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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2009	.	
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The Committee on Transportation (Gardiner) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 9 - 10  
and insert:

Section 1. Paragraph (b) of subsection (4) of section 163.3180, Florida Statutes, is amended to read:

(4) (b) The concurrency requirement as implemented in local comprehensive plans does not apply to public transit facilities. For the purposes of this paragraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or



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12 transfer facilities; fixed bus, guideway, and rail stations; and  
13 airport passenger terminals and concourses, air cargo  
14 facilities, and hangars for the assembly, manufacture,  
15 maintenance or storage of aircraft. As used in this paragraph,  
16 the terms "terminals" and "transit facilities" do not include  
17 seaports or commercial or residential development constructed in  
18 conjunction with a public transit facility.

19 Section 2. Section 316.29545, Florida Statutes, is amended  
20 to read:

21 316.29545 Window suncreening exclusions; medical  
22 exemption; certain law enforcement vehicles and private  
23 investigative service vehicles exempt.-

24 (1) The department shall issue medical exemption  
25 certificates to persons who are afflicted with Lupus or similar  
26 medical conditions which require a limited exposure to light,  
27 which certificates shall entitle the person to whom the  
28 certificate is issued to have sunscreening material on the  
29 windshield, side windows, and windows behind the driver which is  
30 in violation of the requirements of ss. 316.2951-316.2957. The  
31 department shall provide, by rule, for the form of the medical  
32 certificate authorized by this section. At a minimum, the  
33 medical exemption certificate shall include a vehicle  
34 description with the make, model, year, vehicle identification  
35 number, medical exemption decal number issued for the vehicle,  
36 and the name of the person or persons who are the registered  
37 owners of the vehicle. A medical exemption certificate shall be  
38 nontransferable and shall become null and void upon the sale or  
39 transfer of the vehicle identified on the certificate.

40 (2) The department shall exempt all law enforcement



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41 vehicles used in undercover or canine operations from the window  
42 sunscreening requirements of ss. 316.2951-316.2957.

43 (3) The department shall exempt from the window  
44 sunscreening restrictions of ss. 316.2953, 316.2954, and  
45 316.2956 vehicles owned or leased by private investigative  
46 agencies licensed under chapter 493 and used in homeland  
47 security functions on behalf of federal, state, or local  
48 authorities; executive protection activities; undercover,  
49 covert, or surveillance operations involving child abductions,  
50 convicted sex offenders, insurance fraud, or missing persons or  
51 property; or investigative activities in which evidence is being  
52 obtained for civil or criminal court proceedings.

53 (4)~~(3)~~ The department may charge a fee in an amount  
54 sufficient to defray the expenses of issuing a medical exemption  
55 certificate as described in subsection (1).

56 Section 3. Subsection (14) of section 316.515, Florida  
57 Statutes, is amended to read:

58 316.515 Maximum width, height, length.—

59 (14) MANUFACTURED BUILDINGS.—The Department of  
60 Transportation may, in its discretion and upon application and  
61 good cause shown therefor that the same is not contrary to the  
62 public interest, issue a special permit for truck tractor-  
63 semitrailer combinations where the total number of overwidth  
64 deliveries of manufactured buildings, as defined in s.  
65 553.36(13), may be reduced by permitting the use of multiple  
66 sections or single units on an overlength trailer of no more  
67 than 80 ~~54~~ feet.

68 Section 4. Subsection (3) of section 316.545, Florida  
69 Statutes, is amended to read:



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70 316.545 Weight and load unlawful; special fuel and motor  
71 fuel tax enforcement; inspection; penalty; review.—

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

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

78 (b) Five cents per pound for each pound of weight in excess  
79 of the maximum herein provided when the excess weight exceeds  
80 200 pounds. However, whenever the gross weight of the vehicle or  
81 combination of vehicles does not exceed the maximum allowable  
82 gross weight, the maximum fine for the first 600 pounds of  
83 unlawful axle weight shall be \$10;

84 (c) For a vehicle equipped with fully functional idle-  
85 reduction technology, any penalty shall be calculated by  
86 reducing the actual gross vehicle weight or the internal bridge  
87 weight by the certified weight of the idle-reduction technology  
88 or by 400 pounds, whichever is less. The vehicle operator must  
89 present written certification of the weight of the idle-  
90 reduction technology and must demonstrate or certify that the  
91 idle-reduction technology is fully functional at all times. This  
92 calculation is not allowed for vehicles described in s.  
93 316.535 (6);

94 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.  
95 320.01, operating on the highways of this state without being  
96 properly licensed and registered shall be subject to the  
97 penalties as herein provided; and

98 (e)~~(d)~~ Vehicles operating on the highways of this state



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99 from nonmember International Registration Plan jurisdictions  
100 which are not in compliance with the provisions of s. 316.605  
101 shall be subject to the penalties as herein provided.

102 Section 5. Section 336.445, Florida Statutes, is created to  
103 read:

104 336.445 Public-private partnerships with counties.

105 (1) Notwithstanding any other provision of law or  
106 ordinance, a county may enter into agreements with private  
107 entities, or a consortia thereof, for the building, operation,  
108 ownership, or financing of toll facilities as part of the county  
109 road system under the following circumstances:

110 (a) The county has publically declared at a properly  
111 noticed commission meeting the need for a toll facility and a  
112 desire to contract with a private entity for the building,  
113 operation, ownership, or financing of a toll facility; and

114 (b) The county establishes after a public hearing that the  
115 proposal includes unique benefits and that adoption of the  
116 project is not contrary to the interest of the public.

117 (2) Before awarding the project to a private entity, the  
118 county must determine that the proposed project:

119 (a) Is not contrary to the public's interest;

120 (b) Would not require state funds to be used;

121 (c) Would have adequate safeguards in place to ensure that  
122 no additional costs or service disruptions would be realized by  
123 the travelling public in the event of default or cancellation of  
124 the agreement by the county; and

125 (d) Would have adequate safeguards in place to ensure that  
126 the county or the private entity has the opportunity to add  
127 capacity to the proposed project and other transportation



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128 facilities serving similar origins and destinations.

129 (3) Any agreement between a county and a private entity, or  
130 consortia thereof, must address the following:

131 (a) Regulations governing the future increase of toll or  
132 fare revenues; and

133 (b) That the private entity shall provide an investment  
134 grade traffic and revenue study prepared by an internationally  
135 recognized traffic and revenue expert that is accepted by the  
136 national bond rating agencies. The private entity shall also  
137 provide a finance plan than identifies the project cost,  
138 revenues by source, financing, major assumptions, internal rate  
139 of return on private investment, whether any government funds  
140 are assumed to deliver a cost-feasible project, and a total cash  
141 flow analysis beginning with the implementation of the project  
142 and extending for the term of the agreement.

143 Section 6. Subsection (2) of section 337.0261, Florida  
144 Statutes, is amended to read:

145 337.0261 Construction aggregate materials.

146 (2) LEGISLATIVE INTENT. The Legislature finds that there is  
147 a strategic and critical need for an available supply of  
148 construction aggregate materials within the state and that a  
149 disruption of the supply would cause a significant detriment to  
150 the state's construction industry, transportation system, and  
151 overall health, safety, and welfare. In addition, the  
152 Legislature recognizes that construction aggregate materials  
153 mining is an industry of critical importance to the state and  
154 that the mining of construction aggregate materials is in the  
155 public interest.

156 Section 7. Section 705.18, Florida Statutes, is amended to



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157 read:

158 705.18 Disposal of personal property lost or abandoned on  
159 university or community college campuses ~~or certain public use~~  
160 ~~airports~~; disposition of proceeds from sale thereof.-

161 (1) Whenever any lost or abandoned personal property shall  
162 be found on a campus of an institution in the State University  
163 System or a campus of a state-supported community college, ~~or on~~  
164 ~~premises owned or controlled by the operator of a public-use~~  
165 ~~airport having regularly scheduled international passenger~~  
166 ~~service~~, the president of the institution or the president's  
167 designee ~~or the director of the airport or the director's~~  
168 ~~designee~~ shall take charge thereof and make a record of the date  
169 such property was found. If, within 30 days after such property  
170 is found, or a longer period of time as may be deemed  
171 appropriate by the president ~~or the director~~ under the  
172 circumstances, the property ~~it~~ is not claimed by the owner, the  
173 president ~~or director~~ shall order it sold at public outcry after  
174 giving notice of the time and place of sale in a publication of  
175 general circulation on the campus of such institution ~~or within~~  
176 ~~the county where the airport is located~~ and written notice to  
177 the owner if known. The rightful owner of such property may  
178 reclaim the same at any time prior to sale.

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

185 Section 8. Section 705.182, Florida Statutes, is created to



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186 read:

187 705.182 Disposal of personal property found on the premises  
188 of public-use airports.—

189 (1) Whenever any personal property, other than aircraft or  
190 motor vehicles, shall be found on premises owned or controlled  
191 by the operator of a public-use airport, the director of the  
192 airport or the director's designee shall take charge thereof and  
193 make a record of the date such property was found.

194 (2) If, within 30 calendar days after such property is  
195 found, or for such longer period of time as may be deemed  
196 appropriate by the director or the director's designee under the  
197 circumstances, the property is not claimed by the owner, the  
198 director or the director's designee may:

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

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

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

205 (d) Sell the property; or

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

209  
210 The airport shall be required to notify the owner, if  
211 known, of property found on the airport and that the airport  
212 intends to dispose of the property in any of the manners  
213 permitted herein.

214 (3) If the airport elects to sell the property under





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215 subsection (2)(d), the property must be sold at a public auction  
216 either on the internet or at a specified physical location,  
217 after giving notice of the time and place of sale, at least 10  
218 calendar days prior to the date of sale, in a publication of  
219 general circulation within the county where the airport is  
220 located and after written notice, via certified mail, return  
221 receipt requested, is provided to the owner, if known. Any such  
222 notice shall be sufficient if the notice refers to the airport's  
223 intention to sell all then-accumulated found property, and it  
224 shall not be required that the notice identify each item to be  
225 sold. The rightful owner of such property may reclaim the same  
226 at any time prior to sale by presenting to the airport director  
227 or the director's designee acceptable evidence of ownership. All  
228 proceeds from the sale of the property shall be retained by the  
229 airport for use by the airport in any lawfully authorized  
230 manner.

231 (4) Nothing herein shall preclude the airport from allowing  
232 a domestic or international air carrier or other tenant on  
233 premises owned or controlled by the operator of a public-use  
234 airport from establishing its own lost and found procedures for  
235 personal property and from disposing of such personal property.

236 (5) A purchaser or recipient in good faith of personal  
237 property sold or obtained under this section takes the property  
238 free of the rights of persons then holding any legal or  
239 equitable interest thereto, whether recorded or not.

240 Section 9. Section 705.183, Florida Statutes, is created to  
241 read:

242 705.183 Disposal of derelict or abandoned aircraft on the  
243 premises of public-use airports.-



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244           (1) Whenever any derelict or abandoned aircraft shall be  
245 found or located on premises owned or controlled by the operator  
246 of a public-use airport, whether such premises are under a lease  
247 or license to third parties, the director of the airport or the  
248 director's designee shall make a record of the date such  
249 aircraft was found or determined to be present on the airport. A  
250 derelict aircraft means any aircraft that is not in a flyable  
251 condition, does not have a current certificate of air worthiness  
252 issued by the Federal Aviation Administration, and/or is not in  
253 the process of actively being repaired. An abandoned aircraft  
254 means an aircraft that has been disposed of on a public-use  
255 airport in a wrecked, inoperative, or partially dismantled  
256 condition, or an aircraft that has remained in an idle state on  
257 premises owned or controlled by the operator of a public-use  
258 airport for 45 consecutive calendar days.

259           (2) The director or the director's designee shall contact  
260 the Federal Aviation Administration, Aircraft Registration  
261 Branch ("FAA") in order to determine the name and address of the  
262 last registered aircraft owner and shall make a diligent  
263 personal search of the appropriate records, or contact an  
264 aircraft title search company, in order to determine the name  
265 and address of any person having an equitable or legal interest  
266 in the aircraft. Within 10 business days of receipt of this  
267 information, the director or the director's designee shall  
268 notify the owner and all persons having an equitable or legal  
269 interest in the aircraft by certified mail, return receipt  
270 requested, advising them of the location of the derelict or  
271 abandoned aircraft on the airport, that fees and charges for the  
272 use of the airport by the aircraft have accrued and the amount



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273 thereof, that the aircraft is subject to a lien as provided in  
274 subsection (5) for the accrued fees and charges for the use of  
275 the airport and for the transportation, storage and removal of  
276 the aircraft, that the lien is subject to enforcement pursuant  
277 to law, and that the airport may cause the use, trade, sale or  
278 removal of the aircraft as described in s. 705.182(2) (a), (b), (d)  
279 and (e) if, within 30 calendar days from the date of receipt of  
280 such notice, the aircraft has not been removed from the airport  
281 upon payment in full of all accrued fees and charges for the use  
282 of the airport and for the transportation, storage and removal  
283 of the aircraft. Such notice may require removal of the aircraft  
284 in less than 30 calendar days if the aircraft poses a danger to  
285 the health or safety of users of the airport, as determined by  
286 the director or the director's designee.

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

291  
292 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE  
293 ATTACHED PROPERTY. This property, to wit: (setting forth brief  
294 description) is unlawfully upon public property known as  
295 (setting forth brief description of location) and has accrued  
296 fees and charges for the use of the (same description of  
297 location as above) and for the transportation, storage and  
298 removal of the property. These accrued fees and charges must be  
299 paid in full and the property must be removed within 30 calendar  
300 days from the date of this notice; otherwise, the property will  
301 be removed and disposed of pursuant to chapter 705, Florida



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302 Statutes. The property is subject to a lien for all accrued fees  
303 and charges for the use of the public property known as (same  
304 description of location as above) by such property and for all  
305 fees and charges incurred by the public property known as (same  
306 description of location as above) for the transportation,  
307 storage, and removal of the property. This lien is subject to  
308 enforcement pursuant to law. The owner will be liable for these  
309 fees and charges, as well as the cost for publication of this  
310 notice. Dated this: (setting forth the date of posting of  
311 notice), signed: (setting forth name, title, address, and  
312 telephone number of law enforcement officer).

313  
314 Such notice shall be not less than 8 inches by 10 inches  
315 and shall be sufficiently weatherproof to withstand normal  
316 exposure to the elements. If, at the end of 30 calendar days  
317 after posting the notice, the owner or any person interested in  
318 the derelict or abandoned aircraft described has not removed the  
319 aircraft from the airport upon payment in full of all accrued  
320 fees and charges for the use of the airport and for the  
321 transportation, storage and removal of the aircraft, or shown  
322 reasonable cause for failure to do so, the director or the  
323 director's designee may cause the use, trade, sale or removal of  
324 the aircraft as described in s. 705.182(2)(a), (b), (d) and (e).

325 (4) Such aircraft shall be removed within the time period  
326 specified in the notice provided under subsections (2) or (3).  
327 If at the end of such period of time the owner or any person  
328 interested in the derelict or abandoned aircraft described has  
329 not removed the aircraft from the airport upon payment in full  
330 of all accrued fees and charges for the use of the airport and



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331 for the transportation, storage and removal of the aircraft, or  
332 shown reasonable cause for the failure to do so, the director or  
333 the director's designee may cause the use, trade, sale or  
334 removal of the aircraft as described in s. 705.182(2) (a), (b), (d)  
335 and (e).

336 (a) If the airport elects to sell the aircraft in  
337 accordance with s. 705.182(2) (d), the aircraft must be sold at  
338 public auction after giving notice of the time and place of sale  
339 at least 10 calendar days prior to the date of sale in a  
340 publication of general circulation within the county where the  
341 airport is located and after providing written notice of the  
342 intended sale to all parties known to have an interest in the  
343 aircraft.

344 (b) If the airport elects to dispose of the aircraft in  
345 accordance with s.705.182(2) (e), the airport shall be entitled  
346 to negotiate with the company for a price to be received from  
347 such company in payment for the aircraft, or, if circumstances  
348 so warrant, a price to be paid to such company by the airport  
349 for the costs of disposing of the aircraft. All information  
350 pertaining to the establishment of such price and the  
351 justification for the amount of such price shall be prepared and  
352 maintained by the airport, and such negotiated price shall be  
353 deemed to be a commercially reasonable price.

354 (c) If the sale price or the negotiated price is less than  
355 the airport's then current charges and costs against the  
356 aircraft, or if the airport is required to pay the salvage  
357 company for its services, the owner of the aircraft shall remain  
358 liable to the airport for the airport's costs that are not  
359 offset by the sale price or negotiated price, in addition to the



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360 owner's liability for payment to the airport of the price the  
361 airport was required to pay any salvage company. All costs  
362 incurred by the airport in the removal, storage and sale of any  
363 aircraft shall be recoverable against the owner thereof.

364 (5) The airport will have a lien on derelict or abandoned  
365 aircraft for all fees and charges for the use of the airport by  
366 such aircraft and for all fees and charges incurred by the  
367 airport for the transportation, storage and removal of the  
368 aircraft. As a prerequisite to perfecting a lien under this  
369 section, the airport director or the director's designee must  
370 serve a notice in accordance with subsection (2) above on the  
371 last registered owner and all persons having an equitable or  
372 legal interest in the aircraft. The serving of the notice does  
373 not dispense with recording the claim of lien.

374 (6) (a) For the purpose of perfecting its lien under this  
375 section, the airport shall record a claim of lien which shall  
376 state:

- 377 1. The name and address of the airport.
- 378 2. The name of the last registered aircraft owner and all  
379 persons having a legal or equitable interest in the aircraft.
- 380 3. The fees and charges incurred by the aircraft for the  
381 use of the airport, and the fees and charges for the  
382 transportation, storage and removal of the aircraft.
- 383 4. A description of the aircraft sufficient for  
384 identification.

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

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



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CLAIM OF LIEN  
State of \_\_\_\_\_  
County of \_\_\_\_\_  
Before me, the undersigned notary public, personally  
appeared \_\_\_\_\_, who was duly sworn and says that he/she is the  
\_\_\_\_\_ of \_\_\_\_\_, whose address is \_\_\_\_\_; and that the  
following described aircraft:  
(Description of aircraft)  
owned by \_\_\_\_\_, whose address is \_\_\_\_\_, has  
accrued \$ \_\_\_\_\_ in fees and charges for the use by the  
aircraft of \_\_\_\_\_ and for the transportation, storage  
and removal of the aircraft from \_\_\_\_\_; that the  
lienor served its notice to the last registered owner and all  
persons having a legal or equitable interest in the aircraft on  
\_\_\_\_\_, (year), by \_\_\_\_\_.  
(Signature)  
Sworn to (or affirmed) and subscribed before me this  
day of \_\_\_\_\_, (year), by (name of person making statement).  
(Signature of Notary Public) (Print, Type or Stamp  
Commissioned name of Notary Public)  
Personally Known OR Produced \_\_\_\_\_ as identification.

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

(d) The claim of lien shall be served on the last  
registered aircraft owner and all persons having an equitable or



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418 legal interest in the aircraft. The claim of lien shall be so  
419 served before recordation.

420 (e) The claim of lien shall be recorded in the clerk's  
421 office. The recording of the claim of lien shall be constructive  
422 notice to all persons of the contents and effect of such claim.  
423 The lien shall attach at the time of recordation and shall take  
424 priority as of that time.

425 (7) A purchaser or recipient in good faith of an aircraft  
426 sold or obtained under this section takes the property free of  
427 the rights of persons then holding any legal or equitable  
428 interest thereto, whether recorded or not. Said purchaser or  
429 recipient is required to notify the appropriate Federal Aviation  
430 Administration office of such change in the registered owner of  
431 the aircraft.

432 (8) If the aircraft is sold at public sale, the airport  
433 shall deduct from the proceeds of sale the costs of  
434 transportation, storage, publication of notice, and all other  
435 costs reasonably incurred by the airport, and any balance of the  
436 proceeds shall be deposited into an interest-bearing account not  
437 later than 30 calendar days after the airport's receipt of the  
438 proceeds and held there for 1 year. The rightful owner of the  
439 aircraft may claim the balance of the proceeds within 1 year  
440 from the date of the above stated deposit by making application  
441 to the airport and presentation to the airport's director or the  
442 director's designee of acceptable written evidence of ownership.  
443 If no rightful owner comes forward with a claim to the proceeds  
444 within the 1 year time period, the balance of the proceeds shall  
445 be retained by the airport to be used in any legally authorized  
446 manner.





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447       (9) Any person acquiring a legal interest in an aircraft  
448 that is caused to be sold by an airport under the provisions of  
449 s. 705.182 or s. 705.183 shall be the lawful owner of such  
450 aircraft and all other legal or equitable interests in such  
451 aircraft shall be divested and of no further force and effect,  
452 provided that the holder of any such legal or equitable  
453 interests was notified of the intended disposal of the aircraft  
454 to the extent required herein. The airport shall have the  
455 authority to issue documents of disposition to the purchaser or  
456 recipient of an aircraft disposed of under this section.

457       Section 10. Section 705.184, Florida Statutes, is created  
458 to read:

459       705.184 Derelict or abandoned motor vehicles on the  
460 premises of public-use airports.-

461       (1) Whenever any derelict or abandoned motor vehicle shall  
462 be found on premises owned or controlled by the operator of a  
463 public-use airport, including airport premises leased to third  
464 parties, the director of the airport or the director's designee  
465 may take charge thereof and make a record of the date such motor  
466 vehicle was found. A derelict motor vehicle means any motor  
467 vehicle that is not in a drivable condition. An abandoned motor  
468 vehicle means a motor vehicle that has been disposed of on a  
469 public-use airport in a wrecked, inoperative, or partially  
470 dismantled condition, or a motor vehicle that has remained in an  
471 idle state on a public-use airport for 45 consecutive calendar  
472 days. After the information relating to the derelict or  
473 abandoned motor vehicle is recorded in the airport's records,  
474 the director or the director's designee may cause the motor  
475 vehicle to be removed from airport premises by the airport's own



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476 wrecker or by a licensed independent wrecking company to be  
477 stored at a suitable location on or off the airport. If the  
478 director or the director's designee causes the motor vehicle to  
479 be removed from airport premises by the airport's own wrecker,  
480 the airport is subject to the procedures set forth in  
481 subsections (2) - (8) below. If the director or the director's  
482 designee causes the motor vehicle to be removed from the airport  
483 premises by a licensed independent wrecking company, the airport  
484 is not subject to the procedures set forth in subsections (2) -  
485 (8) below.

486 (2) The airport director or the director's designee shall  
487 contact the Department of Highway Safety and Motor Vehicles in  
488 order to notify the Department of Highway Safety and Motor  
489 Vehicles that the airport has possession of the subject motor  
490 vehicle and in order to determine the name and address of the  
491 owner of the motor vehicle, the insurance company insuring the  
492 motor vehicle notwithstanding the provisions of s. 627.736, and  
493 any person who has filed a lien on the motor vehicle. Within 7  
494 business days of receipt of this information, the director or  
495 the director's designee shall send notice by certified mail,  
496 return receipt requested to the owner of the motor vehicle, the  
497 insurance company insuring the motor vehicle notwithstanding the  
498 provisions of s. 627.736, and all persons of record claiming a  
499 lien against the motor vehicle. The notice shall state the fact  
500 of possession of the motor vehicle, that charges for a  
501 reasonable tow fee, a reasonable storage fee and/or accrued  
502 parking fees, if any, have accrued and the amount thereof, that  
503 a lien as provided in subsection (6) will be claimed, that said  
504 lien is subject to enforcement pursuant to law, that the owner



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505 or lienholder, if any, has the right to a hearing as set forth  
506 in subsection (4), and that any motor vehicle which, at the end  
507 of 30 calendar days after receipt of the notice, has not been  
508 removed from the airport upon payment in full of all accrued  
509 charges for a reasonable tow fee, a reasonable storage fee and  
510 parking fees, if any, may be disposed of in any of the manners  
511 set forth in s. 705.182(2) (a), (b), (d) and (e), including, but  
512 not limited to, the motor vehicle being sold free of all prior  
513 liens after 35 calendar days from the time the motor vehicle is  
514 stored if any prior liens on the motor vehicle are more than 5  
515 years of age, or after 50 calendar days from the time the motor  
516 vehicle is stored if any prior liens on the motor vehicle are 5  
517 years of age or less.

518 (3) If attempts to notify the owner and/or lienholder  
519 pursuant to subsection (2) prove unsuccessful, the requirement  
520 of notice by mail will be considered met and the director or the  
521 director's designee, in accordance with the requirements of  
522 subsection (5) below, may cause the motor vehicle to be disposed  
523 of in any of the manners set forth in s. 705.182(2) (a), (b), (d)  
524 and (e), including, but not limited to, the motor vehicle being  
525 sold free of all prior liens after 35 calendar days from the  
526 time the motor vehicle is stored if any prior liens on the motor  
527 vehicle are more than 5 years of age, or after 50 calendar days  
528 from the time the motor vehicle is stored if any prior liens on  
529 the motor vehicle are 5 years of age or less.

530 (4) (a) The owner of, or any person with a lien on, a motor  
531 vehicle removed pursuant to the provisions of subsection (1),  
532 within 10 calendar days after the time he or she has knowledge  
533 of the location of the motor vehicle, may file a complaint in



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534 the county court of the county in which the motor vehicle is  
535 stored to determine if his or her property was wrongfully taken  
536 or withheld.

537 (b) Upon filing a complaint, an owner or lienholder may  
538 have his or her motor vehicle released upon posting with the  
539 court a cash or surety bond or other adequate security equal to  
540 the amount of the fees for towing, storage and accrued parking,  
541 if any, to ensure the payment of such fees in the event he or  
542 she does not prevail. Upon the posting of the bond or other  
543 adequate security and the payment of any applicable fee, the  
544 clerk of the court shall issue a certificate notifying the  
545 airport of the posting of the bond or other adequate security  
546 and directing the airport to release the motor vehicle. At the  
547 time of such release, after reasonable inspection, the owner or  
548 lienholder shall give a receipt to the airport reciting any  
549 claims he or she has for loss or damage to the motor vehicle or  
550 the contents thereof.

551 (5) If, after 30 calendar days of receipt of the notice,  
552 the owner or any person claiming a lien has not removed the  
553 motor vehicle from its storage location upon payment in full of  
554 all accrued charges for a reasonable tow fee, a reasonable  
555 storage fee and parking fees, if any, or shown reasonable cause  
556 for the failure to do so, the airport director or the director's  
557 designee may dispose of the motor vehicle by any of the manners  
558 set forth in s. 705.182(2)(a), (b), (d) and (e). If the airport  
559 elects to sell the motor vehicle pursuant to s. 705.182(2)(d),  
560 the motor vehicle may be sold free of all prior liens after 35  
561 calendar days from the time the motor vehicle is stored if any  
562 prior liens on the motor vehicle are more than 5 years of age,



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563 or after 50 calendar days from the time the motor vehicle is  
564 stored if any prior liens on the motor vehicle are 5 years of  
565 age or less. The sale shall be a public auction either on the  
566 internet or at a specified physical location. If the date of the  
567 sale was not included in the notice required in subsection (2),  
568 notice of the sale, sent by certified mail, return receipt  
569 requested, shall be given to the owner of the motor vehicle and  
570 to all persons claiming a lien on the motor vehicle. Such notice  
571 shall be mailed not less than 10 calendar days before the date  
572 of the sale. In addition to the notice by mail, public notice of  
573 the time and place of the sale at auction shall be made by  
574 publishing a notice thereof one time, at least 10 calendar days  
575 prior to the date of sale, in a newspaper of general circulation  
576 in the county in which the sale is to be held. All costs  
577 incurred by the airport for the towing, storage and sale of the  
578 motor vehicle, as well as all accrued parking fees, if any,  
579 shall be recovered by the airport from the proceeds of the sale,  
580 and any proceeds of the sale in excess of these costs shall be  
581 retained by the airport for use by the airport in any lawfully  
582 authorized manner.

583 (6) Pursuant to this section, the airport or, if used, a  
584 licensed independent wrecking company pursuant to s. 713.78,  
585 shall have a lien on a derelict or abandoned motor vehicle for a  
586 reasonable tow fee, a reasonable storage fee and/or all accrued  
587 parking fees, if any; except that no storage fee shall be  
588 charged if the vehicle is stored less than 6 hours. As a  
589 prerequisite to perfecting a lien under this section, the  
590 airport director or the director's designee must serve a notice  
591 in accordance with subsection (2) on the owner of the motor



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592 vehicle, the insurance company insuring the motor vehicle  
593 notwithstanding the provisions of s. 627.736, and all persons of  
594 record claiming a lien against the motor vehicle. If attempts to  
595 notify the owner, the insurance company insuring the motor  
596 vehicle notwithstanding the provisions of s. 627.736, and/or  
597 lienholders prove unsuccessful, the requirement of notice by  
598 mail will be considered met. The serving of the notice does not  
599 dispense with recording the claim of lien.

600 (7) (a) For the purpose of perfecting its lien under this  
601 section, the airport shall record a claim of lien which shall  
602 state:

603 1. The name and address of the airport.

604 2. The name of the owner of the motor vehicle, the  
605 insurance company insuring the motor vehicle notwithstanding the  
606 provisions of s. 627.736, and all persons of record claiming a  
607 lien against the motor vehicle.

608 3. The fees incurred for a reasonable tow, reasonable  
609 storage, and parking, if any.

610 4. A description of the motor vehicle sufficient for  
611 identification.

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

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

616  
617 CLAIM OF LIEN

618 State of \_\_\_\_\_

619 County of \_\_\_\_\_

620 Before me, the undersigned notary public, personally



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621 appeared \_\_\_\_\_, who was duly sworn and says that he/she is the  
622 \_\_\_\_\_ of \_\_\_\_\_, whose address is \_\_\_\_\_; and that the  
623 following described motor vehicle:

624 (Description of motor vehicle)  
625 owned by \_\_\_\_\_, whose address is \_\_\_\_\_, has  
626 accrued \$ \_\_\_\_\_ in fees for a reasonable tow, for storage,  
627 and for parking, if applicable; that the lienor served its  
628 notice to the owner, the insurance company insuring the motor  
629 vehicle notwithstanding the provisions of s. 627.736, and all  
630 persons of record claiming a lien against the motor vehicle on  
631 \_\_\_\_\_, (year), by \_\_\_\_\_.

632 (Signature)  
633 Sworn to (or affirmed) and subscribed before me this  
634 day of \_\_\_\_\_, (year), by (name of person making statement).

635 (Signature of Notary Public) (Print, Type or Stamp  
636 Commissioned name of Notary Public)

637 Personally Known OR Produced \_\_\_\_\_ as identification.

638  
639 However, the negligent inclusion or omission of any  
640 information in this claim of lien which does not prejudice the  
641 owner does not constitute a default that operates to defeat an  
642 otherwise valid lien.

643 (d) The claim of lien shall be served on the owner of the  
644 motor vehicle, the insurance company insuring the motor vehicle  
645 notwithstanding the provisions of s. 627.736, and all persons of  
646 record claiming a lien against the motor vehicle. If attempts to  
647 notify the owner, the insurance company insuring the motor  
648 vehicle notwithstanding the provisions of s. 627.736, and/or  
649 lienholders prove unsuccessful, the requirement of notice by



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650 mail will be considered met. The claim of lien shall be so  
651 served before recordation.

652 (e) The claim of lien shall be recorded in the clerk's  
653 office. The recording of the claim of lien shall be constructive  
654 notice to all persons of the contents and effect of such claim.  
655 The lien shall attach at the time of recordation and shall take  
656 priority as of that time.

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

661  
662 ===== T I T L E A M E N D M E N T =====

663 And the title is amended as follows:

664 Delete lines 2 - 4  
665 and insert:

666 An act relating to transportation; amending s. 163.3180,  
667 F.S., relating to transportation concurrency; creating s.  
668 336.445, F.S.; authorizing counties to enter into agreements  
669 with private entities for the building, operation, ownership, or  
670 financing of toll facilities; requiring public declaration;  
671 requiring a public hearing; requiring county to make certain  
672 determinations prior to awarding a project; providing  
673 requirements for an agreement; amending s. 316.29545, F.S.;  
674 excluding vehicles owned or leased by private investigative  
675 services from certain restrictions when used in specified  
676 activities; amending s. 316.515, F.S.; clarifying that  
677 manufactured buildings are not divisible loads for the purposes  
678 of issuing special permits for overlength trailers; revising the





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679 maximum length of such overlength trailers; amending s. 316.545,  
680 F.S.; increasing the maximum weight limits on certain vehicles  
681 to compensate for weight increases that result from the  
682 installation of idle-reduction technologies; amending s.  
683 337.0261, F.S.; recognizing that construction aggregate  
684 materials mining is an industry of critical importance and that  
685 the mining of construction aggregate materials is in the public  
686 interest; amending s. 705.18, F.S.; removing references to  
687 public-use airports or its directors; removing required  
688 disposition of monies from sale of property abandoned at a  
689 public-use airport; creating s. 705.182, F.S; relating to the  
690 disposal of personal property found on public-use airports;  
691 providing time frame for property to be claimed; providing  
692 options for disposing of personal property; providing procedures  
693 for selling abandoned personal property; providing for notice of  
694 sale; permitting airport tenants to establishing own lost and  
695 found procedures; providing purchaser holds title to property;  
696 creating s. 705.183, F.S., relating to derelict or abandoned  
697 aircraft on the premises of public-use airports; creating  
698 procedures for the disposal of derelict or abandoned aircraft on  
699 the premises of public-use airports; requiring record of when  
700 aircraft is found; defining "derelict aircraft" and "abandoned  
701 aircraft"; requiring determination of aircraft owner and persons  
702 having legal interest in aircraft; requiring notification of  
703 aircraft owner and all persons having an equitable or legal  
704 interest in aircraft; providing items to be included in notice;  
705 providing exception; providing for notice of owner of aircraft  
706 is unknown or cannot be found; providing form of notice;  
707 providing for placement of notice; providing procedures for



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708 failure to remove aircraft and pay fees; requiring any sale of  
709 aircraft to be at a public auction; providing notice requirement  
710 for public auction; providing procedures for disposal of  
711 aircraft; providing for liability of charges and costs related  
712 to aircraft are less than what obtained from sale; providing for  
713 lien by airport on all for all fees and charges related to  
714 aircraft; providing for notice of lien; requiring the filing of  
715 a claim of lien, providing for form of claim of lien; providing  
716 for service of claim of lien; providing purchaser of aircraft  
717 takes property free of rights of persons holding legal or  
718 equitable interest in aircraft; requiring purchaser or recipient  
719 to notify the Federal Aviation Administration of change in  
720 ownership; providing for deduction of cost if aircraft sold at  
721 public sale; requiring balance to be deposited in interest  
722 bearing account; providing owner with timeframe to claim funds;  
723 providing balance may be retained by the airport; authorizing  
724 airport to issue documents relating to aircraft disposal;  
725 creating s. 705.184, F.S., relating to derelict or abandoned  
726 motor vehicles on the premises of public-use airports; creating  
727 procedures for the disposal of derelict or abandoned motor  
728 vehicles on public-use airports; requiring recording of  
729 abandoned motor vehicle; defining "derelict motor vehicle" and  
730 "abandoned motor vehicle"; permitting vehicle to be removed from  
731 airports premises; requiring determination of owner of the motor  
732 vehicle and the insurance company insuring the motor vehicle;  
733 requiring notification of owner, insurer, and lienholder;  
734 providing items to be included in notice; providing exception;  
735 providing for notice if owner/leinholder notification is  
736 unsuccessful; providing notice form; providing for placing of



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737 notice; providing minimum time for notice; providing procedures  
738 for failure to remove motor vehicle and pay fees; requiring any  
739 sale of motor vehicle to be at a public auction; providing  
740 notice requirement for public auction; providing procedures for  
741 disposal of motor vehicle; providing for liability of charges  
742 and costs related to motor vehicle are less than what obtained  
743 from sale; providing for lien by airport on all for all fees and  
744 charges related to motor vehicle; providing for notice of lien;  
745 requiring the filing of a claim of lien, providing for form of  
746 claim of lien; providing for service of claim of lien; providing  
747 purchaser of motor vehicle takes property free of rights of  
748 persons holding legal or equitable interest in aircraft;