

By the Committees on Community Affairs; and Transportation; and
Senator Gardiner

578-05579-09

2009422c2

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 163.3180, F.S., relating to transportation
4 concurrency; exempting hangars for the assembly or
5 manufacture of aircraft from such requirements;
6 defining the term "backlog" for purposes of
7 calculating fair-share mitigation; amending s.
8 316.2015, F.S.; providing restraint requirements
9 relating to certain truck operators who carry minor
10 children in the bed of such truck upon a highway
11 maintained by the state, a county, or a municipality
12 at a speed exceeding 35 miles per hour; providing
13 exceptions; providing a penalty; amending s.
14 316.29545, F.S.; excluding vehicles owned or leased by
15 private investigative services from certain
16 restrictions when used in specified activities;
17 amending s. 316.515, F.S.; clarifying that
18 manufactured buildings are not divisible loads for the
19 purposes of issuing special permits for overlength
20 trailers; revising the maximum length of such
21 overlength trailers; amending s. 316.535, F.S.;
22 increasing the weight limits for certain highways;
23 amending s. 316.545, F.S.; increasing the maximum
24 weight limits on certain vehicles to compensate for
25 weight increases that result from the installation of
26 idle-reduction technologies; amending s. 316.613,
27 F.S.; clarifying provisions related to required child
28 restraint devices; amending s. 324.021, F.S.;
29 clarifying imposition of financial liability and

578-05579-09

2009422c2

30 liability on entities renting or leasing motor
31 vehicles; creating s. 336.445, F.S.; authorizing
32 counties to enter into agreements with private
33 entities for the building, operation, ownership, or
34 financing of toll facilities; requiring a public
35 declaration; requiring a public hearing; requiring
36 that the county make certain determinations prior to
37 awarding a project; providing requirements for an
38 agreement; amending s. 337.0261, F.S.; providing
39 findings recognizing that construction aggregate
40 materials mining is an industry of critical importance
41 and that the mining of construction aggregate
42 materials is in the public interest; amending s.
43 339.2818, F.S., relating to the Small County Outreach
44 Program; revising the purpose of the program to
45 include certain program types; revising eligibility
46 and prioritization criteria; amending s. 348.51, F.S.;
47 revising the definition of the term "bonds"; amending
48 s. 348.54, F.S.; authorizing the Tampa-Hillsborough
49 County Expressway Authority to make and issue notes,
50 refunding bonds, and other evidences of indebtedness
51 or obligations for specified purposes relating to the
52 expressway system; prohibiting the authority from
53 pledging the credit or taxing power of the state;
54 providing that the authority's obligations are not
55 obligations of the state, a political subdivision, or
56 agency; providing that the state, a political
57 subdivision, or agency is not liable for the payment
58 of principal or interest on the authority's

578-05579-09

2009422c2

59 obligations; amending s. 348.545, F.S.; authorizing
60 costs of authority improvements to be financed by
61 bonds issued on behalf of the authority pursuant to
62 the State Bond Act or bonds issued by the authority
63 pursuant to ch. 348, F.S.; amending s. 348.56, F.S.;
64 authorizing bonds to be issued on behalf of the
65 authority pursuant to the State Bond Act or issued by
66 the authority pursuant to ch. 348, F.S.; revising
67 requirements for such bonds; requiring the bonds to be
68 sold at public sale; authorizing the authority to
69 negotiate the sale of bonds with underwriters under
70 certain circumstances; amending s. 348.565, F.S.;
71 providing that facilities of the expressway system are
72 approved to be refinanced by the revenue bonds issued
73 by the Division of Bond Finance of the State Board of
74 Administration and the State Bond Act, or by revenue
75 bonds issued by the authority; providing that certain
76 projects of the authority are approved for financing
77 or refinancing by revenue bonds issued according to
78 part IV of ch. 348, F.S., and the State Constitution;
79 amending s. 348.57, F.S.; authorizing the authority to
80 provide for the issuance of certain bonds for the
81 refunding of any bonds then outstanding regardless of
82 whether the bonds being refunded were issued by the
83 authority pursuant to this chapter or on behalf of the
84 authority pursuant to the State Bond Act; amending s.
85 348.70, F.S.; providing that part IV of ch. 348, F.S.,
86 relating to the Tampa-Hillsborough County Express
87 Authority, does not repeal, rescind, or modify certain

578-05579-09

2009422c2

88 laws; designating parts I and II of ch. 479, F.S.;

89 creating part III of ch. 479, F.S.; providing

90 legislative intent; providing that the county court

91 and circuit court have concurrent jurisdiction;

92 requiring that all costs incurred by the department to

93 remove signs in certain locations on the interstate

94 highway system, the federal-aid primary highway

95 system, or the State Highway System to be assessed and

96 collected from certain persons under certain

97 conditions; amending s. 705.18, F.S.; removing

98 references to public-use airports or its directors;

99 removing required disposition of moneys from sale of

100 property abandoned at a public-use airport; creating

101 s. 705.182, F.S., relating to the disposal of personal

102 property found on public-use airports; providing a

103 timeframe for property to be claimed; providing

104 options for disposing of personal property; providing

105 procedures for selling abandoned personal property;

106 providing for the notice of sale; permitting an

107 airport tenant to establishing its own lost and found

108 procedures; providing that the purchaser holds title

109 to the property; creating s. 705.183, F.S., relating

110 to derelict or abandoned aircraft on the premises of

111 public-use airports; creating procedures for the

112 disposal of derelict or abandoned aircraft on the

113 premises of public-use airports; requiring a record of

114 when an aircraft is found; defining the terms

115 "derelict aircraft" and "abandoned aircraft";

116 requiring a determination of an aircraft owner and

578-05579-09

2009422c2

117 persons having legal interest in the aircraft;
118 requiring notification of the aircraft owner and all
119 persons having an equitable or legal interest in the
120 aircraft; providing items to be included in the
121 notice; providing an exception; providing for notice
122 if the owner of the aircraft is unknown or cannot be
123 found; providing the form of notice; providing for
124 placement of the notice; providing procedures for
125 failure to remove an aircraft and pay fees; requiring
126 any sale of aircraft to be at a public auction;
127 providing notice requirements for the public auction;
128 providing procedures for disposing of an aircraft;
129 providing for liability of charges and costs related
130 to aircraft are less than what is obtained from a
131 sale; providing for a lien by the airport and for all
132 fees and charges related to the aircraft; providing
133 for notice of lien; requiring the filing of a claim of
134 lien; providing for the form of the claim of lien;
135 providing for service of the claim of lien; providing
136 that the purchaser of the aircraft takes the property
137 free of rights of persons holding legal or equitable
138 interest in the aircraft; requiring that the purchaser
139 or recipient notify the Federal Aviation
140 Administration of the change in ownership; providing
141 for deduction of the costs if the aircraft sold at
142 public sale; requiring that the balance be deposited
143 in an interest-bearing account; providing a timeframe
144 for the owner to claim the funds; providing that the
145 balance may be retained by the airport; authorizing an

578-05579-09

2009422c2

146 airport to issue documents relating to the aircraft
147 disposal; creating s. 705.184, F.S., relating to
148 derelict or abandoned motor vehicles on the premises
149 of public-use airports; creating procedures for the
150 disposal of derelict or abandoned motor vehicles on
151 public-use airports; requiring recording of the
152 abandoned motor vehicle; defining the terms "derelict
153 motor vehicle" and "abandoned motor vehicle";
154 permitting a vehicle to be removed from the airport
155 premises; requiring a determination of the owner of
156 the motor vehicle and the insurance company insuring
157 the motor vehicle; requiring notification of the
158 owner, insurer, and lienholder; providing items to be
159 included in the notice; providing for an exception;
160 providing for the notice form; providing for placing
161 of the notice; providing a minimum time for the
162 notice; providing procedures for failure to remove the
163 motor vehicle and pay fees; requiring any sale of a
164 motor vehicle to be at a public auction; providing
165 notice requirement for a public auction; providing
166 procedures for disposing of the motor vehicle;
167 providing for liability if charges and costs related
168 to motor vehicle are less than what is obtained from
169 sale; providing for a lien by the airport for all fees
170 and charges related to the motor vehicle; providing
171 for notice of the lien; requiring the filing of a
172 claim of lien, providing for the form of the claim of
173 lien; providing for service of claim of lien;
174 providing that the purchaser of the motor vehicle

578-05579-09

2009422c2

175 takes the property free of rights of persons holding
176 legal or equitable interest in the motor vehicle;
177 providing an effective date.

178

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

180

181 Section 1. Paragraph (b) of subsection (4) and subsection
182 (12) of section 163.3180, Florida Statutes, are amended, and
183 paragraph (i) is added to subsection (16) of that section, to
184 read:

185 (4) (b) The concurrency requirement as implemented in local
186 comprehensive plans does not apply to public transit facilities.
187 For the purposes of this paragraph, public transit facilities
188 include transit stations and terminals; transit station parking;
189 park-and-ride lots; intermodal public transit connection or
190 transfer facilities; fixed bus, guideway, and rail stations; and
191 airport passenger terminals and concourses, air cargo
192 facilities, and hangars for the assembly, manufacture,
193 maintenance, or storage of aircraft. As used in this paragraph,
194 the terms "terminals" and "transit facilities" do not include
195 seaports or commercial or residential development constructed in
196 conjunction with a public transit facility.

197 (12) A development of regional impact may satisfy the
198 transportation concurrency requirements of the local
199 comprehensive plan, the local government's concurrency
200 management system, and s. 380.06 by payment of a proportionate-
201 share contribution for local and regionally significant traffic
202 impacts, if:

203 (a) The development of regional impact which, based on its

578-05579-09

2009422c2

204 location or mix of land uses, is designed to encourage
205 pedestrian or other nonautomotive modes of transportation;

206 (b) The proportionate-share contribution for local and
207 regionally significant traffic impacts is sufficient to pay for
208 one or more required mobility improvements that will benefit a
209 regionally significant transportation facility;

210 (c) The owner and developer of the development of regional
211 impact pays or assures payment of the proportionate-share
212 contribution; and

213 (d) If the regionally significant transportation facility
214 to be constructed or improved is under the maintenance authority
215 of a governmental entity, as defined by s. 334.03(12), other
216 than the local government with jurisdiction over the development
217 of regional impact, the developer is required to enter into a
218 binding and legally enforceable commitment to transfer funds to
219 the governmental entity having maintenance authority or to
220 otherwise assure construction or improvement of the facility.

221
222 As used in this subsection, the term "backlog" means a facility
223 or facilities on which the adopted level-of-service standard is
224 exceeded by the existing trips, plus additional projected
225 background trips from any source other than the development
226 project under review which are forecast by established traffic
227 standards, including traffic modeling, consistent with the
228 University of Florida's Bureau of Economic and Business Research
229 medium population projections. Additional projected background
230 trips shall be coincident with the particular stage or phase of
231 development under review. The proportionate-share contribution
232 may be applied to any transportation facility to satisfy the

578-05579-09

2009422c2

233 provisions of this subsection and the local comprehensive plan,
234 but, for the purposes of this subsection, the amount of the
235 proportionate-share contribution shall be calculated based upon
236 the cumulative number of trips from the proposed development
237 expected to reach roadways during the peak hour from the
238 complete buildout of a stage or phase being approved, divided by
239 the change in the peak hour maximum service volume of roadways
240 resulting from construction of an improvement necessary to
241 maintain the adopted level of service, multiplied by the
242 construction cost, at the time of developer payment, of the
243 improvement necessary to maintain the adopted level of service.
244 For purposes of this subsection, "construction cost" includes
245 all associated costs of the improvement. Proportionate-share
246 mitigation shall be limited to ensure that a development of
247 regional impact meeting the requirements of this subsection
248 mitigates its impact on the transportation system but is not
249 responsible for the additional cost of reducing or eliminating
250 backlogs. This subsection also applies to Florida Quality
251 Developments pursuant to s. 380.061 and to detailed specific
252 area plans implementing optional sector plans pursuant to s.
253 163.3245.

254 (16) It is the intent of the Legislature to provide a
255 method by which the impacts of development on transportation
256 facilities can be mitigated by the cooperative efforts of the
257 public and private sectors. The methodology used to calculate
258 proportionate fair-share mitigation under this section shall be
259 as provided for in subsection (12).

260 (i) As used in this subsection, the term "backlog" means a
261 facility or facilities on which the adopted level-of-service

578-05579-09

2009422c2

262 standard is exceeded by the existing trips, plus additional
263 projected background trips from any source other than the
264 development project under review which are forecast by
265 established traffic standards, including traffic modeling,
266 consistent with the University of Florida's Bureau of Economic
267 and Business Research medium population projections. Additional
268 projected background trips shall be coincident with the
269 particular stage or phase of development under review.

270 Section 2. Subsection (2) of section 316.2015, Florida
271 Statutes, is amended to read:

272 316.2015 Unlawful for person to ride on exterior of
273 vehicle.-

274 (2) (a) No person shall ride on any vehicle upon any portion
275 thereof not designed or intended for the use of passengers. This
276 paragraph does not apply to an employee of a fire department, an
277 employee of a governmentally operated solid waste disposal
278 department or a waste disposal service operating pursuant to a
279 contract with a governmental entity, or to a volunteer
280 firefighter when the employee or firefighter is engaged in the
281 necessary discharge of a duty, and does not apply to a person
282 who is being transported in response to an emergency by a public
283 agency or pursuant to the direction or authority of a public
284 agency. This paragraph does not apply to an employee engaged in
285 the necessary discharge of a duty or to a person or persons
286 riding within truck bodies in space intended for merchandise.

287 (b) It is unlawful for any operator of a pickup truck or
288 flatbed truck to permit a minor child who has not attained 18
289 years of age to ride upon limited access facilities of the state
290 within the open body of a pickup truck or flatbed truck unless

578-05579-09

2009422c2

291 the minor is restrained within the open body in the back of a
292 truck that has been modified to include secure seating and
293 safety restraints to prevent the passenger from being thrown,
294 falling, or jumping from the truck. This paragraph does not
295 apply in a medical emergency if the child is accompanied within
296 the truck by an adult. A county is exempt from this paragraph if
297 the governing body of the county, by majority vote, following a
298 noticed public hearing, votes to exempt the county from this
299 paragraph.

300 (c) It is unlawful for any operator of a pickup truck or
301 flatbed truck to permit a minor child who has not attained 6
302 years of age to ride within the open body of the pickup truck or
303 flatbed truck at a speed that exceeds 35 miles per hour upon any
304 street or highway that is maintained by the state, a county, or
305 a municipality unless the minor is restrained within the open
306 body in the back of a truck that has been modified to include
307 secure seating and safety restraints that are appropriate for
308 the child's age to prevent such child from being thrown,
309 falling, or jumping from the truck. This paragraph does not
310 apply in a medical emergency if the child is accompanied within
311 the truck by an adult. A county is exempt from this paragraph if
312 the governing body of the county, by majority vote, following a
313 noticed public hearing, votes to exempt the county from this
314 paragraph. This paragraph also does not apply to the operator of
315 a pickup truck if the truck is the only vehicle owned by the
316 operator or the immediate family of the operator.

317 (d) ~~(e)~~ Any person who violates this subsection shall be
318 cited for a nonmoving violation, punishable as provided in
319 chapter 318.

578-05579-09

2009422c2

320 Section 3. Section 316.29545, Florida Statutes, is amended
321 to read:

322 316.29545 Window sunscreening exclusions; medical
323 exemption; certain law enforcement vehicles and private
324 investigative service vehicles exempt.-

325 (1) The department shall issue medical exemption
326 certificates to persons who are afflicted with Lupus or similar
327 medical conditions which require a limited exposure to light,
328 which certificates shall entitle the person to whom the
329 certificate is issued to have sunscreening material on the
330 windshield, side windows, and windows behind the driver which is
331 in violation of the requirements of ss. 316.2951-316.2957. The
332 department shall provide, by rule, for the form of the medical
333 certificate authorized by this section. At a minimum, the
334 medical exemption certificate shall include a vehicle
335 description with the make, model, year, vehicle identification
336 number, medical exemption decal number issued for the vehicle,
337 and the name of the person or persons who are the registered
338 owners of the vehicle. A medical exemption certificate shall be
339 nontransferable and shall become null and void upon the sale or
340 transfer of the vehicle identified on the certificate.

341 (2) The department shall exempt all law enforcement
342 vehicles used in undercover or canine operations from the window
343 sunscreening requirements of ss. 316.2951-316.2957.

344 (3) The department shall exempt from the window
345 sunscreening restrictions of ss. 316.2953, 316.2954, and
346 316.2956 vehicles owned or leased by private investigative
347 agencies licensed under chapter 493 and used in homeland
348 security functions on behalf of federal, state, or local

578-05579-09

2009422c2

349 authorities; executive protection activities; undercover,
350 covert, or surveillance operations involving child abductions,
351 convicted sex offenders, insurance fraud, or missing persons or
352 property; or investigative activities in which evidence is being
353 obtained for civil or criminal court proceedings.

354 (4)~~(3)~~ The department may charge a fee in an amount
355 sufficient to defray the expenses of issuing a medical exemption
356 certificate as described in subsection (1).

357 Section 4. Subsection (14) of section 316.515, Florida
358 Statutes, is amended to read:

359 316.515 Maximum width, height, length.—

360 (14) MANUFACTURED BUILDINGS.—The Department of
361 Transportation may, in its discretion and upon application and
362 good cause shown therefor that the same is not contrary to the
363 public interest, issue a special permit for truck tractor-
364 semitrailer combinations where the total number of overwidth
365 deliveries of manufactured buildings, as defined in s.
366 553.36(13), may be reduced by permitting the use of multiple
367 sections or single units on an overlength trailer of no more
368 than 80 ~~54~~ feet.

369 Section 5. Subsection (5) of section 316.535, Florida
370 Statutes, is amended to read:

371 316.535 Maximum weights.—

372 (5) With respect to those highways not in the Interstate
373 Highway System, in all cases in which it exceeds state law in
374 effect on January 4, 1975, the overall gross weight on the
375 vehicle or combination of vehicles, ~~including all enforcement~~
376 ~~tolerances,~~ shall be as determined by the following formula:

377
$$W = 500((LN \div (N-1)) + 12N + 36)$$

578-05579-09

2009422c2

378
379 where W = overall gross weight of the vehicle to the nearest 500
380 pounds; L = distance in feet between the extreme of the external
381 axles; and N = number of axles on the vehicle. However, such
382 overall gross weight of any vehicle or combination of vehicles
383 may not exceed 80,000 pounds ~~including all enforcement~~
384 ~~tolerances.~~ The scale tolerance provided in s. 316.545(2)
385 applies to all weight limitations of this subsection. Except
386 when a vehicle exceeds the posted weight limit on a bridge,
387 finest for violations of the total gross weight limitations
388 provided for in this subsection shall be based on the amount by
389 which the actual weight of the vehicle and load exceeds the
390 allowable maximum weight determined under this subsection, plus
391 the scale tolerance provided in s. 316.545(2).

392 Section 6. Subsection (3) of section 316.545, Florida
393 Statutes, is amended to read:

394 316.545 Weight and load unlawful; special fuel and motor
395 fuel tax enforcement; inspection; penalty; review.—

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

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

402 (b) Five cents per pound for each pound of weight in excess
403 of the maximum herein provided when the excess weight exceeds
404 200 pounds. However, whenever the gross weight of the vehicle or
405 combination of vehicles does not exceed the maximum allowable
406 gross weight, the maximum fine for the first 600 pounds of

578-05579-09

2009422c2

407 unlawful axle weight shall be \$10;

408 (c) For a vehicle equipped with fully functional idle-
409 reduction technology, any penalty shall be calculated by
410 reducing the actual gross vehicle weight or the internal bridge
411 weight by the certified weight of the idle-reduction technology
412 or by 400 pounds, whichever is less. The vehicle operator must
413 present written certification of the weight of the idle-
414 reduction technology and must demonstrate or certify that the
415 idle-reduction technology is fully functional at all times. This
416 calculation is not allowed for vehicles described in s.
417 316.535(6);

418 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.
419 320.01, operating on the highways of this state without being
420 properly licensed and registered shall be subject to the
421 penalties as herein provided; and

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

426 Section 7. Paragraph (a) of subsection (1) of section
427 316.613, Florida Statutes, is amended to read:

428 316.613 Child restraint requirements.-

429 (1) (a) Every operator of a motor vehicle as defined herein,
430 while transporting a child in a motor vehicle operated on the
431 roadways, streets, or highways of this state, shall, if the
432 child is 5 years of age or younger, provide for protection of
433 the child by properly using a crash-tested, federally approved
434 child restraint device. For children aged through 3 years, such
435 restraint device must be a separate carrier or a vehicle

578-05579-09

2009422c2

436 manufacturer's integrated child seat. For children aged 4
437 through 5 years, a separate carrier, an integrated child seat,
438 or a child booster seat ~~belt~~ may be used.

439 Section 8. Subsection (7) and paragraphs (b) and (c) of
440 subsection (9) of section 324.021, Florida Statutes, are amended
441 to read:

442 324.021 Definitions; minimum insurance required.—The
443 following words and phrases when used in this chapter shall, for
444 the purpose of this chapter, have the meanings respectively
445 ascribed to them in this section, except in those instances
446 where the context clearly indicates a different meaning:

447 (7) PROOF OF FINANCIAL RESPONSIBILITY.—That proof of
448 ability to respond in damages for liability on account of
449 crashes arising out of the use of a motor vehicle:

450 (a) In the amount of \$10,000 because of bodily injury to,
451 or death of, one person in any one crash;

452 (b) Subject to such limits for one person, in the amount of
453 \$20,000 because of bodily injury to, or death of, two or more
454 persons in any one crash;

455 (c) In the amount of \$10,000 because of injury to, or
456 destruction of, property of others in any one crash; ~~and~~

457 (d) With respect to commercial motor vehicles and nonpublic
458 sector buses, in the amounts specified in ss. 627.7415 and
459 627.742, respectively; ~~and~~.

460 (e) With respect to leased or rented motor vehicles, in the
461 amounts specified in paragraph (9) (b).

462 (9) OWNER; OWNER/LESSOR.—

463 (b) *Owner/lessor.*—Notwithstanding any other provision of
464 the Florida Statutes or existing case law:

578-05579-09

2009422c2

465 1. The lessor, under an agreement to lease a motor vehicle
466 for 1 year or longer which requires the lessee to obtain
467 insurance acceptable to the lessor which contains limits not
468 less than \$100,000/\$300,000 bodily injury liability and \$50,000
469 property damage liability or not less than \$500,000 combined
470 property damage liability and bodily injury liability, shall not
471 be further financially responsible ~~deemed the owner of said~~
472 ~~motor vehicle for the purpose of determining financial~~
473 ~~responsibility~~ for the operation of said motor vehicle or for
474 the acts of the operator in connection therewith; further, this
475 subparagraph shall be applicable so long as the insurance
476 meeting these requirements is in effect. The insurance meeting
477 such requirements may be obtained by the lessor or lessee,
478 provided, if such insurance is obtained by the lessor, the
479 combined coverage for bodily injury liability and property
480 damage liability shall contain limits of not less than \$1
481 million and may be provided by a lessor's blanket policy.

482 2. The lessor, under an agreement to rent or lease a motor
483 vehicle for a period of less than 1 year, shall be financially
484 responsible ~~deemed the owner of the motor vehicle for the~~
485 ~~purpose of determining liability~~ for the operation of the
486 vehicle or the acts of the operator in connection therewith only
487 up to \$100,000 per person and up to \$300,000 per incident for
488 bodily injury and up to \$50,000 for property damage. If the
489 lessee or the operator of the motor vehicle is uninsured or has
490 any insurance with limits less than \$500,000 combined property
491 damage and bodily injury liability, the lessor shall be
492 financially responsible ~~liable~~ for up to an additional \$500,000
493 in economic damages only arising out of the use of the motor

578-05579-09

2009422c2

494 vehicle. The additional specified financial responsibility
495 ~~liability~~ of the lessor for economic damages shall be reduced by
496 amounts actually recovered from the lessee, from the operator,
497 and from any insurance or self-insurance covering the lessee or
498 operator. Nothing in this subparagraph shall be construed to
499 affect the liability of the lessor for its own negligence.

500 3. The lessor shall be liable for failure to meet the
501 financial responsibility and liability insurance requirements of
502 subparagraphs 1. and 2. up to the amounts of those requirements.

503 ~~4.3.~~ The owner who is a natural person and loans a motor
504 vehicle to any permissive user shall be liable for the operation
505 of the vehicle or the acts of the operator in connection
506 therewith only up to \$100,000 per person and up to \$300,000 per
507 incident for bodily injury and up to \$50,000 for property
508 damage. If the permissive user of the motor vehicle is uninsured
509 or has any insurance with limits less than \$500,000 combined
510 property damage and bodily injury liability, the owner shall be
511 liable for up to an additional \$500,000 in economic damages only
512 arising out of the use of the motor vehicle. The additional
513 specified liability of the owner for economic damages shall be
514 reduced by amounts actually recovered from the permissive user
515 and from any insurance or self-insurance covering the permissive
516 user. Nothing in this subparagraph shall be construed to affect
517 the liability of the owner for his or her own negligence.

518 (c) *Application.*—

519 1. The limits on financial responsibility and liability in
520 subparagraphs (b)2. and ~~4. 3.~~ do not apply to an owner of motor
521 vehicles that are used for commercial activity in the owner's
522 ordinary course of business, other than a rental company that

578-05579-09

2009422c2

523 rents or leases motor vehicles. For purposes of this paragraph,
524 the term "rental company" includes only an entity that is
525 engaged in the business of renting or leasing motor vehicles to
526 the general public and that rents or leases a majority of its
527 motor vehicles to persons with no direct or indirect affiliation
528 with the rental company. The term also includes a motor vehicle
529 dealer that provides temporary replacement vehicles to its
530 customers for up to 10 days. The term "rental company" also
531 includes:

532 a. A related rental or leasing company that is a subsidiary
533 of the same parent company as that of the renting or leasing
534 company that rented or leased the vehicle.

535 b. The holder of a motor vehicle title or an equity
536 interest in a motor vehicle title if the title or equity
537 interest is held pursuant to or to facilitate an asset-backed
538 securitization of a fleet of motor vehicles used solely in the
539 business of renting or leasing motor vehicles to the general
540 public and under the dominion and control of a rental company,
541 as described in this subparagraph, in the operation of such
542 rental company's business.

543 2. Furthermore, with respect to commercial motor vehicles
544 as defined in s. 627.732, the limits on financial responsibility
545 and liability in subparagraphs (b)2. and 4. ~~3.~~ do not apply if,
546 at the time of the incident, the commercial motor vehicle is
547 being used in the transportation of materials found to be
548 hazardous for the purposes of the Hazardous Materials
549 Transportation Authorization Act of 1994, as amended, 49 U.S.C.
550 ss. 5101 et seq., and that is required pursuant to such act to
551 carry placards warning others of the hazardous cargo, unless at

578-05579-09

2009422c2

552 the time of lease or rental either:

553 a. The lessee indicates in writing that the vehicle will
554 not be used to transport materials found to be hazardous for the
555 purposes of the Hazardous Materials Transportation Authorization
556 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

557 b. The lessee or other operator of the commercial motor
558 vehicle has in effect insurance with limits of at least
559 \$5,000,000 combined property damage and bodily injury liability.

560 Section 9. The amendments to s. 324.021, Florida Statutes,
561 made by this act are intended to clarify that Florida law as it
562 existed at the time of the enactment of 49 U.S.C. s. 30106(b)
563 (2005) imposed financial responsibility and imposed liability on
564 business entities engaged in the trade of business of renting or
565 leasing motor vehicles for failure to meet financial
566 responsibility and liability insurance requirements, as those
567 terms are used in 49 U.S.C. s. 30106(b) (2005).

568 Section 10. Section 336.445, Florida Statutes, is created
569 to read:

570 336.445 Public-private partnerships with counties.-

571 (1) Notwithstanding any other provision of law or
572 ordinance, a county may enter into agreements with private
573 entities, or a consortia thereof, for the building, operation,
574 ownership, or financing of toll facilities as part of the county
575 road system under the following circumstances:

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

580 (b) The county establishes after a public hearing that the

578-05579-09

2009422c2

581 proposal includes unique benefits and that adoption of the
582 project is not contrary to the interest of the public.

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

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

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

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

591 (d) Would have adequate safeguards in place to ensure that
592 the county or the private entity has the opportunity to add
593 capacity to the proposed project and other transportation
594 facilities serving similar origins and destinations.

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

597 (a) Regulations governing the future increase of toll or
598 fare revenues; and

599 (b) That the private entity shall provide an investment
600 grade traffic and revenue study prepared by an internationally
601 recognized traffic and revenue expert that is accepted by the
602 national bond rating agencies. The private entity shall also
603 provide a finance plan than identifies the project cost,
604 revenues by source, financing, major assumptions, internal rate
605 of return on private investment, whether any government funds
606 are assumed to deliver a cost-feasible project, and a total cash
607 flow analysis beginning with the implementation of the project
608 and extending for the term of the agreement.

609 Section 11. Subsection (2) of section 337.0261, Florida

578-05579-09

2009422c2

610 Statutes, is amended to read:

611 337.0261 Construction aggregate materials.—

612 (2) LEGISLATIVE INTENT.—The Legislature finds that there is
613 a strategic and critical need for an available supply of
614 construction aggregate materials within the state and that a
615 disruption of the supply would cause a significant detriment to
616 the state's construction industry, transportation system, and
617 overall health, safety, and welfare. In addition, the
618 Legislature recognizes that construction aggregate materials
619 mining is an industry of critical importance to the state and
620 that the mining of construction aggregate materials is in the
621 public interest.

622 Section 12. Subsections (1) and (4) of section 339.2818,
623 Florida Statutes, are amended to read:

624 339.2818 Small County Outreach Program.—

625 (1) There is created within the Department of
626 Transportation the Small County Outreach Program. The purpose of
627 this program is to assist small county governments in repairing
628 or rehabilitating county bridges, paving unpaved roads,
629 addressing road-related drainage improvements, resurfacing or
630 reconstructing county roads or in constructing capacity or
631 safety improvements to county roads.

632 (4) (a) Small counties shall be eligible to compete for
633 funds that have been designated for the Small County Outreach
634 Program for projects on county roads. The department shall fund
635 75 percent of the cost of projects on county roads funded under
636 the program.

637 (b) In determining a county's eligibility for assistance
638 under this program, the department may consider whether the

578-05579-09

2009422c2

639 county has attempted to keep county roads in satisfactory
640 condition which may be evidenced through an established pavement
641 management plan.

642 (c) The following criteria shall be used to prioritize road
643 projects for funding under the program:

644 1. The primary criterion is the physical condition of the
645 road as measured by the department.

646 2. As secondary criteria the department may consider:

647 a. Whether a road is used as an evacuation route.

648 b. Whether a road has high levels of agricultural travel.

649 c. Whether a road is considered a major arterial route.

650 d. Whether a road is considered a feeder road.

651 e. Information as evidenced to the department through an
652 established pavement management plan

653 f.e. Other criteria related to the impact of a project on
654 the public road system or on the state or local economy as
655 determined by the department.

656 Section 13. Subsection (3) of section 348.51, Florida
657 Statutes, is amended to read:

658 348.51 Definitions.—The following terms whenever used or
659 referred to in this part shall have the following meanings,
660 except in those instances where the context clearly indicates
661 otherwise:

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

666 Section 14. Subsections (7) and (8) of section 348.54,
667 Florida Statutes, are amended to read:

578-05579-09

2009422c2

668 348.54 Powers of the authority.—Except as otherwise limited
669 herein, the authority shall have the power:

670 (7) To borrow money and to make and issue negotiable bonds,
671 notes, refunding bonds, and other evidences of indebtedness or
672 obligations, either in temporary or definitive form, hereinafter
673 in this chapter referred to bonds of the authority, for the
674 purpose of financing all or part of the improvement or extension
675 of the expressway system, and appurtenant facilities, including
676 all approaches, streets, roads, bridges, and avenues of access
677 for the expressway system and for any other purpose authorized
678 by this part and to provide for the rights of the holders
679 thereof.

680 (8) To secure the payment of bonds by a pledge of all or
681 any portion of the revenues or such other moneys legally
682 available therefor and of all or any portion of the Hillsborough
683 County gasoline tax funds in the manner provided by this part;
684 and in general to provide for the security of the bonds and the
685 rights and remedies of the holders thereof. Interest upon the
686 amount of gasoline tax funds to be repaid to the county pursuant
687 to s. 348.60 shall be payable, at the highest rate applicable to
688 any outstanding bonds of the authority, out of revenues and
689 other available moneys not required to meet the authority's
690 obligations to its bondholders. The authority shall have no
691 power at any time or in any manner to pledge the credit or
692 taxing power of the state or any political subdivision or
693 agency, including the city and the county, nor shall any of the
694 authority's obligations be deemed to be obligations of the state
695 or of any political subdivision or agency, nor shall the state
696 or any political subdivision or agency, except the authority, be

578-05579-09

2009422c2

697 liable for the payment of the principal of or interest on such
698 obligations.

699 Section 15. Section 348.545, Florida Statutes, is amended
700 to read:

701 348.545 Facility improvement; bond financing authority.—
702 Pursuant to s. 11(f), Art. VII of the State Constitution, the
703 Legislature hereby approves for bond financing by the Tampa-
704 Hillsborough County Expressway Authority improvements to toll
705 collection facilities, interchanges to the legislatively
706 approved expressway system, and any other facility appurtenant,
707 necessary, or incidental to the approved system. Subject to
708 terms and conditions of applicable revenue bond resolutions and
709 covenants, such costs ~~financing~~ may be financed in whole or in
710 part by revenue bonds issued pursuant to s. 348.56(1)(a) or s.
711 348.56(1)(b) whether currently issued or issued in the future,
712 or by a combination of such bonds.

713 Section 16. Subsections (1) and (2) of section 348.56,
714 Florida Statutes, are amended to read:

715 348.56 Bonds of the authority.—

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

718 (b) Alternatively, the authority shall have the power and
719 is hereby authorized from time to time to issue bonds in such
720 principal amount as, in the opinion of the authority, shall be
721 necessary to provide sufficient moneys for achieving its
722 corporate purposes, including construction, reconstruction,
723 improvement, extension, repair, maintenance and operation of the
724 expressway system, the cost of acquisition of all real property,
725 interest on bonds during construction and for a reasonable

578-05579-09

2009422c2

726 period thereafter, establishment of reserves to secure bonds,
727 and all other expenditures of the authority incident to and
728 necessary or convenient to carry out its corporate purposes and
729 powers.

730 (2) (a) Bonds issued by the authority pursuant to paragraph
731 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
732 the members of the authority and shall bear such date or dates,
733 mature at such time or times, not exceeding 40 years from their
734 respective dates, bear interest at such rate or rates, not
735 exceeding the maximum rate fixed by general law for authorities,
736 be in such denominations, be in such form, either coupon or
737 fully registered, carry such registration, exchangeability and
738 interchangeability privileges, be payable in such medium of
739 payment and at such place or places, be subject to such terms of
740 redemption and be entitled to such priorities of lien on the
741 revenues, other available moneys, and the Hillsborough County
742 gasoline tax funds as such resolution or any resolution
743 subsequent thereto may provide. The bonds shall be executed
744 either by manual or facsimile signature by such officers as the
745 authority shall determine, provided that such bonds shall bear
746 at least one signature which is manually executed thereon. The
747 coupons attached to such bonds shall bear the facsimile
748 signature or signatures of such officer or officers as shall be
749 designated by the authority. Such bonds shall have the seal of
750 the authority affixed, imprinted, reproduced, or lithographed
751 thereon.

752 (b) The bonds issued pursuant to paragraph (1) (a) or
753 paragraph (1) (b) shall be sold at public sale in the same manner
754 provided in the State Bond Act, ~~and the net interest cost to the~~

578-05579-09

2009422c2

755 ~~authority on such bonds shall not exceed the maximum rate fixed~~
756 ~~by general law for authorities. If all bids received on the~~
757 ~~public sale are rejected, the authority may then proceed to~~
758 ~~negotiate for the sale of the bonds at a net interest cost which~~
759 ~~shall be less than the lowest net interest cost stated in the~~
760 ~~bids rejected at the public sale. However, if the authority~~
761 ~~determines, by official action at a public meeting, that a~~
762 ~~negotiated sale of such bonds is in the best interest of the~~
763 ~~authority, the authority may negotiate the sale of such bonds~~
764 ~~with the underwriter or underwriters designated by the authority~~
765 ~~and the Division of Bond Finance within the State Board of~~
766 ~~Administration with respect to bonds issued pursuant to~~
767 ~~paragraph (1) (a) or solely by the authority with respect to~~
768 ~~bonds issued pursuant to paragraph (1) (b). The authority's~~
769 ~~determination to negotiate the sale of such bonds may be based,~~
770 ~~in part, upon the written advice of the authority's financial~~
771 ~~adviser.~~ Pending the preparation of definitive bonds, temporary
772 bonds or interim certificates may be issued to the purchaser or
773 purchasers of such bonds and may contain such terms and
774 conditions as the authority may determine.

775 Section 17. Section 348.565, Florida Statutes, is amended
776 to read:

777 348.565 Revenue bonds for specified projects.—The existing
778 facilities that constitute the Tampa-Hillsborough County
779 Expressway System are hereby approved to be refinanced by the
780 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance
781 of the State Board of Administration pursuant to s. 11(f), Art.
782 VII of the State Constitution and the State Bond Act, or by
783 revenue bonds issued by the authority pursuant to s.

578-05579-09

2009422c2

784 348.56(1)(b). In addition, the following projects of the Tampa-
785 Hillsborough County Expressway Authority are approved to be
786 financed or refinanced by the issuance of revenue bonds in
787 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of
788 the State Constitution:

789 (1) Brandon area feeder roads.

790 (2) Capital improvements to the expressway system,
791 including safety and operational improvements and toll
792 collection equipment.

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

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

796 Section 18. Subsection (1) of section 348.57, Florida
797 Statutes, is amended to read:

798 348.57 Refunding bonds.—

799 (1) Subject to public notice as provided in s. 348.54, the
800 authority is authorized to provide by resolution for the
801 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
802 for the purpose of refunding any bonds then outstanding
803 regardless of whether the bonds being refunded were issued by
804 the authority pursuant to this chapter or on behalf of the
805 authority pursuant to the State Bond Act. The authority is
806 further authorized to provide by resolution for the issuance of
807 bonds for the combined purpose of:

808 (a) Paying the cost of constructing, reconstructing,
809 improving, extending, repairing, maintaining and operating the
810 expressway system.

811 (b) Refunding bonds then outstanding. The authorization,
812 sale and issuance of such obligations, the maturities and other

578-05579-09

2009422c2

813 details thereof, the rights and remedies of the holders thereof,
814 and the rights, powers, privileges, duties and obligations of
815 the authority with respect to the same shall be governed by the
816 foregoing provisions of this part insofar as the same may be
817 applicable.

818 Section 19. Section 348.70, Florida Statutes, is amended to
819 read:

820 348.70 This part complete and additional authority.-

821 (1) The powers conferred by this part shall be in addition
822 and supplemental to the existing respective powers of the
823 authority, the department, the county and the city, if any, and
824 this part shall not be construed as repealing any of the
825 provisions of any other law, general, special or local, but
826 shall be deemed to supersede such other law or laws in the
827 exercise of the powers provided in this part insofar as such
828 other law or laws are inconsistent with the provisions of this
829 part and to provide a complete method for the exercise of the
830 powers granted herein. The construction, reconstruction,
831 improvement, extension, repair, maintenance and operation of the
832 expressway system, and the issuance of bonds hereunder to
833 finance all or part of the cost thereof, may be accomplished
834 upon compliance with the provisions of this part without regard
835 to or necessity for compliance with the provisions, limitations,
836 or restrictions contained in any other general, special or local
837 law, including, but not limited to, s. 215.821, and no approval
838 of any bonds issued under this part by the qualified electors or
839 qualified electors who are freeholders in the state or in the
840 county or in the city or in any other political subdivision of
841 the state shall be required for the issuance of such bonds.

578-05579-09

2009422c2

842 (2) This part does not repeal, rescind, or modify any other
843 law or laws relating to the State Board of Administration, the
844 Department of Transportation, or the Division of Bond Finance of
845 the State Board of Administration, but shall supersede such
846 other law or laws as are inconsistent with the provisions of
847 this part, including, but not limited to, s. 215.821.

848 Section 20. Sections 479.01, 479.015, 479.02, 479.03,
849 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,
850 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
851 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
852 are designated as part I of chapter 479, Florida Statutes.

853 Section 21. Sections 479.261, 479.262, 479.27, 479.28, and
854 479.30, Florida Statutes, are designated as part II of chapter
855 479, Florida Statutes.

856 Section 22. Part III of chapter 479, Florida Statutes,
857 consisting of sections 479.310, 479.311, 479.312, 479.313, and
858 479.314, is created to read:

859 Part III

860 Sign Removal

861 479.310 Legislative intent.—It is the intent of this part
862 to relieve the department from the financial burden incurred in
863 the removal of unpermitted and illegal signs located within the
864 controlled areas adjacent to the State Highway System,
865 interstate, or federal-aid primary system; to place the
866 financial responsibility for the cost of such removal directly
867 upon those benefiting from the location and operation of such
868 unpermitted and illegal signs; and to provide clear authority to
869 the department for the recovery of cost incurred by the
870 department in the removal of such unpermitted and illegal signs.

578-05579-09

2009422c2

871 479.311 Jurisdiction; venue.—The county court shall have
872 jurisdiction concurrent with the circuit court to consider
873 claims filed by the department in amounts that are within their
874 jurisdictional limitations. Venue shall be the Leon County for
875 the purpose of a claim filed by the department to recover its
876 costs as provided in this section.

877 479.312 Unpermitted signs; cost of removal.—All costs
878 incurred by the department in connection with the removal of a
879 sign located within a controlled area adjacent to the interstate
880 highway system, the federal-aid primary highway system, or the
881 State Highway System shall be assessed against and collected
882 from the following persons if they have not been issued a permit
883 under part I of this chapter:

- 884 (1) The owner of the sign;
885 (2) The advertiser displayed on the sign; or
886 (3) The owner of the property upon which the sign is
887 located.

888
889 For the purpose of this subsection, a sign that does not display
890 the name of the owner of the sign shall be presumed to be owned
891 by the owner of the property upon which the sign is located.

892 479.313 Permit revocation; cost of removal.—All costs
893 incurred by the department in connection with the removal of a
894 sign located within a controlled area adjacent to the interstate
895 highway system, the federal-aid primary highway system, or the
896 State Highway System following the revocation of the permit for
897 such sign shall be assessed against and collected from the
898 permittee.

899 479.314 Highway rights-of-way; cost of sign removal.—All

578-05579-09

2009422c2

900 costs incurred by the department in connection with the removal
901 of a sign located within a right-of-way of the interstate
902 highway system, the federal-aid primary highway system, or the
903 State Highway System shall be assessed against and collected
904 from the owner of the sign or the advertiser displayed on the
905 sign.

906 Section 23. Section 705.18, Florida Statutes, is amended to
907 read:

908 705.18 Disposal of personal property lost or abandoned on
909 university or community college campuses ~~or certain public-use~~
910 ~~airports~~; disposition of proceeds from sale thereof.-

911 (1) Whenever any lost or abandoned personal property shall
912 be found on a campus of an institution in the State University
913 System or a campus of a state-supported community college, ~~or on~~
914 ~~premises owned or controlled by the operator of a public-use~~
915 ~~airport having regularly scheduled international passenger~~
916 ~~service~~, the president of the institution or the president's
917 designee ~~or the director of the airport or the director's~~
918 ~~designee~~ shall take charge thereof and make a record of the date
919 such property was found. If, within 30 days after such property
920 is found, or a longer period of time as may be deemed
921 appropriate by the president ~~or the director~~ under the
922 circumstances, the property ~~it~~ is not claimed by the owner, the
923 president ~~or director~~ shall order it sold at public outcry after
924 giving notice of the time and place of sale in a publication of
925 general circulation on the campus of such institution ~~or within~~
926 ~~the county where the airport is located~~ and written notice to
927 the owner if known. The rightful owner of such property may
928 reclaim the same at any time prior to sale.

578-05579-09

2009422c2

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

935 Section 24. Section 705.182, Florida Statutes, is created
936 to read:

937 705.182 Disposal of personal property found on the premises
938 of public-use airports.-

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

944 (2) If within 30 calendar days after such property is
945 found, or for such longer period of time as may be deemed
946 appropriate by the director or the director's designee under the
947 circumstances, the property is not claimed by the owner, the
948 director or the director's designee may:

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

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

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

955 (d) Sell the property; or

956 (e) Dispose of the property through an appropriate refuse
957 removal company or a company that provides salvage services for

578-05579-09

2009422c2

958 the type of personal property found or located on the airport.

959

960 The airport shall notify the owner, if known, of property found
961 on the airport and that the airport intends to dispose of the
962 property in any of the manners permitted in this section.

963 (3) If the airport elects to sell the property under
964 paragraph (2) (d), the property must be sold at a public auction
965 on the Internet or at a specified physical location after giving
966 notice of the time and place of sale, at least 10 calendar days
967 prior to the date of sale, in a publication of general
968 circulation within the county where the airport is located and
969 after written notice via certified mail, return receipt
970 requested, is provided to the owner, if known. Any such notice
971 is deemed sufficient if the notice refers to the airport's
972 intention to sell all then-accumulated found property, and the
973 notice need not identify each item to be sold. The rightful
974 owner of such property may reclaim the property at any time
975 prior to sale by presenting to the airport director or the
976 director's designee acceptable evidence of ownership. All
977 proceeds from the sale of the property shall be retained by the
978 airport for use by the airport in any lawfully authorized
979 manner.

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

985 (5) A purchaser or recipient in good faith of personal
986 property sold or obtained under this section takes the property

578-05579-09

2009422c2

987 free of the rights of persons then holding any legal or
988 equitable interest thereto, whether recorded or not.

989 Section 25. Section 705.183, Florida Statutes, is created
990 to read:

991 705.183 Disposal of derelict or abandoned aircraft on the
992 premises of public-use airports.-

993 (1) Whenever any derelict or abandoned aircraft is found or
994 located on premises owned or controlled by the operator of a
995 public-use airport, whether such premises are under a lease or
996 license to third parties, the director of the airport or the
997 director's designee shall make a record of the date such
998 aircraft was found or determined to be present on the airport.
999 The term "derelict aircraft" means any aircraft that is not in a
1000 flyable condition, does not have a current certificate of air
1001 worthiness issued by the Federal Aviation Administration, or is
1002 not in the process of actively being repaired. The term
1003 "abandoned aircraft" means an aircraft that has been disposed of
1004 on a public-use airport in a wrecked, inoperative, or partially
1005 dismantled condition, or an aircraft that has remained in an
1006 idle state on the premises owned or controlled by the operator
1007 of a public-use airport for 45 consecutive calendar days.

1008 (2) The director or the director's designee shall contact
1009 the Aircraft Registration Branch of the Federal Aviation
1010 Administration in order to determine the name and address of the
1011 last registered aircraft owner and make a diligent personal
1012 search of the appropriate records, or contact an aircraft title
1013 search company, in order to determine the name and address of
1014 any person having an equitable or legal interest in the
1015 aircraft. Within 10 business days after receipt of this

578-05579-09

2009422c2

1016 information, the director or the director's designee shall
1017 notify the owner and all persons having an equitable or legal
1018 interest in the aircraft by certified mail, return receipt
1019 requested, advising them of the location of the derelict or
1020 abandoned aircraft on the airport; that fees and charges for the
1021 use of the airport by the aircraft have accrued and the amount
1022 thereof; that the aircraft is subject to a lien as provided in
1023 subsection (5) for the accrued fees and charges for the use of
1024 the airport and for the transportation, storage, and removal of
1025 the aircraft; that the lien is subject to enforcement pursuant
1026 to law; and that the airport may cause the use, trade, sale, or
1027 removal of the aircraft as described in s. 705.182(2)(a), (b),
1028 (d), and (e) if, within 30 calendar days following the date of
1029 receipt of such notice, the aircraft has not been removed from
1030 the airport upon payment in full of all accrued fees and charges
1031 for the use of the airport and for the transportation, storage,
1032 and removal of the aircraft. Such notice may require removal of
1033 the aircraft in less than 30 calendar days if the aircraft poses
1034 a danger to the health or safety of users of the airport, as
1035 determined by the director or the director's designee.

1036 (3) If the owner of the aircraft is unknown or cannot be
1037 found, the director or the director's designee shall cause a
1038 laminated notice to be placed upon such aircraft in
1039 substantially the following form:

1041 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE
1042 ATTACHED PROPERTY. This property, to wit: ...(setting
1043 forth brief description)... is unlawfully upon public
1044 property known as ...(setting forth brief description

578-05579-09

2009422c2

1045 of location)... and has accrued fees and charges for
1046 the use of the ...(same description of location as
1047 above)... and for the transportation, storage, and
1048 removal of the property. These accrued fees and
1049 charges must be paid in full and the property must be
1050 removed within 30 calendar days following the date of
1051 this notice; otherwise, the property will be removed
1052 and disposed of pursuant to chapter 705, Florida
1053 Statutes. The property is subject to a lien for all
1054 accrued fees and charges for the use of the public
1055 property known as ...(same description of location as
1056 above)... by such property and for all fees and
1057 charges incurred by the public property known as
1058 ...(same description of location as above)... for the
1059 transportation, storage, and removal of the property.
1060 This lien is subject to enforcement pursuant to law.
1061 The owner will be liable for these fees and charges,
1062 as well as the cost for publication of this notice.
1063 Dated this: ...(setting forth the date of posting of
1064 notice)..., signed: ...(setting forth name, title,
1065 address, and telephone number of law enforcement
1066 officer)....

1067
1068 Such notice must be at least 8 inches by 10 inches and
1069 sufficiently weatherproof to withstand normal exposure to the
1070 elements. If, at the end of 30 calendar days after posting the
1071 notice, the owner or any person interested in the derelict or
1072 abandoned aircraft described has not removed the aircraft from
1073 the airport upon payment in full of all accrued fees and charges

578-05579-09

2009422c2

1074 for the use of the airport and for the transportation, storage,
1075 and removal of the aircraft, or shown reasonable cause for
1076 failure to do so, the director or the director's designee may
1077 cause the use, trade, sale, or removal of the aircraft as
1078 described in s. 705.182(2)(a), (b), (d), and (e).

1079 (4) Such aircraft shall be removed within the time period
1080 specified in the notice provided under subsection (2) or
1081 subsection (3). If, at the end of such period of time, the owner
1082 or any person interested in the derelict or abandoned aircraft
1083 has not removed the aircraft from the airport upon payment in
1084 full of all accrued fees and charges for the use of the airport
1085 and for the transportation, storage, and removal of the
1086 aircraft, or shown reasonable cause for the failure to do so,
1087 the director or the director's designee may cause the use,
1088 trade, sale, or removal of the aircraft as described in s.
1089 705.182(2)(a), (b), (d), and (e).

1090 (a) If the airport elects to sell the aircraft in
1091 accordance with s. 705.182(2)(d), the aircraft must be sold at
1092 public auction after giving notice of the time and place of sale
1093 at least 10 calendar days prior to the date of sale in a
1094 publication of general circulation within the county where the
1095 airport is located and after providing written notice of the
1096 intended sale to all parties known to have an interest in the
1097 aircraft.

1098 (b) If the airport elects to dispose of the aircraft in
1099 accordance with s. 705.182(2)(e), the airport may negotiate with
1100 the company for a price to be received from such company in
1101 payment for the aircraft, or, if circumstances warrant, a price
1102 to be paid to such company by the airport for the costs of

578-05579-09

2009422c2

1103 disposing of the aircraft. All information pertaining to the
1104 establishment of such price and the justification for the amount
1105 of such price shall be prepared and maintained by the airport,
1106 and such negotiated price shall be deemed to be a commercially
1107 reasonable price.

1108 (c) If the sale price or the negotiated price is less than
1109 the airport's then-current charges and costs against the
1110 aircraft, or if the airport is required to pay the salvage
1111 company for its services, the owner of the aircraft remains
1112 liable to the airport for the airport's costs that are not
1113 offset by the sale price or negotiated price, in addition to the
1114 owner's liability for payment to the airport of the price the
1115 airport was required to pay any salvage company. All costs
1116 incurred by the airport in the removal, storage, and sale of any
1117 aircraft are recoverable against the owner thereof.

1118 (5) The airport has a lien on derelict or abandoned
1119 aircraft for all fees and charges for the use of the airport by
1120 such aircraft and for all fees and charges incurred by the
1121 airport for the transportation, storage, and removal of the
1122 aircraft. As a prerequisite to perfecting a lien under this
1123 section, the airport director or the director's designee must
1124 serve a notice in accordance with subsection (2) on the last
1125 registered owner and all persons having an equitable or legal
1126 interest in the aircraft. The serving of the notice does not
1127 dispense with recording the claim of lien.

1128 (6) (a) For the purpose of perfecting its lien under this
1129 section, the airport shall record a claim of lien which must
1130 state:

1131 1. The name and address of the airport.

578-05579-09

2009422c2

1132 2. The name of the last registered aircraft owner and all
 1133 persons having a legal or equitable interest in the aircraft.

1134 3. The fees and charges incurred by the aircraft for the
 1135 use of the airport, and the fees and charges for the
 1136 transportation, storage and removal of the aircraft.

1137 4. A description of the aircraft sufficient for
 1138 identification.

1139 (b) The claim of lien shall be signed and sworn to or
 1140 affirmed by the airport director or the director's designee.

1141 (c) The claim of lien shall be sufficient if it is in
 1142 substantially the following form:

1144 CLAIM OF LIEN

1145 State of _____

1146 County of _____

1147 Before me, the undersigned notary public, personally
 1148 appeared _____, who was duly sworn and says that
 1149 he/she is the _____ of _____, whose address
 1150 is _____; and that the following described aircraft:

1151 (Description of aircraft)
 1152 owned by _____, whose address is _____,
 1153 has accrued \$ _____ in fees and charges for the
 1154 use by the aircraft of _____ and for the
 1155 transportation, storage and removal of the aircraft
 1156 from _____; that the lienor served its
 1157 notice to the last registered owner and all persons
 1158 having a legal or equitable interest in the aircraft
 1159 on _____, (year), by _____.

1160 (Signature)

578-05579-09

2009422c2

1161 Sworn to (or affirmed) and subscribed before me this
1162 _____ day of _____, (year), by (name of person making
1163 statement).

1164 (Signature of Notary Public) (Print, Type or Stamp
1165 Commissioned name of Notary Public)
1166 Personally Known or Produced as Identification.

1167
1168 However, the negligent inclusion or omission of any information
1169 in this claim of lien which does not prejudice the last
1170 registered owner does not constitute a default that operates to
1171 defeat an otherwise valid lien.

1172 (d) The claim of lien shall be served on the last
1173 registered aircraft owner and all persons having an equitable or
1174 legal interest in the aircraft. The claim of lien shall be
1175 served before recordation.

1176 (e) The claim of lien shall be recorded in the clerk's
1177 office. The recording of the claim of lien constitutes
1178 constructive notice to all persons of the contents and effect of
1179 such claim. The lien attaches at the time of recordation and
1180 takes priority as of that time.

1181 (7) A purchaser or recipient in good faith of an aircraft
1182 sold or obtained under this section takes the property free of
1183 the rights of persons then holding any legal or equitable
1184 interest thereto, whether recorded or not. The purchaser or
1185 recipient shall notify the appropriate Federal Aviation
1186 Administration office of such change in the registered owner of
1187 the aircraft.

1188 (8) If the aircraft is sold at public sale, the airport
1189 shall deduct from the proceeds of sale the costs of

578-05579-09

2009422c2

1190 transportation, storage, and publication of notice and all other
1191 costs reasonably incurred by the airport, and any balance of the
1192 proceeds shall be deposited into an interest-bearing account
1193 within 30 calendar days after the airport's receipt of the
1194 proceeds and held there for 1 year. The rightful owner of the
1195 aircraft may claim the balance of the proceeds within 1 year
1196 following the date of the deposit by making application to the
1197 airport and presentation to the airport's director or the
1198 director's designee of acceptable written evidence of ownership.
1199 If no rightful owner comes forward with a claim to the proceeds
1200 within the 1-year period, the balance of the proceeds shall be
1201 retained by the airport to be used in any legally authorized
1202 manner.

1203 (9) Any person acquiring a legal interest in an aircraft
1204 that is sold by an airport under the provisions of s. 705.182 or
1205 this section is the lawful owner of such aircraft and all other
1206 legal or equitable interests in such aircraft are divested and
1207 of no further force and effect if the holder of any such legal
1208 or equitable interests was notified of the intended disposal of
1209 the aircraft to the extent required in this section. The airport
1210 may to issue documents of disposition to the purchaser or
1211 recipient of an aircraft disposed of under this section.

1212 Section 26. Section 705.184, Florida Statutes, is created
1213 to read:

1214 705.184 Derelict or abandoned motor vehicles on the
1215 premises of public-use airports.-

1216 (1) Whenever any derelict or abandoned motor vehicle is
1217 found on premises owned or controlled by the operator of a
1218 public-use airport, including airport premises leased to third

578-05579-09

2009422c2

1219 parties, the director of the airport or the director's designee
1220 may take charge thereof and make a record of the date such motor
1221 vehicle was found. The term "derelict motor vehicle" means any
1222 motor vehicle that is not in a drivable condition. The term
1223 "abandoned motor vehicle" means a motor vehicle that has been
1224 disposed of on a public-use airport in a wrecked, inoperative,
1225 or partially dismantled condition, or a motor vehicle that has
1226 remained in an idle state on a public-use airport for 45
1227 consecutive calendar days. After the information relating to the
1228 derelict or abandoned motor vehicle is recorded in the airport's
1229 records, the director or the director's designee may cause the
1230 motor vehicle to be removed from airport premises by the
1231 airport's own wrecker or by a licensed independent wrecking
1232 company and stored at a suitable location on or off the airport
1233 premises. If the director or the director's designee causes the
1234 motor vehicle to be removed from airport premises by the
1235 airport's own wrecker, the airport is subject to the procedures
1236 set forth in subsections (2)-(8). If the director or the
1237 director's designee causes the motor vehicle to be removed from
1238 the airport premises by a licensed independent wrecking company,
1239 the airport is not subject to the procedures set forth in
1240 subsections (2)-(8).

1241 (2) The airport director or the director's designee shall
1242 contact the Department of Highway Safety and Motor Vehicles in
1243 order to notify the department that the airport has possession
1244 of the subject motor vehicle and in order to determine the name
1245 and address of the owner of the motor vehicle, the insurance
1246 company insuring the motor vehicle notwithstanding the
1247 provisions of s. 627.736, and any person who has filed a lien on

578-05579-09

2009422c2

1248 the motor vehicle. Within 7 business days after receipt of this
1249 information, the director or the director's designee shall send
1250 notice by certified mail, return receipt requested, to the owner
1251 of the motor vehicle, the insurance company insuring the motor
1252 vehicle notwithstanding the provisions of s. 627.736, and all
1253 persons of record claiming a lien against the motor vehicle. The
1254 notice must state the fact of possession of the motor vehicle;
1255 that charges for a reasonable tow fee, a reasonable storage fee,
1256 or accrued parking fees, if any, have accrued and the amount
1257 thereof; that a lien as provided in subsection (6) will be
1258 claimed; that the lien is subject to enforcement pursuant to
1259 law; that the owner or lienholder, if any, has the right to a
1260 hearing as set forth in subsection (4); and that any motor
1261 vehicle which, at the end of 30 calendar days after receipt of
1262 the notice, has not been removed from the airport upon payment
1263 in full of all accrued charges for a reasonable tow fee, a
1264 reasonable storage fee, and parking fees, if any, may be
1265 disposed of in any of the manners set forth in s. 705.182(2)(a),
1266 (b), (d), and (e), including, but not limited to, the motor
1267 vehicle being sold free of all prior liens after 35 calendar
1268 days following the time the motor vehicle is stored if any prior
1269 liens on the motor vehicle are more than 5 years of age, or
1270 after 50 calendar days following the time the motor vehicle is
1271 stored if any prior liens on the motor vehicle are 5 years of
1272 age or less.

1273 (3) If attempts to notify the owner or lienholder pursuant
1274 to subsection (2) prove unsuccessful, the requirement of notice
1275 by mail is deemed met and the director or the director's
1276 designee, in accordance with the requirements of subsection (5),

578-05579-09

2009422c2

1277 may cause the motor vehicle to be disposed of in any of the
1278 manners set forth in s. 705.182(2) (a), (b), (d), and (e),
1279 including, but not limited to, the motor vehicle being sold free
1280 of all prior liens after 35 calendar days following the time the
1281 motor vehicle is stored if any prior liens on the motor vehicle
1282 are more than 5 years of age, or after 50 calendar days
1283 following the time the motor vehicle is stored if any prior
1284 liens on the motor vehicle are 5 years of age or less.

1285 (4) (a) The owner of, or any person with a lien on, a motor
1286 vehicle removed pursuant to the provisions of subsection (1),
1287 within 10 calendar days after the time he or she has knowledge
1288 of the location of the motor vehicle, may file a complaint in
1289 the county court of the county in which the motor vehicle is
1290 stored to determine if his or her property was wrongfully taken
1291 or withheld.

1292 (b) Upon filing a complaint, an owner or lienholder may
1293 have his or her motor vehicle released upon posting with the
1294 court a cash or surety bond or other adequate security equal to
1295 the amount of the fees for towing, storage, and accrued parking,
1296 if any, to ensure the payment of such fees in the event he or
1297 she does not prevail. Upon the posting of the bond or other
1298 adequate security and the payment of any applicable fee, the
1299 clerk of the court shall issue a certificate notifying the
1300 airport of the posting of the bond or other adequate security
1301 and directing the airport to release the motor vehicle. At the
1302 time of such release, after reasonable inspection, the owner or
1303 lienholder shall give a receipt to the airport reciting any
1304 claims he or she has for loss or damage to the motor vehicle or
1305 the contents thereof.

578-05579-09

2009422c2

1306 (5) If, after 30 calendar days following receipt of the
1307 notice, the owner or any person claiming a lien has not removed
1308 the motor vehicle from its storage location upon payment in full
1309 of all accrued charges for a reasonable tow fee, a reasonable
1310 storage fee, and parking fees, if any, or shown reasonable cause
1311 for the failure to do so, the airport director or the director's
1312 designee may dispose of the motor vehicle by any of the manners
1313 set forth in s. 705.182(2) (a), (b), (d), and (e). If the airport
1314 elects to sell the motor vehicle pursuant to s. 705.182(2) (d),
1315 the motor vehicle may be sold free of all prior liens after 35
1316 calendar days following the time the motor vehicle is stored if
1317 any prior liens on the motor vehicle are more than 5 years of
1318 age, or after 50 calendar days following the time the motor
1319 vehicle is stored if any prior liens on the motor vehicle are 5
1320 years of age or less. The sale shall be a public auction on the
1321 Internet or at a specified physical location. If the date of the
1322 sale was not included in the notice required in subsection (2),
1323 notice of the sale sent by certified mail, return receipt
1324 requested, shall be given to the owner of the motor vehicle and
1325 to all persons claiming a lien on the motor vehicle. Such notice
1326 shall be mailed at least 10 calendar days before the date of the
1327 sale. In addition to the notice by mail, public notice of the
1328 time and place of the sale at auction shall be made by
1329 publishing a notice thereof one time, at least 10 calendar days
1330 prior to the date of sale, in a newspaper of general circulation
1331 in the county in which the sale is to be held. All costs
1332 incurred by the airport for the towing, storage, and sale of the
1333 motor vehicle, as well as all accrued parking fees, if any,
1334 shall be recovered by the airport from the proceeds of the sale,

578-05579-09

2009422c2

1335 and any proceeds of the sale in excess of these costs shall be
1336 retained by the airport for use by the airport in any lawfully
1337 authorized manner.

1338 (6) Pursuant to this section, the airport or, if used, a
1339 licensed independent wrecking company pursuant to s. 713.78, has
1340 a lien on a derelict or abandoned motor vehicle for a reasonable
1341 tow fee, a reasonable storage fee, and all accrued parking fees,
1342 if any; except that a storage fee may not be charged if the
1343 vehicle is stored less than 6 hours. As a prerequisite to
1344 perfecting a lien under this section, the airport director or
1345 the director's designee must serve a notice in accordance with
1346 subsection (2) on the owner of the motor vehicle, the insurance
1347 company insuring the motor vehicle notwithstanding the
1348 provisions of s. 627.736, and all persons of record claiming a
1349 lien against the motor vehicle. If attempts to notify the owner,
1350 the insurance company insuring the motor vehicle notwithstanding
1351 the provisions of s. 627.736, or lienholders prove unsuccessful,
1352 the requirement of notice by mail will be considered met. The
1353 servicing of the notice does not dispense with recording the claim
1354 of lien.

1355 (7) (a) For the purpose of perfecting its lien under this
1356 section, the airport shall record a claim of lien, which must
1357 state:

1358 1. The name and address of the airport.

1359 2. The name of the owner of the motor vehicle, the
1360 insurance company insuring the motor vehicle notwithstanding the
1361 provisions of s. 627.736, and all persons of record claiming a
1362 lien against the motor vehicle.

1363 3. The fees incurred for a reasonable tow, reasonable

578-05579-09

2009422c2

1364 storage, and parking, if any.

1365 4. A description of the motor vehicle sufficient for
 1366 identification.

1367 (b) The claim of lien shall be signed and sworn to or
 1368 affirmed by the airport director or the director's designee.

1369 (c) The claim of lien is sufficient if it is in
 1370 substantially the following form:

1371
 1372 CLAIM OF LIEN

1373 State of _____

1374 County of _____

1375 Before me, the undersigned notary public, personally
 1376 appeared _____, who was duly sworn and says that
 1377 he/she is the _____ of _____, whose address
 1378 is _____; and that the following described motor
 1379 vehicle:

1380 (Description of motor vehicle)
 1381 owned by _____, whose address is _____,
 1382 has accrued \$ _____ in fees for a reasonable tow,
 1383 for storage, and for parking, if applicable; that the
 1384 lienor served its notice to the owner, the insurance
 1385 company insuring the motor vehicle notwithstanding the
 1386 provisions of s. 627.736, and all persons of record
 1387 claiming a lien against the motor vehicle on _____,
 1388 (year), by _____.

1389 (Signature)
 1390 Sworn to (or affirmed) and subscribed before me this
 1391 _____ day of _____, (year), by (name of person making
 1392 statement).

578-05579-09

2009422c2

1393 (Signature of Notary Public) (Print, Type or Stamp
1394 Commissioned name of Notary Public)
1395 Personally Known or Produced as Identification.

1396
1397 However, the negligent inclusion or omission of any information
1398 in this claim of lien which does not prejudice the owner does
1399 not constitute a default that operates to defeat an otherwise
1400 valid lien.

1401 (d) The claim of lien shall be served on the owner of the
1402 motor vehicle, the insurance company insuring the motor vehicle
1403 notwithstanding the provisions of s. 627.736, and all persons of
1404 record claiming a lien against the motor vehicle. If attempts to
1405 notify the owner, the insurance company insuring the motor
1406 vehicle notwithstanding the provisions of s. 627.736, or
1407 lienholders prove unsuccessful, the requirement of notice by
1408 mail will be deemed met. The claim of lien shall be served
1409 before recordation.

1410 (e) The claim of lien shall be recorded in the clerk's
1411 office. The recording of the claim of lien is constructive
1412 notice to all persons of the contents and effect of such claim.
1413 The lien attaches at the time of recordation and takes priority
1414 as of that time.

1415 (8) A purchaser or recipient in good faith of a motor
1416 vehicle sold or obtained under this section takes the property
1417 free of the rights of persons then holding any legal or
1418 equitable interest thereto, whether recorded or not.

1419 Section 27. This act shall take effect July 1, 2009.