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Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

An act relating to transportation; amending s. 316.1001, F.S.; clarifying the method to be used in providing notice following the issuance of a citation for failure to pay a toll; providing that receipt of the citation rather than its mailing constitutes notification; authorizing any governmental entity, including the clerk of court, to provide specified data to the Department of Highway Safety and Motor Vehicles regarding outstanding violations for failure to pay tolls; amending s. 316.535, F.S.; requiring that specified scale tolerances be applied to weight limits for vehicles on highways not part of the Interstate Highway System; providing that specified tolerances do not apply to cranes; providing for the determination of fines for violations of the total gross weight limits; amending s. 316.545, F.S.; revising conditions under which vehicles in violation of specified gross or external bridge weight limits must be unloaded; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring that an operator provide certification of the weight of the idle-reduction technology and demonstrate or certify that the idle-reduction technology is fully functional at all times; amending s. 318.18, F.S.; authorizing a court to direct the department to suspend a person's



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29 driver's license for violations involving the failure
30 to pay tolls; amending s. 320.03, F.S.; clarifying
31 provisions requiring that the tax collector withhold
32 issuance of a license plate or revalidation sticker if
33 certain fines are outstanding; amending s. 322.27,
34 F.S.; providing that failure to pay a toll does not
35 result in the assessment of points against a person's
36 driving record; amending s. 337.14, F.S.; clarifying
37 provisions relating to the submission of interim
38 financial statements to the department along with
39 applications for contractor qualification; amending s.
40 337.401, F.S.; providing for the placement of and
41 access to transmission lines that are adjacent to and
42 within the right-of-way of any public road controlled
43 by the Department of Transportation; amending s.
44 343.64, F.S.; authorizing the Central Florida Regional
45 Transportation Authority to borrow funds under certain
46 circumstances; amending s. 348.51, F.S.; setting forth
47 the limited nature of the obligations issued by the
48 Tampa-Hillsborough County Expressway Authority;
49 amending s. 348.545, F.S.; clarifying authorization
50 for the authority to issue bonds to finance
51 improvements; amending s. 348.56, F.S.; prescribing
52 additional authorization for the authority to issue
53 bonds by or on behalf of the authority; authorizing
54 the public or negotiated sale of bonds by the
55 authority; amending s. 348.565, F.S.; revising revenue
56 bond-issuance authority with respect to specific
57 legislatively approved projects; amending s. 348.57,



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58 F.S.; prescribing additional authorization for the
59 authority to issue refunding bonds; amending s.
60 348.70, F.S.; exempting the authority from certain
61 provisions relating to issuance of bonds by state
62 agencies; creating part XI of ch. 348, F.S.; creating
63 s. 348.9950, F.S.; providing a short title; creating
64 s. 348.9951, F.S.; providing that certain terms have
65 the same meaning as in the Florida Expressway
66 Authority Act for certain purposes; creating s.
67 348.9952, F.S.; creating the Osceola County Expressway
68 Authority as an agency of the state; providing for a
69 governing body of the authority; providing for
70 membership, terms, organization, personnel, and
71 administration; authorizing payment of travel and
72 other expenses; directing the authority to cooperate
73 with and participate in any efforts to establish a
74 regional expressway authority; creating s. 348.9953,
75 F.S.; providing purposes and powers of the authority;
76 creating s. 348.9954, F.S.; authorizing the issuance
77 of bonds to pay or secure certain obligations;
78 creating s. 348.9955, F.S.; authorizing the authority
79 to enter into certain agreements; creating s.
80 348.9956, F.S.; authorizing the department to act as
81 the authority's appointed agent under certain
82 circumstances; creating s. 348.9957, F.S.; authorizing
83 the authority to acquire certain lands and property;
84 authorizing the authority to exercise eminent domain;
85 creating s. 348.9958, F.S.; authorizing certain
86 entities to enter into agreements with the authority;



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87 creating s. 348.9959, F.S.; providing legislative
88 intent and a pledge of the state to bondholders;
89 creating s. 348.9960, F.S.; exempting the authority
90 from taxation; creating s. 348.9961, F.S.; providing
91 for dissolution of the authority under certain
92 circumstances; designating parts I and II of ch. 479,
93 F.S.; amending s. 479.01, F.S.; clarifying the
94 definition of "commercial or industrial zone";
95 defining the terms "allowable uses," "commercial use,"
96 "industrial use," and "zoning category" for specified
97 purposes; creating part III of ch. 479, F.S.; creating
98 s. 479.310, F.S.; providing legislative intent;
99 creating s. 479.311, F.S.; providing that the county
100 court and circuit court have concurrent jurisdiction;
101 creating ss. 479.312, 479.313, and 479.314, F.S.;
102 requiring that all costs incurred by the department to
103 remove signs in certain locations on the interstate
104 highway system, the federal-aid primary highway
105 system, or the state highway system to be assessed and
106 collected from certain persons under certain
107 conditions; amending s. 705.18, F.S.; deleting
108 provisions relating to public-use airports or its
109 directors, as well as the required disposition of
110 moneys from sale of property abandoned at a public-use
111 airport; creating s. 705.182, F.S.; providing an
112 eligibility period for personal property found on
113 public-use airports to be claimed; providing options
114 for disposing of personal property; providing
115 procedures for selling abandoned personal property;



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116 providing for the notice of sale; authorizing an
117 airport tenant to establishing its own lost and found
118 procedures; providing that a purchaser of certain
119 property holds title to such property; creating s.
120 705.183, F.S.; creating procedures for the disposal of
121 derelict or abandoned aircraft on the premises of
122 public-use airports; requiring that the director of an
123 airport or the director's designee keep a record of
124 such aircraft found at an airport; defining the terms
125 "derelict aircraft" and "abandoned aircraft";
126 requiring that the director of an airport or the
127 director's designee make a determination of the
128 identity of an aircraft owner and persons having legal
129 interest in the aircraft; requiring notification of
130 the aircraft owner and all persons having an equitable
131 or legal interest in the aircraft; requiring that
132 certain items be included in the notice; providing an
133 exception; providing for notice if the owner of the
134 aircraft is unknown or cannot be found; providing the
135 form of such notice; providing for the placement of
136 the notice; providing procedures for failure to remove
137 an aircraft and pay fees; requiring that any sale of
138 aircraft be made at a public auction; providing notice
139 requirements for such public auction; providing
140 procedures for disposing of an aircraft; providing for
141 liability if the sale price is less than the charges
142 and costs related to the aircraft; providing that a
143 lien in favor of the airport exists under certain
144 circumstances; providing for the payment of fees and



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145 charges related to the aircraft; requiring notice of
146 any such lien; requiring the filing of a claim of
147 lien; providing a form of the claim of lien; providing
148 for service of the claim of lien; providing that the
149 purchaser of the aircraft takes the property free of
150 rights of persons holding legal or equitable interest
151 in the aircraft; requiring that the purchaser or
152 recipient notify the Federal Aviation Administration
153 of the change in ownership; providing for the
154 deduction of costs if an aircraft is sold at a public
155 sale; requiring that the balance be deposited in an
156 interest-bearing account; providing a deadline for the
157 owner to claim the funds; authorizing the airport to
158 retain the balance under certain circumstances;
159 authorizing an airport to issue documents relating to
160 the aircraft disposal; creating s. 705.184, F.S.;
161 creating procedures for the disposal of derelict or
162 abandoned motor vehicles on public-use airports;
163 requiring recording of the abandoned motor vehicle;
164 defining the terms "derelict motor vehicle" and
165 "abandoned motor vehicle"; authorizing the removal of
166 such a vehicle from the airport premises; requiring
167 that the director of an airport or the director's
168 designee make a determination of the identity of the
169 owner of the motor vehicle and the insurance company
170 insuring the motor vehicle; requiring notification of
171 the owner, insurer, and lienholder; requiring that
172 certain information be included in the notice;
173 providing an exception; providing a form for such;



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174 providing for the placement of such notice;
175 authorizing an airport to take certain action if the
176 owner or lienholder fails to remove the motor vehicle
177 and pay applicable fees; requiring that any sale of a
178 motor vehicle be made at a public auction; providing
179 notice requirements for such auction; providing
180 procedures for disposing of the motor vehicle;
181 providing for liability if the sale price is less than
182 the charges and costs related to the motor vehicle;
183 providing for a lien in favor of the airport for all
184 fees and charges related to the motor vehicle under
185 certain circumstances; providing for notice of such
186 lien; requiring the filing of a claim of lien,
187 providing a form for the claim of such lien;
188 specifying requirements for service of a claim of
189 lien; providing that a purchaser of a motor vehicle
190 takes the property free of rights of persons holding
191 legal or equitable interest in the motor vehicle;
192 providing an effective date.

193

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

195

196 Section 1. Paragraph (b) of subsection (2) and subsection
197 (4) of section 316.1001, Florida Statutes, are amended to read:
198 316.1001 Payment of toll on toll facilities required;
199 penalties.—

200 (2)

201 (b) A citation issued under this subsection may be issued
202 by mailing the citation by first-class ~~first-class~~ mail, ~~or by~~



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203 ~~certified mail~~, return receipt requested, to the address of the
204 registered owner of the motor vehicle involved in the violation.
205 Receipt of Mailing the citation ~~to this address~~ constitutes
206 notification. In the case of joint ownership of a motor vehicle,
207 the traffic citation must be mailed to the first name appearing
208 on the registration, unless the first name appearing on the
209 registration is a business organization, in which case the
210 second name appearing on the registration may be used. A
211 citation issued under this paragraph must be mailed to the
212 registered owner of the motor vehicle involved in the violation
213 within 14 days after the date of issuance of the citation
214 ~~violation~~. In addition to the citation, notification must be
215 sent to the registered owner of the motor vehicle involved in
216 the violation specifying remedies available under ss. 318.14(12)
217 and 318.18(7).

218 (4) Any governmental entity, including, without limitation,
219 a clerk of court, may provide ~~supply~~ the department with data
220 that is machine readable by the department's computer system,
221 listing persons who have one or more outstanding violations of
222 this section, with reference to the person's driver's license
223 number or vehicle registration number in the case of a business
224 entity. Pursuant to s. 320.03(8), those persons may not be
225 issued a license plate or revalidation sticker for any motor
226 vehicle.

227 Section 2. Subsection (5) of section 316.535, Florida
228 Statutes, is amended to read:

229 316.535 Maximum weights.—

230 (5) With respect to those highways not in the Interstate
231 Highway System, in all cases in which it exceeds state law in



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232 effect on January 4, 1975, the overall gross weight on the
233 vehicle or combination of vehicles, ~~including all enforcement~~
234 ~~tolerances~~, shall be as determined by the following formula:
235

$$W = 500((LN \div (N-1)) + 12N + 36)$$

236
237
238 where W = overall gross weight of the vehicle to the
239 nearest 500 pounds; L = distance in feet between the extreme of
240 the external axles; and N = number of axles on the vehicle.
241 However, such overall gross weight of any vehicle or combination
242 of vehicles may not exceed 80,000 pounds ~~including all~~
243 ~~enforcement tolerances~~. The scale tolerance provided in s.
244 316.545(2) applies to all weight limitations described in this
245 subsection, except when a vehicle exceeds the posted weight
246 limit on a road or bridge. The scale tolerance provided in s.
247 316.545(2) does not apply to cranes. Fines for violations of the
248 total gross weight limitations provided for in this subsection
249 shall be based on the amount by which the actual weight of the
250 vehicle and load exceeds the allowable maximum weight determined
251 under this subsection plus the scale tolerance provided in s.
252 316.545(2).

253 Section 3. Subsections (2) and (3) of section 316.545,
254 Florida Statutes, are amended to read:

255 316.545 Weight and load unlawful; special fuel and motor
256 fuel tax enforcement; inspection; penalty; review.—

257 (2) (a) Whenever an officer, upon weighing a vehicle or
258 combination of vehicles with load, determines that the axle
259 weight or gross weight is unlawful, the officer may require the
260 driver to stop the vehicle in a suitable place and remain



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261 standing until a determination can be made as to the amount of
262 weight thereon and, if overloaded, the amount of penalty to be
263 assessed as provided herein. ~~However, any gross weight over and~~
264 ~~beyond 6,000 pounds beyond the maximum herein set shall be~~
265 ~~unloaded and all material so unloaded shall be cared for by the~~
266 ~~owner or operator of the vehicle at the risk of such owner or~~
267 ~~operator.~~ Except as otherwise provided in this chapter, to
268 facilitate compliance with and enforcement of the weight limits
269 established in s. 316.535, weight tables published pursuant to
270 s. 316.535(7) shall include a 10-percent scale tolerance and
271 shall thereby reflect the maximum scaled weights allowed any
272 vehicle or combination of vehicles. As used in this section,
273 scale tolerance means the allowable deviation from legal weights
274 established in s. 316.535. Notwithstanding any other provision
275 of the weight law, if a vehicle or combination of vehicles does
276 not exceed the gross, external bridge, or internal bridge weight
277 limits imposed in s. 316.535 and the driver of such vehicle or
278 combination of vehicles can comply with the requirements of this
279 chapter by shifting or equalizing the load on all wheels or
280 axles and does so when requested by the proper authority, the
281 driver shall not be held to be operating in violation of said
282 weight limits. Any vehicle or combination of vehicles which
283 exceeds the gross or external bridge weight limits imposed in s.
284 316.535(3), (4), or (6) over and beyond 6,000 pounds shall be
285 unloaded, and all material so unloaded shall be cared for by the
286 owner or operator of the vehicle at the risk of such owner or
287 operator. Any vehicle or combination of vehicles which exceeds
288 the gross or external bridge weight limits imposed in s.
289 316.535(5) shall be unloaded, and all material so unloaded shall



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290 be cared for by the owner or operator of the vehicle at the risk
291 of such owner or operator.

292 (b) The officer shall inspect the license plate or
293 registration certificate of the commercial vehicle, as defined
294 in s. 316.003(66), to determine if its gross weight is in
295 compliance with the declared gross vehicle weight. If its gross
296 weight exceeds the declared weight, the penalty shall be 5 cents
297 per pound on the difference between such weights. In those cases
298 when the commercial vehicle, as defined in s. 316.003(66), is
299 being operated over the highways of the state with an expired
300 registration or with no registration from this or any other
301 jurisdiction or is not registered under the applicable
302 provisions of chapter 320, the penalty herein shall apply on the
303 basis of 5 cents per pound on that scaled weight which exceeds
304 35,000 pounds on laden truck tractor-semitrailer combinations or
305 tandem trailer truck combinations, 10,000 pounds on laden
306 straight trucks or straight truck-trailer combinations, or
307 10,000 pounds on any unladen commercial motor vehicle. If the
308 license plate or registration has not been expired for more than
309 90 days, the penalty imposed under this paragraph may not exceed
310 \$1,000. In the case of special mobile equipment as defined in s.
311 316.003(48), which qualifies for the license tax provided for in
312 s. 320.08(5)(b), being operated on the highways of the state
313 with an expired registration or otherwise not properly
314 registered under the applicable provisions of chapter 320, a
315 penalty of \$75 shall apply in addition to any other penalty
316 which may apply in accordance with this chapter. A vehicle found
317 in violation of this section may be detained until the owner or
318 operator produces evidence that the vehicle has been properly



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319 registered. Any costs incurred by the retention of the vehicle
320 shall be the sole responsibility of the owner. A person who has
321 been assessed a penalty pursuant to this paragraph for failure
322 to have a valid vehicle registration certificate pursuant to the
323 provisions of chapter 320 is not subject to the delinquent fee
324 authorized in s. 320.07 if such person obtains a valid
325 registration certificate within 10 working days after such
326 penalty was assessed.

327 (c) Weight limits established and posted for a road or
328 bridge pursuant to s. 316.555 and weight limits specified in
329 special permits issued pursuant to s. 316.550 shall be deemed to
330 include all allowable tolerances. In those cases when a vehicle
331 or combination of vehicles exceeds the weight limits established
332 and posted for a road or bridge pursuant to s. 316.555, or
333 exceeds the weight limits permitted in a special permit issued
334 pursuant to s. 316.550, the penalty shall be 5 cents per pound
335 on the difference between the scale weight of the vehicle and
336 the weight limits for such posted road or bridge or permitted in
337 such special permit. However, if a special permit is declared
338 invalid in accordance with rules promulgated pursuant to s.
339 316.550, the penalties imposed in subsection (3) shall apply to
340 those weights which exceed the limits established in s. 316.535.

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

345 (a) When the excess weight is 200 pounds or less than the
346 maximum herein provided, the penalty shall be \$10;

347 (b) Five cents per pound for each pound of weight in excess



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348 of the maximum herein provided when the excess weight exceeds
349 200 pounds. However, whenever the gross weight of the vehicle or
350 combination of vehicles does not exceed the maximum allowable
351 gross weight, the maximum fine for the first 600 pounds of
352 unlawful axle weight shall be \$10;

353 (c) For a vehicle equipped with fully functional idle-
354 reduction technology, any penalty shall be calculated by
355 reducing the actual gross vehicle weight or the internal bridge
356 weight by the certified weight of the idle-reduction technology
357 or by 400 pounds, whichever is less. The vehicle operator must
358 present written certification of the weight of the idle-
359 reduction technology and must demonstrate or certify that the
360 idle-reduction technology is fully functional at all times. Such
361 calculation may not be used for vehicles described in s.
362 316.535(6);

363 (d)(e) An apportioned motor vehicle, as defined in s.
364 320.01, operating on the highways of this state without being
365 properly licensed and registered shall be subject to the
366 penalties as herein provided; and

367 (e)(d) Vehicles operating on the highways of this state
368 from nonmember International Registration Plan jurisdictions
369 which are not in compliance with the provisions of s. 316.605
370 shall be subject to the penalties as herein provided.

371 Section 4. Subsection (7) of section 318.18, Florida
372 Statutes, is amended to read:

373 318.18 Amount of penalties.—The penalties required for a
374 noncriminal disposition pursuant to s. 318.14 or a criminal
375 offense listed in s. 318.17 are as follows:

376 (7) Mandatory \$100 fine for each violation of s. 316.1001



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377 plus the amount of the unpaid toll shown on the traffic citation
378 for each citation issued. The clerk of the court shall forward
379 \$25 of the \$100 fine received, plus the amount of the unpaid
380 toll that is shown on the citation, to the governmental entity
381 that issued the citation, or on whose behalf the citation was
382 issued. If a plea arrangement is reached prior to the date set
383 for a scheduled evidentiary hearing and adjudication is
384 withheld, there shall be a mandatory fine assessed per citation
385 of not less than \$50 and not more than \$100, plus the amount of
386 the unpaid toll for each citation issued. The clerk of the court
387 shall forward \$25 of the fine imposed plus the amount of the
388 unpaid toll that is shown on the citation to the governmental
389 entity that issued the citation or on whose behalf the citation
390 was issued. The court shall have specific authority to
391 consolidate issued citations for the same defendant for the
392 purpose of sentencing and aggregate jurisdiction. In addition,
393 the court may direct the department to shall suspend for 60 days
394 the driver's license of a person who is convicted of 10
395 violations of s. 316.1001 within a 36-month period. Any funds
396 received by a governmental entity for this violation may be used
397 for any lawful purpose related to the operation or maintenance
398 of a toll facility.

399 Section 5. Subsection (8) of section 320.03, Florida
400 Statutes, is amended to read:

401 320.03 Registration; duties of tax collectors;
402 International Registration Plan.—

403 (8) If the applicant's name appears on the list referred to
404 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
405 plate or revalidation sticker may not be issued until that



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406 person's name no longer appears on the list or until the person
407 presents a receipt from the governmental entity or the clerk of
408 court that provided the data showing that the fines outstanding
409 have been paid. This subsection does not apply to the owner of a
410 leased vehicle if the vehicle is registered in the name of the
411 lessee of the vehicle. The tax collector and the clerk of the
412 court are each entitled to receive monthly, as costs for
413 implementing and administering this subsection, 10 percent of
414 the civil penalties and fines recovered from such persons. As
415 used in this subsection, the term "civil penalties and fines"
416 does not include a wrecker operator's lien as described in s.
417 713.78(13). If the tax collector has private tag agents, such
418 tag agents are entitled to receive a pro rata share of the
419 amount paid to the tax collector, based upon the percentage of
420 license plates and revalidation stickers issued by the tag agent
421 compared to the total issued within the county. The authority of
422 any private agent to issue license plates shall be revoked,
423 after notice and a hearing as provided in chapter 120, if he or
424 she issues any license plate or revalidation sticker contrary to
425 the provisions of this subsection. This section applies only to
426 the annual renewal in the owner's birth month of a motor vehicle
427 registration and does not apply to the transfer of a
428 registration of a motor vehicle sold by a motor vehicle dealer
429 licensed under this chapter, except for the transfer of
430 registrations which is inclusive of the annual renewals. This
431 section does not affect the issuance of the title to a motor
432 vehicle, notwithstanding s. 319.23(7)(b).

433 Section 6. Paragraph (d) of subsection (3) of section
434 322.27, Florida Statutes, is amended to read:



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435 322.27 Authority of department to suspend or revoke
436 license.—

437 (3) There is established a point system for evaluation of
438 convictions of violations of motor vehicle laws or ordinances,
439 and violations of applicable provisions of s. 403.413(6)(b) when
440 such violations involve the use of motor vehicles, for the
441 determination of the continuing qualification of any person to
442 operate a motor vehicle. The department is authorized to suspend
443 the license of any person upon showing of its records or other
444 good and sufficient evidence that the licensee has been
445 convicted of violation of motor vehicle laws or ordinances, or
446 applicable provisions of s. 403.413(6)(b), amounting to 12 or
447 more points as determined by the point system. The suspension
448 shall be for a period of not more than 1 year.

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

- 452 1. Reckless driving, willful and wanton—4 points.
453 2. Leaving the scene of a crash resulting in property
454 damage of more than \$50—6 points.
455 3. Unlawful speed resulting in a crash—6 points.
456 4. Passing a stopped school bus—4 points.
457 5. Unlawful speed:
458 a. Not in excess of 15 miles per hour of lawful or posted
459 speed—3 points.
460 b. In excess of 15 miles per hour of lawful or posted
461 speed—4 points.
462 6. A violation of a traffic control signal device as
463 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.



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464 7. All other moving violations (including parking on a
465 highway outside the limits of a municipality)—3 points. However,
466 no points shall be imposed for a violation of s. 316.0741, s.
467 316.1001, or s. 316.2065(12).

468 8. Any moving violation covered above, excluding unlawful
469 speed, resulting in a crash—4 points.

470 9. Any conviction under s. 403.413(6) (b)—3 points.

471 10. Any conviction under s. 316.0775(2)—4 points.

472 Section 7. Subsection (1) of section 337.14, Florida
473 Statutes, is amended to read:

474 337.14 Application for qualification; certificate of
475 qualification; restrictions; request for hearing.—

476 (1) Any person desiring to bid for the performance of any
477 construction contract in excess of \$250,000 which the department
478 proposes to let must first be certified by the department as
479 qualified pursuant to this section and rules of the department.
480 The rules of the department shall address the qualification of
481 persons to bid on construction contracts in excess of \$250,000
482 and shall include requirements with respect to the equipment,
483 past record, experience, financial resources, and organizational
484 personnel of the applicant necessary to perform the specific
485 class of work for which the person seeks certification. The
486 department may ~~is authorized to~~ limit the dollar amount of any
487 contract upon which a person is qualified to bid or the
488 aggregate total dollar volume of contracts such person is
489 allowed to have under contract at any one time. Each applicant
490 seeking qualification to bid on construction contracts in excess
491 of \$250,000 shall furnish the department a statement under oath,
492 on such forms as the department may prescribe, setting forth



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493 detailed information as required on the application. Each
494 application for certification shall be accompanied by the latest
495 annual financial statement of the applicant completed within the
496 last 12 months. If the application or the annual financial
497 statement shows the financial condition of the applicant more
498 than 4 months before ~~prior to~~ the date on which the application
499 is received by the department, ~~then~~ an interim financial
500 statement must also be submitted and be accompanied by an
501 updated application. The interim financial statement must cover
502 the period from the end date of the annual statement and must
503 show the financial condition of the applicant no more than 4
504 months before ~~prior to~~ the date that the interim financial
505 statement on which the application is received by the
506 department. Each required annual or interim financial statement
507 must be audited and accompanied by the opinion of a certified
508 public accountant or a public accountant approved by the
509 department. The information required by this subsection is
510 confidential and exempt from the provisions of s. 119.07(1). The
511 department shall act upon the application for qualification
512 within 30 days after the department determines that the
513 application is complete. The department may waive the
514 requirements of this subsection for projects having a contract
515 price of \$500,000 or less if the department determines that the
516 project is of a noncritical nature and the waiver will not
517 endanger public health, safety, or property.

518 Section 8. Subsection (1) of section 337.401, Florida
519 Statutes, is amended to read:

520 337.401 Use of right-of-way for utilities subject to
521 regulation; permit; fees.-



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522 (1) (a) The department and local governmental entities,
523 referred to in ss. 337.401-337.404 as the "authority," that have
524 jurisdiction and control of public roads or publicly owned rail
525 corridors are authorized to prescribe and enforce reasonable
526 rules or regulations with reference to the placing and
527 maintaining along, across, or on any road or publicly owned rail
528 corridors under their respective jurisdictions any electric
529 transmission, telephone, telegraph, or other communications
530 services lines; pole lines; poles; railways; ditches; sewers;
531 water, heat, or gas mains; pipelines; fences; gasoline tanks and
532 pumps; or other structures referred to in this section as the
533 "utility." ~~For aerial and underground electric utility~~
534 ~~transmission lines designed to operate at 69 or more kilovolts~~
535 ~~that are needed to accommodate the additional electrical~~
536 ~~transfer capacity on the transmission grid resulting from new~~
537 ~~base-load generating facilities, where there is no other~~
538 ~~practicable alternative available for placement of the electric~~
539 ~~utility transmission lines on the department's rights-of-way,~~
540 ~~the department's rules shall provide for placement of and access~~
541 ~~to such transmission lines adjacent to and within the right-of-~~
542 ~~way of any department-controlled public roads, including~~
543 ~~longitudinally within limited access facilities to the greatest~~
544 ~~extent allowed by federal law, if compliance with the standards~~
545 ~~established by such rules is achieved. Such rules may include,~~
546 ~~but need not be limited to, that the use of the right-of-way is~~
547 ~~reasonable based upon a consideration of economic and~~
548 ~~environmental factors, including, without limitation, other~~
549 ~~practicable alternative alignments, utility corridors and~~
550 ~~easements, impacts on adjacent property owners, and minimum~~



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551 ~~clear zones and other safety standards, and further provide that~~
552 ~~placement of the electric utility transmission lines within the~~
553 ~~department's right-of-way does not interfere with operational~~
554 ~~requirements of the transportation facility or planned or~~
555 ~~potential future expansion of such transportation facility. If~~
556 ~~the department approves longitudinal placement of electric~~
557 ~~utility transmission lines in limited access facilities,~~
558 ~~compensation for the use of the right-of-way is required. Such~~
559 ~~consideration or compensation paid by the electric utility in~~
560 ~~connection with the department's issuance of a permit does not~~
561 ~~create any property right in the department's property~~
562 ~~regardless of the amount of consideration paid or the~~
563 ~~improvements constructed on the property by the utility. Upon~~
564 ~~notice by the department that the property is needed for~~
565 ~~expansion or improvement of the transportation facility, the~~
566 ~~electric utility transmission line will relocate from the~~
567 ~~facility at the electric utility's sole expense. The electric~~
568 ~~utility shall pay to the department reasonable damages resulting~~
569 ~~from the utility's failure or refusal to timely relocate its~~
570 ~~transmission lines. The rules to be adopted by the department~~
571 ~~may also address the compensation methodology and relocation. As~~
572 ~~used in this subsection, the term "base load generating~~
573 ~~facilities" means electric power plants that are certified under~~
574 ~~part II of chapter 403. The department may enter into a permit-~~
575 ~~delegation agreement with a governmental entity if issuance of a~~
576 ~~permit is based on requirements that the department finds will~~
577 ~~ensure the safety and integrity of facilities of the Department~~
578 ~~of Transportation; however, the permit-delegation agreement does~~
579 ~~not apply to facilities of electric utilities as defined in s.~~



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366.02(2).

(b) For aerial and underground electric utility transmission lines that are designed to operate at 69 or more kilovolts and that are needed to accommodate the additional electrical transfer capacity on the transmission grid resulting from new base-load generating facilities, the department's rules shall provide for placement of and access to such transmission lines adjacent to and within the right-of-way of any department-controlled public roads, including longitudinally within limited access facilities where there is no other practicable alternative available, to the greatest extent allowed by federal law, if compliance with the standards established by such rules is achieved. Such rules may include, but need not be limited to, a requirement that the use of the limited access right-of-way for longitudinal placement of electric utility transmission lines be reasonably based upon a consideration of economic and environmental factors, including, but not limited to, other practicable alternative alignments, utility corridors and easements, impacts on adjacent property owners, and minimum clear zones and other safety standards. Such rules may also require that placement of the electric utility transmission lines within the department's right-of-way not interfere with operational requirements of the transportation facility or planned or potential future expansion of such transportation facility. Compensation for the use of the right-of-way must be provided if the department approves longitudinal placement of electric utility transmission lines in limited access facilities. Such consideration or compensation paid by the electric utility in connection with the department's issuance of



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609 a permit does not create any property right in the department's
610 property regardless of the amount of consideration paid or the
611 improvements constructed on the property by the utility. Upon
612 notice by the department that the property is needed for
613 expansion or improvement of the transportation facility, the
614 electric utility transmission line shall be relocated at the
615 electric utility's sole expense. The electric utility shall pay
616 to the department reasonable damages resulting from the
617 utility's failure or refusal to timely relocate its transmission
618 lines. The rules adopted by the department may also address the
619 compensation methodology and relocation. As used in this
620 subsection, the term "base-load generating facilities" means
621 electric power plants that are certified under part II of
622 chapter 403.

623 Section 9. Paragraph (q) is added to subsection (2) of
624 section 343.64, Florida Statutes, to read:

625 343.64 Powers and duties.—

626 (2) The authority may exercise all powers necessary,
627 appurtenant, convenient, or incidental to the carrying out of
628 the aforesaid purposes, including, but not limited to, the
629 following rights and powers:

630 (q) Notwithstanding the provisions of s. 343.65, to borrow
631 money in a principal amount not to exceed \$10 million in any
632 calendar year to refinance all or part of the costs or
633 obligations of the authority, including, but not limited to,
634 obligations of the authority as a lessee under a lease.

635 Section 10. Subsection (3) of section 348.51, Florida
636 Statutes, is amended to read:

637 348.51 Definitions.—The following terms whenever used or



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638 referred to in this part shall have the following meanings,
639 except in those instances where the context clearly indicates
640 otherwise:

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

645 Section 11. Section 348.545, Florida Statutes, is amended
646 to read:

647 348.545 Facility improvement; bond financing authority.—
648 Pursuant to s. 11(f), Art. VII of the State Constitution, the
649 Legislature hereby approves for bond financing by the Tampa-
650 Hillsborough County Expressway Authority improvements to toll
651 collection facilities, interchanges to the legislatively
652 approved expressway system, and any other facility appurtenant,
653 necessary, or incidental to the approved system. Subject to
654 terms and conditions of applicable revenue bond resolutions and
655 covenants, such costs ~~financing~~ may be financed in whole or in
656 part by revenue bonds issued under s. 348.56(1)(a) or (b)
657 whether currently issued or issued in the future, or by a
658 combination of such bonds.

659 Section 12. Subsections (1) and (2) of section 348.56,
660 Florida Statutes, are amended to read:

661 348.56 Bonds of the authority.—

662 (1) (a) Bonds may be issued on behalf of the authority under
663 the State Bond Act.

664 (b) Alternatively, the authority shall have the power and
665 is hereby authorized from time to time to issue bonds in such
666 principal amount as, in the opinion of the authority, shall be



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667 necessary to provide sufficient moneys for achieving its
668 corporate purposes, including construction, reconstruction,
669 improvement, extension, repair, maintenance and operation of the
670 expressway system, the cost of acquisition of all real property,
671 interest on bonds during construction and for a reasonable
672 period thereafter, establishment of reserves to secure bonds,
673 and all other expenditures of the authority incident to and
674 necessary or convenient to carry out its corporate purposes and
675 powers.

676 (2) (a) Bonds issued by the authority under paragraph (1) (a)
677 or (b) shall be authorized by resolution of the members of the
678 authority and shall bear such date or dates, mature at such time
679 or times, not exceeding 40 years from their respective dates,
680 bear interest at such rate or rates, not exceeding the maximum
681 rate fixed by general law for authorities, be in such
682 denominations, be in such form, either coupon or fully
683 registered, carry such registration, exchangeability and
684 interchangeability privileges, be payable in such medium of
685 payment and at such place or places, be subject to such terms of
686 redemption and be entitled to such priorities of lien on the
687 revenues, other available moneys, and the Hillsborough County
688 gasoline tax funds as such resolution or any resolution
689 subsequent thereto may provide. The bonds shall be executed
690 either by manual or facsimile signature by such officers as the
691 authority shall determine, provided that such bonds shall bear
692 at least one signature which is manually executed thereon. The
693 coupons attached to such bonds shall bear the facsimile
694 signature or signatures of such officer or officers as shall be
695 designated by the authority. Such bonds shall have the seal of



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696 the authority affixed, imprinted, reproduced, or lithographed
697 thereon.

698 (b) The bonds issued under paragraph (1)(a) or (b) shall be
699 sold at public sale in the same manner provided by the State
700 Bond Act, and the net interest cost to the authority on such
701 bonds shall not exceed the maximum rate fixed by general law for
702 authorities. However, if the authority, by official action at a
703 public meeting, determines that a negotiated sale of such bonds
704 is in the best interest of the authority, the authority may
705 negotiate the sale of such bonds with the underwriter or
706 underwriters designated by the authority and the Division of
707 Bond Finance of the State Board of Administration with respect
708 to bonds issued pursuant to paragraph (1)(a) or solely by the
709 authority with respect to bonds issued pursuant to paragraph
710 (1)(b). The authority's determination to negotiate the sale of
711 such bonds may be based, in part, upon the written advice of the
712 authority's financial adviser. If all bids received on the
713 public sale are rejected, the authority may then proceed to
714 negotiate for the sale of the bonds at a net interest cost which
715 shall be less than the lowest net interest cost stated in the
716 bids rejected at the public sale. Pending the preparation of
717 definitive bonds, temporary bonds or interim certificates may be
718 issued to the purchaser or purchasers of such bonds and may
719 contain such terms and conditions as the authority may
720 determine.

721 Section 13. Section 348.565, Florida Statutes, is amended
722 to read:

723 348.565 Revenue bonds for specified projects.—The existing
724 facilities that constitute the Tampa-Hillsborough County



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725 Expressway System are hereby approved to be refinanced by ~~the~~
726 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance
727 of the State Board of Administration pursuant to s. 11(f), Art.
728 VII of the State Constitution and the State Bond Act, or by
729 revenue bonds issued by the authority under s. 348.56(1)(b). In
730 addition, the following projects of the Tampa-Hillsborough
731 County Expressway Authority are approved to be financed or
732 refinanced by the issuance of revenue bonds in accordance with
733 this part under ~~pursuant to~~ s. 11(f), Art. VII of the State
734 Constitution:

- 735 (1) Brandon area feeder roads.
- 736 (2) Capital improvements to the expressway system,
737 including safety and operational improvements and toll
738 collection equipment.
- 739 (3) Lee Roy Selmon Crosstown Expressway System widening.
- 740 (4) The connector highway linking the Lee Roy Selmon
741 Crosstown Expressway to Interstate 4.

742 Section 14. Subsection (1) of section 348.57, Florida
743 Statutes, is amended to read:

744 348.57 Refunding bonds.—

745 (1) Subject to public notice as provided in s. 348.54, the
746 authority is authorized to provide by resolution for the
747 issuance from time to time of bonds under s. 348.56(1)(b) for
748 the purpose of refunding any bonds then outstanding regardless
749 of whether the bonds being refunded were issued by the authority
750 under this chapter or on behalf of the authority under the State
751 Bond Act. The authority is further authorized to provide by
752 resolution for the issuance of bonds for the combined purpose
753 of:



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754 (a) Paying the cost of constructing, reconstructing,
755 improving, extending, repairing, maintaining and operating the
756 expressway system.

757 (b) Refunding bonds then outstanding. The authorization,
758 sale and issuance of such obligations, the maturities and other
759 details thereof, the rights and remedies of the holders thereof,
760 and the rights, powers, privileges, duties and obligations of
761 the authority with respect to the same shall be governed by the
762 foregoing provisions of this part insofar as the same may be
763 applicable.

764 Section 15. Section 348.70, Florida Statutes, is amended to
765 read:

766 348.70 This part complete and additional authority.-

767 (1) The powers conferred by this part shall be in addition
768 and supplemental to the existing respective powers of the
769 authority, the department, the county and the city, if any, and
770 this part shall not be construed as repealing any of the
771 provisions of any other law, general, special or local, but
772 shall be deemed to supersede such other law or laws in the
773 exercise of the powers provided in this part insofar as such
774 other law or laws are inconsistent with the provisions of this
775 part and to provide a complete method for the exercise of the
776 powers granted herein. The construction, reconstruction,
777 improvement, extension, repair, maintenance and operation of the
778 expressway system, and the issuance of bonds hereunder to
779 finance all or part of the cost thereof, may be accomplished
780 upon compliance with the provisions of this part without regard
781 to or necessity for compliance with the provisions, limitations,
782 or restrictions contained in any other general, special or local



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783 law, including, but not limited to, s. 215.821, and no approval
784 of any bonds issued under this part by the qualified electors or
785 qualified electors who are freeholders in the state or in the
786 county or in the city or in any other political subdivision of
787 the state shall be required for the issuance of such bonds.

788 (2) This part does not repeal, rescind, or modify any other
789 law or laws relating to the State Board of Administration, the
790 Department of Transportation, or the Division of Bond Finance of
791 the State Board of Administration, but supersedes any other law
792 or laws that are inconsistent with the provisions of this part,
793 including, but not limited to, s. 215.821.

794 Section 16. Part XI of chapter 348, Florida Statutes,
795 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
796 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,
797 348.9960, and 348.9961, is created to read:

798 348.9950 Short title.—This part may be cited as the
799 “Osceola County Expressway Authority Law.”

800 348.9951 Definitions.—Terms used in this part, except where
801 the context clearly indicates otherwise, shall have the same
802 meanings as those defined in the Florida Expressway Authority
803 Act.

804 348.9952 Osceola County Expressway Authority.—

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

808 (2) (a) The governing body of the authority shall consist of
809 six members. Five members must be residents of Osceola County,
810 three of whom shall be appointed by the governing body of the
811 county and two of whom shall be appointed by the Governor. The



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812 sixth member shall be the district secretary of the department
813 servig in the district that includes Osceola County, who shall
814 serve as an ex officio, nonvoting member. The term of each
815 appointed member shall be for 4 years, except that the first
816 term of the initial members appointed by the Governor shall be 2
817 years each. Each appointed member shall hold office until his or
818 her successor has been appointed and has qualified. A vacancy
819 occurring during a term shall be filled only for the balance of
820 the unexpired term. Each appointed member of the authority shall
821 be a person of outstanding reputation for integrity,
822 responsibility, and business ability, but a person who is an
823 officer or employee of any municipality or of Osceola County in
824 any other capacity may not be an appointed member of the
825 authority. A member of the authority is eligible for
826 reappointment.

827 (b) Members of the authority may be removed from office by
828 the Governor for misconduct, malfeasance, or nonfeasance in
829 office.

830 (3) (a) The authority shall elect one of its members as
831 chair. The authority shall also elect a secretary and a
832 treasurer, who may be members of the authority. The chair,
833 secretary, and treasurer shall hold such offices at the will of
834 the authority.

835 (b) Three members of the authority constitute a quorum, and
836 the vote of three members is necessary for any action taken by
837 the authority. A vacancy in the authority does not impair the
838 right of a quorum of the authority to exercise all of the rights
839 and perform all of the duties of the authority.

840 (4) (a) The authority may employ an executive secretary, an



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841 executive director, its own counsel and legal staff, technical
842 experts, engineers, and other employees, permanent or temporary,
843 as it may require, and may determine the qualifications and fix
844 the compensation of such persons, firms, or corporations.
845 Additionally, the authority may employ a fiscal agent or agents.
846 However, the authority shall solicit sealed proposals from at
847 least three persons, firms, or corporations for the performance
848 of any services as fiscal agents. The authority may delegate to
849 one or more of its agents or employees such of its power as it
850 deems necessary to carry out the purposes of this part, subject
851 always to the supervision and control of the authority.

852 (b) Members of the authority are entitled to receive from
853 the authority their travel and other necessary expenses incurred
854 in connection with the business of the authority as provided in
855 s. 112.061, but members shall not draw salaries or other
856 compensation.

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

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

862 348.9953 Purposes and powers.—The purposes and powers of
863 the authority shall be the same as those identified in the
864 Florida Expressway Authority Act.

865 348.9954 Bonds.—Bonds may be issued on behalf of the
866 authority as provided by the State Bond Act and subject to the
867 provisions of the Florida Expressway Authority Act.

868 348.9955 Lease-purchase agreement.—The authority may enter
869 into lease-purchase agreements with the department as provided



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870 in the Florida Expressway Authority Act.

871 348.9956 Department may be appointed agent of authority for
872 construction.—The authority may appoint the department as its
873 agent as provided in the Florida Expressway Authority Act.

874 348.9957 Acquisition of lands and property.—The authority
875 may acquire such rights, title, or interest in private or public
876 property and such property rights, including easements, rights
877 of access, air, view, and light by gift, devise, purchase, or
878 condemnation by eminent domain proceedings as the authority may
879 deem necessary for the purposes of this part and subject to the
880 provisions of the Florida Expressway Authority Act.

881 348.9958 Cooperation with other units, boards, agencies,
882 and individuals.—Any county, municipality, drainage district,
883 road and bridge district, school district, or other political
884 subdivision, board, commission, or individual in or of the state
885 may make and enter into any contract, lease, conveyance,
886 partnership, or other agreement with the authority within the
887 provisions and for purposes of this part. The authority may make
888 and enter into any contract, lease, conveyance, partnership, or
889 other agreement with any political subdivision, agency, or
890 instrumentality of the state or any federal agency, corporation,
891 or individual for the purpose of carrying out the provisions of
892 this part.

893 348.9959 Legislative intent; covenant of the state.—It is
894 the intent of the Legislature that the state pledge to and agree
895 with any person, firm, corporation, or federal or state agency
896 subscribing to or acquiring the bonds to be issued by the
897 authority for the purposes of this part that the state will not
898 limit or alter the rights hereby vested in the authority and the



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899 department until all bonds at any time issued together with the
900 interest thereon are fully paid and discharged insofar as the
901 same affects the rights of the holders of bonds issued
902 hereunder. It is also the intent of the Legislature that the
903 state further pledge to and agree with the United States that in
904 the event any federal agency shall construct or contribute any
905 funds for the completion, extension, or improvement of the
906 Osceola County Expressway System, or any part or portion
907 thereof, the state will not alter or limit the rights and powers
908 of the authority and the department in any manner that would be
909 inconsistent with the continued maintenance and operation of the
910 Osceola County Expressway System, or the completion, extension,
911 or improvement thereof, or that would be inconsistent with the
912 due performance of any agreements between the authority and any
913 such federal agency. The authority and the department shall
914 continue to have and may exercise all powers herein granted so
915 long as the same shall be necessary or desirable for the
916 carrying out of the purposes of this part and the purposes of
917 the United States in the completion, extension, or improvement
918 of the Osceola County Expressway System or any part or portion
919 thereof.

920 348.9960 Exemption from taxation.—As provided under and
921 limited by the Florida Expressway Authority Act, the Osceola
922 County Expressway authority is not required to pay taxes or
923 assessments of any kind or nature whatsoever upon any property
924 acquired by it or used by it for such purpose or upon revenues
925 at any time received by it.

926 348.9961 Automatic dissolution.—If, before January 1, 2020,
927 the authority has not encumbered any funds to further its



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928 purposes and powers as authorized in s. 348.9953 to establish
929 the system, or upon the inclusion of the geographic area served
930 by the authority within any multicounty regional transportation
931 authority statutorily created after July 1, 2010, the Osceola
932 County Expressway Authority is dissolved.

933 Section 17. Sections 479.01, 479.015, 479.02, 479.03,
934 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,
935 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
936 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
937 are designated as part I of chapter 479, Florida Statutes.

938 Section 18. Subsection(3) of section 479.01, Florida
939 Statutes, is amended, and subsections (28), (29), (30), and (31)
940 are added to that section, to read:

941 479.01 Definitions.—As used in this chapter, the term:

942 (3) "Commercial or industrial zone" means a parcel of land
943 designated for commercial or industrial use under both the
944 future land use map of the comprehensive plan and the land use
945 development regulations adopted pursuant to chapter 163. If a
946 parcel is located in an area designated for multiple uses on the
947 future land use map of a comprehensive plan and the zoning
948 category of the land development regulations does ~~de~~ not
949 specifically clearly designate that parcel for commercial or
950 industrial uses a specific use, the area will be considered an
951 unzoned commercial or industrial area if it meets the criteria
952 of subsection (23).

953 (28) "Allowable uses" means those uses that are authorized
954 within a zoning category without the requirement to obtain a
955 variance or waiver. The term includes conditional uses and those
956 allowed by special exception, but does not include uses that are



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957 accessory, incidental to the allowable uses, or allowed only on
958 a temporary basis.

959 (29) "Commercial use" means activities associated with the
960 sale, rental, or distribution of products or the performance of
961 services. The term includes, but is not limited to, such uses or
962 activities as retail sales, wholesale sales, rentals of
963 equipment, goods, or products, offices, restaurants, food
964 service vendors, sports arenas, theaters, and tourist
965 attractions.

966 (30) "Industrial use" means activities associated with the
967 manufacture, assembly, processing, or storage of products, or
968 the performance of services relating thereto. The term includes,
969 but is not limited to, such uses or activities as automobile
970 manufacturing or repair, boat manufacturing or repair, junk
971 yards, meat packing facilities, citrus processing and packing
972 facilities, produce processing and packing facilities,
973 electrical generating plants, water treatment plants, sewage
974 treatment plants, and solid waste disposal sites.

975 (31) "Zoning category" means the designation under the Land
976 Development Regulations or other similar ordinance enacted to
977 regulate the use of land, as provided in s. 163.3202(2)(b),
978 which sets forth the allowable uses, restrictions, and
979 limitations on use applicable to properties within the category.

980 Section 19. Sections 479.261, 479.262, 479.27, 479.28, and
981 479.30, Florida Statutes, are designated as part II of chapter
982 479, Florida Statutes.

983 Section 20. Part III of chapter 479, Florida Statutes,
984 consisting of sections 479.310, 479.311, 479.312, 479.313, and
985 479.314, is created to read:



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986 479.310 Legislative intent.—It is the intent of the
987 Legislature that this part relieve the Department of
988 Transportation from the financial burden incurred in the removal
989 of unpermitted and illegal signs located within the controlled
990 areas adjacent to the state highway system, interstate, or
991 federal-aid primary system; to place the financial
992 responsibility for the cost of such removal directly upon those
993 benefiting from the location and operation of such unpermitted
994 and illegal signs; and to provide clear authority to the
995 department for the recovery of costs incurred by the department
996 in the removal of such unpermitted and illegal signs.

997 479.311 Jurisdiction; venue.—The county court shall have
998 jurisdiction concurrent with the circuit court to consider
999 claims filed by the department in amounts that are within their
1000 jurisdictional limitations. Venue shall be in Leon County for
1001 the purpose of a claim filed by the department to recover its
1002 costs as provided in this section.

1003 479.312 Unpermitted signs; cost of removal.—All costs
1004 incurred by the department in connection with the removal of a
1005 sign located within a controlled area adjacent to the interstate
1006 highway system, the federal-aid primary highway system, or the
1007 state highway system shall be assessed against and collected
1008 from the following persons if they have not been issued a permit
1009 under part I of this chapter:

1010 (1) The owner of the sign;

1011 (2) The advertiser displayed on the sign; or

1012 (3) The owner of the property upon which the sign is
1013 located.



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1015 For the purpose of this subsection, a sign that does not display
1016 the name of the owner of the sign shall be presumed to be owned
1017 by the owner of the property upon which the sign is located.

1018 479.313 Permit revocation; cost of removal.-All costs
1019 incurred by the department in connection with the removal of a
1020 sign located within a controlled area adjacent to the interstate
1021 highway system, the federal-aid primary highway system, or the
1022 state highway system following the revocation of the permit for
1023 such sign shall be assessed against and collected from the
1024 permittee.

1025 479.314 Highway rights-of-way; cost of sign removal.-All
1026 costs incurred by the department in connection with the removal
1027 of a sign located within a right-of-way of the interstate
1028 highway system, the federal-aid primary highway system, or the
1029 state highway system shall be assessed against and collected
1030 from the owner of the sign or the advertiser displayed on the
1031 sign.

1032 Section 21. Section 705.18, Florida Statutes, is amended to
1033 read:

1034 705.18 Disposal of personal property lost or abandoned on
1035 university or community college campuses ~~or certain public-use~~
1036 ~~airports~~; disposition of proceeds from sale thereof.-

1037 (1) Whenever any lost or abandoned personal property is
1038 ~~shall be~~ found on a campus of an institution in the State
1039 University System or a campus of a state-supported community
1040 college, ~~or on premises owned or controlled by the operator of a~~
1041 ~~public-use airport having regularly scheduled international~~
1042 ~~passenger service~~, the president of the institution or the
1043 president's designee ~~or the director of the airport or the~~



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1044 ~~director's designee~~ shall take charge thereof and make a record
1045 of the date such property was found. If, within 30 days after
1046 such property is found, or a longer period of time as may be
1047 deemed appropriate by the president ~~or the director~~ under the
1048 circumstances, the property ~~it~~ is not claimed by the owner, the
1049 president ~~or director~~ shall order it sold at public outcry after
1050 giving notice of the time and place of sale in a publication of
1051 general circulation on the campus of such institution ~~or within~~
1052 ~~the county where the airport is located~~ and written notice to
1053 the owner if known. The rightful owner of such property may
1054 reclaim the same at any time prior to sale.

1055 (2) All moneys realized from such institution's sale shall
1056 be placed in an appropriate fund and used solely for student
1057 scholarship and loan purposes. ~~All moneys realized from such~~
1058 ~~sale by an airport, less its costs of storage, transportation,~~
1059 ~~and publication of notice, shall, unless another use is required~~
1060 ~~by federal law, be deposited into the state school fund.~~

1061 Section 22. Section 705.182, Florida Statutes, is created
1062 to read:

1063 705.182 Disposal of personal property found on the premises
1064 of public-use airports.-

1065 (1) Whenever any personal property, other than aircraft or
1066 motor vehicles, is found on premises owned or controlled by the
1067 operator of a public-use airport, the director of the airport or
1068 the director's designee shall take charge thereof and make a
1069 record of the date such property was found.

1070 (2) If within 30 calendar days after such property is
1071 found, or for such longer period of time as may be deemed
1072 appropriate by the director or the director's designee, under



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1073 the circumstances, the property is not claimed by the owner, the
1074 director or the director's designee may:

1075 (a) Retain any or all of the property for the airport's own
1076 use or for use by the state or unit of local government owning
1077 or operating the airport;

1078 (b) Trade such property to another unit of local government
1079 or state agency;

1080 (c) Donate the property to a charitable organization;

1081 (d) Sell the property; or

1082 (e) Dispose of the property through an appropriate refuse
1083 removal company or a company that provides salvage services for
1084 the type of personal property found or located on the airport.

1085
1086 The airport shall notify the owner, if known, of property found
1087 on the airport and that the airport intends to dispose of the
1088 property in any of the manners permitted in this section.

1089 (3) If the airport elects to sell the property pursuant to
1090 paragraph (2) (d), the property must be sold at a public auction
1091 on the Internet or at a specified physical location after giving
1092 notice of the time and place of sale, at least 10 calendar days
1093 before the date of sale, in a publication of general circulation
1094 within the county where the airport is located and after written
1095 notice via certified mail, return receipt requested, is provided
1096 to the owner, if known. Any such notice is deemed sufficient if
1097 the notice refers to the airport's intention to sell all then-
1098 accumulated found property, and the notice need not identify
1099 each item to be sold. The rightful owner of such property may
1100 reclaim the property at any time before sale by presenting to
1101 the airport director or the director's designee acceptable



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1102 evidence of ownership. All proceeds from the sale of the
1103 property shall be retained by the airport for use by the airport
1104 in any lawfully authorized manner.

1105 (4) This section does not preclude the airport from
1106 allowing a domestic or international air carrier or other tenant
1107 on premises owned or controlled by the operator of a public-use
1108 airport from establishing its own lost and found procedures for
1109 personal property and from disposing of such personal property.

1110 (5) A purchaser or recipient in good faith of personal
1111 property sold or obtained under this section takes the property
1112 free of the rights of persons then holding any legal or
1113 equitable interest thereto, regardless of whether such interest
1114 is recorded.

1115 Section 23. Section 705.183, Florida Statutes, is created
1116 to read:

1117 705.183 Disposal of derelict or abandoned aircraft on the
1118 premises of public-use airports.-

1119 (1) Whenever any derelict or abandoned aircraft is found or
1120 located on premises owned or controlled by the operator of a
1121 public-use airport, whether such premises are under a lease or
1122 license to third parties, the director of the airport or the
1123 director's designee shall make a record of the date such
1124 aircraft was found or determined to be present on the airport.
1125 The term "derelict aircraft" means any aircraft that is not in a
1126 flyable condition, does not have a current certificate of air
1127 worthiness issued by the Federal Aviation Administration, or is
1128 not in the process of actively being repaired. The term
1129 "abandoned aircraft" means an aircraft that has been disposed of
1130 on a public-use airport in a wrecked, inoperative, or partially



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1131 dismantled condition, or an aircraft that has remained in an
1132 idle state on the premises owned or controlled by the operator
1133 of a public-use airport for 45 consecutive calendar days.

1134 (2) The director or the director's designee shall contact
1135 the Aircraft Registration Branch of the Federal Aviation
1136 Administration in order to determine the name and address of the
1137 last registered aircraft owner and make a diligent personal
1138 search of the appropriate records, or contact an aircraft title
1139 search company, in order to determine the name and address of
1140 any person having an equitable or legal interest in the
1141 aircraft. Within 10 business days after receipt of this
1142 information, the director or the director's designee shall
1143 notify the owner and all persons having an equitable or legal
1144 interest in the aircraft by certified mail, return receipt
1145 requested, advising them of the location of the derelict or
1146 abandoned aircraft on the airport; that fees and charges for the
1147 use of the airport by the aircraft have accrued and the amount
1148 thereof; that the aircraft is subject to a lien as provided in
1149 subsection (5) for the accrued fees and charges for the use of
1150 the airport and for the transportation, storage, and removal of
1151 the aircraft; that the lien is subject to enforcement pursuant
1152 to law; and that the airport may cause the use, trade, sale, or
1153 removal of the aircraft as described in s. 705.182(2)(a), (b),
1154 (d), and (e) if, within 30 calendar days after the date of
1155 receipt of such notice, the aircraft has not been removed from
1156 the airport upon payment in full of all accrued fees and charges
1157 for the use of the airport and for the transportation, storage,
1158 and removal of the aircraft. Such notice may require removal of
1159 the aircraft in less than 30 calendar days if the aircraft poses



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1160 a danger to the health or safety of users of the airport, as
1161 determined by the director or the director's designee.

1162 (3) If the owner of the aircraft is unknown or cannot be
1163 found, the director or the director's designee shall cause a
1164 laminated notice to be placed upon such aircraft in
1165 substantially the following form:

1166
1167 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN
1168 THE ATTACHED PROPERTY. This property, to wit:
1169 ...(setting forth brief description)... is unlawfully
1170 upon public property known as ...(setting forth brief
1171 description of location)... and has accrued fees and
1172 charges for the use of the ...(same description of
1173 location as above)... and for the transportation,
1174 storage, and removal of the property. These accrued
1175 fees and charges must be paid in full and the property
1176 must be removed within 30 calendar days following the
1177 date of this notice; otherwise, the property will be
1178 removed and disposed of pursuant to chapter 705,
1179 Florida Statutes. The property is subject to a lien
1180 for all accrued fees and charges for the use of the
1181 public property known as ...(same description of
1182 location as above)... by such property and for all
1183 fees and charges incurred by the public property known
1184 as ...(same description of location as above)... for
1185 the transportation, storage, and removal of the
1186 property. This lien is subject to enforcement pursuant
1187 to law. The owner will be liable for these fees and
1188 charges, as well as the cost for publication of this



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1189 notice. Dated this: ... (setting forth the date of
1190 posting of notice)..., signed: ... (setting forth name,
1191 title, address, and telephone number of law
1192 enforcement officer)....

1193

1194 Such notice must be at least 8 inches by 10 inches and
1195 sufficiently weatherproof to withstand normal exposure to the
1196 elements. If, at the end of 30 calendar days after posting the
1197 notice, the owner or any person interested in the derelict or
1198 abandoned aircraft described has not removed the aircraft from
1199 the airport upon payment in full of all accrued fees and charges
1200 for the use of the airport and for the transportation, storage,
1201 and removal of the aircraft, or shown reasonable cause for
1202 failure to do so, the director or the director's designee may
1203 cause the use, trade, sale, or removal of the aircraft as
1204 described in s. 705.182(2)(a), (b), (d), and (e).

1205 (4) Such aircraft shall be removed within the time period
1206 specified in the notice provided under subsection (2) or (3).
1207 If, at the end of such period, the owner or any person
1208 interested in the derelict or abandoned aircraft has not removed
1209 the aircraft from the airport upon payment in full of all
1210 accrued fees and charges for the use of the airport and for the
1211 transportation, storage, and removal of the aircraft, or shown
1212 reasonable cause for the failure to do so, the director or the
1213 director's designee may cause the use, trade, sale, or removal
1214 of the aircraft as described in s. 705.182(2)(a), (b), (d), and
1215 (e).

1216 (a) If the airport elects to sell the aircraft in
1217 accordance with s. 705.182(2)(d), the aircraft must be sold at



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1218 public auction after giving notice of the time and place of sale
1219 at least 10 calendar days before the date of sale in a
1220 publication of general circulation within the county where the
1221 airport is located and after providing written notice of the
1222 intended sale to all parties known to have an interest in the
1223 aircraft.

1224 (b) If the airport elects to dispose of the aircraft in
1225 accordance with s. 705.182(2)(e), the airport may negotiate with
1226 the company for a price to be received from such company in
1227 payment for the aircraft, or, if circumstances warrant, a price
1228 to be paid to such company by the airport for the costs of
1229 disposing of the aircraft. All information pertaining to the
1230 establishment of such price and the justification for the amount
1231 of such price shall be prepared and maintained by the airport,
1232 and such negotiated price shall be deemed to be a commercially
1233 reasonable price.

1234 (c) If the sale price or the negotiated price is less than
1235 the airport's then-current charges and costs against the
1236 aircraft, or if the airport is required to pay the salvage
1237 company for its services, the owner of the aircraft remains
1238 liable to the airport for the airport's costs that are not
1239 offset by the sale price or negotiated price, in addition to the
1240 owner's liability for payment to the airport of the price the
1241 airport was required to pay any salvage company. All costs
1242 incurred by the airport in the removal, storage, and sale of any
1243 aircraft are recoverable against the owner thereof.

1244 (5) The airport has a lien on derelict or abandoned
1245 aircraft for all fees and charges for the use of the airport by
1246 such aircraft and for all fees and charges incurred by the



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1247 airport for the transportation, storage, and removal of the
1248 aircraft. As a prerequisite to perfecting a lien under this
1249 section, the airport director or the director's designee must
1250 serve a notice in accordance with subsection (2) on the last
1251 registered owner and all persons having an equitable or legal
1252 interest in the aircraft. The serving of the notice does not
1253 dispense with recording the claim of lien.

1254 (6) (a) For the purpose of perfecting its lien under this
1255 section, the airport shall record a claim of lien which must
1256 state:

1257 1. The name and address of the airport.

1258 2. The name of the last registered aircraft owner and all
1259 persons having a legal or equitable interest in the aircraft.

1260 3. The fees and charges incurred by the aircraft for the
1261 use of the airport, and the fees and charges for the
1262 transportation, storage, and removal of the aircraft.

1263 4. A description of the aircraft sufficient for
1264 identification.

1265 (b) The claim of lien shall be signed and sworn to or
1266 affirmed by the airport director or the director's designee.

1267 (c) The claim of lien shall be sufficient if it is in
1268 substantially the following form:

1269
1270 CLAIM OF LIEN

1271 State of

1272 County of

1273 Before me, the undersigned notary public, personally
1274 appeared, who was duly sworn and says that he/she is
1275 the of, whose address is; and that the



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1276 following described aircraft:
1277 (Description of aircraft)
1278 owned by, whose address is, has accrued
1279 \$. in fees and charges for the use by the aircraft of
1280 and for the transportation, storage, and removal of the
1281 aircraft from; that the lienor served its notice to the
1282 last registered owner and all persons having a legal or
1283 equitable interest in the aircraft on, ...(year)...., by
1284

1285 ...(Signature)...
1286 Sworn to (or affirmed) and subscribed before me this
1287 day of,...(year)...., by ...(name of person making
1288 statement)....
1289 ...(Signature of Notary Public).....(Print, Type, or Stamp
1290 Commissioned name of Notary Public)...
1291 ...Personally Known or Produced as Identification....

1292
1293 However, the negligent inclusion or omission of any information
1294 in this claim of lien which does not prejudice the last
1295 registered owner does not constitute a default that operates to
1296 defeat an otherwise valid lien.

1297 (d) The claim of lien shall be served on the last
1298 registered aircraft owner and all persons having an equitable or
1299 legal interest in the aircraft. The claim of lien shall be
1300 served before recordation.

1301 (e) The claim of lien shall be recorded in the clerk's
1302 office. The recording of the claim of lien constitutes
1303 constructive notice to all persons of the contents and effect of
1304 such claim. The lien attaches at the time of recordation and



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1305 takes priority as of that time.

1306 (7) A purchaser or recipient in good faith of an aircraft
1307 sold or obtained under this section takes the property free of
1308 the rights of persons then holding any legal or equitable
1309 interest thereto, whether recorded or not. The purchaser or
1310 recipient shall notify the appropriate Federal Aviation
1311 Administration office of such change in the registered owner of
1312 the aircraft.

1313 (8) If the aircraft is sold at public sale, the airport
1314 shall deduct from the proceeds of sale the costs of
1315 transportation, storage, and publication of notice and all other
1316 costs reasonably incurred by the airport, and any balance of the
1317 proceeds shall be deposited into an interest-bearing account
1318 within 30 calendar days after the airport's receipt of the
1319 proceeds and held there for 1 year. The rightful owner of the
1320 aircraft may claim the balance of the proceeds within 1 year
1321 after the date of the deposit by making application to the
1322 airport and presentation to the airport's director or the
1323 director's designee of acceptable written evidence of ownership.
1324 If no rightful owner comes forward with a claim to the proceeds
1325 within the 1-year period, the balance of the proceeds shall be
1326 retained by the airport to be used in any legally authorized
1327 manner.

1328 (9) Any person acquiring a legal interest in an aircraft
1329 that is sold by an airport under the provisions of s. 705.182 or
1330 this section is the lawful owner of such aircraft and all other
1331 legal or equitable interests in such aircraft are divested and
1332 of no further force and effect if the holder of any such legal
1333 or equitable interest was notified of the intended disposal of



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1334 the aircraft to the extent required in this section. The airport
1335 may issue documents of disposition to the purchaser or recipient
1336 of an aircraft disposed of under this section.

1337 Section 24. Section 705.184, Florida Statutes, is created
1338 to read:

1339 705.184 Derelict or abandoned motor vehicles on the
1340 premises of public-use airports.-

1341 (1) Whenever any derelict or abandoned motor vehicle is
1342 found on premises owned or controlled by the operator of a
1343 public-use airport, including airport premises leased to third
1344 parties, the director of the airport or the director's designee
1345 may take charge thereof and make a record of the date such motor
1346 vehicle was found. The term "derelict motor vehicle" means any
1347 motor vehicle that is not in a drivable condition. The term
1348 "abandoned motor vehicle" means a motor vehicle that has been
1349 disposed of on a public-use airport in a wrecked, inoperative,
1350 or partially dismantled condition, or a motor vehicle that has
1351 remained in an idle state on a public-use airport for 45
1352 consecutive calendar days. After the information relating to the
1353 derelict or abandoned motor vehicle is recorded in the airport's
1354 records, the director or the director's designee may cause the
1355 motor vehicle to be removed from airport premises by the
1356 airport's own wrecker or by a licensed independent wrecking
1357 company and stored at a suitable location on or off the airport
1358 premises. If the director or the director's designee causes the
1359 motor vehicle to be removed from airport premises by the
1360 airport's own wrecker, the airport is subject to the procedures
1361 set forth in subsections (2)-(8). If the director or the
1362 director's designee causes the motor vehicle to be removed from



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1363 the airport premises by a licensed independent wrecking company,
1364 the airport is not subject to the procedures set forth in
1365 subsections (2)-(8).

1366 (2) The airport director or the director's designee shall
1367 contact the Department of Highway Safety and Motor Vehicles in
1368 order to notify the department that the airport has possession
1369 of the subject motor vehicle and in order to determine the name
1370 and address of the owner of the motor vehicle, the insurance
1371 company insuring the motor vehicle notwithstanding the
1372 provisions of s. 627.736, and any person who has filed a lien on
1373 the motor vehicle. Within 7 business days after receipt of this
1374 information, the director or the director's designee shall send
1375 notice by certified mail, return receipt requested, to the owner
1376 of the motor vehicle, the insurance company insuring the motor
1377 vehicle notwithstanding the provisions of s. 627.736, and all
1378 persons of record claiming a lien against the motor vehicle. The
1379 notice must state the fact of possession of the motor vehicle;
1380 that charges for a reasonable tow fee, a reasonable storage fee,
1381 or accrued parking fees, if any, have accrued and the amount
1382 thereof; that a lien as provided in subsection (6) will be
1383 claimed; that the lien is subject to enforcement pursuant to
1384 law; that the owner or lienholder, if any, has the right to a
1385 hearing as set forth in subsection (4); and that any motor
1386 vehicle which, at the end of 30 calendar days after receipt of
1387 the notice, has not been removed from the airport upon payment
1388 in full of all accrued charges for a reasonable tow fee, a
1389 reasonable storage fee, and parking fees, if any, may be
1390 disposed of in any of the manners set forth in s. 705.182(2) (a),
1391 (b), (d), and (e), including, but not limited to, the motor



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1392 vehicle being sold free of all prior liens after 35 calendar
1393 days after the date on which the motor vehicle is stored if any
1394 prior liens on the motor vehicle are more than 5 years of age,
1395 or after 50 calendar days after the date on which the motor
1396 vehicle is stored if any prior liens on the motor vehicle are 5
1397 years of age or less.

1398 (3) If attempts to notify the owner or lienholder pursuant
1399 to subsection (2) prove unsuccessful, the requirement of notice
1400 by mail is deemed met and the director or the director's
1401 designee, in accordance with the requirements of subsection (5),
1402 may cause the motor vehicle to be disposed of in any of the
1403 manners set forth in s. 705.182(2)(a), (b), (d), and (e),
1404 including, but not limited to, the motor vehicle being sold free
1405 of all prior liens after 35 calendar days after the date on
1406 which the motor vehicle is stored if any prior liens on the
1407 motor vehicle are more than 5 years of age, or after 50 calendar
1408 days after the date on which the motor vehicle is stored if any
1409 prior liens on the motor vehicle are 5 years of age or less.

1410 (4)(a) The owner of, or any person with a lien on, a motor
1411 vehicle removed pursuant to subsection (1) within 10 calendar
1412 days after he or she obtains knowledge of the location of the
1413 motor vehicle, may file a complaint in the county court of the
1414 county in which the motor vehicle is stored to determine if his
1415 or her property was wrongfully taken or withheld.

1416 (b) Upon filing a complaint, an owner or lienholder may
1417 have his or her motor vehicle released upon posting with the
1418 court a cash or surety bond or other adequate security equal to
1419 the amount of the fees for towing, storage, and accrued parking,
1420 if any, to ensure the payment of such fees in the event he or



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1421 she does not prevail. Upon the posting of the bond or other
1422 adequate security and the payment of any applicable fee, the
1423 clerk of the court shall issue a certificate notifying the
1424 airport of the posting of the bond or other adequate security
1425 and directing the airport to release the motor vehicle. At the
1426 time of such release, after reasonable inspection, the owner or
1427 lienholder shall give a receipt to the airport reciting any
1428 claims he or she has for loss or damage to the motor vehicle or
1429 the contents thereof.

1430 (5) If, after 30 calendar days after receipt of the notice,
1431 the owner or any person claiming a lien has not removed the
1432 motor vehicle from its storage location upon payment in full of
1433 all accrued charges for a reasonable tow fee, a reasonable
1434 storage fee, and parking fees, if any, or shown reasonable cause
1435 for the failure to do so, the airport director or the director's
1436 designee may dispose of the motor vehicle by any of the manners
1437 set forth in s. 705.182(2) (a), (b), (d), and (e). If the airport
1438 elects to sell the motor vehicle pursuant to s. 705.182(2) (d),
1439 the motor vehicle may be sold free of all prior liens after 35
1440 calendar days after the date on which the motor vehicle is
1441 stored if any prior liens on the motor vehicle are more than 5
1442 years of age, or after 50 calendar days after the date on which
1443 the motor vehicle is stored if any prior liens on the motor
1444 vehicle are 5 years of age or less. The sale shall be a public
1445 auction on the Internet or at a specified physical location. If
1446 the date of the sale was not included in the notice required in
1447 subsection (2), notice of the sale sent by certified mail,
1448 return receipt requested, shall be given to the owner of the
1449 motor vehicle and to all persons claiming a lien on the motor



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1450 vehicle. Such notice shall be mailed at least 10 calendar days
1451 before the date of the sale. In addition to the notice by mail,
1452 public notice of the time and place of the sale at auction shall
1453 be made by publishing a notice thereof one time, at least 10
1454 calendar days before the date of sale, in a newspaper of general
1455 circulation in the county in which the sale is to be held. All
1456 costs incurred by the airport for the towing, storage, and sale
1457 of the motor vehicle, as well as all accrued parking fees, if
1458 any, shall be recovered by the airport from the proceeds of the
1459 sale, and any proceeds of the sale in excess of these costs
1460 shall be retained by the airport for use by the airport in any
1461 lawfully authorized manner.

1462 (6) Pursuant to this section, the airport or, if used, a
1463 licensed independent wrecking company pursuant to s. 713.78, has
1464 a lien on a derelict or abandoned motor vehicle for a reasonable
1465 tow fee, a reasonable storage fee, and all accrued parking fees,
1466 if any; except that a storage fee may not be charged if the
1467 vehicle is stored less than 6 hours. As a prerequisite to
1468 perfecting a lien under this section, the airport director or
1469 the director's designee must serve a notice in accordance with
1470 subsection (2) on the owner of the motor vehicle, the insurance
1471 company insuring the motor vehicle notwithstanding the
1472 provisions of s. 627.736, and all persons of record claiming a
1473 lien against the motor vehicle. If attempts to notify the owner,
1474 the insurance company insuring the motor vehicle notwithstanding
1475 the provisions of s. 627.736, or lienholders prove unsuccessful,
1476 the requirement of notice by mail will be considered met. The
1477 servng of the notice does not dispense with recording the claim
1478 of lien.



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1479 (7) (a) For the purpose of perfecting its lien under this
1480 section, the airport shall record a claim of lien, which must
1481 state:

1482 1. The name and address of the airport.

1483 2. The name of the owner of the motor vehicle, the
1484 insurance company insuring the motor vehicle notwithstanding the
1485 provisions of s. 627.736, and all persons of record claiming a
1486 lien against the motor vehicle.

1487 3. The fees incurred for a reasonable tow, reasonable
1488 storage, and parking, if any.

1489 4. A description of the motor vehicle sufficient for
1490 identification.

1491 (b) The claim of lien shall be signed and sworn to or
1492 affirmed by the airport director or the director's designee.

1493 (c) The claim of lien is sufficient if it is in
1494 substantially the following form:

1495

1496 CLAIM OF LIEN

1497 State of

1498 County of

1499 Before me, the undersigned notary public, personally
1500 appeared, who was duly sworn and says that he/she is
1501 the of, whose address is; and that
1502 the following described motor vehicle:

1503 ...(Description of motor vehicle)...

1504 owned by, whose address is, has accrued
1505 \$. in fees for a reasonable tow, for storage, and for
1506 parking, if applicable; that the lienor served its notice to the
1507 owner, the insurance company insuring the motor vehicle



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1508 notwithstanding the provisions of s. 627.736, and all persons of
1509 record claiming a lien against the motor vehicle on,
1510 ...(year)...., by

1511 ...(Signature)...

1512 Sworn to (or affirmed) and subscribed before me this
1513 day of, ...(year)...., by ...(name of person making
1514 statement)....

1515 ...(Signature of Notary Public)....(...Print, Type, or Stamp
1516 Commissioned name of Notary Public)...

1517 ...Personally Known or Produced as Identification....

1518
1519 However, the negligent inclusion or omission of any information
1520 in this claim of lien which does not prejudice the owner does
1521 not constitute a default that operates to defeat an otherwise
1522 valid lien.

1523 (d) The claim of lien shall be served on the owner of the
1524 motor vehicle, the insurance company insuring the motor vehicle
1525 notwithstanding the provisions of s. 627.736, and all persons of
1526 record claiming a lien against the motor vehicle. If attempts to
1527 notify the owner, the insurance company insuring the motor
1528 vehicle notwithstanding the provisions of s. 627.736, or
1529 lienholders prove unsuccessful, the requirement of notice by
1530 mail will be deemed met. The claim of lien shall be served
1531 before recordation.

1532 (e) The claim of lien shall be recorded in the clerk's
1533 office. The recording of the claim of lien is constructive
1534 notice to all persons of the contents and effect of such claim.
1535 The lien attaches at the time of recordation and takes priority
1536 as of that time.



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1537 (8) A purchaser or recipient in good faith of a motor
1538 vehicle sold or obtained under this section takes the property
1539 free of the rights of persons then holding any legal or
1540 equitable interest thereto, regardless of whether such interest
1541 is recorded.

1542 Section 25. This act shall take effect July 1, 2010.