

By the Committees on Transportation and Economic Development
Appropriations; Community Affairs; and Transportation; and
Senator Gardiner

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 212.055, F.S.; including counties within a regional
4 transportation or transit authority with those
5 counties that are authorized to levy a discretionary
6 sales surtax for transportation systems under certain
7 conditions; providing that the county commission may
8 apply the proceeds from the transportation system
9 surtax to the planning, development, construction,
10 operation, and maintenance of on-demand transportation
11 services; amending s. 310.0015, F.S., relating to
12 piloting regulation; conforming provisions to changes
13 made by the act; amending s. 310.002, F.S.; changing
14 the name of the Board of Pilot Commissioners to the
15 "Florida Pilotage Board"; amending s. 310.011, F.S.;
16 providing for the membership of the board; amending s.
17 310.042, F.S.; providing that the business of the
18 board must be presented to the board in the form of a
19 written agenda; amending s. 310.151, F.S.; eliminating
20 the Pilotage Rate Review Board and for its duties to
21 be assumed by the Florida Pilotage Board; authorizing
22 the Florida Pilotage Board to adopt rules; amending s.
23 316.1001, F.S.; clarifying the method to be used in
24 providing notice following the issuance of a citation
25 for failure to pay a toll; providing that receipt of
26 the citation rather than its mailing constitutes
27 notification; authorizing any governmental entity,
28 including the clerk of court, to provide specified
29 data to the Department of Highway Safety and Motor

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30 Vehicles regarding outstanding violations for failure
31 to pay tolls; amending s. 316.302, F.S.; updating a
32 reference to current federal safety regulations for
33 commercial motor vehicles; amending s. 316.545, F.S.;
34 providing for a reduction in the gross weight of
35 certain vehicles equipped with idle-reduction
36 technologies when calculating a penalty for exceeding
37 maximum weight limits; requiring that an operator
38 provide certification of the weight of the idle-
39 reduction technology and demonstrate or certify that
40 the idle-reduction technology is fully functional at
41 all times; amending s. 316.550, F.S.; authorizing the
42 Department of Transportation to issue permits for
43 certain vehicles to operate on certain routes;
44 providing restrictions on routes; providing conditions
45 when vehicles must be unloaded; amending s. 318.18,
46 F.S.; revising provisions for distribution of proceeds
47 collected by the clerk of the court for disposition of
48 citations for failure to pay a toll; providing
49 alternative procedures for disposition of such
50 citations; providing for adjudication to be withheld
51 and no points assessed against the driver's license
52 unless adjudication is imposed by a court; authorizing
53 a court to direct the department to suspend a person's
54 driver's license for violations involving the failure
55 to pay tolls; amending s. 320.03, F.S.; clarifying
56 provisions requiring that the tax collector withhold
57 issuance of a license plate or revalidation sticker if
58 certain fines are outstanding; amending s. 320.08058,

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59 F.S.; revising authorized uses of revenue received
60 from the sale of United We Stand license plates;
61 amending s. 322.27, F.S.; providing for assessment of
62 points against a driver's license for specified
63 violations of requirements to pay a toll only when the
64 points are imposed by a court; repealing s. 332.14,
65 F.S., relating to the Secure Airports for Florida's
66 Economy Council; providing for the use of funds
67 accrued by the Secure Airports for Florida's Economy
68 Council; amending s. 337.14, F.S.; clarifying
69 provisions relating to the submission of interim
70 financial statements to the department along with
71 applications for contractor qualification; amending s.
72 337.195, F.S.; declaring certain provisions in motor
73 carrier transportation contracts related to
74 indemnification of promisees void and unenforceable;
75 amending s. 337.401, F.S.; providing for the placement
76 of and access to transmission lines that are adjacent
77 to and within the right-of-way of any public road
78 controlled by the Department of Transportation;
79 amending s. 338.155, F.S.; authorizing the Department
80 of Transportation to adopt rules related to the
81 payment, collection, and enforcement of tolls;
82 amending ss. 341.051 and 341.3025, F.S.; requiring the
83 use of universal common contactless fare media on new
84 or upgraded public rail transit systems or public
85 transit systems connecting to such rail systems;
86 amending s. 343.64, F.S.; authorizing the Central
87 Florida Regional Transportation Authority to borrow

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88 funds under certain circumstances; amending s. 348.51,
89 F.S.; setting forth the limited nature of the
90 obligations issued by the Tampa-Hillsborough County
91 Expressway Authority; amending s. 348.545, F.S.;
92 clarifying authorization for the authority to issue
93 bonds to finance improvements; amending s. 348.56,
94 F.S.; prescribing additional authorization for the
95 authority to issue bonds by or on behalf of the
96 authority; authorizing the public or negotiated sale
97 of bonds by the authority; amending s. 348.565, F.S.;
98 revising revenue bond-issuance authority with respect
99 to specific legislatively approved projects; amending
100 s. 348.57, F.S.; prescribing additional authorization
101 for the authority to issue refunding bonds; amending
102 s. 348.70, F.S.; exempting the authority from certain
103 provisions relating to issuance of bonds by state
104 agencies; creating part XI of ch. 348, F.S.; creating
105 s. 348.9950, F.S.; providing a short title; creating
106 s. 348.9951, F.S.; providing that certain terms have
107 the same meaning as in the Florida Expressway
108 Authority Act for certain purposes; creating s.
109 348.9952, F.S.; creating the Osceola County Expressway
110 Authority as an agency of the state; providing for a
111 governing body of the authority; providing for
112 membership, terms, organization, personnel, and
113 administration; authorizing payment of travel and
114 other expenses; directing the authority to cooperate
115 with and participate in any efforts to establish a
116 regional expressway authority; declaring that the

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117 authority is not eligible for voting membership in
118 certain metropolitan planning organizations; creating
119 s. 348.9953, F.S.; providing purposes and powers of
120 the authority; creating s. 348.9954, F.S.; authorizing
121 the issuance of bonds to pay or secure certain
122 obligations; creating s. 348.9955, F.S.; authorizing
123 the authority to enter into certain agreements;
124 creating s. 348.9956, F.S.; authorizing the department
125 to act as the authority's appointed agent under
126 certain circumstances; creating s. 348.9957, F.S.;
127 authorizing the authority to acquire certain lands and
128 property; authorizing the authority to exercise
129 eminent domain; creating s. 348.9958, F.S.;
130 authorizing certain entities to enter into agreements
131 with the authority; creating s. 348.9959, F.S.;
132 providing legislative intent and a pledge of the state
133 to bondholders; creating s. 348.9960, F.S.; exempting
134 the authority from taxation; creating s. 348.9961,
135 F.S.; providing for dissolution of the authority under
136 certain circumstances; amending s. 373.41492, F.S.;
137 increasing the mitigation fee for mining activities in
138 the Miami-Dade County Lake Belt; suspending an annual
139 increase in the mitigation fee; revising the frequency
140 of an interagency committee report; designating parts
141 I and II of ch. 479, F.S.; amending s. 479.01, F.S.;
142 clarifying the definitions of "commercial or
143 industrial zone" and "main-traveled way"; defining the
144 terms "allowable uses," "commercial use," "industrial
145 use," and "zoning category" for specified purposes;

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146 amending s. 479.261, F.S.; removing a provision
147 authorizing the Department of Transportation to rotate
148 certain logo signs relating to gas, food, and lodging
149 services on the rights-of-way of the interstate
150 highway system in the state during a specified period;
151 reducing the annual permit fees for businesses
152 participating in the interstate logo sign program;
153 creating part III of ch. 479, F.S.; creating s.
154 479.310, F.S.; providing legislative intent; creating
155 s. 479.311, F.S.; providing that the county court and
156 circuit court have concurrent jurisdiction; creating
157 ss. 479.312, 479.313, and 479.314, F.S.; requiring
158 that all costs incurred by the department to remove
159 signs in certain locations on the interstate highway
160 system, the federal-aid primary highway system, or the
161 state highway system to be assessed and collected from
162 certain persons under certain conditions; amending s.
163 705.18, F.S.; deleting provisions relating to public-
164 use airports or its directors, as well as the required
165 disposition of moneys from sale of property abandoned
166 at a public-use airport; creating s. 705.182, F.S.;
167 providing an eligibility period for personal property
168 found on public-use airports to be claimed; providing
169 options for disposing of personal property; providing
170 procedures for selling abandoned personal property;
171 providing for the notice of sale; authorizing an
172 airport tenant to establish its own lost and found
173 procedures; providing that a purchaser of certain
174 property holds title to such property; creating s.

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175 705.183, F.S.; creating procedures for the disposal of
176 derelict or abandoned aircraft on the premises of a
177 public-use airport; requiring that the director of an
178 airport or the director's designee keep a record of
179 such aircraft found at an airport; defining the terms
180 "derelict aircraft" and "abandoned aircraft";
181 requiring that the director of an airport or the
182 director's designee make a determination of the
183 identity of an aircraft owner and persons having legal
184 interest in the aircraft; requiring notification of
185 the aircraft owner and all persons having an equitable
186 or legal interest in the aircraft; requiring that
187 certain items be included in the notice; providing an
188 exception; providing for notice if the owner of the
189 aircraft is unknown or cannot be found; providing the
190 form of such notice; providing for the placement of
191 the notice; providing procedures for failure to remove
192 an aircraft and pay fees; requiring that any sale of
193 aircraft be made at a public auction; providing notice
194 requirements for such public auction; providing
195 procedures for disposing of an aircraft; providing for
196 liability if the sale price is less than the charges
197 and costs related to the aircraft; providing that a
198 lien in favor of the airport exists under certain
199 circumstances; providing for the payment of fees and
200 charges related to the aircraft; requiring notice of
201 any such lien; requiring the filing of a claim of
202 lien; providing a form of the claim of lien; providing
203 for service of the claim of lien; providing that the

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204 purchaser of the aircraft takes the property free of
205 rights of persons holding legal or equitable interest
206 in the aircraft; requiring that the purchaser or
207 recipient notify the Federal Aviation Administration
208 of the change in ownership; providing for the
209 deduction of costs if an aircraft is sold at a public
210 sale; requiring that the balance be deposited into an
211 interest-bearing account; providing a deadline for the
212 owner to claim the funds; authorizing the airport to
213 retain the balance under certain circumstances;
214 authorizing an airport to issue documents relating to
215 the aircraft disposal; creating s. 705.184, F.S.;

216 creating procedures for the disposal of derelict or
217 abandoned motor vehicles on public-use airports;
218 defining the terms "derelict motor vehicle" and
219 "abandoned motor vehicle"; authorizing the removal of
220 such a vehicle from the airport premises; requiring
221 that the director of an airport or the director's
222 designee make a determination of the identity of the
223 owner of the motor vehicle and the insurance company
224 insuring the motor vehicle; requiring notification of
225 the owner, insurer, and lienholder; requiring that
226 certain information be included in the notice;
227 providing an exception; providing a form for the
228 notice; providing for the placement of such notice;
229 authorizing an airport to take certain action if the
230 owner or lienholder fails to remove the motor vehicle
231 and pay applicable fees; requiring that any sale of a
232 motor vehicle be made at a public auction; providing

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233 notice requirements for such auction; providing
234 procedures for disposing of the motor vehicle;
235 providing for liability if the sale price is less than
236 the charges and costs related to the motor vehicle;
237 providing for a lien in favor of the airport for all
238 fees and charges related to the motor vehicle under
239 certain circumstances; providing for notice of such
240 lien; requiring the filing of a claim of lien;
241 providing a form for the claim of such lien;
242 specifying requirements for service of a claim of
243 lien; providing that a purchaser of a motor vehicle
244 takes the property free of rights of persons holding
245 legal or equitable interest in the motor vehicle;
246 providing an effective date.

247

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

249

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

252 212.055 Discretionary sales surtaxes; legislative intent;
253 authorization and use of proceeds.—It is the legislative intent
254 that any authorization for imposition of a discretionary sales
255 surtax shall be published in the Florida Statutes as a
256 subsection of this section, irrespective of the duration of the
257 levy. Each enactment shall specify the types of counties
258 authorized to levy; the rate or rates which may be imposed; the
259 maximum length of time the surtax may be imposed, if any; the
260 procedure which must be followed to secure voter approval, if
261 required; the purpose for which the proceeds may be expended;

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262 and such other requirements as the Legislature may provide.
263 Taxable transactions and administrative procedures shall be as
264 provided in s. 212.054.

265 (1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM
266 SURTAX.—

267 (a) Each charter county that has adopted a charter, ~~and~~
268 each county the government of which is consolidated with that of
269 one or more municipalities, and each county that is within a
270 regional transportation or transit authority created under
271 chapter 343 or chapter 349, may levy a discretionary sales
272 surtax, subject to approval by a majority vote of the electorate
273 of the county or by a charter amendment approved by a majority
274 vote of the electorate of the county.

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

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

281 (d) Proceeds from the surtax shall be applied to as many or
282 as few of the uses enumerated below in whatever combination the
283 county commission deems appropriate:

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

289 2. Remitted by the governing body of the county to an
290 expressway, transit, or transportation authority created by law

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291 to be used, at the discretion of such authority, for the
292 development, construction, operation, or maintenance of roads or
293 bridges in the county, for the operation and maintenance of a
294 bus system, for the operation and maintenance of on-demand
295 transportation services, for the payment of principal and
296 interest on existing bonds issued for the construction of such
297 roads or bridges, and, upon approval by the county commission,
298 such proceeds may be pledged for bonds issued to refinance
299 existing bonds or new bonds issued for the construction of such
300 roads or bridges;

301 3. Used by the ~~charter~~ county for the development,
302 construction, operation, and maintenance of roads and bridges in
303 the county; for the expansion, operation, and maintenance of bus
304 and fixed guideway systems; for the expansion, operation, and
305 maintenance of on-demand transportation services; and for the
306 payment of principal and interest on bonds issued for the
307 construction of fixed guideway rapid transit systems, bus
308 systems, roads, or bridges; and such proceeds may be pledged by
309 the governing body of the county for bonds issued to refinance
310 existing bonds or new bonds issued for the construction of such
311 fixed guideway rapid transit systems, bus systems, roads, or
312 bridges and no more than 25 percent used for nontransit uses;
313 and

314 4. Used by the ~~charter~~ county for the planning,
315 development, construction, operation, and maintenance of roads
316 and bridges in the county; for the planning, development,
317 expansion, operation, and maintenance of bus and fixed guideway
318 systems; for the planning, development, construction, operation,
319 and maintenance of on-demand transportation services; and for

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320 the payment of principal and interest on bonds issued for the
321 construction of fixed guideway rapid transit systems, bus
322 systems, roads, or bridges; and such proceeds may be pledged by
323 the governing body of the county for bonds issued to refinance
324 existing bonds or new bonds issued for the construction of such
325 fixed guideway rapid transit systems, bus systems, roads, or
326 bridges. Pursuant to an interlocal agreement entered into
327 pursuant to chapter 163, the governing body of the ~~charter~~
328 county may distribute proceeds from the tax to a municipality,
329 or an expressway or transportation authority created by law to
330 be expended for the purpose authorized by this paragraph. Any
331 ~~charter~~ county that has entered into interlocal agreements for
332 distribution of proceeds to one or more municipalities in the
333 county shall revise such interlocal agreements no less than
334 every 5 years in order to include any municipalities that have
335 been created since the prior interlocal agreements were
336 executed.

337 Section 2. Paragraph (b) of subsection (3) of section
338 310.0015, Florida Statutes, is amended to read:

339 310.0015 Piloting regulation; general provisions.—

340 (3) The rate-setting process, the issuance of licenses only
341 in numbers deemed necessary or prudent by the board, and other
342 aspects of the economic regulation of piloting established in
343 this chapter are intended to protect the public from the adverse
344 effects of unrestricted competition which would result from an
345 unlimited number of licensed pilots being allowed to market
346 their services on the basis of lower prices rather than safety
347 concerns. This system of regulation benefits and protects the
348 public interest by maximizing safety, avoiding uneconomic

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349 duplication of capital expenses and facilities, and enhancing
350 state regulatory oversight. The system seeks to provide pilots
351 with reasonable revenues, taking into consideration the normal
352 uncertainties of vessel traffic and port usage, sufficient to
353 maintain reliable, stable piloting operations. Pilots have
354 certain restrictions and obligations under this system,
355 including, but not limited to, the following:

356 (b) Pilots may not unilaterally determine the pilotage
357 rates they charge. Such pilotage rates shall instead be
358 determined by the Florida Pilotage Rate Review Board, in the
359 public interest, as set forth in s. 310.151.

360 Section 3. Subsections (3) and (7) of section 310.002,
361 Florida Statutes, are amended to read:

362 310.002 Definitions.—As used in this chapter, except where
363 the context clearly indicates otherwise:

364 (3) "Board" means the Florida Pilotage Board ~~of Pilot~~
365 ~~Commissioners~~.

366 (7) "Pilotage" means the compensation fixed by the Florida
367 ~~Pilotage Rate Review~~ Board which is payable by a vessel, its
368 owners, agents, charterers, or consignees to one or more pilots
369 in the port where piloting is performed. The word "pilotage"
370 also means the compensation of all types and sources derived by
371 one or more pilots or deputy pilots for the performance of
372 piloting at that port by licensed pilots or by certificated
373 deputy pilots, whether such piloting is performed pursuant to
374 this chapter or is performed by state-licensed pilots or state-
375 certificated deputy pilots when acting as a federal pilot for
376 vessels not required by this chapter to use a state-licensed
377 pilot or state-certificated deputy pilot.

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378 Section 4. Section 310.011, Florida Statutes, is amended to
379 read:

380 310.011 Florida Pilotage Board of Pilot Commissioners.—

381 (1) A board is established within the Division of
382 Professions of the Department of Business and Professional
383 Regulation to be known as the Florida Pilotage Board of Pilot
384 Commissioners. The board shall be composed of seven ~~10~~ members,
385 ~~to be appointed by the Governor, 5 of whom shall be licensed~~
386 ~~state pilots actively practicing their profession~~. The board
387 shall perform such duties and possess and exercise such powers
388 relative to the protection of the waters, harbors, and ports of
389 this state as are prescribed and conferred on it in this
390 chapter.

391 (2) In accordance with the requirements of subsection (1),
392 the Governor shall appoint seven ~~five licensed state pilots who~~
393 ~~are actively practicing their profession and five~~ citizens of
394 the state, two of whom shall be licensed state pilots who are
395 actively practicing their profession, two of whom shall be
396 actively involved in a professional or business capacity in
397 maritime or marine shipping or the commercial passenger cruise
398 industry, one of whom shall be a certified public accountant
399 with at least 5 years' experience in financial management, and
400 two citizens of the state who are not pilots, ~~one of whom shall~~
401 ~~be actively involved in a professional or business capacity in~~
402 ~~maritime or marine shipping, one of whom shall be a user of~~
403 ~~piloting services, and three of whom shall not be involved or~~
404 monetarily interested in the piloting profession or in the
405 maritime industry or marine shipping, to constitute the members
406 of the board. ~~For purposes of this subsection, a "user of~~

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407 ~~piloting services" may include any person with an ownership~~
408 ~~interest in a business that regularly employs licensed state~~
409 ~~pilots or certificated deputy pilots for the purpose of~~
410 ~~delivering piloting services, or any person who is a direct~~
411 ~~employee of, and who is employed in a management position for,~~
412 ~~that business.~~ Each member shall be appointed for a term of 4
413 years. The Governor shall have power to remove members of the
414 board from office for neglect of duty required by this chapter,
415 for incompetency, or for unprofessional conduct. Any vacancy
416 which may occur in the board in consequence of death,
417 resignation, removal from the state, or other cause shall be
418 filled for the unexpired term by the Governor in the same
419 manner. A majority of those serving on the board shall
420 constitute a quorum and action by a majority of a quorum only
421 shall be lawful and enforceable.

422 (3) In appointing members to the board who are pilots, the
423 Governor shall appoint one member from the state at large; one
424 member from any of the following ports: Pensacola, Panama City,
425 ~~or Port St. Joe,;~~ ~~one member from any of the following ports:~~
426 Tampa Bay, Boca Grande, Punta Gorda, Charlotte Harbor, or Key
427 West; and one member from any of the following ports:
428 Fernandina, Jacksonville, ~~or Port Canaveral,;~~ ~~and one member~~
429 ~~from any of the following ports:~~ Ft. Pierce, Miami, Port
430 Everglades, or Palm Beach.

431 Section 5. Present subsection (3) of section 310.042,
432 Florida Statutes, is renumbered as subsection (4), and a new
433 subsection (3) is added to that section, to read:

434 310.042 Organization of board; meetings.—

435 (3) The business of the board shall be presented to the

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436 board in the form of a written agenda. The agenda shall be set
437 by the chair and shall include items of business requested by
438 the board members. The written agenda shall be provided as part
439 of the notice required by subsection (2).

440 Section 6. Section 310.151, Florida Statutes, is amended to
441 read:

442 310.151 Rates of pilotage; ~~Pilotage Rate Review Board.~~—

443 ~~(1)(a) For the purposes of this section, "board" means the~~
444 ~~Pilotage Rate Review Board.~~

445 ~~(b)1. To carry out the provisions of this section, the~~
446 ~~Pilotage Rate Review Board is created within the Department of~~
447 ~~Business and Professional Regulation. Members shall be appointed~~
448 ~~by the Governor, subject to confirmation by the Senate. Members~~
449 ~~shall be appointed for 4-year terms, except as otherwise~~
450 ~~specified in this paragraph. No member may serve more than two~~
451 ~~consecutive 4-year terms or more than 11 years on the board. The~~
452 ~~board shall consist of seven members. No member may have ever~~
453 ~~served as a state pilot or deputy pilot, and no member may~~
454 ~~currently serve or have served as a direct employee, contract~~
455 ~~employee, partner, corporate officer, sole proprietor, or~~
456 ~~representative of any vessel operator, shipping agent, or pilot~~
457 ~~association or organization, except that one member shall be or~~
458 ~~have been a person licensed by the United States Coast Guard as~~
459 ~~an unlimited master, without a first-class pilot's endorsement,~~
460 ~~initially appointed to a 2-year term. One member shall be a~~
461 ~~certified public accountant with at least 5 years' experience in~~
462 ~~financial management, initially appointed to a 3-year term. One~~
463 ~~member shall be a former hearing officer or administrative law~~
464 ~~judge of the Division of Administrative Hearings, as defined in~~

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465 ~~s. 120.65, or a former judge who has served on the Supreme Court~~
466 ~~or any district court of appeal, circuit court, or county court,~~
467 ~~initially appointed to a 4-year term. Except as otherwise~~
468 ~~provided in subparagraph 2., the remaining members shall be~~
469 ~~appointed by the Governor from among persons not prohibited~~
470 ~~pursuant to this paragraph. Members of the board shall be~~
471 ~~appointed so as to be geographically distributed, with the~~
472 ~~southern, central, northeastern, and northwestern regions of the~~
473 ~~state having at least one member each.~~

474 ~~2. Three members shall be the consumer members of the Board~~
475 ~~of Pilot Commissioners serving on that board as of January 1,~~
476 ~~1994. Of those members, one shall be appointed to a 1-year term,~~
477 ~~one shall be appointed to a 2-year term, and one shall be~~
478 ~~appointed to a 3-year term. Each of those members shall be~~
479 ~~eligible for reappointment in the same fashion as other members~~
480 ~~of the board, but, thereafter, no member of the board shall be a~~
481 ~~current or former member of the Board of Pilot Commissioners.~~
482 ~~The service of the consumer members of the Board of Pilot~~
483 ~~Commissioners on this board, while they are maintaining~~
484 ~~concurrent membership with the Board of Pilot Commissioners,~~
485 ~~shall be considered duties in addition to and related to their~~
486 ~~duties on the Board of Pilot Commissioners. In the event that~~
487 ~~any of the three board members stipulated according to this~~
488 ~~subparagraph are unable to serve, the Governor shall fill the~~
489 ~~position or positions by appointment from among persons not~~
490 ~~prohibited pursuant to this paragraph.~~

491 ~~(a)(c)~~ may ~~has authority to~~ adopt rules pursuant
492 to ss. 120.536(1) and 120.54 to implement ~~provisions~~ of this
493 section conferring duties upon it. The department shall provide

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494 the staff required by the board to carry out its duties under
495 this section.

496 (b)~~(d)~~ All funds received pursuant to this section shall be
497 placed in the account of the board ~~of Pilot Commissioners~~, and
498 the board ~~of Pilot Commissioners~~ shall pay for all expenses
499 incurred pursuant to this section.

500 (2) Any pilot, group of pilots, or other person or group of
501 persons whose substantial interests are directly affected by the
502 rates established by the board may apply to the board for a
503 change in rates. However, an application for a change in rates
504 shall not be considered for any port for which rates have been
505 changed by this board in the 18 months preceding the filing of
506 the application. All applications for changes in rates shall be
507 made to the board, in writing, pursuant to rules prescribed by
508 the board. In the case of an application for a rate change on
509 behalf of a pilot or group of pilots, the application shall be
510 accompanied by a consolidated financial statement, statement of
511 profit or loss, and balance sheet prepared by a certified public
512 accountant of the pilot or group of pilots and all relevant
513 information, fiscal and otherwise, on the piloting activities
514 within the affected port area, including financial information
515 on all entities owned or partially owned by the pilot or group
516 of pilots which provide pilot-related services in the affected
517 port area. In the case of an application for a rate change filed
518 on behalf of persons other than a pilot or group of pilots,
519 information regarding the financial state of interested parties
520 other than pilots shall be required only to the extent that such
521 financial information is made relevant by the application or
522 subsequent argument before the board. The board shall have the

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523 authority to set, by rule, a rate review application fee of up
524 to \$1,000, which must be submitted to the board upon the filing
525 of the application for a rate change.

526 (3) The board shall investigate and determine whether the
527 requested rate change will result in fair, just, and reasonable
528 rates of pilotage pursuant to rules prescribed by the board. In
529 addition to publication as required by law, notice of a hearing
530 to determine rates shall be mailed to each person who has
531 formally requested notice of any rate change in the affected
532 port area. The notice shall advise all interested parties that
533 they may file an answer, an additional or alternative petition,
534 or any other applicable pleading or response, within 30 days
535 after the date of publication of the notice, and the notice
536 shall specify the last date by which any such pleading must be
537 filed. The board may, for good cause, extend the period for
538 responses to a petition. Multiple petitions filed in this manner
539 do not warrant separate hearings, and these petitions shall be
540 consolidated to the extent that it shall not be necessary to
541 hold a separate hearing on each petition. The board shall
542 conclude its investigation, conduct a public hearing, and
543 determine whether to modify the existing rates of pilotage in
544 that port within 60 days after the filing of the completed
545 application, except that the board may not be required to
546 complete a hearing for more than one port within any 60-day
547 period. Hearings shall be held in the affected port area, unless
548 a different location is agreed upon by all parties to the
549 proceeding.

550 (4) (a) The applicant shall be given written notice, either
551 in person or by certified mail, that the board intends to modify

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552 the pilotage rates in that port and that the applicant may,
553 within 21 days after receipt of the notice, request a hearing
554 pursuant to the Administrative Procedure Act. Notice of the
555 intent to modify the pilotage rates in that port shall also be
556 published in the Florida Administrative Weekly and in a
557 newspaper of general circulation in the affected port area and
558 shall be mailed to any person who has formally requested notice
559 of any rate change in the affected port area. Within 21 days
560 after receipt or publication of notice, any person whose
561 substantial interests will be affected by the intended board
562 action may request a hearing pursuant to the Administrative
563 Procedure Act. If the board concludes that the petitioner has
564 raised a disputed issue of material fact, the board shall
565 designate a hearing, which shall be conducted by formal
566 proceeding before an administrative law judge assigned by the
567 Division of Administrative Hearings pursuant to ss. 120.569 and
568 120.57(1), unless waived by all parties. If the board concludes
569 that the petitioner has not raised a disputed issue of material
570 fact and does not designate the petition for hearing, that
571 decision shall be considered final agency action for purposes of
572 s. 120.68. The failure to request a hearing within 21 days after
573 receipt or publication of notice shall constitute a waiver of
574 any right to an administrative hearing and shall cause the order
575 modifying the pilotage rates in that port to be entered. If an
576 administrative hearing is requested pursuant to this subsection,
577 notice of the time, date, and location of the hearing shall be
578 published in the Florida Administrative Weekly and in a
579 newspaper of general circulation in the affected port area and
580 shall be mailed to the applicant and to any person who has

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581 formally requested notice of any rate change for the affected
582 port area.

583 (b) In any administrative proceeding pursuant to this
584 section, the board's proposed rate determination shall be
585 immediately effective and shall not be stayed during the
586 administrative proceeding, provided that, pending rendition of
587 the board's final order, the pilot or pilots in the subject port
588 deposit in an interest-bearing account all amounts received
589 which represent the difference between the previous rates and
590 the proposed rates. The pilot or pilots in the subject port
591 shall keep an accurate accounting of all amounts deposited,
592 specifying by whom or on whose behalf such amounts were paid,
593 and shall produce such an accounting upon request of the board.
594 Upon rendition of the board's final order:

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

599 2. Any amounts deposited which exceed the rates sustained
600 in the board's final order shall be refunded, with the accrued
601 interest, to those customers from whom the funds were collected.
602 Any funds that are not refunded after diligent effort of the
603 pilot or pilots to do so shall be disbursed by the pilot or
604 pilots as the board shall direct.

605 (5) (a) In determining whether the requested rate change
606 will result in fair, just, and reasonable rates, the board shall
607 give primary consideration to the public interest in promoting
608 and maintaining efficient, reliable, and safe piloting services.

609 (b) The board shall also give consideration to the

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610 following factors:

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

613 2. A determination of the average net income of pilots in
614 the port, including the value of all benefits derived from
615 service as a pilot. For the purposes of this subparagraph, "net
616 income of pilots" refers to total pilotage fees collected in the
617 port, minus reasonable operating expenses, divided by the number
618 of licensed and active state pilots within the ports.

619 3. Reasonable operating expenses of pilots.

620 4. Pilotage rates in other ports.

621 5. The amount of time each pilot spends on actual piloting
622 duty and the amount of time spent on other essential support
623 services.

624 6. The prevailing compensation available to individuals in
625 other maritime services of comparable professional skill and
626 standing as that sought in pilots, it being recognized that in
627 order to attract to the profession of piloting, and to hold the
628 best and most qualified individuals as pilots, the overall
629 compensation accorded pilots should be equal to or greater than
630 that available to such individuals in comparable maritime
631 employment.

632 7. The impact rate change may have in individual pilot
633 compensation and whether such change will lead to a shortage of
634 licensed state pilots, certificated deputy pilots, or qualified
635 pilot applicants.

636 8. Projected changes in vessel traffic.

637 9. Cost of retirement and medical plans.

638 10. Physical risks inherent in piloting.

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639 11. Special characteristics, dangers, and risks of the
640 particular port.

641 12. Any other factors the board deems relevant in
642 determining a just and reasonable rate.

643 (c) The board may take into consideration the consumer
644 price index or any other comparable economic indicator when
645 fixing rates of pilotage; however, because the consumer price
646 index or such other comparable economic indicator is primarily
647 related to net income rather than rates, the board shall not use
648 it as the sole factor in fixing rates of pilotage.

649 (6) The board shall fix rates of pilotage pursuant to this
650 section based upon the following vessel characteristics:

651 (a) Length.

652 (b) Beam.

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

654 (d) Freeboard or height above the waterline.

655 (e) Draft or molded depth.

656 (f) Any combination of the vessel characteristics listed in
657 this subsection or any other relevant vessel characteristic or
658 characteristics.

659 Section 7. Paragraph (b) of subsection (2) and subsection
660 (4) of section 316.1001, Florida Statutes, are amended to read:

661 316.1001 Payment of toll on toll facilities required;
662 penalties.—

663 (2)

664 (b) A citation issued under this subsection may be issued
665 by mailing the citation by first-class ~~first-class~~ mail, ~~or by~~
666 ~~certified mail~~, return receipt requested, to the address of the
667 registered owner of the motor vehicle involved in the violation.

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668 Receipt of Mailing the citation ~~to this address~~ constitutes
669 notification. In the case of joint ownership of a motor vehicle,
670 the traffic citation must be mailed to the first name appearing
671 on the registration, unless the first name appearing on the
672 registration is a business organization, in which case the
673 second name appearing on the registration may be used. A
674 citation issued under this paragraph must be mailed to the
675 registered owner of the motor vehicle involved in the violation
676 within 14 days after the date of issuance of the citation
677 ~~violation~~. In addition to the citation, notification must be
678 sent to the registered owner of the motor vehicle involved in
679 the violation specifying remedies available under ss. 318.14(12)
680 and 318.18(7).

681 (4) Any governmental entity, including, without limitation,
682 a clerk of court, may provide ~~supply~~ the department with data
683 that is machine readable by the department's computer system,
684 listing persons who have one or more outstanding violations of
685 this section, with reference to the person's driver's license
686 number or vehicle registration number in the case of a business
687 entity. Pursuant to s. 320.03(8), those persons may not be
688 issued a license plate or revalidation sticker for any motor
689 vehicle.

690 Section 8. Subsection (1) of section 316.302, Florida
691 Statutes, is amended to read:

692 316.302 Commercial motor vehicles; safety regulations;
693 transporters and shippers of hazardous materials; enforcement.-

694 (1) (a) All owners and drivers of commercial motor vehicles
695 that are operated on the public highways of this state while
696 engaged in interstate commerce are subject to the rules and

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697 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

698 (b) Except as otherwise provided in this section, all
699 owners or drivers of commercial motor vehicles that are engaged
700 in intrastate commerce are subject to the rules and regulations
701 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
702 exception of 49 C.F.R. s. 390.5 as it relates to the definition
703 of bus, as such rules and regulations existed on October 1, 2009
704 ~~2007~~.

705 (c) Except as provided in s. 316.215(5), and except as
706 provided in s. 316.228 for rear overhang lighting and flagging
707 requirements for intrastate operations, the requirements of this
708 section supersede all other safety requirements of this chapter
709 for commercial motor vehicles.

710 Section 9. Subsection (3) of section 316.545, Florida
711 Statutes, is amended to read:

712 316.545 Weight and load unlawful; special fuel and motor
713 fuel tax enforcement; inspection; penalty; review.—

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

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

720 (b) Five cents per pound for each pound of weight in excess
721 of the maximum herein provided when the excess weight exceeds
722 200 pounds. However, whenever the gross weight of the vehicle or
723 combination of vehicles does not exceed the maximum allowable
724 gross weight, the maximum fine for the first 600 pounds of
725 unlawful axle weight shall be \$10;

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726 (c) For a vehicle equipped with fully functional idle-
727 reduction technology, any penalty shall be calculated by
728 reducing the actual gross vehicle weight or the internal bridge
729 weight by the certified weight of the idle-reduction technology
730 or by 400 pounds, whichever is less. The vehicle operator must
731 present written certification of the weight of the idle-
732 reduction technology and must demonstrate or certify that the
733 idle-reduction technology is fully functional at all times. Such
734 calculation may not be used for vehicles described in s.
735 316.535(6);

736 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.
737 320.01, operating on the highways of this state without being
738 properly licensed and registered shall be subject to the
739 penalties as herein provided; and

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

744 Section 10. Present subsections (4) through (10) of section
745 316.550, Florida Statutes, are renumbered as subsections (5)
746 through (11), respectively, and a new subsection (4) is added to
747 that section, to read:

748 316.550 Operations not in conformity with law; special
749 permits.—

750 (4) (a) The Department of Transportation or local authority
751 may issue permits that authorize commercial vehicles having
752 weights not exceeding the limits of s. 316.535(5), plus the
753 scale tolerance provided in s. 316.545(2), to operate off the
754 Interstate Highway System on a designated route specified in the

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755 permit. Such permits shall be issued within 14 days after
756 receipt of the request.

757 (b) The designated route shall avoid any bridge that the
758 Department of Transportation determines cannot safely
759 accommodate vehicles having a gross vehicle weight authorized in
760 paragraph (a).

761 (c) Any vehicle, or combination of vehicles, which exceeds
762 the weight limits authorized in paragraph (a) shall be unloaded
763 and all material so unloaded shall be cared for by the owner or
764 operator.

765 Section 11. Subsection (7) of section 318.18, Florida
766 Statutes, is amended to read:

767 318.18 Amount of penalties.—The penalties required for a
768 noncriminal disposition pursuant to s. 318.14 or a criminal
769 offense listed in s. 318.17 are as follows:

770 (7) Mandatory \$100 fine for each violation of s. 316.1001
771 plus the amount of the unpaid toll shown on the traffic citation
772 for each citation issued. The clerk of the court shall forward
773 \$25 of the \$100 fine received, plus the amount of the unpaid
774 toll that is shown on the citation, to the governmental entity
775 that issued the citation for citations issued by toll
776 enforcement officers or to the entity administering the tolls at
777 the facility where the violation occurred for citations issued
778 by law enforcement officers. However, a person may elect to pay
779 \$30 to the clerk of the court, plus the amount of the unpaid
780 toll which is shown on the citation, in which case adjudication
781 is withheld, and no points may be assessed under s. 322.27. Upon
782 receipt of the \$30 and unpaid toll amount, the clerk of the
783 court shall retain \$5 for administrative purposes and shall

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784 forward the remaining \$25, plus the amount of the unpaid toll
785 shown on the citation, to the governmental entity that issued
786 the citation for citations issued by toll enforcement officers
787 or to the entity administering the tolls at the facility where
788 the violation occurred for citations issued by law enforcement
789 officers. Additionally, adjudication shall be withheld and no
790 points shall be assessed under s. 322.27, except when
791 adjudication is imposed by the court after a hearing pursuant to
792 s. 318.14(5), ~~or on whose behalf the citation was issued.~~ If a
793 plea arrangement is reached prior to the date set for a
794 scheduled evidentiary hearing and, as a result of the plea,
795 adjudication is withheld, there shall be a mandatory fine
796 assessed per citation of not less than \$50 and not more than
797 \$100, plus the amount of the unpaid toll for each citation
798 issued. The clerk of the court shall forward \$25 of the fine
799 imposed plus the amount of the unpaid toll that is shown on the
800 citation to the governmental entity that issued the citation for
801 citations issued by toll enforcement officers or to the entity
802 administering the tolls at the facility where the violation
803 occurred for citations issued by law enforcement officers ~~or on~~
804 ~~whose behalf the citation was issued.~~ The court shall have
805 specific authority to consolidate issued citations for the same
806 defendant for the purpose of sentencing and aggregate
807 jurisdiction. In addition, the court may direct the department
808 to shall suspend for 60 days the driver's license of a person
809 who is convicted of 10 violations of s. 316.1001 within a 36-
810 month period. Any funds received by a governmental entity for
811 this violation may be used for any lawful purpose related to the
812 operation or maintenance of a toll facility.

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813 Section 12. Subsection (8) of section 320.03, Florida
814 Statutes, is amended to read:

815 320.03 Registration; duties of tax collectors;
816 International Registration Plan.—

817 (8) If the applicant's name appears on the list referred to
818 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
819 plate or revalidation sticker may not be issued until that
820 person's name no longer appears on the list or until the person
821 presents a receipt from the governmental entity or the clerk of
822 court that provided the data showing that the fines outstanding
823 have been paid. This subsection does not apply to the owner of a
824 leased vehicle if the vehicle is registered in the name of the
825 lessee of the vehicle. The tax collector and the clerk of the
826 court are each entitled to receive monthly, as costs for
827 implementing and administering this subsection, 10 percent of
828 the civil penalties and fines recovered from such persons. As
829 used in this subsection, the term "civil penalties and fines"
830 does not include a wrecker operator's lien as described in s.
831 713.78(13). If the tax collector has private tag agents, such
832 tag agents are entitled to receive a pro rata share of the
833 amount paid to the tax collector, based upon the percentage of
834 license plates and revalidation stickers issued by the tag agent
835 compared to the total issued within the county. The authority of
836 any private agent to issue license plates shall be revoked,
837 after notice and a hearing as provided in chapter 120, if he or
838 she issues any license plate or revalidation sticker contrary to
839 the provisions of this subsection. This section applies only to
840 the annual renewal in the owner's birth month of a motor vehicle
841 registration and does not apply to the transfer of a

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842 registration of a motor vehicle sold by a motor vehicle dealer
843 licensed under this chapter, except for the transfer of
844 registrations which is inclusive of the annual renewals. This
845 section does not affect the issuance of the title to a motor
846 vehicle, notwithstanding s. 319.23(7)(b).

847 Section 13. Paragraph (b) of subsection (32) of section
848 320.08058, Florida Statutes, is amended to read:

849 320.08058 Specialty license plates.—

850 (32) UNITED WE STAND LICENSE PLATES.—

851 (b) The department shall retain all revenues from the sale
852 of such plates until all startup costs for developing and
853 issuing the plates have been recovered. Thereafter, 100 percent
854 of the annual use fee shall be distributed to the Department of
855 Transportation to fund security-related aviation projects
856 pursuant to chapter 332 ~~SAFE Council to fund a grant program to~~
857 ~~enhance security at airports throughout the state, pursuant to~~
858 ~~s. 332.14.~~

859 Section 14. Paragraph (d) of subsection (3) of section
860 322.27, Florida Statutes, is amended to read:

861 322.27 Authority of department to suspend or revoke
862 license.—

863 (3) There is established a point system for evaluation of
864 convictions of violations of motor vehicle laws or ordinances,
865 and violations of applicable provisions of s. 403.413(6)(b) when
866 such violations involve the use of motor vehicles, for the
867 determination of the continuing qualification of any person to
868 operate a motor vehicle. The department is authorized to suspend
869 the license of any person upon showing of its records or other
870 good and sufficient evidence that the licensee has been

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

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

- 878 1. Reckless driving, willful and wanton—4 points.
- 879 2. Leaving the scene of a crash resulting in property
880 damage of more than \$50—6 points.
- 881 3. Unlawful speed resulting in a crash—6 points.
- 882 4. Passing a stopped school bus—4 points.
- 883 5. Unlawful speed:
 - 884 a. Not in excess of 15 miles per hour of lawful or posted
885 speed—3 points.
 - 886 b. In excess of 15 miles per hour of lawful or posted
887 speed—4 points.
- 888 6. A violation of a traffic control signal device as
889 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 890 7. All other moving violations (including parking on a
891 highway outside the limits of a municipality)—3 points. However,
892 no points shall be imposed for a violation of s. 316.0741 or s.
893 316.2065(12); and points shall be imposed for a violation of s.
894 316.1001 only when imposed by the court after a hearing pursuant
895 to s. 318.14(5).
- 896 8. Any moving violation covered above, excluding unlawful
897 speed, resulting in a crash—4 points.
- 898 9. Any conviction under s. 403.413(6)(b)—3 points.
- 899 10. Any conviction under s. 316.0775(2)—4 points.

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900 Section 15. Section 332.14, Florida Statutes, is repealed.

901 Section 16. All funds accrued by the Secure Airports for
902 Florida's Economy Council prior to July 1, 2010, shall be
903 retained by the Department of Transportation. The Department of
904 Transportation is authorized to use these funds for statewide
905 training purposes relating to airport security and management.
906 The Department of Transportation is further authorized to use
907 these funds for security-related aviation projects pursuant to
908 chapter 332, Florida Statutes.

909 Section 17. Subsection (1) of section 337.14, Florida
910 Statutes, is amended to read:

911 337.14 Application for qualification; certificate of
912 qualification; restrictions; request for hearing.—

913 (1) Any person desiring to bid for the performance of any
914 construction contract in excess of \$250,000 which the department
915 proposes to let must first be certified by the department as
916 qualified pursuant to this section and rules of the department.
917 The rules of the department shall address the qualification of
918 persons to bid on construction contracts in excess of \$250,000
919 and shall include requirements with respect to the equipment,
920 past record, experience, financial resources, and organizational
921 personnel of the applicant necessary to perform the specific
922 class of work for which the person seeks certification. The
923 department may ~~is authorized to~~ limit the dollar amount of any
924 contract upon which a person is qualified to bid or the
925 aggregate total dollar volume of contracts such person is
926 allowed to have under contract at any one time. Each applicant
927 seeking qualification to bid on construction contracts in excess
928 of \$250,000 shall furnish the department a statement under oath,

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929 on such forms as the department may prescribe, setting forth
930 detailed information as required on the application. Each
931 application for certification shall be accompanied by the latest
932 annual financial statement of the applicant completed within the
933 last 12 months. If the application or the annual financial
934 statement shows the financial condition of the applicant more
935 than 4 months before ~~prior to~~ the date on which the application
936 is received by the department, ~~then~~ an interim financial
937 statement must also be submitted and be accompanied by an
938 updated application. The interim financial statement must cover
939 the period from the end date of the annual statement and must
940 show the financial condition of the applicant no more than 4
941 months before ~~prior to~~ the date that the interim financial
942 statement ~~on which the application~~ is received by the
943 department. Each required annual or interim financial statement
944 must be audited and accompanied by the opinion of a certified
945 public accountant or a public accountant approved by the
946 department. The information required by this subsection is
947 confidential and exempt from the provisions of s. 119.07(1). The
948 department shall act upon the application for qualification
949 within 30 days after the department determines that the
950 application is complete. The department may waive the
951 requirements of this subsection for projects having a contract
952 price of \$500,000 or less if the department determines that the
953 project is of a noncritical nature and the waiver will not
954 endanger public health, safety, or property.

955 Section 18. Subsection (5) is added to section 337.195,
956 Florida Statutes, to read:

957 337.195 Limits on liability.-

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958 (5) Notwithstanding any provision of law to the contrary, a
959 provision, clause, covenant, or agreement contained in,
960 collateral to, or affecting a motor carrier transportation
961 contract that purports to indemnify, defend, or hold harmless,
962 or has the effect of indemnifying, defending, or holding
963 harmless, the promisee from or against any liability for loss or
964 damage resulting from the negligence or intentional acts or
965 omissions of the promisee is against the public policy of this
966 state and is void and unenforceable. As used in this subsection,
967 the term "motor carrier transportation contract" means a
968 contract, agreement, or understanding covering:

969 (a) The transportation of property for compensation or hire
970 by the motor carrier;

971 (b) Entrance on property by the motor carrier for the
972 purpose of loading, unloading, or transporting property for
973 compensation or hire; or

974 (c) A service incidental to activity described in paragraph
975 (a) or paragraph (b), including, but not limited to, storage of
976 property.

977
978 A motor carrier transportation contract does not include the
979 Uniform Intermodal Interchange and Facilities Access Agreement
980 administered by the Intermodal Association of North America or
981 other agreements providing for the interchange, use, or
982 possession of intermodal chassis, containers, or other
983 intermodal equipment. As used in this subsection, "promisee"
984 means the contract's promisee and any agents, employees,
985 servants, or independent contractors directly responsible to the
986 contract's promise, but does not include motor carriers party to

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987 a motor carrier transportation contract with the contract's
988 promisee, including such motor carrier's agents, employees,
989 servants, or independent contractors directly responsible to
990 such motor carrier.

991 Section 19. Subsection (1) of section 337.401, Florida
992 Statutes, is amended to read:

993 337.401 Use of right-of-way for utilities subject to
994 regulation; permit; fees.—

995 (1) (a) The department and local governmental entities,
996 referred to in ss. 337.401-337.404 as the "authority," that have
997 jurisdiction and control of public roads or publicly owned rail
998 corridors are authorized to prescribe and enforce reasonable
999 rules or regulations with reference to the placing and
1000 maintaining along, across, or on any road or publicly owned rail
1001 corridors under their respective jurisdictions any electric
1002 transmission, telephone, telegraph, or other communications
1003 services lines; pole lines; poles; railways; ditches; sewers;
1004 water, heat, or gas mains; pipelines; fences; gasoline tanks and
1005 pumps; or other structures referred to in this section as the
1006 "utility." ~~For aerial and underground electric utility~~
1007 ~~transmission lines designed to operate at 69 or more kilovolts~~
1008 ~~that are needed to accommodate the additional electrical~~
1009 ~~transfer capacity on the transmission grid resulting from new~~
1010 ~~base-load generating facilities, where there is no other~~
1011 ~~practicable alternative available for placement of the electric~~
1012 ~~utility transmission lines on the department's rights-of-way,~~
1013 ~~the department's rules shall provide for placement of and access~~
1014 ~~to such transmission lines adjacent to and within the right-of-~~
1015 ~~way of any department-controlled public roads, including~~

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1016 ~~longitudinally within limited access facilities to the greatest~~
1017 ~~extent allowed by federal law, if compliance with the standards~~
1018 ~~established by such rules is achieved. Such rules may include,~~
1019 ~~but need not be limited to, that the use of the right-of-way is~~
1020 ~~reasonable based upon a consideration of economic and~~
1021 ~~environmental factors, including, without limitation, other~~
1022 ~~practicable alternative alignments, utility corridors and~~
1023 ~~easements, impacts on adjacent property owners, and minimum~~
1024 ~~clear zones and other safety standards, and further provide that~~
1025 ~~placement of the electric utility transmission lines within the~~
1026 ~~department's right-of-way does not interfere with operational~~
1027 ~~requirements of the transportation facility or planned or~~
1028 ~~potential future expansion of such transportation facility. If~~
1029 ~~the department approves longitudinal placement of electric~~
1030 ~~utility transmission lines in limited access facilities,~~
1031 ~~compensation for the use of the right-of-way is required. Such~~
1032 ~~consideration or compensation paid by the electric utility in~~
1033 ~~connection with the department's issuance of a permit does not~~
1034 ~~create any property right in the department's property~~
1035 ~~regardless of the amount of consideration paid or the~~
1036 ~~improvements constructed on the property by the utility. Upon~~
1037 ~~notice by the department that the property is needed for~~
1038 ~~expansion or improvement of the transportation facility, the~~
1039 ~~electric utility transmission line will relocate from the~~
1040 ~~facility at the electric utility's sole expense. The electric~~
1041 ~~utility shall pay to the department reasonable damages resulting~~
1042 ~~from the utility's failure or refusal to timely relocate its~~
1043 ~~transmission lines. The rules to be adopted by the department~~
1044 ~~may also address the compensation methodology and relocation. As~~

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1045 ~~used in this subsection, the term "base-load generating~~
1046 ~~facilities" means electric power plants that are certified under~~
1047 ~~part II of chapter 403.~~ The department may enter into a permit-
1048 delegation agreement with a governmental entity if issuance of a
1049 permit is based on requirements that the department finds will
1050 ensure the safety and integrity of facilities of the Department
1051 of Transportation; however, the permit-delegation agreement does
1052 not apply to facilities of electric utilities as defined in s.
1053 366.02(2).

1054 (b) For aerial and underground electric utility
1055 transmission lines that are designed to operate at 69 or more
1056 kilovolts and that are needed to accommodate the additional
1057 electrical transfer capacity on the transmission grid resulting
1058 from new base-load generating facilities, the department's rules
1059 shall provide for placement of and access to such transmission
1060 lines adjacent to and within the right-of-way of any department-
1061 controlled public roads, including longitudinally within limited
1062 access facilities where there is no other practicable
1063 alternative available, to the greatest extent allowed by federal
1064 law, if compliance with the standards established by such rules
1065 is achieved. Without limiting or conditioning the department's
1066 jurisdiction or authority described in paragraph (a), with
1067 respect to limited access right-of-way, such rules may include,
1068 but need not be limited to, a requirement that the use of the
1069 right-of-way for longitudinal placement of electric utility
1070 transmission lines be reasonably based upon a consideration of
1071 economic and environmental factors, including, but not limited
1072 to, other practicable alternative alignments, utility corridors
1073 and easements, impacts on adjacent property owners, and minimum

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1074 clear zones and other safety standards. Such rules may also
1075 require that placement of the electric utility transmission
1076 lines within the department's right-of-way not interfere with
1077 operational requirements of the transportation facility or
1078 planned or potential future expansion of such transportation
1079 facility. Compensation for the use of the right-of-way must be
1080 provided if the department approves longitudinal placement of
1081 electric utility transmission lines in limited access
1082 facilities. Such consideration or compensation paid by the
1083 electric utility in connection with the department's issuance of
1084 a permit does not create any property right in the department's
1085 property regardless of the amount of consideration paid or the
1086 improvements constructed on the property by the utility. Upon
1087 notice by the department that the property is needed for
1088 expansion or improvement of the transportation facility, the
1089 electric utility transmission line shall be removed or relocated
1090 at the electric utility's sole expense. The electric utility
1091 shall pay to the department reasonable damages resulting from
1092 the utility's failure or refusal to timely remove or relocate
1093 its transmission lines. The rules adopted by the department may
1094 also address the compensation methodology and removal or
1095 relocation. As used in this subsection, the term "base-load
1096 generating facilities" means electric power plants that are
1097 certified under part II of chapter 403.

1098 Section 20. Subsection (1) of section 338.155, Florida
1099 Statutes, is amended to read:

1100 338.155 Payment of toll on toll facilities required;
1101 exemptions.—

1102 (1) No persons are permitted to use any toll facility

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1103 without payment of tolls, except employees of the agency
1104 operating the toll project when using the toll facility on
1105 official state business, state military personnel while on
1106 official military business, handicapped persons as provided in
1107 this section, persons exempt from toll payment by the
1108 authorizing resolution for bonds issued to finance the facility,
1109 and persons exempt on a temporary basis where use of such toll
1110 facility is required as a detour route. Any law enforcement
1111 officer operating a marked official vehicle is exempt from toll
1112 payment when on official law enforcement business. Any person
1113 operating a fire vehicle when on official business or a rescue
1114 vehicle when on official business is exempt from toll payment.
1115 Any person participating in the funeral procession of a law
1116 enforcement officer or firefighter killed in the line of duty is
1117 exempt from toll payment. The secretary, or the secretary's
1118 designee, may suspend the payment of tolls on a toll facility
1119 when necessary to assist in emergency evacuation. The failure to
1120 pay a prescribed toll constitutes a noncriminal traffic
1121 infraction, punishable as a moving violation pursuant to s.
1122 318.18. The department is authorized to adopt rules relating to
1123 the payment, collection, and enforcement of tolls, including,
1124 but not limited to, rules for the implementation of video or
1125 other image billing and variable pricing ~~guaranteed toll~~
1126 ~~accounts.~~

1127 Section 21. Subsection (7) is added to section 341.051,
1128 Florida Statutes, to read:

1129 341.051 Administration and financing of public transit and
1130 intercity bus service programs and projects.—

1131 (7) INTEROPERABLE FARE COLLECTION SYSTEMS.—

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1132 (a) The Legislature recognizes the importance of
1133 encouraging the seamless use of local and regional public
1134 transportation systems by residents of and visitors to the state
1135 wherever possible. The paramount concern is to encourage the
1136 implementation of fare collection systems that are interoperable
1137 and compatible with multiple public transportation systems
1138 throughout the state.

1139 (b) Notwithstanding any other provision of law to the
1140 contrary, in order to facilitate the ease of transfer from one
1141 public transportation system to another, any public transit
1142 system that connects directly with a new public rail system put
1143 into service on or after December 1, 2010, and that is adding a
1144 new fare media system or is upgrading its existing fare media
1145 system shall use a universal common contactless fare media that
1146 is compatible with the American Public Transportation
1147 Association's Contactless Fare Media System Standard and allows
1148 users to purchase fares at a single point of sale with coin,
1149 cash, or credit card. This paragraph does not require the use of
1150 a universal common contactless fare media for the paratransit
1151 element of any transit system or by any public transit system
1152 that does not share one or more points of origin or destination
1153 with a public rail system.

1154
1155 For purposes of this section, the term "net operating costs"
1156 means all operating costs of a project less any federal funds,
1157 fares, or other sources of income to the project.

1158 Section 22. Present subsection (7) of section 341.3025,
1159 Florida Statutes, is renumbered as subsection (8), and a new
1160 subsection (7) is added to that section, to read:

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1161 341.3025 Multicounty public rail system fares and
1162 enforcement.-

1163 (7) (a) The Legislature recognizes the importance of
1164 encouraging the seamless use of local and regional public
1165 transportation systems by residents of and visitors to the state
1166 wherever possible. The paramount concern is to encourage the
1167 implementation of fare collection systems that are interoperable
1168 and compatible with multiple public transportation systems
1169 throughout the state.

1170 (b) Notwithstanding any other provision of law to the
1171 contrary, in order to facilitate the ease of transfer from one
1172 public transportation system to another, any new public rail
1173 system that is constructed on or after December 1, 2010, by the
1174 state, an agency of the state, a regional transportation
1175 authority, or one or more counties or municipalities shall use a
1176 universal common contactless fare media that is compatible with
1177 the American Public Transportation Association's Contactless
1178 Fare Media System Standard and allows users to purchase fares at
1179 a single point of sale with coin, cash, or credit card.

1180 Additionally, any existing public rail system that is adding a
1181 new fare media system or is upgrading its existing fare media
1182 system shall use a universal common contactless fare media that
1183 is compatible with the American Public Transportation
1184 Association's Contactless Fare Media System Standard and allows
1185 users to purchase fares at a single point of sale with coin,
1186 cash, or credit card.

1187 Section 23. Paragraph (q) is added to subsection (2) of
1188 section 343.64, Florida Statutes, to read:

1189 343.64 Powers and duties.-

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1190 (2) The authority may exercise all powers necessary,
1191 appurtenant, convenient, or incidental to the carrying out of
1192 the aforesaid purposes, including, but not limited to, the
1193 following rights and powers:

1194 (q) Notwithstanding the provisions of s. 343.65, to borrow
1195 money in a principal amount not to exceed \$10 million in any
1196 calendar year to refinance all or part of the costs or
1197 obligations of the authority, including, but not limited to,
1198 obligations of the authority as a lessee under a lease.

1199 Section 24. Subsection (3) of section 348.51, Florida
1200 Statutes, is amended to read:

1201 348.51 Definitions.—The following terms whenever used or
1202 referred to in this part shall have the following meanings,
1203 except in those instances where the context clearly indicates
1204 otherwise:

1205 (3) "Bonds" means and includes the notes, bonds, refunding
1206 bonds, or other evidences of indebtedness or obligations, in
1207 either temporary or definitive form, which ~~of~~ the authority is
1208 authorized to issue ~~issued~~ pursuant to this part.

1209 Section 25. Section 348.545, Florida Statutes, is amended
1210 to read:

1211 348.545 Facility improvement; bond financing authority.—
1212 Pursuant to s. 11(f), Art. VII of the State Constitution, the
1213 Legislature hereby approves for bond financing by the Tampa-
1214 Hillsborough County Expressway Authority improvements to toll
1215 collection facilities, interchanges to the legislatively
1216 approved expressway system, and any other facility appurtenant,
1217 necessary, or incidental to the approved system. Subject to
1218 terms and conditions of applicable revenue bond resolutions and

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1219 covenants, such costs ~~finaneing~~ may be financed in whole or in
1220 part by revenue bonds issued under s. 348.56(1)(a) or (b)
1221 whether currently issued or issued in the future, or by a
1222 combination of such bonds.

1223 Section 26. Subsections (1) and (2) of section 348.56,
1224 Florida Statutes, are amended to read:

1225 348.56 Bonds of the authority.—

1226 (1) (a) Bonds may be issued on behalf of the authority under
1227 the State Bond Act.

1228 (b) Alternatively, the authority shall have the power and
1229 is hereby authorized from time to time to issue bonds in such
1230 principal amount as, in the opinion of the authority, shall be
1231 necessary to provide sufficient moneys for achieving its
1232 corporate purposes, including construction, reconstruction,
1233 improvement, extension, repair, maintenance and operation of the
1234 expressway system, the cost of acquisition of all real property,
1235 interest on bonds during construction and for a reasonable
1236 period thereafter, establishment of reserves to secure bonds,
1237 and all other expenditures of the authority incident to and
1238 necessary or convenient to carry out its corporate purposes and
1239 powers.

1240 (2) (a) Bonds issued by the authority under paragraph (1) (a)
1241 or (b) shall be authorized by resolution of the members of the
1242 authority and shall bear such date or dates, mature at such time
1243 or times, not exceeding 40 years from their respective dates,
1244 bear interest at such rate or rates, not exceeding the maximum
1245 rate fixed by general law for authorities, be in such
1246 denominations, be in such form, either coupon or fully
1247 registered, carry such registration, exchangeability and

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1248 interchangeability privileges, be payable in such medium of
1249 payment and at such place or places, be subject to such terms of
1250 redemption and be entitled to such priorities of lien on the
1251 revenues, other available moneys, and the Hillsborough County
1252 gasoline tax funds as such resolution or any resolution
1253 subsequent thereto may provide. The bonds shall be executed
1254 either by manual or facsimile signature by such officers as the
1255 authority shall determine, provided that such bonds shall bear
1256 at least one signature which is manually executed thereon. The
1257 coupons attached to such bonds shall bear the facsimile
1258 signature or signatures of such officer or officers as shall be
1259 designated by the authority. Such bonds shall have the seal of
1260 the authority affixed, imprinted, reproduced, or lithographed
1261 thereon.

1262 (b) The bonds issued under paragraph (1) (a) or (b) shall be
1263 sold at public sale in the same manner provided by the State
1264 Bond Act, and the net interest cost to the authority on such
1265 bonds shall not exceed the maximum rate fixed by general law for
1266 authorities. However, if the authority, by official action at a
1267 public meeting, determines that a negotiated sale of such bonds
1268 is in the best interest of the authority, the authority may
1269 negotiate the sale of such bonds with the underwriter or
1270 underwriters designated by the authority and the Division of
1271 Bond Finance of the State Board of Administration with respect
1272 to bonds issued pursuant to paragraph (1) (a) or solely by the
1273 authority with respect to bonds issued pursuant to paragraph
1274 (1) (b). The authority's determination to negotiate the sale of
1275 such bonds may be based, in part, upon the written advice of the
1276 authority's financial adviser. ~~If all bids received on the~~

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1277 ~~public sale are rejected, the authority may then proceed to~~
1278 ~~negotiate for the sale of the bonds at a net interest cost which~~
1279 ~~shall be less than the lowest net interest cost stated in the~~
1280 ~~bids rejected at the public sale.~~ Pending the preparation of
1281 definitive bonds, temporary bonds or interim certificates may be
1282 issued to the purchaser or purchasers of such bonds and may
1283 contain such terms and conditions as the authority may
1284 determine.

1285 Section 27. Section 348.565, Florida Statutes, is amended
1286 to read:

1287 348.565 Revenue bonds for specified projects.—The existing
1288 facilities that constitute the Tampa-Hillsborough County
1289 Expressway System are hereby approved to be refinanced by ~~the~~
1290 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance
1291 of the State Board of Administration pursuant to s. 11(f), Art.
1292 VII of the State Constitution and the State Bond Act, or by
1293 revenue bonds issued by the authority under s. 348.56(1)(b). In
1294 addition, the following projects of the Tampa-Hillsborough
1295 County Expressway Authority are approved to be financed or
1296 refinanced by the issuance of revenue bonds in accordance with
1297 this part under ~~pursuant to~~ s. 11(f), Art. VII of the State
1298 Constitution:

1299 (1) Brandon area feeder roads.

1300 (2) Capital improvements to the expressway system,
1301 including safety and operational improvements and toll
1302 collection equipment.

1303 (3) Lee Roy Selmon Crosstown Expressway System widening.

1304 (4) The connector highway linking the Lee Roy Selmon
1305 Crosstown Expressway to Interstate 4.

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1306 Section 28. Subsection (1) of section 348.57, Florida
1307 Statutes, is amended to read:

1308 348.57 Refunding bonds.—

1309 (1) Subject to public notice as provided in s. 348.54, the
1310 authority is authorized to provide by resolution for the
1311 issuance from time to time of bonds under s. 348.56(1)(b) for
1312 the purpose of refunding any bonds then outstanding regardless
1313 of whether the bonds being refunded were issued by the authority
1314 under this chapter or on behalf of the authority under the State
1315 Bond Act. The authority is further authorized to provide by
1316 resolution for the issuance of bonds for the combined purpose
1317 of:

1318 (a) Paying the cost of constructing, reconstructing,
1319 improving, extending, repairing, maintaining and operating the
1320 expressway system.

1321 (b) Refunding bonds then outstanding. The authorization,
1322 sale and issuance of such obligations, the maturities and other
1323 details thereof, the rights and remedies of the holders thereof,
1324 and the rights, powers, privileges, duties and obligations of
1325 the authority with respect to the same shall be governed by the
1326 foregoing provisions of this part insofar as the same may be
1327 applicable.

1328 Section 29. Section 348.70, Florida Statutes, is amended to
1329 read:

1330 348.70 This part complete and additional authority.—

1331 (1) The powers conferred by this part shall be in addition
1332 and supplemental to the existing respective powers of the
1333 authority, the department, the county and the city, if any, and
1334 this part shall not be construed as repealing any of the

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1335 provisions of any other law, general, special or local, but
1336 shall be deemed to supersede such other law or laws in the
1337 exercise of the powers provided in this part insofar as such
1338 other law or laws are inconsistent with the provisions of this
1339 part and to provide a complete method for the exercise of the
1340 powers granted herein. The construction, reconstruction,
1341 improvement, extension, repair, maintenance and operation of the
1342 expressway system, and the issuance of bonds hereunder to
1343 finance all or part of the cost thereof, may be accomplished
1344 upon compliance with the provisions of this part without regard
1345 to or necessity for compliance with the provisions, limitations,
1346 or restrictions contained in any other general, special or local
1347 law, including, but not limited to, s. 215.821, and no approval
1348 of any bonds issued under this part by the qualified electors or
1349 qualified electors who are freeholders in the state or in the
1350 county or in the city or in any other political subdivision of
1351 the state shall be required for the issuance of such bonds.

1352 (2) This part does not repeal, rescind, or modify any other
1353 law or laws relating to the State Board of Administration, the
1354 Department of Transportation, or the Division of Bond Finance of
1355 the State Board of Administration, but supersedes any other law
1356 or laws that are inconsistent with the provisions of this part,
1357 including, but not limited to, s. 215.821.

1358 Section 30. Part XI of chapter 348, Florida Statutes,
1359 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
1360 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,
1361 348.9960, and 348.9961, is created to read:

1362 348.9950 Short title.—This part may be cited as the
1363 "Osceola County Expressway Authority Law."

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1364 348.9951 Definitions.—Terms used in this part, except where
1365 the context clearly indicates otherwise, shall have the same
1366 meanings as those defined in the Florida Expressway Authority
1367 Act.

1368 348.9952 Osceola County Expressway Authority.—

1369 (1) There is created a body politic and corporate, an
1370 agency of the state, to be known as the Osceola County
1371 Expressway Authority.

1372 (2) (a) The governing body of the authority shall consist of
1373 six members. Five members, at least one of whom must be a member
1374 of a racial or ethnic minority group, must be residents of
1375 Osceola County, three of whom shall be appointed by the
1376 governing body of the county and two of whom shall be appointed
1377 by the Governor. The sixth member shall be the district
1378 secretary of the department serving in the district that
1379 includes Osceola County, who shall serve as an ex officio,
1380 nonvoting member. The term of each appointed member shall be for
1381 4 years, except that the first term of the initial members
1382 appointed by the Governor shall be 2 years each. Each appointed
1383 member shall hold office until his or her successor has been
1384 appointed and has qualified. A vacancy occurring during a term
1385 shall be filled only for the balance of the unexpired term. Each
1386 appointed member of the authority shall be a person of
1387 outstanding reputation for integrity, responsibility, and
1388 business ability, but a person who is an officer or employee of
1389 any municipality or of Osceola County in any other capacity may
1390 not be an appointed member of the authority. A member of the
1391 authority is eligible for reappointment.

1392 (b) Members of the authority may be removed from office by

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1393 the Governor for misconduct, malfeasance, or nonfeasance in
1394 office.

1395 (3) (a) The authority shall elect one of its members as
1396 chair. The authority shall also elect a secretary and a
1397 treasurer, who may be members of the authority. The chair,
1398 secretary, and treasurer shall hold such offices at the will of
1399 the authority.

1400 (b) Three members of the authority constitute a quorum, and
1401 the vote of three members is necessary for any action taken by
1402 the authority. A vacancy in the authority does not impair the
1403 right of a quorum of the authority to exercise all of the rights
1404 and perform all of the duties of the authority.

1405 (4) (a) The authority may employ an executive secretary, an
1406 executive director, its own counsel and legal staff, technical
1407 experts, engineers, and other employees, permanent or temporary,
1408 as it may require, and may determine the qualifications and fix
1409 the compensation of such persons, firms, or corporations.
1410 Additionally, the authority may employ a fiscal agent or agents.
1411 However, the authority shall solicit sealed proposals from at
1412 least three persons, firms, or corporations for the performance
1413 of any services as fiscal agents. The authority may delegate to
1414 one or more of its agents or employees such of its power as it
1415 deems necessary to carry out the purposes of this part, subject
1416 always to the supervision and control of the authority.

1417 (b) Members of the authority are entitled to receive from
1418 the authority their travel and other necessary expenses incurred
1419 in connection with the business of the authority as provided in
1420 s. 112.061, but members shall not draw salaries or other
1421 compensation.

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1422 (c) The department is not required to grant funds for
1423 startup costs to the authority. However, the governing body of
1424 the county may provide funds for such startup costs.

1425 (d) The authority shall cooperate with and participate in
1426 any efforts to establish a regional expressway authority.

1427 (e) Notwithstanding any other provision of law, including
1428 s. 339.175(3), the authority is not entitled to voting
1429 membership in a metropolitan planning organization in which
1430 Osceola County, or any of the municipalities therein, are also
1431 voting members.

1432 348.9953 Purposes and powers.—The purposes and powers of
1433 the authority shall be the same as those identified in the
1434 Florida Expressway Authority Act. In implementing this act, the
1435 authority shall institute procedures to encourage the awarding
1436 of contracts for professional services and construction to
1437 certified minority business enterprises as defined in s.
1438 288.703. The authority shall develop and implement activities to
1439 encourage the participation of certified minority business
1440 enterprises in the contracting process.

1441 348.9954 Bonds.—Bonds may be issued on behalf of the
1442 authority as provided by the State Bond Act and subject to the
1443 provisions of the Florida Expressway Authority Act.

1444 348.9955 Lease-purchase agreement.—The authority may enter
1445 into lease-purchase agreements with the department as provided
1446 in the Florida Expressway Authority Act.

1447 348.9956 Department may be appointed agent of authority for
1448 construction.—The authority may appoint the department as its
1449 agent as provided in the Florida Expressway Authority Act.

1450 348.9957 Acquisition of lands and property.—The authority

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1451 may acquire such rights, title, or interest in private or public
1452 property and such property rights, including easements, rights
1453 of access, air, view, and light by gift, devise, purchase, or
1454 condemnation by eminent domain proceedings as the authority may
1455 deem necessary for the purposes of this part and subject to the
1456 provisions of the Florida Expressway Authority Act.

1457 348.9958 Cooperation with other units, boards, agencies,
1458 and individuals.-Any county, municipality, drainage district,
1459 road and bridge district, school district, or other political
1460 subdivision, board, commission, or individual in or of the state
1461 may make and enter into any contract, lease, conveyance,
1462 partnership, or other agreement with the authority within the
1463 provisions and for purposes of this part. The authority may make
1464 and enter into any contract, lease, conveyance, partnership, or
1465 other agreement with any political subdivision, agency, or
1466 instrumentality of the state or any federal agency, corporation,
1467 or individual for the purpose of carrying out the provisions of
1468 this part.

1469 348.9959 Legislative intent; covenant of the state.-It is
1470 the intent of the Legislature that the state pledge to and agree
1471 with any person, firm, corporation, or federal or state agency
1472 subscribing to or acquiring the bonds to be issued by the
1473 authority for the purposes of this part that the state will not
1474 limit or alter the rights hereby vested in the authority and the
1475 department until all bonds at any time issued together with the
1476 interest thereon are fully paid and discharged insofar as the
1477 same affects the rights of the holders of bonds issued
1478 hereunder. It is also the intent of the Legislature that the
1479 state further pledge to and agree with the United States that in

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1480 the event any federal agency shall construct or contribute any
1481 funds for the completion, extension, or improvement of the
1482 Osceola County Expressway System, or any part or portion
1483 thereof, the state will not alter or limit the rights and powers
1484 of the authority and the department in any manner that would be
1485 inconsistent with the continued maintenance and operation of the
1486 Osceola County Expressway System, or the completion, extension,
1487 or improvement thereof, or that would be inconsistent with the
1488 due performance of any agreements between the authority and any
1489 such federal agency. The authority and the department shall
1490 continue to have and may exercise all powers herein granted so
1491 long as the same shall be necessary or desirable for the
1492 carrying out of the purposes of this part and the purposes of
1493 the United States in the completion, extension, or improvement
1494 of the Osceola County Expressway System or any part or portion
1495 thereof.

1496 348.9960 Exemption from taxation.—As provided under and
1497 limited by the Florida Expressway Authority Act, the Osceola
1498 County Expressway authority is not required to pay taxes or
1499 assessments of any kind or nature whatsoever upon any property
1500 acquired by it or used by it for such purpose or upon revenues
1501 at any time received by it.

1502 348.9961 Automatic dissolution.—If, before January 1, 2020,
1503 the authority has not encumbered any funds to further its
1504 purposes and powers as authorized in s. 348.9953 to establish
1505 the system, or upon the inclusion of the geographic area served
1506 by the authority within any multicounty regional transportation
1507 authority statutorily created after July 1, 2010, the Osceola
1508 County Expressway Authority is dissolved.

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1509 Section 31. Subsections (2) and (5) and paragraph (b) of
1510 subsection (9) of section 373.41492, Florida Statutes, are
1511 amended to read:

1512 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
1513 mitigation for mining activities within the Miami-Dade County
1514 Lake Belt.—

1515 (2) To provide for the mitigation of wetland resources lost
1516 to mining activities within the Miami-Dade County Lake Belt
1517 Plan, effective October 1, 1999, a mitigation fee is imposed on
1518 each ton of limerock and sand extracted by any person who
1519 engages in the business of extracting limerock or sand from
1520 within the Miami-Dade County Lake Belt Area and the east one-
1521 half of sections 24 and 25 and all of sections 35 and 36,
1522 Township 53 South, Range 39 East. The mitigation fee is imposed
1523 for each ton of limerock and sand sold from within the
1524 properties where the fee applies in raw, processed, or
1525 manufactured form, including, but not limited to, sized
1526 aggregate, asphalt, cement, concrete, and other limerock and
1527 concrete products. The mitigation fee imposed by this subsection
1528 for each ton of limerock and sand sold shall be 12 cents per ton
1529 beginning January 1, 2007; 18 cents per ton beginning January 1,
1530 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45
1531 cents per ton beginning January 1, 2011. To upgrade a water
1532 treatment plant that treats water coming from the Northwest
1533 Wellfield in Miami-Dade County, a water treatment plant upgrade
1534 fee is imposed within the same Lake Belt Area subject to the
1535 mitigation fee and upon the same kind of mined limerock and sand
1536 subject to the mitigation fee. The water treatment plant upgrade
1537 fee imposed by this subsection for each ton of limerock and sand

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1538 sold shall be 15 cents per ton beginning on January 1, 2007, and
1539 the collection of this fee shall cease once the total amount of
1540 proceeds collected for this fee reaches the amount of the actual
1541 moneys necessary to design and construct the water treatment
1542 plant upgrade, as determined in an open, public solicitation
1543 process. Any limerock or sand that is used within the mine from
1544 which the limerock or sand is extracted is exempt from the fees.
1545 The amount of the mitigation fee and the water treatment plant
1546 upgrade fee imposed under this section must be stated separately
1547 on the invoice provided to the purchaser of the limerock or sand
1548 product from the limerock or sand miner, or its subsidiary or
1549 affiliate, for which the fee or fees apply. The limerock or sand
1550 miner, or its subsidiary or affiliate, who sells the limerock or
1551 sand product shall collect the mitigation fee and the water
1552 treatment plant upgrade fee and forward the proceeds of the fees
1553 to the Department of Revenue on or before the 20th day of the
1554 month following the calendar month in which the sale occurs.

1555 (5) Each January 1 beginning January 1, 2010, through
1556 December 31, 2011 ~~and each January 1 thereafter~~, the per-ton
1557 mitigation fee shall be increased by 2.1 percentage points, plus
1558 a cost growth index. The cost growth index shall be the
1559 percentage change in the weighted average of the Employment Cost
1560 Index for All Civilian Workers (ecu 10001I), issued by the
1561 United States Department of Labor for the most recent 12-month
1562 period ending on September 30, and the percentage change in the
1563 Producer Price Index for All Commodities (WPU 00000000), issued
1564 by the United States Department of Labor for the most recent 12-
1565 month period ending on September 30, compared to the weighted
1566 average of these indices for the previous year. The weighted

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1567 average shall be calculated as 0.6 times the percentage change
1568 in the Employment Cost Index for All Civilian Workers (ecu
1569 10001I), plus 0.4 times the percentage change in the Producer
1570 Price Index for All Commodities (WPU 00000000). If either index
1571 is discontinued, it shall be replaced by its successor index, as
1572 identified by the United States Department of Labor.

1573 (9)

1574 (b) No sooner than January 31, 2010, and no more frequently
1575 than every 2 ~~5~~ years thereafter, the interagency committee shall
1576 submit to the Legislature a report recommending any needed
1577 adjustments to the mitigation fee, including the annual
1578 escalator provided for in subsection (5), to ensure that the
1579 revenue generated reflects the actual costs of the mitigation.

1580 Section 32. Sections 479.01, 479.015, 479.02, 479.03,
1581 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,
1582 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
1583 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
1584 are designated as part I of chapter 479, Florida Statutes.

1585 Section 33. Subsections (3) and (1) of section 479.01,
1586 Florida Statutes, are amended, and subsections (28), (29), (30),
1587 and (31) are added to that section, to read:

1588 479.01 Definitions.—As used in this chapter, the term:

1589 (3) "Commercial or industrial zone" means a parcel of land
1590 designated for commercial or industrial use under both the
1591 future land use map of the comprehensive plan and the land use
1592 development regulations adopted pursuant to chapter 163. If a
1593 parcel is located in an area designated for multiple uses on the
1594 future land use map of a comprehensive plan and the zoning
1595 category of the land development regulations does ~~do~~ not

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1596 specifically ~~clearly~~ designate that parcel for commercial or
1597 industrial uses ~~a specific use~~, the area will be considered an
1598 unzoned commercial or industrial area if it meets the criteria
1599 of subsection (23).

1600 (10) "Main-traveled way" means the traveled way of a
1601 highway on which through traffic is carried. In the case of a
1602 divided highway, the traveled way of each of the separate
1603 roadways for traffic in opposite directions is a main-traveled
1604 way. It does not include such facilities as frontage roads,
1605 turning roadways, which specifically includes on or off ramps to
1606 the interstate highway system, or parking areas.

1607 (28) "Allowable uses" means those uses that are authorized
1608 within a zoning category without the requirement to obtain a
1609 variance or waiver. The term includes conditional uses and those
1610 allowed by special exception, but does not include uses that are
1611 accessory, incidental to the allowable uses, or allowed only on
1612 a temporary basis.

1613 (29) "Commercial use" means activities associated with the
1614 sale, rental, or distribution of products or the performance of
1615 services. The term includes, but is not limited to, such uses or
1616 activities as retail sales, wholesale sales, rentals of
1617 equipment, goods, or products, offices, restaurants, food
1618 service vendors, sports arenas, theaters, and tourist
1619 attractions.

1620 (30) "Industrial use" means activities associated with the
1621 manufacture, assembly, processing, or storage of products, or
1622 the performance of services relating thereto. The term includes,
1623 but is not limited to, such uses or activities as automobile
1624 manufacturing or repair, boat manufacturing or repair, junk

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1625 yards, meat packing facilities, citrus processing and packing
1626 facilities, produce processing and packing facilities,
1627 electrical generating plants, water treatment plants, sewage
1628 treatment plants, and solid waste disposal sites.

1629 (31) "Zoning category" means the designation under the Land
1630 Development Regulations or other similar ordinance enacted to
1631 regulate the use of land, as provided in s. 163.3202(2)(b),
1632 which sets forth the allowable uses, restrictions, and
1633 limitations on use applicable to properties within the category.

1634 Section 34. Sections 479.261, 479.262, 479.27, 479.28, and
1635 479.30, Florida Statutes, are designated as part II of chapter
1636 479, Florida Statutes.

1637 Section 35. Subsections (1) and (5) of section 479.261,
1638 Florida Statutes, are amended to read:

1639 479.261 Logo sign program.—

1640 (1) The department shall establish a logo sign program for
1641 the rights-of-way of the interstate highway system to provide
1642 information to motorists about available gas, food, lodging,
1643 camping, attractions, and other services, as approved by the
1644 Federal Highway Administration, at interchanges through the use
1645 of business logos and may include additional interchanges under
1646 the program.

1647 (a) As used in this chapter, the term "attraction" means an
1648 establishment, site, facility, or landmark that is open a
1649 minimum of 5 days a week for 52 weeks a year; that has as its
1650 principal focus family-oriented entertainment, cultural,
1651 educational, recreational, scientific, or historical activities;
1652 and that is publicly recognized as a bona fide tourist
1653 attraction.

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1654 (b) The department shall incorporate the use of RV-friendly
1655 markers on specific information logo signs for establishments
1656 that cater to the needs of persons driving recreational
1657 vehicles. Establishments that qualify for participation in the
1658 specific information logo program and that also qualify as "RV-
1659 friendly" may request the RV-friendly marker on their specific
1660 information logo sign. An RV-friendly marker must consist of a
1661 design approved by the Federal Highway Administration. The
1662 department shall adopt rules in accordance with chapter 120 to
1663 administer this paragraph, including rules setting forth the
1664 minimum requirements that establishments must meet in order to
1665 qualify as RV-friendly. These requirements shall include large
1666 parking spaces, entrances, and exits that can easily accommodate
1667 recreational vehicles and facilities having appropriate overhead
1668 clearances, if applicable.

1669 ~~(c) The department may implement a 3-year, rotation-based~~
1670 ~~logo program providing for the removal and addition of~~
1671 ~~participating businesses in the program.~~

1672 (5) At a minimum, permit fees for businesses that
1673 participate in the program must be established in an amount
1674 sufficient to offset the total cost to the department for the
1675 program, including contract costs. The department shall provide
1676 the services in the most efficient and cost-effective manner
1677 through department staff or by contracting for some or all of
1678 the services. The department shall adopt rules that set
1679 reasonable rates based upon factors such as population, traffic
1680 volume, market demand, and costs for annual permit fees.
1681 However, annual permit fees for sign locations inside an urban
1682 area, as defined in s. 334.03(32), may not exceed \$3,500 ~~\$5,000~~,

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1683 and annual permit fees for sign locations outside an urban area,
1684 as defined in s. 334.03(32), may not exceed \$2,000 ~~\$2,500~~. After
1685 recovering program costs, the proceeds from the annual permit
1686 fees shall be deposited into the State Transportation Trust Fund
1687 and used for transportation purposes.

1688 Section 36. Part III of chapter 479, Florida Statutes,
1689 consisting of sections 479.310, 479.311, 479.312, 479.313, and
1690 479.314, is created to read:

1691 479.310 Legislative intent.—It is the intent of the
1692 Legislature that this part relieve the Department of
1693 Transportation from the financial burden incurred in the removal
1694 of unpermitted and illegal signs located within the controlled
1695 areas adjacent to the state highway system, interstate, or
1696 federal-aid primary system; to place the financial
1697 responsibility for the cost of such removal directly upon those
1698 benefiting from the location and operation of such unpermitted
1699 and illegal signs; and to provide clear authority to the
1700 department for the recovery of costs incurred by the department
1701 in the removal of such unpermitted and illegal signs.

1702 479.311 Jurisdiction; venue.—The county court shall have
1703 jurisdiction concurrent with the circuit court to consider
1704 claims filed by the department in amounts that are within their
1705 jurisdictional limitations. Venue shall be in Leon County for
1706 the purpose of a claim filed by the department to recover its
1707 costs as provided in this section.

1708 479.312 Unpermitted signs; cost of removal.—All costs
1709 incurred by the department in connection with the removal of a
1710 sign located within a controlled area adjacent to the interstate
1711 highway system, the federal-aid primary highway system, or the

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1712 state highway system shall be assessed against and collected
1713 from the following persons if they have not been issued a permit
1714 under part I of this chapter:

1715 (1) The owner of the sign;

1716 (2) The advertiser displayed on the sign; or

1717 (3) The owner of the property upon which the sign is
1718 located.

1719

1720 For the purpose of this subsection, a sign that does not display
1721 the name of the owner of the sign shall be presumed to be owned
1722 by the owner of the property upon which the sign is located.

1723 479.313 Permit revocation; cost of removal.—All costs
1724 incurred by the department in connection with the removal of a
1725 sign located within a controlled area adjacent to the interstate
1726 highway system, the federal-aid primary highway system, or the
1727 state highway system following the revocation of the permit for
1728 such sign shall be assessed against and collected from the
1729 permittee.

1730 479.314 Highway rights-of-way; cost of sign removal.—All
1731 costs incurred by the department in connection with the removal
1732 of a sign located within a right-of-way of the interstate
1733 highway system, the federal-aid primary highway system, or the
1734 state highway system shall be assessed against and collected
1735 from the owner of the sign or the advertiser displayed on the
1736 sign.

1737 Section 37. Section 705.18, Florida Statutes, is amended to
1738 read:

1739 705.18 Disposal of personal property lost or abandoned on
1740 university or community college campuses ~~or certain public use~~

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1741 ~~airports~~; disposition of proceeds from sale thereof.-

1742 (1) Whenever any lost or abandoned personal property is
1743 ~~shall be~~ found on a campus of an institution in the State
1744 University System or a campus of a state-supported community
1745 college, ~~or on premises owned or controlled by the operator of a~~
1746 ~~public-use airport having regularly scheduled international~~
1747 ~~passenger service~~, the president of the institution or the
1748 president's designee ~~or the director of the airport or the~~
1749 ~~director's designee~~ shall take charge thereof and make a record
1750 of the date such property was found. If, within 30 days after
1751 such property is found, or a longer period of time as may be
1752 deemed appropriate by the president ~~or the director~~ under the
1753 circumstances, the property ~~it~~ is not claimed by the owner, the
1754 president ~~or director~~ shall order it sold at public outcry after
1755 giving notice of the time and place of sale in a publication of
1756 general circulation on the campus of such institution ~~or within~~
1757 ~~the county where the airport is located~~ and written notice to
1758 the owner if known. The rightful owner of such property may
1759 reclaim the same at any time prior to sale.

1760 (2) All moneys realized from such institution's sale shall
1761 be placed in an appropriate fund and used solely for student
1762 scholarship and loan purposes. ~~All moneys realized from such~~
1763 ~~sale by an airport, less its costs of storage, transportation,~~
1764 ~~and publication of notice, shall, unless another use is required~~
1765 ~~by federal law, be deposited into the state school fund.~~

1766 Section 38. Section 705.182, Florida Statutes, is created
1767 to read:

1768 705.182 Disposal of personal property found on the premises
1769 of public-use airports.-

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1770 (1) Whenever any personal property, other than aircraft or
1771 motor vehicles, is found on premises owned or controlled by the
1772 operator of a public-use airport, the director of the airport or
1773 the director's designee shall take charge thereof and make a
1774 record of the date such property was found.

1775 (2) If within 30 calendar days after such property is
1776 found, or for such longer period of time as may be deemed
1777 appropriate by the director or the director's designee, under
1778 the circumstances, the property is not claimed by the owner, the
1779 director or the director's designee may:

1780 (a) Retain any or all of the property for the airport's own
1781 use or for use by the state or unit of local government owning
1782 or operating the airport;

1783 (b) Trade such property to another unit of local government
1784 or state agency;

1785 (c) Donate the property to a charitable organization;

1786 (d) Sell the property; or

1787 (e) Dispose of the property through an appropriate refuse
1788 removal company or a company that provides salvage services for
1789 the type of personal property found or located on the airport.

1790
1791 The airport shall notify the owner, if known, of property found
1792 on the airport and that the airport intends to dispose of the
1793 property in any of the manners permitted in this section.

1794 (3) If the airport elects to sell the property pursuant to
1795 paragraph (2) (d), the property must be sold at a public auction
1796 on the Internet or at a specified physical location after giving
1797 notice of the time and place of sale, at least 10 calendar days
1798 before the date of sale, in a publication of general circulation

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1799 within the county where the airport is located and after written
1800 notice via certified mail, return receipt requested, is provided
1801 to the owner, if known. Any such notice is deemed sufficient if
1802 the notice refers to the airport's intention to sell all then-
1803 accumulated found property, and the notice need not identify
1804 each item to be sold. The rightful owner of such property may
1805 reclaim the property at any time before sale by presenting to
1806 the airport director or the director's designee acceptable
1807 evidence of ownership. All proceeds from the sale of the
1808 property shall be retained by the airport for use by the airport
1809 in any lawfully authorized manner.

1810 (4) This section does not preclude the airport from
1811 allowing a domestic or international air carrier or other tenant
1812 on premises owned or controlled by the operator of a public-use
1813 airport from establishing its own lost and found procedures for
1814 personal property and from disposing of such personal property.

1815 (5) A purchaser or recipient in good faith of personal
1816 property sold or obtained under this section takes the property
1817 free of the rights of persons then holding any legal or
1818 equitable interest thereto, regardless of whether such interest
1819 is recorded.

1820 Section 39. Section 705.183, Florida Statutes, is created
1821 to read:

1822 705.183 Disposal of derelict or abandoned aircraft on the
1823 premises of public-use airports.-

1824 (1) Whenever any derelict or abandoned aircraft is found or
1825 located on premises owned or controlled by the operator of a
1826 public-use airport, whether such premises are under a lease or
1827 license to third parties, the director of the airport or the

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1828 director's designee shall make a record of the date such
1829 aircraft was found or determined to be present on the airport.
1830 The term "derelict aircraft" means any aircraft that is not in a
1831 flyable condition, does not have a current certificate of air
1832 worthiness issued by the Federal Aviation Administration, or is
1833 not in the process of actively being repaired. The term
1834 "abandoned aircraft" means an aircraft that has been disposed of
1835 on a public-use airport in a wrecked, inoperative, or partially
1836 dismantled condition, or an aircraft that has remained in an
1837 idle state on the premises owned or controlled by the operator
1838 of a public-use airport for 45 consecutive calendar days.

1839 (2) The director or the director's designee shall contact
1840 the Aircraft Registration Branch of the Federal Aviation
1841 Administration in order to determine the name and address of the
1842 last registered aircraft owner and make a diligent personal
1843 search of the appropriate records, or contact an aircraft title
1844 search company, in order to determine the name and address of
1845 any person having an equitable or legal interest in the
1846 aircraft. Within 10 business days after receipt of this
1847 information, the director or the director's designee shall
1848 notify the owner and all persons having an equitable or legal
1849 interest in the aircraft by certified mail, return receipt
1850 requested, advising them of the location of the derelict or
1851 abandoned aircraft on the airport; that fees and charges for the
1852 use of the airport by the aircraft have accrued and the amount
1853 thereof; that the aircraft is subject to a lien as provided in
1854 subsection (5) for the accrued fees and charges for the use of
1855 the airport and for the transportation, storage, and removal of
1856 the aircraft; that the lien is subject to enforcement pursuant

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1857 to law; and that the airport may cause the use, trade, sale, or
1858 removal of the aircraft as described in s. 705.182(2)(a), (b),
1859 (d), and (e) if, within 30 calendar days after the date of
1860 receipt of such notice, the aircraft has not been removed from
1861 the airport upon payment in full of all accrued fees and charges
1862 for the use of the airport and for the transportation, storage,
1863 and removal of the aircraft. Such notice may require removal of
1864 the aircraft in less than 30 calendar days if the aircraft poses
1865 a danger to the health or safety of users of the airport, as
1866 determined by the director or the director's designee.

1867 (3) If the owner of the aircraft is unknown or cannot be
1868 found, the director or the director's designee shall cause a
1869 laminated notice to be placed upon such aircraft in
1870 substantially the following form:

1871
1872 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE
1873 ATTACHED PROPERTY. This property, to wit: ...(setting
1874 forth brief description)... is unlawfully upon public
1875 property known as ...(setting forth brief description
1876 of location)... and has accrued fees and charges for
1877 the use of the ...(same description of location as
1878 above)... and for the transportation, storage, and
1879 removal of the property. These accrued fees and
1880 charges must be paid in full and the property must be
1881 removed within 30 calendar days following the date of
1882 this notice; otherwise, the property will be removed
1883 and disposed of pursuant to chapter 705, Florida
1884 Statutes. The property is subject to a lien for all
1885 accrued fees and charges for the use of the public

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1886 property known as ... (same description of location as
1887 above) ... by such property and for all fees and
1888 charges incurred by the public property known as
1889 ... (same description of location as above) ... for the
1890 transportation, storage, and removal of the property.
1891 This lien is subject to enforcement pursuant to law.
1892 The owner will be liable for these fees and charges,
1893 as well as the cost for publication of this notice.
1894 Dated this: ... (setting forth the date of posting of
1895 notice) ..., signed: ... (setting forth name, title,
1896 address, and telephone number of law enforcement
1897 officer)

1898
1899 Such notice must be at least 8 inches by 10 inches and
1900 sufficiently weatherproof to withstand normal exposure to the
1901 elements. If, at the end of 30 calendar days after posting the
1902 notice, the owner or any person interested in the derelict or
1903 abandoned aircraft described has not removed the aircraft from
1904 the airport upon payment in full of all accrued fees and charges
1905 for the use of the airport and for the transportation, storage,
1906 and removal of the aircraft, or shown reasonable cause for
1907 failure to do so, the director or the director's designee may
1908 cause the use, trade, sale, or removal of the aircraft as
1909 described in s. 705.182(2)(a), (b), (d), and (e).

1910 (4) Such aircraft shall be removed within the time period
1911 specified in the notice provided under subsection (2) or (3).
1912 If, at the end of such period, the owner or any person
1913 interested in the derelict or abandoned aircraft has not removed
1914 the aircraft from the airport upon payment in full of all

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1915 accrued fees and charges for the use of the airport and for the
1916 transportation, storage, and removal of the aircraft, or shown
1917 reasonable cause for the failure to do so, the director or the
1918 director's designee may cause the use, trade, sale, or removal
1919 of the aircraft as described in s. 705.182(2) (a), (b), (d), and
1920 (e).

1921 (a) If the airport elects to sell the aircraft in
1922 accordance with s. 705.182(2) (d), the aircraft must be sold at
1923 public auction after giving notice of the time and place of sale
1924 at least 10 calendar days before the date of sale in a
1925 publication of general circulation within the county where the
1926 airport is located and after providing written notice of the
1927 intended sale to all parties known to have an interest in the
1928 aircraft.

1929 (b) If the airport elects to dispose of the aircraft in
1930 accordance with s. 705.182(2) (e), the airport may negotiate with
1931 the company for a price to be received from such company in
1932 payment for the aircraft, or, if circumstances warrant, a price
1933 to be paid to such company by the airport for the costs of
1934 disposing of the aircraft. All information pertaining to the
1935 establishment of such price and the justification for the amount
1936 of such price shall be prepared and maintained by the airport,
1937 and such negotiated price shall be deemed to be a commercially
1938 reasonable price.

1939 (c) If the sale price or the negotiated price is less than
1940 the airport's then-current charges and costs against the
1941 aircraft, or if the airport is required to pay the salvage
1942 company for its services, the owner of the aircraft remains
1943 liable to the airport for the airport's costs that are not

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1944 offset by the sale price or negotiated price, in addition to the
1945 owner's liability for payment to the airport of the price the
1946 airport was required to pay any salvage company. All costs
1947 incurred by the airport in the removal, storage, and sale of any
1948 aircraft are recoverable against the owner thereof.

1949 (5) The airport has a lien on derelict or abandoned
1950 aircraft for all fees and charges for the use of the airport by
1951 such aircraft and for all fees and charges incurred by the
1952 airport for the transportation, storage, and removal of the
1953 aircraft. As a prerequisite to perfecting a lien under this
1954 section, the airport director or the director's designee must
1955 serve a notice in accordance with subsection (2) on the last
1956 registered owner and all persons having an equitable or legal
1957 interest in the aircraft. The serving of the notice does not
1958 dispense with recording the claim of lien.

1959 (6) (a) For the purpose of perfecting its lien under this
1960 section, the airport shall record a claim of lien which must
1961 state:

- 1962 1. The name and address of the airport.
- 1963 2. The name of the last registered aircraft owner and all
1964 persons having a legal or equitable interest in the aircraft.
- 1965 3. The fees and charges incurred by the aircraft for the
1966 use of the airport, and the fees and charges for the
1967 transportation, storage, and removal of the aircraft.
- 1968 4. A description of the aircraft sufficient for
1969 identification.

1970 (b) The claim of lien shall be signed and sworn to or
1971 affirmed by the airport director or the director's designee.

1972 (c) The claim of lien shall be sufficient if it is in

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1973 substantially the following form:

1974

1975 CLAIM OF LIEN

1976 State of

1977 County of

1978 Before me, the undersigned notary public, personally
1979 appeared, who was duly sworn and says that he/she is
1980 the of, whose address is; and that the
1981 following described aircraft:

1982 (Description of aircraft)

1983 owned by, whose address is, has
1984 accrued \$.... in fees and charges for the use by the aircraft of
1985 and for the transportation, storage, and removal of the
1986 aircraft from; that the lienor served its notice to the
1987 last registered owner and all persons having a legal or
1988 equitable interest in the aircraft on, ... (year)...., by
1989

1990 ... (Signature)...

1991 Sworn to (or affirmed) and subscribed before me this
1992 day of, ... (year)...., by ... (name of person making
1993 statement)....

1994 ... (Signature of Notary Public)..... (Print, Type, or Stamp
1995 Commissioned name of Notary Public)...

1996 ... Personally Known or Produced as Identification....

1997

1998 However, the negligent inclusion or omission of any information
1999 in this claim of lien which does not prejudice the last
2000 registered owner does not constitute a default that operates to
2001 defeat an otherwise valid lien.

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2002 (d) The claim of lien shall be served on the last
2003 registered aircraft owner and all persons having an equitable or
2004 legal interest in the aircraft. The claim of lien shall be
2005 served before recordation.

2006 (e) The claim of lien shall be recorded in the clerk's
2007 office. The recording of the claim of lien constitutes
2008 constructive notice to all persons of the contents and effect of
2009 such claim. The lien attaches at the time of recordation and
2010 takes priority as of that time.

2011 (7) A purchaser or recipient in good faith of an aircraft
2012 sold or obtained under this section takes the property free of
2013 the rights of persons then holding any legal or equitable
2014 interest thereto, whether recorded or not. The purchaser or
2015 recipient shall notify the appropriate Federal Aviation
2016 Administration office of such change in the registered owner of
2017 the aircraft.

2018 (8) If the aircraft is sold at public sale, the airport
2019 shall deduct from the proceeds of sale the costs of
2020 transportation, storage, and publication of notice and all other
2021 costs reasonably incurred by the airport, and any balance of the
2022 proceeds shall be deposited into an interest-bearing account
2023 within 30 calendar days after the airport's receipt of the
2024 proceeds and held there for 1 year. The rightful owner of the
2025 aircraft may claim the balance of the proceeds within 1 year
2026 after the date of the deposit by making application to the
2027 airport and presentation to the airport's director or the
2028 director's designee of acceptable written evidence of ownership.
2029 If no rightful owner comes forward with a claim to the proceeds
2030 within the 1-year period, the balance of the proceeds shall be

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2031 retained by the airport to be used in any legally authorized
2032 manner.

2033 (9) Any person acquiring a legal interest in an aircraft
2034 that is sold by an airport under the provisions of s. 705.182 or
2035 this section is the lawful owner of such aircraft and all other
2036 legal or equitable interests in such aircraft are divested and
2037 of no further force and effect if the holder of any such legal
2038 or equitable interest was notified of the intended disposal of
2039 the aircraft to the extent required in this section. The airport
2040 may issue documents of disposition to the purchaser or recipient
2041 of an aircraft disposed of under this section.

2042 Section 40. Section 705.184, Florida Statutes, is created
2043 to read:

2044 705.184 Derelict or abandoned motor vehicles on the
2045 premises of public-use airports.-

2046 (1) Whenever any derelict or abandoned motor vehicle is
2047 found on premises owned or controlled by the operator of a
2048 public-use airport, including airport premises leased to third
2049 parties, the director of the airport or the director's designee
2050 may take charge thereof and make a record of the date such motor
2051 vehicle was found. The term "derelict motor vehicle" means any
2052 motor vehicle that is not in a drivable condition. The term
2053 "abandoned motor vehicle" means a motor vehicle that has been
2054 disposed of on a public-use airport in a wrecked, inoperative,
2055 or partially dismantled condition, or a motor vehicle that has
2056 remained in an idle state on a public-use airport for 45
2057 consecutive calendar days. After the information relating to the
2058 derelict or abandoned motor vehicle is recorded in the airport's
2059 records, the director or the director's designee may cause the

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2060 motor vehicle to be removed from airport premises by the
2061 airport's own wrecker or by a licensed independent wrecking
2062 company and stored at a suitable location on or off the airport
2063 premises. If the director or the director's designee causes the
2064 motor vehicle to be removed from airport premises by the
2065 airport's own wrecker, the airport is subject to the procedures
2066 set forth in subsections (2)-(8). If the director or the
2067 director's designee causes the motor vehicle to be removed from
2068 the airport premises by a licensed independent wrecking company,
2069 the airport is not subject to the procedures set forth in
2070 subsections (2)-(8).

2071 (2) The airport director or the director's designee shall
2072 contact the Department of Highway Safety and Motor Vehicles in
2073 order to notify the department that the airport has possession
2074 of the subject motor vehicle and in order to determine the name
2075 and address of the owner of the motor vehicle, the insurance
2076 company insuring the motor vehicle notwithstanding the
2077 provisions of s. 627.736, and any person who has filed a lien on
2078 the motor vehicle. Within 7 business days after receipt of this
2079 information, the director or the director's designee shall send
2080 notice by certified mail, return receipt requested, to the owner
2081 of the motor vehicle, the insurance company insuring the motor
2082 vehicle notwithstanding the provisions of s. 627.736, and all
2083 persons of record claiming a lien against the motor vehicle. The
2084 notice must state the fact of possession of the motor vehicle;
2085 that charges for a reasonable tow fee, a reasonable storage fee,
2086 or accrued parking fees, if any, have accrued and the amount
2087 thereof; that a lien as provided in subsection (6) will be
2088 claimed; that the lien is subject to enforcement pursuant to

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2089 law; that the owner or lienholder, if any, has the right to a
2090 hearing as set forth in subsection (4); and that any motor
2091 vehicle which, at the end of 30 calendar days after receipt of
2092 the notice, has not been removed from the airport upon payment
2093 in full of all accrued charges for a reasonable tow fee, a
2094 reasonable storage fee, and parking fees, if any, may be
2095 disposed of in any of the manners set forth in s. 705.182(2) (a),
2096 (b), (d), and (e), including, but not limited to, the motor
2097 vehicle being sold free of all prior liens after 35 calendar
2098 days after the date on which the motor vehicle is stored if any
2099 prior liens on the motor vehicle are more than 5 years of age,
2100 or after 50 calendar days after the date on which the motor
2101 vehicle is stored if any prior liens on the motor vehicle are 5
2102 years of age or less.

2103 (3) If attempts to notify the owner or lienholder pursuant
2104 to subsection (2) prove unsuccessful, the requirement of notice
2105 by mail is deemed met and the director or the director's
2106 designee, in accordance with the requirements of subsection (5),
2107 may cause the motor vehicle to be disposed of in any of the
2108 manners set forth in s. 705.182(2) (a), (b), (d), and (e),
2109 including, but not limited to, the motor vehicle being sold free
2110 of all prior liens after 35 calendar days after the date on
2111 which the motor vehicle is stored if any prior liens on the
2112 motor vehicle are more than 5 years of age, or after 50 calendar
2113 days after the date on which the motor vehicle is stored if any
2114 prior liens on the motor vehicle are 5 years of age or less.

2115 (4) (a) The owner of, or any person with a lien on, a motor
2116 vehicle removed pursuant to subsection (1) within 10 calendar
2117 days after he or she obtains knowledge of the location of the

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2118 motor vehicle, may file a complaint in the county court of the
2119 county in which the motor vehicle is stored to determine if his
2120 or her property was wrongfully taken or withheld.

2121 (b) Upon filing a complaint, an owner or lienholder may
2122 have his or her motor vehicle released upon posting with the
2123 court a cash or surety bond or other adequate security equal to
2124 the amount of the fees for towing, storage, and accrued parking,
2125 if any, to ensure the payment of such fees in the event he or
2126 she does not prevail. Upon the posting of the bond or other
2127 adequate security and the payment of any applicable fee, the
2128 clerk of the court shall issue a certificate notifying the
2129 airport of the posting of the bond or other adequate security
2130 and directing the airport to release the motor vehicle. At the
2131 time of such release, after reasonable inspection, the owner or
2132 lienholder shall give a receipt to the airport reciting any
2133 claims he or she has for loss or damage to the motor vehicle or
2134 the contents thereof.

2135 (5) If, after 30 calendar days after receipt of the notice,
2136 the owner or any person claiming a lien has not removed the
2137 motor vehicle from its storage location upon payment in full of
2138 all accrued charges for a reasonable tow fee, a reasonable
2139 storage fee, and parking fees, if any, or shown reasonable cause
2140 for the failure to do so, the airport director or the director's
2141 designee may dispose of the motor vehicle by any of the manners
2142 set forth in s. 705.182(2) (a), (b), (d), and (e). If the airport
2143 elects to sell the motor vehicle pursuant to s. 705.182(2) (d),
2144 the motor vehicle may be sold free of all prior liens after 35
2145 calendar days after the date on which the motor vehicle is
2146 stored if any prior liens on the motor vehicle are more than 5

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2147 years of age, or after 50 calendar days after the date on which
2148 the motor vehicle is stored if any prior liens on the motor
2149 vehicle are 5 years of age or less. The sale shall be a public
2150 auction on the Internet or at a specified physical location. If
2151 the date of the sale was not included in the notice required in
2152 subsection (2), notice of the sale sent by certified mail,
2153 return receipt requested, shall be given to the owner of the
2154 motor vehicle and to all persons claiming a lien on the motor
2155 vehicle. Such notice shall be mailed at least 10 calendar days
2156 before the date of the sale. In addition to the notice by mail,
2157 public notice of the time and place of the sale at auction shall
2158 be made by publishing a notice thereof one time, at least 10
2159 calendar days before the date of sale, in a newspaper of general
2160 circulation in the county in which the sale is to be held. All
2161 costs incurred by the airport for the towing, storage, and sale
2162 of the motor vehicle, as well as all accrued parking fees, if
2163 any, shall be recovered by the airport from the proceeds of the
2164 sale, and any proceeds of the sale in excess of these costs
2165 shall be retained by the airport for use by the airport in any
2166 lawfully authorized manner.

2167 (6) Pursuant to this section, the airport or, if used, a
2168 licensed independent wrecking company pursuant to s. 713.78, has
2169 a lien on a derelict or abandoned motor vehicle for a reasonable
2170 tow fee, a reasonable storage fee, and all accrued parking fees,
2171 if any; except that a storage fee may not be charged if the
2172 vehicle is stored less than 6 hours. As a prerequisite to
2173 perfecting a lien under this section, the airport director or
2174 the director's designee must serve a notice in accordance with
2175 subsection (2) on the owner of the motor vehicle, the insurance

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2176 company insuring the motor vehicle notwithstanding the
2177 provisions of s. 627.736, and all persons of record claiming a
2178 lien against the motor vehicle. If attempts to notify the owner,
2179 the insurance company insuring the motor vehicle notwithstanding
2180 the provisions of s. 627.736, or lienholders prove unsuccessful,
2181 the requirement of notice by mail will be considered met. The
2182 servicing of the notice does not dispense with recording the claim
2183 of lien.

2184 (7) (a) For the purpose of perfecting its lien under this
2185 section, the airport shall record a claim of lien, which must
2186 state:

2187 1. The name and address of the airport.

2188 2. The name of the owner of the motor vehicle, the
2189 insurance company insuring the motor vehicle notwithstanding the
2190 provisions of s. 627.736, and all persons of record claiming a
2191 lien against the motor vehicle.

2192 3. The fees incurred for a reasonable tow, reasonable
2193 storage, and parking, if any.

2194 4. A description of the motor vehicle sufficient for
2195 identification.

2196 (b) The claim of lien shall be signed and sworn to or
2197 affirmed by the airport director or the director's designee.

2198 (c) The claim of lien is sufficient if it is in
2199 substantially the following form:

2200

2201 CLAIM OF LIEN

2202 State of

2203 County of

2204 Before me, the undersigned notary public, personally

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2205 appeared, who was duly sworn and says that he/she is
 2206 the of, whose address is; and that
 2207 the following described motor vehicle:

2208 ...(Description of motor vehicle)...
 2209 owned by, whose address is, has accrued
 2210 \$. in fees for a reasonable tow, for storage, and for
 2211 parking, if applicable; that the lienor served its notice to the
 2212 owner, the insurance company insuring the motor vehicle
 2213 notwithstanding the provisions of s. 627.736, and all persons of
 2214 record claiming a lien against the motor vehicle on,
 2215 ...(year)...., by

2216 ...(Signature)...
 2217 Sworn to (or affirmed) and subscribed before me this
 2218 day of, ...(year)...., by ...(name of person making
 2219 statement)....

2220 ...(Signature of Notary Public).... (...Print, Type, or Stamp
 2221 Commissioned name of Notary Public)...
 2222 ...Personally Known or Produced as Identification....

2223
 2224 However, the negligent inclusion or omission of any information
 2225 in this claim of lien which does not prejudice the owner does
 2226 not constitute a default that operates to defeat an otherwise
 2227 valid lien.

2228 (d) The claim of lien shall be served on the owner of the
 2229 motor vehicle, the insurance company insuring the motor vehicle
 2230 notwithstanding the provisions of s. 627.736, and all persons of
 2231 record claiming a lien against the motor vehicle. If attempts to
 2232 notify the owner, the insurance company insuring the motor
 2233 vehicle notwithstanding the provisions of s. 627.736, or

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2234 lienholders prove unsuccessful, the requirement of notice by
2235 mail will be deemed met. The claim of lien shall be served
2236 before recordation.

2237 (e) The claim of lien shall be recorded in the clerk's
2238 office. The recording of the claim of lien is constructive
2239 notice to all persons of the contents and effect of such claim.
2240 The lien attaches at the time of recordation and takes priority
2241 as of that time.

2242 (8) A purchaser or recipient in good faith of a motor
2243 vehicle sold or obtained under this section takes the property
2244 free of the rights of persons then holding any legal or
2245 equitable interest thereto, regardless of whether such interest
2246 is recorded.

2247 Section 41. This act shall take effect July 1, 2010.