the seamless use of local and regional public
 1272 transportation systems by residents of and visitors to the state
 1273 wherever possible. The paramount concern is to encourage the
 1274 implementation of fare collection systems that are interoperable
 1275 and compatible with multiple public transportation systems
 1276 throughout the state.

1277 (b) Notwithstanding any other provision of law to the
 1278 contrary, in order to facilitate the ease of transfer from one
 1279 public transportation system to another, any public transit
 1280 system which connects directly with a new public rail system put
 1281 into service after December 1, 2010, and which is adding a new
 1282 fare media system or is upgrading its existing fare media system
 1283 shall use a universally accepted contactless fare media that is
 1284 compatible with the American Public Transportation Association's
 1285 Contactless Fare Media System Standard or the applicable
 1286 bankcard contactless media standards and allows users to
 1287 purchase fares at a single point of sale with coin, cash, or
 1288 credit card. This paragraph does not require the use of a

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1289 universally accepted contactless fare media for the paratransit
 1290 element of any transit system or by any public transit system
 1291 that does not share one or more points of origin or destination
 1292 with a public rail system.

1293
 1294 For purposes of this section, the term "net operating costs"
 1295 means all operating costs of a project less any federal funds,
 1296 fares, or other sources of income to the project.

1297 Section 26. Subsection (7) of section 341.3025, Florida
 1298 Statutes, is renumbered as subsection (8), and a new subsection
 1299 (7) is added to that section to read:

1300 341.3025 Multicounty public rail system fares and
 1301 enforcement.—

1302 (7) (a) The Legislature recognizes the importance of
 1303 encouraging the seamless use of local and regional public
 1304 transportation systems by residents of and visitors to the state
 1305 wherever possible. The paramount concern is to encourage the
 1306 implementation of fare collection systems that are interoperable
 1307 and compatible with multiple public transportation systems
 1308 throughout the state.

1309 (b) Notwithstanding any other provision of law to the
 1310 contrary, in order to facilitate the ease of transfer from one
 1311 public transportation system to another, any new public rail
 1312 system that is constructed after December 1, 2010, by the state,
 1313 an agency of the state, a regional transportation authority, or
 1314 one or more counties or municipalities shall use a universally
 1315 accepted contactless fare media that is compatible with the
 1316 American Public Transportation Association's Contactless Fare

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1317 Media System Standard or the applicable bankcard contactless
 1318 media standards and allows users to purchase fares at a single
 1319 point of sale with coin, cash, or credit card. Additionally, any
 1320 existing public rail system that is adding a new fare media
 1321 system or is upgrading its existing fare media system shall use
 1322 a universally accepted contactless fare media that is compatible
 1323 with the American Public Transportation Association's
 1324 Contactless Fare Media System Standard or the applicable
 1325 bankcard contactless media standards and allows users to
 1326 purchase fares at a single point of sale with coin, cash, or
 1327 credit card.

1328 Section 27. Paragraph (q) is added to subsection (2) of
 1329 section 343.64, Florida Statutes, to read:

1330 343.64 Powers and duties.—

1331 (2) The authority may exercise all powers necessary,
 1332 appurtenant, convenient, or incidental to the carrying out of
 1333 the aforesaid purposes, including, but not limited to, the
 1334 following rights and powers:

1335 (q) Notwithstanding s. 343.65, to borrow money in a
 1336 principal amount not to exceed \$10 million in any calendar year
 1337 to refinance all or part of the costs or obligations of the
 1338 authority, including, but not limited to, obligations of the
 1339 authority as a lessee under a lease.

1340 Section 28. Subsection (3) of section 348.51, Florida
 1341 Statutes, is amended to read:

1342 348.51 Definitions.—The following terms whenever used or
 1343 referred to in this part shall have the following meanings,
 1344 except in those instances where the context clearly indicates

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1345 otherwise:

1346 (3) "Bonds" means and includes the notes, bonds, refunding
 1347 bonds, or other evidences of indebtedness or obligations, in
 1348 either temporary or definitive form, which ~~of~~ the authority is
 1349 authorized to issue ~~issued~~ pursuant to this part.

1350 Section 29. Section 348.545, Florida Statutes, is amended
 1351 to read:

1352 348.545 Facility improvement; bond financing authority.—
 1353 Pursuant to s. 11(f), Art. VII of the State Constitution, the
 1354 Legislature hereby approves for bond financing by the Tampa-
 1355 Hillsborough County Expressway Authority improvements to toll
 1356 collection facilities, interchanges to the legislatively
 1357 approved expressway system, and any other facility appurtenant,
 1358 necessary, or incidental to the approved system. Subject to
 1359 terms and conditions of applicable revenue bond resolutions and
 1360 covenants, such costs ~~financing~~ may be financed in whole or in
 1361 part by revenue bonds issued pursuant to s. 348.56(1)(a) or (b),
 1362 whether currently issued or issued in the future, or by a
 1363 combination of such bonds.

1364 Section 30. Subsections (1) and (2) of section 348.56,
 1365 Florida Statutes, are amended to read:

1366 348.56 Bonds of the authority.—

1367 (1) (a) Bonds may be issued on behalf of the authority
 1368 pursuant to the State Bond Act.

1369 (b) Alternatively, the authority shall have the power and
 1370 is hereby authorized from time to time to issue bonds in such
 1371 principal amount as, in the opinion of the authority, shall be
 1372 necessary to provide sufficient moneys for achieving its

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1373 corporate purposes, including construction, reconstruction,
1374 improvement, extension, repair, maintenance and operation of the
1375 expressway system, the cost of acquisition of all real property,
1376 interest on bonds during construction and for a reasonable
1377 period thereafter, establishment of reserves to secure bonds,
1378 and all other expenditures of the authority incident to and
1379 necessary or convenient to carry out its corporate purposes and
1380 powers.

1381 (2) (a) Bonds issued by the authority pursuant to paragraph
1382 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
1383 the members of the authority and shall bear such date or dates,
1384 mature at such time or times, not exceeding 40 years from their
1385 respective dates, bear interest at such rate or rates, not
1386 exceeding the maximum rate fixed by general law for authorities,
1387 be in such denominations, be in such form, either coupon or
1388 fully registered, carry such registration, exchangeability and
1389 interchangeability privileges, be payable in such medium of
1390 payment and at such place or places, be subject to such terms of
1391 redemption and be entitled to such priorities of lien on the
1392 revenues, other available moneys, and the Hillsborough County
1393 gasoline tax funds as such resolution or any resolution
1394 subsequent thereto may provide. The bonds shall be executed
1395 either by manual or facsimile signature by such officers as the
1396 authority shall determine, provided that such bonds shall bear
1397 at least one signature which is manually executed thereon. The
1398 coupons attached to such bonds shall bear the facsimile
1399 signature or signatures of such officer or officers as shall be
1400 designated by the authority. Such bonds shall have the seal of

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1401 the authority affixed, imprinted, reproduced, or lithographed
 1402 thereon.

1403 (b) The bonds issued pursuant to paragraph (1)(a) or
 1404 paragraph (1)(b) shall be sold at public sale in the same manner
 1405 provided in the State Bond Act, ~~and the net interest cost to the~~
 1406 ~~authority on such bonds shall not exceed the maximum rate fixed~~
 1407 ~~by general law for authorities. If all bids received on the~~
 1408 ~~public sale are rejected, the authority may then proceed to~~
 1409 ~~negotiate for the sale of the bonds at a net interest cost which~~
 1410 ~~shall be less than the lowest net interest cost stated in the~~
 1411 ~~bids rejected at the public sale. However, if the authority~~
 1412 determines, by official action at a public meeting, that a
 1413 negotiated sale of such bonds is in the best interest of the
 1414 authority, the authority may negotiate the sale of such bonds
 1415 with the underwriter or underwriters designated by the authority
 1416 and the Division of Bond Finance within the State Board of
 1417 Administration with respect to bonds issued pursuant to
 1418 paragraph (1)(a) or solely by the authority with respect to
 1419 bonds issued pursuant to paragraph (1)(b). The authority's
 1420 determination to negotiate the sale of such bonds may be based,
 1421 in part, upon the written advice of the authority's financial
 1422 adviser. Pending the preparation of definitive bonds, temporary
 1423 bonds or interim certificates may be issued to the purchaser or
 1424 purchasers of such bonds and may contain such terms and
 1425 conditions as the authority may determine.

1426 Section 31. Section 348.565, Florida Statutes, is amended
 1427 to read:

1428 348.565 Revenue bonds for specified projects.—The existing

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1429 facilities that constitute the Tampa-Hillsborough County
 1430 Expressway System are hereby approved to be refinanced by ~~the~~
 1431 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance
 1432 of the State Board of Administration pursuant to s. 11(f), Art.
 1433 VII of the State Constitution and the State Bond Act or by
 1434 revenue bonds issued by the authority pursuant to s.
 1435 348.56(1)(b). In addition, the following projects of the Tampa-
 1436 Hillsborough County Expressway Authority are approved to be
 1437 financed or refinanced by the issuance of revenue bonds in
 1438 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of
 1439 the State Constitution:

1440 (1) Brandon area feeder roads.

1441 (2) Capital improvements to the expressway system,
 1442 including safety and operational improvements and toll
 1443 collection equipment.

1444 (3) Lee Roy Selmon Crosstown Expressway System widening.

1445 (4) The connector highway linking the Lee Roy Selmon
 1446 Crosstown Expressway to Interstate 4.

1447 Section 32. Subsection (1) of section 348.57, Florida
 1448 Statutes, is amended to read:

1449 348.57 Refunding bonds.—

1450 (1) Subject to public notice as provided in s. 348.54, the
 1451 authority is authorized to provide by resolution for the
 1452 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
 1453 for the purpose of refunding any bonds then outstanding
 1454 regardless of whether the bonds being refunded were issued by
 1455 the authority pursuant to this chapter or on behalf of the
 1456 authority pursuant to the State Bond Act. The authority is

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1457 further authorized to provide by resolution for the issuance of
 1458 bonds for the combined purpose of:

1459 (a) Paying the cost of constructing, reconstructing,
 1460 improving, extending, repairing, maintaining and operating the
 1461 expressway system.

1462 (b) Refunding bonds then outstanding. The authorization,
 1463 sale and issuance of such obligations, the maturities and other
 1464 details thereof, the rights and remedies of the holders thereof,
 1465 and the rights, powers, privileges, duties and obligations of
 1466 the authority with respect to the same shall be governed by the
 1467 foregoing provisions of this part insofar as the same may be
 1468 applicable.

1469 Section 33. Section 348.70, Florida Statutes, is amended
 1470 to read:

1471 348.70 This part complete and additional authority.—

1472 (1) The powers conferred by this part shall be in addition
 1473 and supplemental to the existing respective powers of the
 1474 authority, the department, the county, and the city, if any, and
 1475 this part shall not be construed as repealing any of the
 1476 provisions of any other law, general, special, or local, but
 1477 shall be deemed to supersede such other law or laws in the
 1478 exercise of the powers provided in this part insofar as such
 1479 other law or laws are inconsistent with the provisions of this
 1480 part and to provide a complete method for the exercise of the
 1481 powers granted herein. The construction, reconstruction,
 1482 improvement, extension, repair, maintenance, and operation of
 1483 the expressway system, and the issuance of bonds hereunder to
 1484 finance all or part of the cost thereof, may be accomplished

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1485 upon compliance with the provisions of this part without regard
 1486 to or necessity for compliance with the provisions, limitations,
 1487 or restrictions contained in any other general, special, or
 1488 local law, including, but not limited to, s. 215.821, and no
 1489 approval of any bonds issued under this part by the qualified
 1490 electors or qualified electors who are freeholders in the state
 1491 or in the county or in the city or in any other political
 1492 subdivision of the state shall be required for the issuance of
 1493 such bonds.

1494 (2) This part does not repeal, rescind, or modify any
 1495 other law or laws relating to the State Board of Administration,
 1496 the Department of Transportation, or the Division of Bond
 1497 Finance of the State Board of Administration, but shall
 1498 supersede such other law or laws as are inconsistent with the
 1499 provisions of this part, including, but not limited to, s.
 1500 215.821.

1501 Section 34. Part XI of chapter 348, Florida Statutes,
 1502 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
 1503 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,
 1504 348.9960, and 348.9961, is created to read:

1505 348.9950 Short title.—This part may be cited as the
 1506 "Osceola County Expressway Authority Law."

1507 348.9951 Definitions.—Terms used in this part, except
 1508 where the context clearly indicates otherwise, shall have the
 1509 same meanings as those defined in the Florida Expressway
 1510 Authority Act.

1511 348.9952 Osceola County Expressway Authority.—

1512 (1) There is created a body politic and corporate, an

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1513 agency of the state, to be known as the Osceola County
 1514 Expressway Authority.

1515 (2) (a) The governing body of the authority shall consist
 1516 of six members. Five members, at least one of whom must be a
 1517 member of a racial or ethnic minority group, must be residents
 1518 of Osceola County, three of whom shall be appointed by the
 1519 governing body of the county and two of whom shall be appointed
 1520 by the Governor. The sixth member shall be the district
 1521 secretary of the department serving in the district that
 1522 includes Osceola County, who shall serve as an ex officio,
 1523 nonvoting member. The term of each appointed member shall be for
 1524 4 years, except that the first term of the initial members
 1525 appointed by the Governor shall be 2 years each. Each appointed
 1526 member shall hold office until his or her successor has been
 1527 appointed and has qualified. A vacancy occurring during a term
 1528 shall be filled only for the balance of the unexpired term. Each
 1529 appointed member of the authority shall be a person of
 1530 outstanding reputation for integrity, responsibility, and
 1531 business ability, but a person who is an officer or employee of
 1532 any municipality or of Osceola County in any other capacity may
 1533 not be an appointed member of the authority. A member of the
 1534 authority is eligible for reappointment.

1535 (b) Members of the authority may be removed from office by
 1536 the Governor for misconduct, malfeasance, or nonfeasance in
 1537 office.

1538 (3) (a) The authority shall elect one of its members as
 1539 chair. The authority shall also elect a secretary and a
 1540 treasurer, who may be members of the authority. The chair,

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1541 secretary, and treasurer shall hold such offices at the will of
 1542 the authority.

1543 (b) Three members of the authority constitute a quorum,
 1544 and the vote of three members is necessary for any action taken
 1545 by the authority. A vacancy in the authority does not impair the
 1546 right of a quorum of the authority to exercise all of the rights
 1547 and perform all of the duties of the authority.

1548 (4) (a) The authority may employ an executive secretary, an
 1549 executive director, its own counsel and legal staff, technical
 1550 experts, engineers, and other employees, permanent or temporary,
 1551 as it may require, and may determine the qualifications and fix
 1552 the compensation of such persons, firms, or corporations.
 1553 Additionally, the authority may employ a fiscal agent or agents.
 1554 However, the authority shall solicit sealed proposals from at
 1555 least three persons, firms, or corporations for the performance
 1556 of any services as fiscal agents. The authority may delegate to
 1557 one or more of its agents or employees such of its power as it
 1558 deems necessary to carry out the purposes of this part, subject
 1559 always to the supervision and control of the authority.

1560 (b) Members of the authority are entitled to receive from
 1561 the authority their travel and other necessary expenses incurred
 1562 in connection with the business of the authority as provided in
 1563 s. 112.061, but members shall not draw salaries or other
 1564 compensation.

1565 (c) The department is not required to grant funds for
 1566 startup costs to the authority. However, the governing body of
 1567 the county may provide funds for such startup costs.

1568 (d) The authority shall cooperate with and participate in

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1569 any efforts to establish a regional expressway authority.

1570 (e) Notwithstanding any other provision of law, including

1571 s. 339.175(3), the authority is not entitled to voting

1572 membership in a metropolitan planning organization in which

1573 Osceola County, or any of the municipalities therein, are also

1574 voting members.

1575 348.9953 Purposes and powers.—The purposes and powers of

1576 the authority shall be the same as those identified in the

1577 Florida Expressway Authority Act. In implementing this act, the

1578 authority shall institute procedures to encourage the awarding

1579 of contracts for professional services and construction to

1580 certified minority business enterprises as defined in s.

1581 288.703. The authority shall develop and implement activities to

1582 encourage the participation of certified minority business

1583 enterprises in the contracting process.

1584 348.9954 Bonds.—Bonds may be issued on behalf of the

1585 authority as provided by the State Bond Act and subject to the

1586 provisions of the Florida Expressway Authority Act.

1587 348.9955 Lease-purchase agreement.—The authority may enter

1588 into lease-purchase agreements with the department as provided

1589 in the Florida Expressway Authority Act.

1590 348.9956 Department may be appointed agent of authority

1591 for construction.—The authority may appoint the department as

1592 its agent as provided in the Florida Expressway Authority Act.

1593 348.9957 Acquisition of lands and property.—The authority

1594 may acquire such rights, title, or interest in private or public

1595 property and such property rights, including easements, rights

1596 of access, air, view, and light by gift, devise, purchase, or

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1597 condemnation by eminent domain proceedings, as the authority may
 1598 deem necessary for the purposes of this part and subject to the
 1599 provisions of the Florida Expressway Authority Act.

1600 348.9958 Cooperation with other units, boards, agencies,
 1601 and individuals.—Any county, municipality, drainage district,
 1602 road and bridge district, school district, or other political
 1603 subdivision, board, commission, or individual in or of the state
 1604 may make and enter into any contract, lease, conveyance,
 1605 partnership, or other agreement with the authority within the
 1606 provisions and for purposes of this part. The authority may make
 1607 and enter into any contract, lease, conveyance, partnership, or
 1608 other agreement with any political subdivision, agency, or
 1609 instrumentality of the state or any federal agency, corporation,
 1610 or individual for the purpose of carrying out the provisions of
 1611 this part.

1612 348.9959 Legislative intent; covenant of the state.—It is
 1613 the intent of the Legislature that the state pledge to and agree
 1614 with any person, firm, corporation, or federal or state agency
 1615 subscribing to or acquiring the bonds to be issued by the
 1616 authority for the purposes of this part that the state will not
 1617 limit or alter the rights hereby vested in the authority and the
 1618 department until all bonds at any time issued together with the
 1619 interest thereon are fully paid and discharged insofar as the
 1620 same affects the rights of the holders of bonds issued
 1621 hereunder. It is also the intent of the Legislature that the
 1622 state further pledge to and agree with the United States that in
 1623 the event any federal agency shall construct or contribute any
 1624 funds for the completion, extension, or improvement of the

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1625 Osceola County Expressway System, or any part or portion
 1626 thereof, the state will not alter or limit the rights and powers
 1627 of the authority and the department in any manner that would be
 1628 inconsistent with the continued maintenance and operation of the
 1629 Osceola County Expressway System, or the completion, extension,
 1630 or improvement thereof, or that would be inconsistent with the
 1631 due performance of any agreements between the authority and any
 1632 such federal agency. The authority and the department shall
 1633 continue to have and may exercise all powers herein granted so
 1634 long as the same shall be necessary or desirable for the
 1635 carrying out of the purposes of this part and the purposes of
 1636 the United States in the completion, extension, or improvement
 1637 of the Osceola County Expressway System or any part or portion
 1638 thereof.

1639 348.9960 Exemption from taxation.—

1640 (1) As provided under and limited by the Florida
 1641 Expressway Authority Act, the Osceola County Expressway
 1642 Authority is not required to pay taxes or assessments of any
 1643 kind or nature whatsoever upon any property acquired by it or
 1644 used by it for such purpose or upon revenues at any time
 1645 received by it.

1646 (2) The bonds issued by or on behalf of the authority,
 1647 their transfer, and the income therefrom, including any profits
 1648 made on the sale thereof, shall at all times be free from
 1649 taxation of any kind by the state or by any political
 1650 subdivision or other taxing agency or instrumentality thereof.
 1651 The exemption granted by this subsection does not apply to any
 1652 tax imposed under chapter 220 on interest, income, or profits on

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1653 debt obligations owned by corporations.
 1654 348.9961 Automatic dissolution.—If, before January 1,
 1655 2020, the authority has not encumbered any funds to further its
 1656 purposes and powers as authorized in s. 348.9953 to establish
 1657 the system, the Osceola County Expressway Authority is
 1658 dissolved.

1659 Section 35. Subsection (6) of section 369.317, Florida
 1660 Statutes, is amended to read:

1661 369.317 Wekiva Parkway.—

1662 (6) The Orlando-Orange County Expressway Authority is
 1663 hereby granted the authority to act as a third-party acquisition
 1664 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
 1665 or chapter 373 on behalf of the governing board of the St. Johns
 1666 River Water Management District, for the acquisition of all
 1667 necessary lands, property and all interests in property
 1668 identified herein, including fee simple or less-than-fee simple
 1669 interests. The lands subject to this authority are identified in
 1670 paragraph 10.a., State of Florida, Office of the Governor,
 1671 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
 1672 of the Wekiva Basin Area Task Force created by Executive Order
 1673 2002-259, such lands otherwise known as Neighborhood Lakes, a
 1674 1,587+/-acre parcel located in Orange and Lake Counties within
 1675 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
 1676 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
 1677 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake
 1678 County within Section 37, Township 19 South, Range 28 East; New
 1679 Garden Coal; a 1,605+/-acre parcel in Lake County within
 1680 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28

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1681 East; Pine Plantation, a 617+/-acre tract consisting of eight
1682 individual parcels within the Apopka City limits. The Department
1683 of Transportation, the Department of Environmental Protection,
1684 the St. Johns River Water Management District, and other land
1685 acquisition entities shall participate and cooperate in
1686 providing information and support to the third-party acquisition
1687 agent. The land acquisition process authorized by this paragraph
1688 shall begin no later than December 31, 2004. Acquisition of the
1689 properties identified as Neighborhood Lakes, Pine Plantation,
1690 and New Garden Coal, or approval as a mitigation bank shall be
1691 concluded no later than December 31, 2010. Department of
1692 Transportation and Orlando-Orange County Expressway Authority
1693 funds expended to purchase an interest in those lands identified
1694 in this subsection shall be eligible as environmental mitigation
1695 for road construction related impacts in the Wekiva Study Area.
1696 If any of the lands identified in this subsection are used as
1697 environmental mitigation for road-construction-related impacts
1698 incurred by the Department of Transportation or Orlando-Orange
1699 County Expressway Authority, or for other impacts incurred by
1700 other entities, within the Wekiva Study Area or within the
1701 Wekiva parkway alignment corridor and, if the mitigation offsets
1702 these impacts, the St. Johns River Water Management District and
1703 the Department of Environmental Protection shall consider the
1704 activity regulated under part IV of chapter 373 to meet the
1705 cumulative impact requirements of s. 373.414(8)(a).

1706 Section 36. Subsections (2) and (5) and paragraph (b) of
1707 subsection (9) of section 373.41492, Florida Statutes, are
1708 amended to read:

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1709 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
1710 mitigation for mining activities within the Miami-Dade County
1711 Lake Belt.—

1712 (2) To provide for the mitigation of wetland resources
1713 lost to mining activities within the Miami-Dade County Lake Belt
1714 Plan, effective October 1, 1999, a mitigation fee is imposed on
1715 each ton of limerock and sand extracted by any person who
1716 engages in the business of extracting limerock or sand from
1717 within the Miami-Dade County Lake Belt Area and the east one-
1718 half of sections 24 and 25 and all of sections 35 and 36,
1719 Township 53 South, Range 39 East. The mitigation fee is imposed
1720 for each ton of limerock and sand sold from within the
1721 properties where the fee applies in raw, processed, or
1722 manufactured form, including, but not limited to, sized
1723 aggregate, asphalt, cement, concrete, and other limerock and
1724 concrete products. The mitigation fee imposed by this subsection
1725 for each ton of limerock and sand sold shall be 12 cents per ton
1726 beginning January 1, 2007; 18 cents per ton beginning January 1,
1727 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45
1728 cents per ton beginning close of business December 31, 2011. To
1729 upgrade a water treatment plant that treats water coming from
1730 the Northwest Wellfield in Miami-Dade County, a water treatment
1731 plant upgrade fee is imposed within the same Lake Belt Area
1732 subject to the mitigation fee and upon the same kind of mined
1733 limerock and sand subject to the mitigation fee. The water
1734 treatment plant upgrade fee imposed by this subsection for each
1735 ton of limerock and sand sold shall be 15 cents per ton
1736 beginning on January 1, 2007, and the collection of this fee

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1737 shall cease once the total amount of proceeds collected for this
 1738 fee reaches the amount of the actual moneys necessary to design
 1739 and construct the water treatment plant upgrade, as determined
 1740 in an open, public solicitation process. Any limerock or sand
 1741 that is used within the mine from which the limerock or sand is
 1742 extracted is exempt from the fees. The amount of the mitigation
 1743 fee and the water treatment plant upgrade fee imposed under this
 1744 section must be stated separately on the invoice provided to the
 1745 purchaser of the limerock or sand product from the limerock or
 1746 sand miner, or its subsidiary or affiliate, for which the fee or
 1747 fees apply. The limerock or sand miner, or its subsidiary or
 1748 affiliate, who sells the limerock or sand product shall collect
 1749 the mitigation fee and the water treatment plant upgrade fee and
 1750 forward the proceeds of the fees to the Department of Revenue on
 1751 or before the 20th day of the month following the calendar month
 1752 in which the sale occurs.

1753 (5) Each January 1, beginning January 1, 2010, through
 1754 December 31, 2011 ~~and each January 1 thereafter~~, the per-ton
 1755 mitigation fee shall be increased by 2.1 percentage points, plus
 1756 a cost growth index. The cost growth index shall be the
 1757 percentage change in the weighted average of the Employment Cost
 1758 Index for All Civilian Workers (ecu 10001I), issued by the
 1759 United States Department of Labor for the most recent 12-month
 1760 period ending on September 30, and the percentage change in the
 1761 Producer Price Index for All Commodities (WPU 00000000), issued
 1762 by the United States Department of Labor for the most recent 12-
 1763 month period ending on September 30, compared to the weighted
 1764 average of these indices for the previous year. The weighted

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1765 average shall be calculated as 0.6 times the percentage change
 1766 in the Employment Cost Index for All Civilian Workers (ecu
 1767 10001I), plus 0.4 times the percentage change in the Producer
 1768 Price Index for All Commodities (WPU 00000000). If either index
 1769 is discontinued, it shall be replaced by its successor index, as
 1770 identified by the United States Department of Labor.

1771 (9)

1772 (b) No sooner than January 31, 2010, and no more
 1773 frequently than every 2 ~~5~~ years thereafter, the interagency
 1774 committee shall submit to the Legislature a report recommending
 1775 any needed adjustments to the mitigation fee, including the
 1776 annual escalator provided for in subsection (5), to ensure that
 1777 the revenue generated reflects the actual costs of the
 1778 mitigation.

1779 Section 37. Subsection (1) of section 403.4131, Florida
 1780 Statutes, is amended to read:

1781 403.4131 Litter control.—

1782 (1) The Department of Transportation shall establish an
 1783 "adopt-a-highway" program to allow local organizations to be
 1784 identified with specific highway cleanup and highway
 1785 beautification projects authorized under s. 339.2405. ~~The~~
 1786 ~~department shall report to the Governor and the Legislature on~~
 1787 ~~the progress achieved and the savings incurred by the "adopt-a-~~
 1788 ~~highway" program. The department shall also monitor and report~~
 1789 ~~on~~ compliance with the provisions of the adopt-a-highway program
 1790 to ensure that organizations participating ~~that participate~~ in
 1791 the program comply with the goals identified by the department.

1792 Section 38. Section 479.01, Florida Statutes, is amended

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1793 to read:

1794 479.01 Definitions.—As used in this chapter, the term:

1795 (1) "Allowable uses" means those uses that are authorized

1796 within a zoning category without the requirement to obtain a

1797 variance or waiver. The term includes conditional uses and those

1798 allowed by special exception, but does not include uses that are

1799 accessory, incidental to the allowable uses, or allowed only on

1800 a temporary basis.

1801 (2)~~(1)~~ "Automatic changeable facing" means a facing that

1802 is capable of delivering two or more advertising messages

1803 through an automated or remotely controlled process.

1804 (3)~~(2)~~ "Business of outdoor advertising" means the

1805 business of constructing, erecting, operating, using,

1806 maintaining, leasing, or selling outdoor advertising structures,

1807 outdoor advertising signs, or outdoor advertisements.

1808 (4)~~(3)~~ "Commercial or industrial zone" means a parcel of

1809 land designated for commercial or industrial uses ~~use~~ under both

1810 the future land use map of the comprehensive plan and the land

1811 use development regulations adopted pursuant to chapter 163. If

1812 a parcel is located in an area designated for multiple uses on

1813 the future land use map of a comprehensive plan and the zoning

1814 category of the land development regulations does ~~do~~ not clearly

1815 designate that parcel for a specific use, the area will be

1816 considered an unzoned commercial or industrial area if it meets

1817 the criteria of subsection (26) ~~(23)~~.

1818 (5) "Commercial use" means activities associated with the

1819 sale, rental, or distribution of products or the performance of

1820 services. The term includes, without limitation, such uses or

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1821 activities as retail sales; wholesale sales; rentals of
 1822 equipment, goods, or products; offices; restaurants; food
 1823 service vendors; sports arenas; theaters; and tourist
 1824 attractions.

1825 (6)~~(4)~~ "Controlled area" means ~~shall mean~~ 660 feet or less
 1826 from the nearest edge of the right-of-way of any portion of the
 1827 State Highway System, interstate, or federal-aid primary system
 1828 and beyond 660 feet of the nearest edge of the right-of-way of
 1829 any portion of the State Highway System, interstate, or federal-
 1830 aid primary system outside an urban area.

1831 (7)~~(5)~~ "Department" means the Department of
 1832 Transportation.

1833 (8)~~(6)~~ "Erect" means to construct, build, raise, assemble,
 1834 place, affix, attach, create, paint, draw, or in any other way
 1835 bring into being or establish; but it does not include any of
 1836 the foregoing activities when performed as an incident to the
 1837 change of advertising message or customary maintenance or repair
 1838 of a sign.

1839 (9)~~(7)~~ "Federal-aid primary highway system" means the
 1840 existing, unbuilt, or unopened system of highways or portions
 1841 thereof, which shall include the National Highway System,
 1842 designated as the federal-aid primary highway system by the
 1843 department.

1844 (10)~~(8)~~ "Highway" means any road, street, or other way
 1845 open or intended to be opened to the public for travel by motor
 1846 vehicles.

1847 (11) "Industrial use" means activities associated with the
 1848 manufacture, assembly, processing, or storage of products or the

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1849 performance of services relating thereto. The term includes,
 1850 without limitation, such uses or activities as automobile
 1851 manufacturing or repair, boat manufacturing or repair, junk
 1852 yards, meat packing facilities, citrus processing and packing
 1853 facilities, produce processing and packing facilities,
 1854 electrical generating plants, water treatment plants, sewage
 1855 treatment plants, and solid waste disposal sites.

1856 ~~(12)(9)~~ "Interstate highway system" means the existing,
 1857 unbuilt, or unopened system of highways or portions thereof
 1858 designated as the national system of interstate and defense
 1859 highways by the department.

1860 ~~(13)(10)~~ "Main-traveled way" means the traveled way of a
 1861 highway on which through traffic is carried. In the case of a
 1862 divided highway, the traveled way of each of the separate
 1863 roadways for traffic in opposite directions is a main-traveled
 1864 way. It does not include such facilities as frontage roads,
 1865 turning roadways which specifically include on-ramps or off-
 1866 ramps to the interstate highway system, or parking areas.

1867 ~~(14)(11)~~ "Maintain" means to allow to exist.

1868 ~~(15)(12)~~ "Motorist services directional signs" means signs
 1869 providing directional information about goods and services in
 1870 the interest of the traveling public where such signs were
 1871 lawfully erected and in existence on or before May 6, 1976, and
 1872 continue to provide directional information to goods and
 1873 services in a defined area.

1874 ~~(16)(13)~~ "New highway" means the construction of any road,
 1875 paved or unpaved, where no road previously existed or the act of
 1876 paving any previously unpaved road.

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1877 (17)~~(14)~~ "Nonconforming sign" means a sign which was
 1878 lawfully erected but which does not comply with the land use,
 1879 setback, size, spacing, and lighting provisions of state or
 1880 local law, rule, regulation, or ordinance passed at a later date
 1881 or a sign which was lawfully erected but which later fails to
 1882 comply with state or local law, rule, regulation, or ordinance
 1883 due to changed conditions.

1884 (18)~~(15)~~ "Premises" means all the land areas under
 1885 ownership or lease arrangement to the sign owner which are
 1886 contiguous to the business conducted on the land except for
 1887 instances where such land is a narrow strip contiguous to the
 1888 advertised activity or is connected by such narrow strip, the
 1889 only viable use of such land is to erect or maintain an
 1890 advertising sign. When the sign owner is a municipality or
 1891 county, "premises" shall mean all lands owned or leased by such
 1892 municipality or county within its jurisdictional boundaries as
 1893 set forth by law.

1894 (19)~~(16)~~ "Remove" means to disassemble, transport from the
 1895 site, and dispose of sign materials by sale or destruction.

1896 (20)~~(17)~~ "Sign" means any combination of structure and
 1897 message in the form of an outdoor sign, display, device, figure,
 1898 painting, drawing, message, placard, poster, billboard,
 1899 advertising structure, advertisement, logo, symbol, or other
 1900 form, whether placed individually or on a V-type, back-to-back,
 1901 side-to-side, stacked, or double-faced display or automatic
 1902 changeable facing, designed, intended, or used to advertise or
 1903 inform, any part of the advertising message or informative
 1904 contents of which is visible from any place on the main-traveled

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1905 way. The term does not include an official traffic control sign,
 1906 official marker, or specific information panel erected, caused
 1907 to be erected, or approved by the department.

1908 (21)~~(18)~~ "Sign direction" means that direction from which
 1909 the message or informative contents are most visible to oncoming
 1910 traffic on the main-traveled way.

1911 (22)~~(19)~~ "Sign face" means the part of the sign, including
 1912 trim and background, which contains the message or informative
 1913 contents.

1914 (23)~~(20)~~ "Sign facing" includes all sign faces and
 1915 automatic changeable faces displayed at the same location and
 1916 facing the same direction.

1917 (24)~~(21)~~ "Sign structure" means all the interrelated parts
 1918 and material, such as beams, poles, and stringers, which are
 1919 constructed for the purpose of supporting or displaying a
 1920 message or informative contents.

1921 (25)~~(22)~~ "State Highway System" means the existing,
 1922 unbuilt, or unopened system of highways or portions thereof
 1923 designated as the State Highway System by the department.

1924 (26)~~(23)~~ "Unzoned commercial or industrial area" means a
 1925 parcel of land designated by the future land use map of the
 1926 comprehensive plan for multiple uses that include commercial or
 1927 industrial uses but are not specifically designated for
 1928 commercial or industrial uses under the land development
 1929 regulations, in which three or more separate and distinct
 1930 conforming industrial or commercial activities are located.

1931 (a) These activities must satisfy the following criteria:

1932 1. At least one of the commercial or industrial activities

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1933 must be located on the same side of the highway and within 800
 1934 feet of the sign location;

1935 2. The commercial or industrial activities must be within
 1936 660 feet from the nearest edge of the right-of-way; and

1937 3. The commercial industrial activities must be within
 1938 1,600 feet of each other.

1939
 1940 Distances specified in this paragraph must be measured from the
 1941 nearest outer edge of the primary building or primary building
 1942 complex when the individual units of the complex are connected
 1943 by covered walkways.

1944 (b) Certain activities, including, but not limited to, the
 1945 following, may not be so recognized as commercial or industrial
 1946 activities:

1947 1. Signs.

1948 2. Agricultural, forestry, ranching, grazing, farming, and
 1949 related activities, including, but not limited to, wayside fresh
 1950 produce stands.

1951 3. Transient or temporary activities.

1952 4. Activities not visible from the main-traveled way.

1953 5. Activities conducted more than 660 feet from the
 1954 nearest edge of the right-of-way.

1955 6. Activities conducted in a building principally used as
 1956 a residence.

1957 7. Railroad tracks and minor sidings.

1958 8. Communication towers.

1959 (27)~~(24)~~ "Urban area" has the same meaning as defined in
 1960 s. 334.03 (29)~~(32)~~.

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1961 ~~(28)~~~~(25)~~ "Visible commercial or industrial activity" means
 1962 a commercial or industrial activity that is capable of being
 1963 seen without visual aid by a person of normal visual acuity from
 1964 the main-traveled way and that is generally recognizable as
 1965 commercial or industrial.

1966 ~~(29)~~~~(26)~~ "Visible sign" means that the advertising message
 1967 or informative contents of a sign, whether or not legible, is
 1968 capable of being seen without visual aid by a person of normal
 1969 visual acuity.

1970 ~~(30)~~~~(27)~~ "Wall mural" means a sign that is a painting or
 1971 an artistic work composed of photographs or arrangements of
 1972 color and that displays a commercial or noncommercial message,
 1973 relies solely on the side of the building for rigid structural
 1974 support, and is painted on the building or depicted on vinyl,
 1975 fabric, or other similarly flexible material that is held in
 1976 place flush or flat against the surface of the building. The
 1977 term excludes a painting or work placed on a structure that is
 1978 erected for the sole or primary purpose of signage.

1979 (31) "Zoning category" means the designation under the
 1980 land development regulations or other similar ordinance enacted
 1981 to regulate the use of land as provided in s. 163.3202(2)(b),
 1982 which designation sets forth the allowable uses, restrictions,
 1983 and limitations on use applicable to properties within the
 1984 category.

1985 Section 39. Paragraph (c) of subsection (9) of section
 1986 479.07, Florida Statutes, is amended to read:

1987 479.07 Sign permits.—

1988 (9)

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1989 (c) Notwithstanding subparagraph (a)1., there is
 1990 established a pilot program in Orange, Hillsborough, and Osceola
 1991 Counties, and within the boundaries of the City of Miami, under
 1992 which the distance between permitted signs on the same side of
 1993 an interstate highway may be reduced to 1,000 feet if all other
 1994 requirements of this chapter are met and if:

1995 1. The local government has adopted a plan, program,
 1996 resolution, ordinance, or other policy encouraging the voluntary
 1997 removal of signs in a downtown, historic, redevelopment, infill,
 1998 or other designated area which also provides for a new or
 1999 replacement sign to be erected on an interstate highway within
 2000 that jurisdiction if a sign in the designated area is removed;

2001 2. The sign owner and the local government mutually agree
 2002 to the terms of the removal and replacement; and

2003 3. The local government notifies the department of its
 2004 intention to allow such removal and replacement as agreed upon
 2005 pursuant to subparagraph 2.

2006 4. The new or replacement sign to be erected on an
 2007 interstate highway within that jurisdiction is to be located on
 2008 a parcel of land specifically designated for commercial or
 2009 industrial use under both the future land use map of the
 2010 comprehensive plan and the land use development regulations
 2011 adopted pursuant to chapter 163 and such parcel shall not be
 2012 subject to an evaluation in accordance with the criteria set
 2013 forth in the s. 479.01(26) to determine if the parcel can be
 2014 considered an unzoned commercial or industrial area.

2015
 2016 The department shall maintain statistics tracking the use of the

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2017 provisions of this pilot program based on the notifications
 2018 received by the department from local governments under this
 2019 paragraph.

2020 Section 40. Subsections (1) and (5) of section 479.261,
 2021 Florida Statutes, are amended to read:

2022 479.261 Logo sign program.—

2023 (1) The department shall establish a logo sign program for
 2024 the rights-of-way of the interstate highway system to provide
 2025 information to motorists about available gas, food, lodging,
 2026 camping, attractions, and other services, as approved by the
 2027 Federal Highway Administration, at interchanges through the use
 2028 of business logos and may include additional interchanges under
 2029 the program.

2030 (a) As used in this chapter, the term "attraction" means
 2031 an establishment, site, facility, or landmark that is open a
 2032 minimum of 5 days a week for 52 weeks a year; that has as its
 2033 principal focus family-oriented entertainment, cultural,
 2034 educational, recreational, scientific, or historical activities;
 2035 and that is publicly recognized as a bona fide tourist
 2036 attraction.

2037 (b) The department shall incorporate the use of RV-
 2038 friendly markers on specific information logo signs for
 2039 establishments that cater to the needs of persons driving
 2040 recreational vehicles. Establishments that qualify for
 2041 participation in the specific information logo program and that
 2042 also qualify as "RV-friendly" may request the RV-friendly marker
 2043 on their specific information logo sign. An RV-friendly marker
 2044 must consist of a design approved by the Federal Highway

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2045 Administration. The department shall adopt rules in accordance
 2046 with chapter 120 to administer this paragraph, including rules
 2047 setting forth the minimum requirements that establishments must
 2048 meet in order to qualify as RV-friendly. These requirements
 2049 shall include large parking spaces, entrances, and exits that
 2050 can easily accommodate recreational vehicles and facilities
 2051 having appropriate overhead clearances, if applicable.

2052 ~~(c) The department may implement a 3-year, rotation-based~~
 2053 ~~logo program providing for the removal and addition of~~
 2054 ~~participating businesses in the program.~~

2055 (5) At a minimum, permit fees for businesses that
 2056 participate in the program must be established in an amount
 2057 sufficient to offset the total cost to the department for the
 2058 program, including contract costs. The department shall provide
 2059 the services in the most efficient and cost-effective manner
 2060 through department staff or by contracting for some or all of
 2061 the services. The department shall adopt rules that set
 2062 reasonable rates based upon factors such as population, traffic
 2063 volume, market demand, and costs for annual permit fees.
 2064 However, annual permit fees for sign locations inside an urban
 2065 area, as defined in s. 334.03(32), may not exceed \$3,500 ~~\$5,000~~,
 2066 and annual permit fees for sign locations outside an urban area,
 2067 as defined in s. 334.03(32), may not exceed \$2,000 ~~\$2,500~~. After
 2068 recovering program costs, the proceeds from the annual permit
 2069 fees shall be deposited into the State Transportation Trust Fund
 2070 and used for transportation purposes.

2071 Section 41. Sections 479.01, 479.015, 479.02, 479.03,
 2072 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,

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2073 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
 2074 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
 2075 are designated as part I of chapter 479, Florida Statutes, and
 2076 entitled "General Provisions."

2077 Section 42. Sections 479.261, 479.262, 479.27, 479.28, and
 2078 479.30, Florida Statutes, are designated as part II of chapter
 2079 479, Florida Statutes, and entitled "Special Programs."

2080 Section 43. Part III of chapter 479, Florida Statutes,
 2081 consisting of sections 479.310, 479.311, 479.312, 479.313, and
 2082 479.315, is created to read:

2083 PART III

2084 SIGN REMOVAL

2085 479.310 Unpermitted and illegal signs; intent.—It is the
 2086 intent of this part to relieve the department from the financial
 2087 burden incurred in the removal of unpermitted and illegal signs
 2088 located within the right-of-way of and controlled areas adjacent
 2089 to the State Highway System, interstate highway system, and
 2090 federal-aid primary highway system; to place the financial
 2091 responsibility for the cost of such removal directly upon those
 2092 benefiting from the location and operation of such unpermitted
 2093 and illegal signs; and to provide clear authority to the
 2094 department for the recovery of cost incurred by the department
 2095 in the removal of such unpermitted and illegal signs.

2096 479.311 Jurisdiction; venue.—The county court shall have
 2097 jurisdiction concurrent with the circuit court to consider
 2098 claims filed by the department in amounts which are within their
 2099 jurisdictional limitations. For the purposes of a claim filed by
 2100 the department to recover its cost as provided in this section,

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2101 venue shall be Leon County.

2102 479.312 Unpermitted signs; cost of removal.-All costs
 2103 incurred by the department in connection with the removal of a
 2104 sign located within a controlled area adjacent to the State
 2105 Highway System, interstate highway system, or federal-aid
 2106 primary highway system which has not been issued a permit under
 2107 part I shall be assessed against and collected from the owner of
 2108 the sign, the advertiser displayed on the sign, or the owner of
 2109 the property upon which the sign is located. For the purposes of
 2110 this section, a sign that does not display the name of the sign
 2111 owner shall be presumed to be owned by the owner of the property
 2112 upon which the sign is located.

2113 479.313 Permit revocation; cost of removal.-All costs
 2114 incurred by the department in connection with the removal of a
 2115 sign located within a controlled area adjacent to the State
 2116 Highway System, interstate highway system, or federal-aid
 2117 primary highway system following the revocation of the permit
 2118 for such sign shall be assessed against and collected from the
 2119 permittee.

2120 479.315 Highway rights-of way; cost of sign removal.-All
 2121 cost incurred by the department in connection with the removal
 2122 of a sign located within the right-of-way of the State Highway
 2123 System, interstate highway system, or federal-aid primary
 2124 highway system shall be assessed against and collected from the
 2125 owner of the sign or the advertiser displayed on the sign.

2126 Section 44. Section 705.18, Florida Statutes, is amended
 2127 to read:

2128 705.18 Disposal of personal property lost or abandoned on

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2129 university or community college campuses ~~or certain public-use~~
 2130 ~~airports~~; disposition of proceeds from sale thereof.-

2131 (1) Whenever any lost or abandoned personal property shall
 2132 be found on a campus of an institution in the State University
 2133 System or a campus of a state-supported community college, ~~or on~~
 2134 ~~premises owned or controlled by the operator of a public-use~~
 2135 ~~airport having regularly scheduled international passenger~~
 2136 ~~service~~, the president of the institution or the president's
 2137 designee ~~or the director of the airport or the director's~~
 2138 ~~designee~~ shall take charge of the property thereof and make a
 2139 record of the date such property was found. If, within 30 days
 2140 after such property is found, or a longer period of time as may
 2141 be deemed appropriate by the president ~~or the director~~ under the
 2142 circumstances, the property ~~it~~ is not claimed by the owner, the
 2143 president ~~or director~~ shall order it sold at public outcry after
 2144 giving notice of the time and place of sale in a publication of
 2145 general circulation on the campus of such institution ~~or within~~
 2146 ~~the county where the airport is located~~ and written notice to
 2147 the owner if known. The rightful owner of such property may
 2148 reclaim the same at any time prior to sale.

2149 (2) All moneys realized from such institution's sale shall
 2150 be placed in an appropriate fund and used solely for student
 2151 scholarship and loan purposes. ~~All moneys realized from such~~
 2152 ~~sale by an airport, less its costs of storage, transportation,~~
 2153 ~~and publication of notice, shall, unless another use is required~~
 2154 ~~by federal law, be deposited into the state school fund.~~

2155 Section 45. Section 705.182, Florida Statutes, is created
 2156 to read:

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2157 705.182 Disposal of personal property found on the
 2158 premises of public-use airports.-

2159 (1) Whenever any personal property, other than an aircraft
 2160 or motor vehicle, is found on premises owned or controlled by
 2161 the operator of a public-use airport, the director of the
 2162 airport or the director's designee shall take charge of the
 2163 property and make a record of the date such property was found.

2164 (2) If, within 30 calendar days after such property is
 2165 found or for a longer period of time as may be deemed
 2166 appropriate by the director or the director's designee under the
 2167 circumstances, the property is not claimed by the owner, the
 2168 director or the director's designee may:

2169 (a) Retain any or all of the property for use by the
 2170 airport or for use by the state or the unit of local government
 2171 owning or operating the airport;

2172 (b) Trade such property to another unit of local
 2173 government or a state agency;

2174 (c) Donate the property to a charitable organization;

2175 (d) Sell the property; or

2176 (e) Dispose of the property through an appropriate refuse
 2177 removal company or a company that provides salvage services for
 2178 the type of personal property found or located on the airport
 2179 premises.

2180 (3) The airport shall notify the owner, if known, of the
 2181 property found on the airport premises and that the airport
 2182 intends to dispose of the property as provided in subsection
 2183 (2).

2184 (4) If the airport elects to sell the property under

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2185 paragraph (2) (d), the property must be sold at a public auction
 2186 either on the Internet or at a specified physical location after
 2187 giving notice of the time and place of sale, at least 10
 2188 calendar days prior to the date of sale, in a publication of
 2189 general circulation within the county where the airport is
 2190 located and after written notice, via certified mail, return
 2191 receipt requested, is provided to the owner, if known. Any such
 2192 notice shall be sufficient if the notice refers to the airport's
 2193 intention to sell all then-accumulated found property, and there
 2194 is no requirement that the notice identify each item to be sold.
 2195 The rightful owner of such property may reclaim the property at
 2196 any time prior to sale by presenting acceptable evidence of
 2197 ownership to the airport director or the director's designee.
 2198 All proceeds from the sale of the property shall be retained by
 2199 the airport for use by the airport in any lawfully authorized
 2200 manner.

2201 (5) Nothing in this section shall preclude the airport
 2202 from allowing a domestic or international air carrier or other
 2203 tenant, on premises owned or controlled by the operator of a
 2204 public-use airport, to establish its own lost and found
 2205 procedures for personal property and to dispose of such personal
 2206 property.

2207 (6) A purchaser or recipient in good faith of personal
 2208 property sold or obtained under this section shall take the
 2209 property free of the rights of persons then holding any legal or
 2210 equitable interest thereto, whether or not recorded.

2211 Section 46. Section 705.183, Florida Statutes, is created
 2212 to read:

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2213 705.183 Disposal of derelict or abandoned aircraft on the
 2214 premises of public-use airports.-

2215 (1) (a) Whenever any derelict or abandoned aircraft is
 2216 found or located on premises owned or controlled by the operator
 2217 of a public-use airport, whether or not such premises are under
 2218 a lease or license to a third party, the director of the airport
 2219 or the director's designee shall make a record of the date the
 2220 aircraft was found or determined to be present on the airport
 2221 premises.

2222 (b) For purposes of this section, the term:

2223 1. "Abandoned aircraft" means an aircraft that has been
 2224 disposed of on a public-use airport in a wrecked, inoperative,
 2225 or partially dismantled condition or an aircraft that has
 2226 remained in an idle state on premises owned or controlled by the
 2227 operator of a public-use airport for 45 consecutive calendar
 2228 days.

2229 2. "Derelict aircraft" means any aircraft that is not in a
 2230 flyable condition, does not have a current certificate of air
 2231 worthiness issued by the Federal Aviation Administration, and is
 2232 not in the process of actively being repaired.

2233 (2) The director or the director's designee shall contact
 2234 the Federal Aviation Administration, Aircraft Registration
 2235 Branch, to determine the name and address of the last registered
 2236 owner of the aircraft and shall make a diligent personal search
 2237 of the appropriate records, or contact an aircraft title search
 2238 company, to determine the name and address of any person having
 2239 an equitable or legal interest in the aircraft. Within 10
 2240 business days after receipt of the information, the director or

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2241 the director's designee shall notify the owner and all persons
 2242 having an equitable or legal interest in the aircraft by
 2243 certified mail, return receipt requested, of the location of the
 2244 derelict or abandoned aircraft on the airport premises, that
 2245 fees and charges for the use of the airport by the aircraft have
 2246 accrued and the amount thereof, that the aircraft is subject to
 2247 a lien under subsection (5) for the accrued fees and charges for
 2248 the use of the airport and for the transportation, storage, and
 2249 removal of the aircraft, that the lien is subject to enforcement
 2250 pursuant to law, and that the airport may cause the use, trade,
 2251 sale, or removal of the aircraft as described in s.
 2252 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days
 2253 after the date of receipt of such notice, the aircraft has not
 2254 been removed from the airport upon payment in full of all
 2255 accrued fees and charges for the use of the airport and for the
 2256 transportation, storage, and removal of the aircraft. Such
 2257 notice may require removal of the aircraft in less than 30
 2258 calendar days if the aircraft poses a danger to the health or
 2259 safety of users of the airport, as determined by the director or
 2260 the director's designee.

2261 (3) If the owner of the aircraft is unknown or cannot be
 2262 found, the director or the director's designee shall cause a
 2263 laminated notice to be placed upon such aircraft in
 2264 substantially the following form:

2265
 2266 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 2267 PROPERTY. This property, to wit: ... (setting forth brief
 2268 description)... is unlawfully upon public property known as

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2269 ...(setting forth brief description of location)... and has
 2270 accrued fees and charges for the use of the ...(same description
 2271 of location as above)... and for the transportation, storage,
 2272 and removal of the property. These accrued fees and charges must
 2273 be paid in full and the property must be removed within 30
 2274 calendar days after the date of this notice; otherwise, the
 2275 property will be removed and disposed of pursuant to chapter
 2276 705, Florida Statutes. The property is subject to a lien for all
 2277 accrued fees and charges for the use of the public property
 2278 known as ...(same description of location as above)... by such
 2279 property and for all fees and charges incurred by the public
 2280 property known as ...(same description of location as above)...
 2281 for the transportation, storage, and removal of the property.
 2282 This lien is subject to enforcement pursuant to law. The owner
 2283 will be liable for such fees and charges, as well as the cost
 2284 for publication of this notice. Dated this: ...(setting forth
 2285 the date of posting of notice)..., signed: ...(setting forth
 2286 name, title, address, and telephone number of law enforcement
 2287 officer)....

2288
 2289 Such notice shall be not less than 8 inches by 10 inches and
 2290 shall be sufficiently weatherproof to withstand normal exposure
 2291 to the weather. If, at the end of 30 calendar days after posting
 2292 the notice, the owner or any person interested in the described
 2293 derelict or abandoned aircraft has not removed the aircraft from
 2294 the airport upon payment in full of all accrued fees and charges
 2295 for the use of the airport and for the transportation, storage,
 2296 and removal of the aircraft, or shown reasonable cause for

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2297 failure to do so, the director or the director's designee may
 2298 cause the use, trade, sale, or removal of the aircraft as
 2299 described in s. 705.182(2)(a), (b), (d), or (e).

2300 (4) Such aircraft shall be removed within the time period
 2301 specified in the notice provided under subsection (2) or
 2302 subsection (3). If, at the end of such period of time, the owner
 2303 or any person interested in the described derelict or abandoned
 2304 aircraft has not removed the aircraft from the airport upon
 2305 payment in full of all accrued fees and charges for the use of
 2306 the airport and for the transportation, storage, and removal of
 2307 the aircraft, or shown reasonable cause for the failure to do
 2308 so, the director or the director's designee may cause the use,
 2309 trade, sale, or removal of the aircraft as described in s.
 2310 705.182(2)(a), (b), (d), or (e).

2311 (a) If the airport elects to sell the aircraft in
 2312 accordance with s. 705.182(2)(d), the aircraft must be sold at
 2313 public auction after giving notice of the time and place of
 2314 sale, at least 10 calendar days prior to the date of sale, in a
 2315 publication of general circulation within the county where the
 2316 airport is located and after providing written notice of the
 2317 intended sale to all parties known to have an interest in the
 2318 aircraft.

2319 (b) If the airport elects to dispose of the aircraft in
 2320 accordance with s. 705.182(2)(e), the airport shall be entitled
 2321 to negotiate with the company for a price to be received from
 2322 such company in payment for the aircraft, or, if circumstances
 2323 so warrant, a price to be paid to such company by the airport
 2324 for the costs of disposing of the aircraft. All information

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2325 pertaining to the establishment of such price and the
 2326 justification for the amount of such price shall be prepared and
 2327 maintained by the airport, and such negotiated price shall be
 2328 deemed to be a commercially reasonable price.

2329 (c) If the sale price or the negotiated price is less than
 2330 the airport's then current charges and costs against the
 2331 aircraft, or if the airport is required to pay the salvage
 2332 company for its services, the owner of the aircraft shall remain
 2333 liable to the airport for the airport's costs that are not
 2334 offset by the sale price or negotiated price, in addition to the
 2335 owner's liability for payment to the airport of the price the
 2336 airport was required to pay any salvage company. All costs
 2337 incurred by the airport in the removal, storage, and sale of any
 2338 aircraft shall be recoverable against the owner of the aircraft.

2339 (5) The airport shall have a lien on a derelict or
 2340 abandoned aircraft for all fees and charges for the use of the
 2341 airport by such aircraft and for all fees and charges incurred
 2342 by the airport for the transportation, storage, and removal of
 2343 the aircraft. As a prerequisite to perfecting a lien under this
 2344 section, the airport director or the director's designee must
 2345 serve a notice in accordance with subsection (2) on the last
 2346 registered owner and all persons having an equitable or legal
 2347 interest in the aircraft. Serving the notice does not dispense
 2348 with recording the claim of lien.

2349 (6) (a) For the purpose of perfecting its lien under this
 2350 section, the airport shall record a claim of lien which shall
 2351 state:

2352 1. The name and address of the airport.

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2353 2. The name of the last registered owner of the aircraft
 2354 and all persons having a legal or equitable interest in the
 2355 aircraft.

2356 3. The fees and charges incurred by the aircraft for the
 2357 use of the airport and the fees and charges for the
 2358 transportation, storage, and removal of the aircraft.

2359 4. A description of the aircraft sufficient for
 2360 identification.

2361 (b) The claim of lien shall be signed and sworn to or
 2362 affirmed by the airport director or the director's designee.

2363 (c) The claim of lien shall be sufficient if it is in
 2364 substantially the following form:

CLAIM OF LIEN

State of _____

County of _____

Before me, the undersigned notary public, personally appeared

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

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

following described aircraft:

...(Description of aircraft)...

owned by _____, whose address is _____, has accrued

\$ _____ in fees and charges for the use by the aircraft of

_____ and for the transportation, storage, and removal

of the aircraft from _____; that the lienor served its

notice to the last registered owner and all persons having a

legal or equitable interest in the aircraft on _____,

...(year)..., by _____.

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2381 ...(Signature)...
 2382 Sworn to (or affirmed) and subscribed before me this _____ day
 2383 of _____, ...(year)..., by ...(name of person making statement)....
 2384 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 2385 Commissioned name of Notary Public)...
 2386 Personally Known OR Produced _____ as identification.

2387
 2388 However, the negligent inclusion or omission of any information
 2389 in this claim of lien which does not prejudice the last
 2390 registered owner does not constitute a default that operates to
 2391 defeat an otherwise valid lien.

2392 (d) The claim of lien shall be served on the last
 2393 registered owner of the aircraft and all persons having an
 2394 equitable or legal interest in the aircraft. The claim of lien
 2395 shall be so served before recordation.

2396 (e) The claim of lien shall be recorded with the clerk of
 2397 court in the county where the airport is located. The recording
 2398 of the claim of lien shall be constructive notice to all persons
 2399 of the contents and effect of such claim. The lien shall attach
 2400 at the time of recordation and shall take priority as of that
 2401 time.

2402 (7) A purchaser or recipient in good faith of an aircraft
 2403 sold or obtained under this section takes the property free of
 2404 the rights of persons then holding any legal or equitable
 2405 interest to the aircraft, whether or not recorded. The purchaser
 2406 or recipient is required to notify the appropriate Federal
 2407 Aviation Administration office of such change in the registered
 2408 owner of the aircraft.

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2409 (8) If the aircraft is sold at public sale, the airport
 2410 shall deduct from the proceeds of sale the costs of
 2411 transportation, storage, publication of notice, and all other
 2412 costs reasonably incurred by the airport, and any balance of the
 2413 proceeds shall be deposited into an interest-bearing account not
 2414 later than 30 calendar days after the airport's receipt of the
 2415 proceeds and held there for 1 year. The rightful owner of the
 2416 aircraft may claim the balance of the proceeds within 1 year
 2417 after the date of the deposit by making application to the
 2418 airport and presenting acceptable written evidence of ownership
 2419 to the airport's director or the director's designee. If no
 2420 rightful owner claims the proceeds within the 1-year period, the
 2421 balance of the proceeds shall be retained by the airport to be
 2422 used in any manner authorized by law.

2423 (9) Any person acquiring a legal interest in an aircraft
 2424 that is sold by an airport under this section or s. 705.182
 2425 shall be the lawful owner of such aircraft and all other legal
 2426 or equitable interests in such aircraft shall be divested and of
 2427 no further force and effect, provided that the holder of any
 2428 such legal or equitable interests was notified of the intended
 2429 disposal of the aircraft to the extent required in this section.
 2430 The airport may issue documents of disposition to the purchaser
 2431 or recipient of an aircraft disposed of under this section.

2432 Section 47. Section 705.184, Florida Statutes, is created
 2433 to read:

2434 705.184 Derelict or abandoned motor vehicles on the
 2435 premises of public-use airports.—

2436 (1) (a) Whenever any derelict or abandoned motor vehicle is

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2437 found on premises owned or controlled by the operator of a
 2438 public-use airport, including airport premises leased to a third
 2439 party, the director of the airport or the director's designee
 2440 may take charge of the motor vehicle and make a record of the
 2441 date such motor vehicle was found.

2442 (b) For purposes of this section, the term:

2443 1. "Abandoned motor vehicle" means a motor vehicle that
 2444 has been disposed of on a public-use airport in a wrecked,
 2445 inoperative, or partially dismantled condition or a motor
 2446 vehicle that has remained in an idle state on the premises of a
 2447 public-use airport for 45 consecutive calendar days.

2448 2. "Derelict motor vehicle" means any motor vehicle that
 2449 is not in a drivable condition.

2450 (c) After the information relating to the abandoned or
 2451 derelict motor vehicle is recorded in the airport's records, the
 2452 director or the director's designee may cause the motor vehicle
 2453 to be removed from airport premises by the airport's wrecker or
 2454 by a licensed independent wrecker company to be stored at a
 2455 suitable location on or off the airport premises. If the motor
 2456 vehicle is to be removed from airport premises by the airport's
 2457 wrecker, the airport must follow the procedures in subsections
 2458 (2)-(8). The procedures in subsections (2)-(8) do not apply if
 2459 the motor vehicle is removed from the airport premises by a
 2460 licensed independent wrecker company, and the licensed wrecking
 2461 company shall comply with s. 713.78.

2462 (2) The airport director or the director's designee shall
 2463 contact the Department of Highway Safety and Motor Vehicles to
 2464 notify that department that the airport has possession of the

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2465 abandoned or derelict motor vehicle and to determine the name
 2466 and address of the owner of the motor vehicle, the insurance
 2467 company insuring the motor vehicle, notwithstanding the
 2468 provisions of s. 627.736, and any person who has filed a lien on
 2469 the motor vehicle. Within 7 business days after receipt of the
 2470 information, the director or the director's designee shall send
 2471 notice by certified mail, return receipt requested, to the owner
 2472 of the motor vehicle, the insurance company insuring the motor
 2473 vehicle, notwithstanding the provisions of s. 627.736, and all
 2474 persons of record claiming a lien against the motor vehicle. The
 2475 notice shall state the fact of possession of the motor vehicle,
 2476 that charges for reasonable towing, storage, and parking fees,
 2477 if any, have accrued and the amount thereof, that a lien as
 2478 provided in subsection (6) will be claimed, that the lien is
 2479 subject to enforcement pursuant to law, that the owner or
 2480 lienholder, if any, has the right to a hearing as set forth in
 2481 subsection (4), and that any motor vehicle which, at the end of
 2482 30 calendar days after receipt of the notice, has not been
 2483 removed from the airport upon payment in full of all accrued
 2484 charges for reasonable towing, storage, and parking fees, if
 2485 any, may be disposed of as provided in s. 705.182(2)(a), (b),
 2486 (d), or (e), including, but not limited to, the motor vehicle
 2487 being sold free of all prior liens after 35 calendar days after
 2488 the time the motor vehicle is stored if any prior liens on the
 2489 motor vehicle are more than 5 years of age or after 50 calendar
 2490 days after the time the motor vehicle is stored if any prior
 2491 liens on the motor vehicle are 5 years of age or less.

2492 (3) If attempts to notify the owner or lienholder pursuant

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2493 to subsection (2) are not successful, the requirement of notice
 2494 by mail shall be considered met and the director or the
 2495 director's designee, in accordance with subsection (5), may
 2496 cause the motor vehicle to be disposed of as provided in s.
 2497 705.182(2) (a), (b), (d), or (e), including, but not limited to,
 2498 the motor vehicle being sold free of all prior liens after 35
 2499 calendar days after the time the motor vehicle is stored if any
 2500 prior liens on the motor vehicle are more than 5 years of age or
 2501 after 50 calendar days after the time the motor vehicle is
 2502 stored if any prior liens on the motor vehicle are 5 years of
 2503 age or less.

2504 (4) (a) The owner of, or any person with a lien on, a motor
 2505 vehicle removed pursuant to subsection (1), may, within 10
 2506 calendar days after the time he or she has knowledge of the
 2507 location of the motor vehicle, file a complaint in the county
 2508 court of the county in which the motor vehicle is stored to
 2509 determine if his or her property was wrongfully taken or
 2510 withheld.

2511 (b) Upon filing a complaint, an owner or lienholder may
 2512 have his or her motor vehicle released upon posting with the
 2513 court a cash or surety bond or other adequate security equal to
 2514 the amount of the fees for towing, storage, and accrued parking,
 2515 if any, to ensure the payment of such fees in the event he or
 2516 she does not prevail. Upon the posting of the bond or other
 2517 adequate security and the payment of any applicable fee, the
 2518 clerk of the court shall issue a certificate notifying the
 2519 airport of the posting of the bond or other adequate security
 2520 and directing the airport to release the motor vehicle. At the

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2521 time of such release, after reasonable inspection, the owner or
 2522 lienholder shall give a receipt to the airport reciting any
 2523 claims he or she has for loss or damage to the motor vehicle or
 2524 the contents of the motor vehicle.

2525 (5) If, after 30 calendar days after receipt of the
 2526 notice, the owner or any person claiming a lien has not removed
 2527 the motor vehicle from its storage location upon payment in full
 2528 of all accrued charges for reasonable towing, storage, and
 2529 parking fees, if any, or shown reasonable cause for the failure
 2530 to do so, the airport director or the director's designee may
 2531 dispose of the motor vehicle as provided in s. 705.182(2) (a),
 2532 (b), (d), or (e). If the airport elects to sell the motor
 2533 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be
 2534 sold free of all prior liens after 35 calendar days after the
 2535 time the motor vehicle is stored if any prior liens on the motor
 2536 vehicle are more than 5 years of age or after 50 calendar days
 2537 after the time the motor vehicle is stored if any prior liens on
 2538 the motor vehicle are 5 years of age or less. The sale shall be
 2539 a public auction either on the Internet or at a specified
 2540 physical location. If the date of the sale was not included in
 2541 the notice required in subsection (2), notice of the sale, sent
 2542 by certified mail, return receipt requested, shall be given to
 2543 the owner of the motor vehicle and to all persons claiming a
 2544 lien on the motor vehicle. Such notice shall be mailed not less
 2545 than 10 calendar days before the date of the sale. In addition
 2546 to the notice by mail, public notice of the time and place of
 2547 the sale at auction shall be made by publishing a notice of the
 2548 sale at auction one time, at least 10 calendar days prior to the

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2549 date of sale, in a newspaper of general circulation in the
 2550 county in which the sale is to be held. All costs incurred by
 2551 the airport for the towing, storage, and sale of the motor
 2552 vehicle, as well as all accrued parking fees, if any, shall be
 2553 recovered by the airport from the proceeds of the sale, and any
 2554 proceeds of the sale in excess of such costs shall be retained
 2555 by the airport for use by the airport in any manner authorized
 2556 by law.

2557 (6) The airport pursuant to this section or, if used, a
 2558 licensed independent wrecker company pursuant to s. 713.78 shall
 2559 have a lien on an abandoned or derelict motor vehicle for all
 2560 reasonable towing, storage, and accrued parking fees, if any,
 2561 except that no storage fee shall be charged if the motor vehicle
 2562 is stored less than 6 hours. As a prerequisite to perfecting a
 2563 lien under this section, the airport director or the director's
 2564 designee must serve a notice in accordance with subsection (2)
 2565 on the owner of the motor vehicle, the insurance company
 2566 insuring the motor vehicle, notwithstanding the provisions of s.
 2567 627.736, and all persons of record claiming a lien against the
 2568 motor vehicle. If attempts to notify the owner, the insurance
 2569 company insuring the motor vehicle, notwithstanding the
 2570 provisions of s. 627.736, or lienholders are not successful, the
 2571 requirement of notice by mail shall be considered met. Serving
 2572 of the notice does not dispense with recording the claim of
 2573 lien.

2574 (7) (a) For the purpose of perfecting its lien under this
 2575 section, the airport shall record a claim of lien which shall
 2576 state:

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- 2577 1. The name and address of the airport.
- 2578 2. The name of the owner of the motor vehicle, the
- 2579 insurance company insuring the motor vehicle, notwithstanding
- 2580 the provisions of s. 627.736, and all persons of record claiming
- 2581 a lien against the motor vehicle.
- 2582 3. The costs incurred from reasonable towing, storage, and
- 2583 parking fees, if any.
- 2584 4. A description of the motor vehicle sufficient for
- 2585 identification.
- 2586 (b) The claim of lien shall be signed and sworn to or
- 2587 affirmed by the airport director or the director's designee.
- 2588 (c) The claim of lien shall be sufficient if it is in
- 2589 substantially the following form:

CLAIM OF LIEN

2592 State of _____

2593 County of _____

2594 Before me, the undersigned notary public, personally appeared

2595 _____, who was duly sworn and says that he/she is the

2596 _____ of _____, whose address is _____; and that the

2597 following described motor vehicle:

2598 ...(Description of motor vehicle)...

2599 owned by _____, whose address is _____, has accrued

2600 \$_____ in fees for a reasonable tow, for storage, and for

2601 parking, if applicable; that the lienor served its notice to the

2602 owner, the insurance company insuring the motor vehicle

2603 notwithstanding the provisions of s. 627.736, Florida Statutes,

2604 and all persons of record claiming a lien against the motor

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2605 vehicle on _____, ...(year)..., by _____.
 2606 ...(Signature)...
 2607 Sworn to (or affirmed) and subscribed before me this _____ day
 2608 of _____, ...(year)..., by ...(name of person making statement)....
 2609 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 2610 Commissioned name of Notary Public)...
 2611 Personally Known OR Produced _____ as identification.

2612
 2613 However, the negligent inclusion or omission of any information
 2614 in this claim of lien which does not prejudice the owner does
 2615 not constitute a default that operates to defeat an otherwise
 2616 valid lien.

2617 (d) The claim of lien shall be served on the owner of the
 2618 motor vehicle, the insurance company insuring the motor vehicle,
 2619 notwithstanding the provisions of s. 627.736, and all persons of
 2620 record claiming a lien against the motor vehicle. If attempts to
 2621 notify the owner, the insurance company insuring the motor
 2622 vehicle notwithstanding the provisions of s. 627.736, or
 2623 lienholders are not successful, the requirement of notice by
 2624 mail shall be considered met. The claim of lien shall be so
 2625 served before recordation.

2626 (e) The claim of lien shall be recorded with the clerk of
 2627 court in the county where the airport is located. The recording
 2628 of the claim of lien shall be constructive notice to all persons
 2629 of the contents and effect of such claim. The lien shall attach
 2630 at the time of recordation and shall take priority as of that
 2631 time.

2632 (8) A purchaser or recipient in good faith of a motor

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2633 vehicle sold or obtained under this section takes the property
 2634 free of the rights of persons then holding any legal or
 2635 equitable interest thereto, whether or not recorded.

2636 Section 48. Section 479.156, Florida Statutes, is amended
 2637 to read:

2638 479.156 Wall murals.—Notwithstanding any other provision
 2639 of this chapter, a municipality or county may permit and
 2640 regulate wall murals within areas designated by such government.
 2641 If a municipality or county permits wall murals, a wall mural
 2642 that displays a commercial message and is within 660 feet of the
 2643 nearest edge of the right-of-way within an area adjacent to the
 2644 interstate highway system or the federal-aid primary highway
 2645 system shall be located in an area that is zoned for industrial
 2646 or commercial use and the municipality or county shall establish
 2647 and enforce regulations for such areas that, at a minimum, set
 2648 forth criteria governing the size, lighting, and spacing of wall
 2649 murals consistent with the intent of the Highway Beautification
 2650 Act of 1965 and with customary use. Whenever a municipality or
 2651 county exercises such control and makes a determination of
 2652 customary use pursuant to 23 U.S.C. s. 131(d), such
 2653 determination shall be accepted in lieu of controls in the
 2654 agreement between the state and the United States Department of
 2655 Transportation, and the department shall notify the Federal
 2656 Highway Administration pursuant to the agreement, 23 U.S.C. s.
 2657 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
 2658 subject to municipal or county regulation and the Highway
 2659 Beautification Act of 1965 must be approved by the Department of
 2660 Transportation and the Federal Highway Administration when

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2661 required by federal law and federal regulation under the
2662 agreement between the state and the United States Department of
2663 Transportation and federal regulations enforced by the
2664 Department of Transportation under s. 479.02(1). The existence
2665 of a wall mural as defined in s. 479.01(30)~~(27)~~ shall not be
2666 considered in determining whether a sign as defined in s.
2667 479.01(20)~~(17)~~, either existing or new, is in compliance with s.
2668 479.07(9)(a).

2669 Section 49. This act shall take effect July 1, 2010.