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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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Senator Baker moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (2), paragraphs (b)
and (c) of subsection (4), and subsection (12) of section
163.3180, Florida Statutes, are amended, and paragraph (i) is
added to subsection (16) of that section, to read:

163.3180 Concurrency.—

(2)

(c) Consistent with the public welfare, and except as
otherwise provided in this section, transportation facilities



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13 needed to serve new development shall be in place or under
14 actual construction within 3 years after the local government
15 approves a building permit or its functional equivalent that
16 results in traffic generation. In evaluating whether such
17 transportation facilities will be in place or under actual
18 construction, the following shall be considered a committed
19 facility:

20 1. A project that is included in the first 3 years of a
21 local government's adopted capital improvements plan;

22 2. A project that is included in the first 3 years of the
23 Department of Transportation's adopted work program; or

24 3. A high-performance transit system that serves multiple
25 municipalities, connects to an existing rail system, and is
26 included in a county's or the Department of Transportation's
27 long-range transportation plan.

28 (4)

29 (b) The concurrency requirement as implemented in local
30 comprehensive plans does not apply to public transit facilities.
31 For the purposes of this paragraph, public transit facilities
32 include transit stations and terminals; transit station parking;
33 park-and-ride lots; intermodal public transit connection or
34 transfer facilities; fixed bus, guideway, and rail stations; and
35 airport passenger terminals and concourses, air cargo
36 facilities, and hangars for the assembly, manufacture,
37 maintenance, or storage of aircraft. As used in this paragraph,
38 the terms "terminals" and "transit facilities" do not include
39 seaports or commercial or residential development constructed in
40 conjunction with a public transit facility.

41 (c) The concurrency requirement, except as it relates to



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42 transportation facilities and public schools, as implemented in
43 local government comprehensive plans, may be waived by a local
44 government for urban infill and redevelopment areas designated
45 pursuant to s. 163.2517 if such a waiver does not endanger
46 public health or safety as defined by the local government in
47 its local government comprehensive plan. The waiver shall be
48 adopted as a plan amendment pursuant to the process set forth in
49 s. 163.3187(3)(a). A local government may grant a concurrency
50 exception pursuant to subsection (5) for transportation
51 facilities located within these urban infill and redevelopment
52 areas. Affordable housing developments that serve residents who
53 have incomes at or below 60 percent of the area median income
54 and are proposed to be located on arterial roadways that have
55 public transit available are exempt from transportation
56 concurrency requirements.

57 (12) (a) A development of regional impact satisfies ~~may~~
58 ~~satisfy~~ the transportation concurrency requirements of the local
59 comprehensive plan, the local government's concurrency
60 management system, and s. 380.06 by paying ~~payment~~ of a
61 proportionate-share contribution for local and regionally
62 significant traffic impacts, if:

63 1. (a) The development of regional impact which, based on
64 its location or mix of land uses, is designed to encourage
65 pedestrian or other nonautomotive modes of transportation;

66 2. (b) The proportionate-share contribution for local and
67 regionally significant traffic impacts is sufficient to pay for
68 one or more ~~required~~ mobility improvements that will benefit the
69 network of a regionally significant transportation facilities
70 facility;



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71 ~~3.(e)~~ The owner and developer of the development of
72 regional impact pays or assures payment of the proportionate-
73 share contribution to the local government having jurisdiction
74 over the development of regional impact; and

75 ~~4.(d)~~ If the regionally significant transportation facility
76 to be constructed or improved is under the maintenance authority
77 of a governmental entity, as defined by s. 334.03~~(10)-(12)~~, other
78 than the local government with jurisdiction over the development
79 of regional impact, the local government having jurisdiction
80 over the development of regional impact must ~~developer is~~
81 ~~required to~~ enter into a binding and legally enforceable
82 commitment to transfer funds to the governmental entity having
83 maintenance authority or to otherwise assure construction or
84 improvement of a the facility reasonably related to the mobility
85 demands created by the development.

86 (b) As used in this subsection, the term "backlog" means a
87 facility or facilities on which the adopted level-of-service
88 standard is exceeded by the existing trips, plus additional
89 projected background trips from any source other than the
90 development project under review that are forecast by
91 established traffic standards, including traffic modeling,
92 consistent with the University of Florida Bureau of Economic and
93 Business Research medium population projections. Additional
94 projected background trips are to be coincident with the
95 particular stage or phase of development under review.

96 (c) The proportionate-share contribution may be applied to any
97 transportation facility to satisfy the provisions of this
98 subsection and the local comprehensive plan, but, for the
99 purposes of this subsection, the amount of the proportionate-



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100 share contribution shall be calculated based upon the cumulative
101 number of trips from the proposed development expected to reach
102 roadways during the peak hour from the complete buildout of a
103 stage or phase being approved, divided by the change in the peak
104 hour maximum service volume of roadways resulting from
105 construction of an improvement necessary to maintain the adopted
106 level of service, multiplied by the construction cost, at the
107 time of developer payment, of the improvement necessary to
108 maintain the adopted level of service. For purposes of this
109 subsection, "construction cost" includes all associated costs of
110 the improvement. The cost of any improvements made to a
111 regionally significant transportation facility that is
112 constructed by the owner or developer of the development of
113 regional impact, including the costs associated with
114 accommodating a transit facility within the development of
115 regional impact which is in a county's or the Department of
116 Transportation's long-range transportation plan, shall be
117 credited against a development of regional impact's
118 proportionate-share contribution. Proportionate-share mitigation
119 shall be limited to ensure that a development of regional impact
120 meeting the requirements of this subsection mitigates its impact
121 on the transportation system but is not responsible for the
122 additional cost of reducing or eliminating backlogs. This
123 subsection also applies to Florida Quality Developments pursuant
124 to s. 380.061 and to detailed specific area plans implementing
125 optional sector plans pursuant to s. 163.3245.

126 (16) It is the intent of the Legislature to provide a
127 method by which the impacts of development on transportation
128 facilities can be mitigated by the cooperative efforts of the



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129 public and private sectors. The methodology used to calculate
130 proportionate fair-share mitigation under this section shall be
131 as provided for in subsection (12).

132 (i) As used in this subsection, the term "backlog" means a
133 facility or facilities on which the adopted level-of-service
134 standard is exceeded by the existing trips, plus additional
135 projected background trips from any source other than the
136 development project under review that are forecast by
137 established traffic standards, including traffic modeling,
138 consistent with the University of Florida Bureau of Economic and
139 Business Research medium population projections. Additional
140 projected background trips are to be coincident with the
141 particular stage or phase of development under review.

142 Section 2. Paragraph (a) of subsection (7) of section
143 380.06, Florida Statutes, is amended to read:

144 380.06 Developments of regional impact.—

145 (7) PREAPPLICATION PROCEDURES.—

146 (a) Before filing an application for development approval,
147 the developer shall contact the regional planning agency with
148 jurisdiction over the proposed development to arrange a
149 preapplication conference. Upon the request of the developer or
150 the regional planning agency, other affected state and regional
151 agencies shall participate in this conference and shall identify
152 the types of permits issued by the agencies, the level of
153 information required, and the permit issuance procedures as
154 applied to the proposed development. The level-of-service
155 standards required in the transportation methodology must be the
156 same level-of-service standards used to evaluate concurrency in
157 accordance with s. 163.3180. The regional planning agency shall



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158 provide ~~the developer~~ information to the developer about the
159 development-of-regional-impact process and the use of
160 preapplication conferences to identify issues, coordinate
161 appropriate state and local agency requirements, and otherwise
162 promote a proper and efficient review of the proposed
163 development. If an agreement is reached regarding assumptions
164 and methodology to be used in the application for development
165 approval, the reviewing agencies may not subsequently object to
166 those assumptions and methodologies unless subsequent changes to
167 the project or information obtained during the review make those
168 assumptions and methodologies inappropriate.

169 Section 3. Subsection (8) of section 320.03, Florida
170 Statutes, is amended to read:

171 320.03 Registration; duties of tax collectors;
172 International Registration Plan.—

173 (8) If the applicant's name appears on the list referred to
174 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
175 plate or revalidation sticker may not be issued until that
176 person's name no longer appears on the list or until the person
177 presents a receipt from the governmental entity that supplied
178 the list or the clerk of court showing that the fines
179 outstanding have been paid. This subsection does not apply to
180 the owner of a leased vehicle if the vehicle is registered in
181 the name of the lessee of the vehicle. The tax collector and the
182 clerk of the court are each entitled to receive monthly, as
183 costs for implementing and administering this subsection, 10
184 percent of the civil penalties and fines recovered from such
185 persons. As used in this subsection, the term "civil penalties
186 and fines" does not include a wrecker operator's lien as



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187 described in s. 713.78(13). If the tax collector has private tag
188 agents, such tag agents are entitled to receive a pro rata share
189 of the amount paid to the tax collector, based upon the
190 percentage of license plates and revalidation stickers issued by
191 the tag agent compared to the total issued within the county.
192 The authority of any private agent to issue license plates shall
193 be revoked, after notice and a hearing as provided in chapter
194 120, if he or she issues any license plate or revalidation
195 sticker contrary to the provisions of this subsection. This
196 section applies only to the annual renewal in the owner's birth
197 month of a motor vehicle registration and does not apply to the
198 transfer of a registration of a motor vehicle sold by a motor
199 vehicle dealer licensed under this chapter, except for the
200 transfer of registrations which is inclusive of the annual
201 renewals. This section does not affect the issuance of the title
202 to a motor vehicle, notwithstanding s. 319.23(7)(b).

203 Section 4. Paragraph (d) of subsection (3) of section
204 322.27, Florida Statutes, is amended to read:

205 322.27 Authority of department to suspend or revoke
206 license.—

207 (3) There is established a point system for evaluation of
208 convictions of violations of motor vehicle laws or ordinances,
209 and violations of applicable provisions of s. 403.413(6)(b) when
210 such violations involve the use of motor vehicles, for the
211 determination of the continuing qualification of any person to
212 operate a motor vehicle. The department is authorized to suspend
213 the license of any person upon showing of its records or other
214 good and sufficient evidence that the licensee has been
215 convicted of violation of motor vehicle laws or ordinances, or



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216 applicable provisions of s. 403.413(6) (b), amounting to 12 or
217 more points as determined by the point system. The suspension
218 shall be for a period of not more than 1 year.

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

222 1. Reckless driving, willful and wanton—4 points.

223 2. Leaving the scene of a crash resulting in property
224 damage of more than \$50—6 points.

225 3. Unlawful speed resulting in a crash—6 points.

226 4. Passing a stopped school bus—4 points.

227 5. Unlawful speed:

228 a. Not in excess of 15 miles per hour of lawful or posted
229 speed—3 points.

230 b. In excess of 15 miles per hour of lawful or posted
231 speed—4 points.

232 6. A violation of a traffic control signal device as
233 provided in s. 316.074(1) or s. 316.075(1) (c)1.—4 points.

234 7. All other moving violations (including parking on a
235 highway outside the limits of a municipality)—3 points. However,
236 no points shall be imposed for a violation of s. 316.0741, s.
237 316.1001, or s. 316.2065(12).

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

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

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

242 Section 5. Subsection (3) of section 316.29545, Florida
243 Statutes, is renumbered as subsection (4), and a new subsection
244 (3) is added to that section to read:



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245 316.29545 Window sunscreening exclusions; medical
246 exemption; certain law enforcement vehicles and private
247 investigative service vehicles exempt.-

248 (3) The department shall exempt from the window
249 sunscreening restrictions of ss. 316.2953, 316.2954, and
250 316.2956 vehicles owned or leased by private investigative
251 agencies licensed under chapter 493 and used in homeland
252 security functions on behalf of federal, state, or local
253 authorities; executive protection activities; undercover,
254 covert, or surveillance operations involving child abductions,
255 convicted sex offenders, insurance fraud, or missing persons or
256 property; or investigative activities in which evidence is being
257 obtained for civil or criminal court proceedings.

258 Section 6. Subsection (14) of section 316.515, Florida
259 Statutes, is amended to read:

260 316.515 Maximum width, height, length.-

261 (14) MANUFACTURED BUILDINGS.-The Department of
262 Transportation may, in its discretion and upon application and
263 good cause shown therefor that the same is not contrary to the
264 public interest, issue a special permit for truck tractor-
265 semitrailer combinations if where the total number of overwidth
266 deliveries of manufactured buildings, as defined in s.
267 553.36(13), may be reduced by permitting the use of multiple
268 sections or single units on an overlength trailer of no more
269 than 80 ~~54~~ feet.

270 Section 7. Subsection (5) of section 316.535, Florida
271 Statutes, is amended to read:

272 316.535 Maximum weights.-

273 (5) With respect to those highways not in the Interstate



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274 Highway System, in all cases in which it exceeds state law in
275 effect on January 4, 1975, the overall gross weight on the
276 vehicle or combination of vehicles, ~~including all enforcement~~
277 ~~tolerances~~, shall be as determined by the following formula:

278

279 $W = 500((LN \div (N-1)) + 12N + 36)$

280

281 where W = overall gross weight of the vehicle to the nearest 500
282 pounds; L = distance in feet between the extreme of the external
283 axles; and N = number of axles on the vehicle. However, such
284 overall gross weight of any vehicle or combination of vehicles
285 may not exceed 80,000 pounds ~~including all enforcement~~
286 ~~tolerances~~. The scale tolerance provided in s. 316.545(2) shall
287 be applicable to all weight limitations of this subsection.
288 Except when a vehicle exceeds the posted weight limit on a
289 bridge, fines for violations of the total gross weight
290 limitations provided for in this subsection shall be based on
291 the amount by which the actual weight of the vehicle and load
292 exceeds the allowable maximum weight determined under this
293 subsection plus the scale tolerance provided in s. 316.545(2).

294 Section 8. Subsection (3) of section 316.545, Florida
295 Statutes, is amended to read:

296 316.545 Weight and load unlawful; special fuel and motor
297 fuel tax enforcement; inspection; penalty; review.—

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

302 (a) When the excess weight is 200 pounds or less than the



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303 maximum herein provided, the penalty shall be \$10;

304 (b) Five cents per pound for each pound of weight in excess
305 of the maximum herein provided when the excess weight exceeds
306 200 pounds. However, whenever the gross weight of the vehicle or
307 combination of vehicles does not exceed the maximum allowable
308 gross weight, the maximum fine for the first 600 pounds of
309 unlawful axle weight shall be \$10;

310 (c) For a vehicle equipped with fully functional idle-
311 reduction technology, any penalty shall be calculated by
312 reducing the actual gross vehicle weight or the internal bridge
313 weight by the certified weight of the idle-reduction technology
314 or by 400 pounds, whichever is less. The vehicle operator must
315 present written certification of the weight of the idle-
316 reduction technology and must demonstrate or certify that the
317 idle-reduction technology is fully functional at all times. This
318 calculation is not allowed for vehicles described in s.
319 316.535(6);

320 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.
321 320.01, operating on the highways of this state without being
322 properly licensed and registered shall be subject to the
323 penalties as herein provided; and

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

328 Section 9. Section 334.03, Florida Statutes, is amended to
329 read:

330 334.03 Definitions.—When used in the Florida Transportation
331 Code, the term:



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332 ~~(1) "Arterial road" means a route providing service which~~
333 ~~is relatively continuous and of relatively high traffic volume,~~
334 ~~long average trip length, high operating speed, and high~~
335 ~~mobility importance. In addition, every United States numbered~~
336 ~~highway is an arterial road.~~

337 (1)~~(2)~~ "Bridge" means a structure, including supports,
338 erected over a depression or an obstruction, such as water or a
339 highway or railway, and having a track or passageway for
340 carrying traffic as defined in chapter 316 or other moving
341 loads.

342 (2)~~(3)~~ "City street system" means all local roads within a
343 municipality which were under the jurisdiction of that
344 municipality on June 10, 1995, roads constructed by a
345 municipality for that municipality's street system, and roads
346 transferred to the municipality's jurisdiction after that date
347 by mutual consent with another governmental entity, but does not
348 include roads so transferred from the municipality's
349 jurisdiction, and all collector roads inside that municipality,
350 which are not in the county road system.

351 ~~(4) "Collector road" means a route providing service which~~
352 ~~is of relatively moderate average traffic volume, moderately~~
353 ~~average trip length, and moderately average operating speed.~~
354 ~~Such a route also collects and distributes traffic between local~~
355 ~~roads or arterial roads and serves as a linkage between land~~
356 ~~access and mobility needs.~~

357 (3)~~(5)~~ "Commissioners" means the governing body of a
358 county.

359 (4)~~(6)~~ "Consolidated metropolitan statistical area" means
360 two or more metropolitan statistical areas that are socially and



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361 economically interrelated as defined by the United States Bureau
362 of the Census.

363 (5)~~(7)~~ "Controlled access facility" means a street or
364 highway to which the right of access is highly regulated by the
365 governmental entity having jurisdiction over the facility in
366 order to maximize the operational efficiency and safety of the
367 high-volume through traffic utilizing the facility. Owners or
368 occupants of abutting lands and other persons have a right of
369 access to or from such facility at such points only and in such
370 manner as may be determined by the governmental entity.

371 (6)~~(8)~~ "County road system" means all roads within a county
372 which were under the jurisdiction of that county on June 10,
373 1995, roads constructed by a county for that county's road
374 system, and roads transferred to the county's jurisdiction after
375 that date by mutual consent with another governmental entity,
376 but does not include roads so transferred from the county's
377 jurisdiction collector roads in the unincorporated areas of a
378 county and all extensions of such collector roads into and
379 through any incorporated areas, all local roads in the
380 unincorporated areas, and all urban minor arterial roads not in
381 the State Highway System.

382 (7)~~(9)~~ "Department" means the Department of Transportation.

383 (8)~~(10)~~ "Florida Intrastate Highway System" means a system
384 of limited access and controlled access facilities on the State
385 Highway System which have the capacity to provide high-speed and
386 high-volume traffic movements in an efficient and safe manner.

387 (9)~~(11)~~ "Functional classification" means the assignment of
388 roads into systems according to the character of service they
389 provide in relation to the total road network using procedures



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390 developed by the Federal Highway Administration. Basic
391 ~~functional categories include arterial roads, collector roads,~~
392 ~~and local roads which may be subdivided into principal, major,~~
393 ~~or minor levels. Those levels may be additionally divided into~~
394 ~~rural and urban categories.~~

395 (10)~~(12)~~ "Governmental entity" means a unit of government,
396 or any officially designated public agency or authority of a
397 unit of government, that has the responsibility for planning,
398 construction, operation, or maintenance or jurisdiction over
399 transportation facilities; the term includes the Federal
400 Government, the state government, a county, an incorporated
401 municipality, a metropolitan planning organization, an
402 expressway or transportation authority, a road and bridge
403 district, a special road and bridge district, and a regional
404 governmental unit.

405 (11)~~(13)~~ "Limited access facility" means a street or
406 highway especially designed for through traffic, and over, from,
407 or to which owners or occupants of abutting land or other
408 persons have no right or easement of access, light, air, or view
409 by reason of the fact that their property abuts upon such
410 limited access facility or for any other reason. Such highways
411 or streets may be facilities from which trucks, buses, and other
412 commercial vehicles are excluded; or they may be facilities open
413 to use by all customary forms of street and highway traffic.

414 (12)~~(14)~~ "Local governmental entity" means a unit of
415 government with less than statewide jurisdiction, or any
416 officially designated public agency or authority of such a unit
417 of government, that has the responsibility for planning,
418 construction, operation, or maintenance of, or jurisdiction



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419 over, a transportation facility; the term includes, but is not
420 limited to, a county, an incorporated municipality, a
421 metropolitan planning organization, an expressway or
422 transportation authority, a road and bridge district, a special
423 road and bridge district, and a regional governmental unit.

424 ~~(15) "Local road" means a route providing service which is~~
425 ~~of relatively low average traffic volume, short average trip~~
426 ~~length or minimal through-traffic movements, and high land~~
427 ~~access for abutting property.~~

428 (13)~~(16)~~ "Metropolitan area" means a geographic region
429 comprising as a minimum the existing urbanized area and the
430 contiguous area projected to become urbanized within a 20-year
431 forecast period. The boundaries of a metropolitan area may be
432 designated so as to encompass a metropolitan statistical area or
433 a consolidated metropolitan statistical area. If a metropolitan
434 area, or any part thereof, is located within a nonattainment
435 area, the boundaries of the metropolitan area must be designated
436 so as to include the boundaries of the entire nonattainment
437 area, unless otherwise provided by agreement between the
438 applicable metropolitan planning organization and the Governor.

439 (14)~~(17)~~ "Metropolitan statistical area" means an area that
440 includes a municipality of 50,000 persons or more, or an
441 urbanized area of at least 50,000 persons as defined by the
442 United States Bureau of the Census, provided that the component
443 county or counties have a total population of at least 100,000.

444 (15)~~(18)~~ "Nonattainment area" means an area designated by
445 the United States Environmental Protection Agency, pursuant to
446 federal law, as exceeding national primary or secondary ambient
447 air quality standards for the pollutants carbon monoxide or



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448 ozone.

449 ~~(16)-(19)~~ "Periodic maintenance" means activities that are
450 large in scope and require a major work effort to restore
451 deteriorated components of the transportation system to a safe
452 and serviceable condition, including, but not limited to, the
453 repair of large bridge structures, major repairs to bridges and
454 bridge systems, and the mineral sealing of lengthy sections of
455 roadway.

456 ~~(17)-(20)~~ "Person" means any person described in s. 1.01 or
457 any unit of government in or outside the state.

458 ~~(18)-(21)~~ "Right of access" means the right of ingress to a
459 highway from abutting land and egress from a highway to abutting
460 land.

461 ~~(19)-(22)~~ "Right-of-way" means land in which the state, the
462 department, a county, or a municipality owns the fee or has an
463 easement devoted to or required for use as a transportation
464 facility.

465 ~~(20)-(23)~~ "Road" means a way open to travel by the public,
466 including, but not limited to, a street, highway, or alley. The
467 term includes associated sidewalks, the roadbed, the right-of-
468 way, and all culverts, drains, sluices, ditches, water storage
469 areas, waterways, embankments, slopes, retaining walls, bridges,
470 tunnels, and viaducts necessary for the maintenance of travel
471 and all ferries used in connection therewith.

472 ~~(21)-(24)~~ "Routine maintenance" means minor repairs and
473 associated tasks necessary to maintain a safe and efficient
474 transportation system. The term includes: pavement patching;
475 shoulder repair; cleaning and repair of drainage ditches,
476 traffic signs, and structures; mowing; bridge inspection and



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477 maintenance; pavement striping; litter cleanup; and other
478 similar activities.

479 ~~(22)(25) "State Highway System" means the following, which~~
480 ~~shall be facilities to which access is regulated:~~

481 ~~(a) The interstate system and all other roads within the~~
482 ~~state which were under the jurisdiction of the state on June 10,~~
483 ~~1995, roads constructed by an agency of the state for the State~~
484 ~~Highway System, and roads transferred to the state's~~
485 ~~jurisdiction after that date by mutual consent with another~~
486 ~~governmental entity, but does not include roads so transferred~~
487 ~~from the state's jurisdiction. These facilities shall be~~
488 ~~facilities to which access is regulated.†~~

489 ~~(b) All rural arterial routes and their extensions into and~~
490 ~~through urban areas;~~

491 ~~(c) All urban principal arterial routes; and~~

492 ~~(d) The urban minor arterial mileage on the existing State~~
493 ~~Highway System as of July 1, 1987, plus additional mileage to~~
494 ~~comply with the 2-percent requirement as described below.~~

495
496 ~~However, not less than 2 percent of the public road mileage of~~
497 ~~each urbanized area on record as of June 30, 1986, shall be~~
498 ~~included as minor arterials in the State Highway System.~~

499 ~~Urbanized areas not meeting the foregoing minimum requirement~~
500 ~~shall have transferred to the State Highway System additional~~
501 ~~minor arterials of the highest significance in which case the~~
502 ~~total minor arterials in the State Highway System from any~~
503 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
504 ~~public urban road mileage.~~

505 ~~(23)(26) "State Park Road System" means roads embraced~~



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506 within the boundaries of state parks and state roads leading to
507 state parks, other than roads of the State Highway System, the
508 county road systems, or the city street systems.

509 ~~(24)-(27)~~ "State road" means a street, road, highway, or
510 other way open to travel by the public generally and dedicated
511 to the public use according to law or by prescription and
512 designated by the department, as provided by law, as part of the
513 State Highway System.

514 ~~(25)-(28)~~ "Structure" means a bridge, viaduct, tunnel,
515 causeway, approach, ferry slip, culvert, toll plaza, gate, or
516 other similar facility used in connection with a transportation
517 facility.

518 ~~(26)-(29)~~ "Sufficiency rating" means the objective rating of
519 a road or section of a road for the purpose of determining its
520 capability to serve properly the actual or anticipated volume of
521 traffic using the road.

522 ~~(27)-(30)~~ "Transportation corridor" means any land area
523 designated by the state, a county, or a municipality which is
524 between two geographic points and which area is used or suitable
525 for the movement of people and goods by one or more modes of
526 transportation, including areas necessary for management of
527 access and securing applicable approvals and permits.

528 Transportation corridors shall contain, but are not limited to,
529 the following:

530 (a) Existing publicly owned rights-of-way;

531 (b) All property or property interests necessary for future
532 transportation facilities, including rights of access, air,
533 view, and light, whether public or private, for the purpose of
534 securing and utilizing future transportation rights-of-way,



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535 including, but not limited to, any lands reasonably necessary
536 now or in the future for securing applicable approvals and
537 permits, borrow pits, drainage ditches, water retention areas,
538 rest areas, replacement access for landowners whose access could
539 be impaired due to the construction of a future facility, and
540 replacement rights-of-way for relocation of rail and utility
541 facilities.

542 ~~(28)~~⁽³¹⁾ "Transportation facility" means any means for the
543 transportation of people or property from place to place which
544 is constructed, operated, or maintained in whole or in part from
545 public funds. The term includes the property or property rights,
546 both real and personal, which have been or may be established by
547 public bodies for the transportation of people or property from
548 place to place.

549 ~~(29)~~⁽³²⁾ "Urban area" means a geographic region comprising
550 as a minimum the area inside the United States Bureau of the
551 Census boundary of an urban place with a population of 5,000 or
552 more persons, expanded to include adjacent developed areas as
553 provided for by Federal Highway Administration regulations.

554 ~~(33)~~ "Urban minor arterial road" means a route that
555 generally interconnects with and augments an urban principal
556 arterial road and provides service to trips of shorter length
557 and a lower level of travel mobility. The term includes all
558 arterials not classified as "principal" and contain facilities
559 that place more emphasis on land access than the higher system.

560 ~~(30)~~⁽³⁴⁾ "Urban place" means a geographic region composed
561 of one or more contiguous census tracts that have been found by
562 the United States Bureau of the Census to contain a population
563 density of at least 1,000 persons per square mile.



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564 ~~(35) "Urban principal arterial road" means a route that~~
565 ~~generally serves the major centers of activity of an urban area,~~
566 ~~the highest traffic volume corridors, and the longest trip~~
567 ~~purpose and carries a high proportion of the total urban area~~
568 ~~travel on a minimum of mileage. Such roads are integrated, both~~
569 ~~internally and between major rural connections.~~

570 (31)~~(36)~~ "Urbanized area" means a geographic region
571 comprising as a minimum the area inside an urban place of 50,000
572 or more persons, as designated by the United States Bureau of
573 the Census, expanded to include adjacent developed areas as
574 provided for by Federal Highway Administration regulations.
575 Urban areas with a population of fewer than 50,000 persons which
576 are located within the expanded boundary of an urbanized area
577 are not separately recognized.

578 (32)~~(37)~~ "511" or "511 services" means three-digit
579 telecommunications dialing to access interactive voice response
580 telephone traveler information services provided in the state as
581 defined by the Federal Communications Commission in FCC Order
582 No. 00-256, July 31, 2000.

583 (33)~~(38)~~ "Interactive voice response" means a software
584 application that accepts a combination of voice telephone input
585 and touch-tone keypad selection and provides appropriate
586 responses in the form of voice, fax, callback, e-mail, and other
587 media.

588 Section 10. Subsections (11) and (13) of section 334.044,
589 Florida Statutes, are amended to read:

590 334.044 Department; powers and duties.—The department shall
591 have the following general powers and duties:

592 (11) To establish a numbering system for public roads and~~r~~



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593 to functionally classify such roads, ~~and to assign~~
594 ~~jurisdictional responsibility.~~

595 (13) To ~~designate existing and to plan proposed~~
596 transportation facilities as part of the State Highway System,
597 and to construct, maintain, and operate such facilities.

598 Section 11. Section 334.047, Florida Statutes, is amended
599 to read:

600 334.047 Prohibition.—Notwithstanding any other provision of
601 law to the contrary, the Department of Transportation may not
602 establish a cap on the number of miles in the State Highway
603 System ~~or a maximum number of miles of urban principal arterial~~
604 ~~roads, as defined in s. 334.03, within a district or county.~~

605 Section 12. Section 336.445, Florida Statutes, is created
606 to read:

607 336.445 Public-private partnerships with counties.—

608 (1) Notwithstanding any other provision of law or
609 ordinance, a county may enter into agreements with private
610 entities, or a consortia thereof, for the building, operation,
611 ownership, or financing of toll facilities as part of the county
612 road system under the following circumstances:

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

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

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



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622 (a) Is not contrary to the public's interest;
623 (b) Would not require state funds to be used;
624 (c) Would have adequate safeguards in place to ensure that
625 no additional costs or service disruptions would be realized by
626 the travelling public in the event of default or cancellation of
627 the agreement by the county; and

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

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

634 (a) Regulations governing the future increase of toll or
635 fare revenues; and

636 (b) That the private entity shall provide an investment
637 grade traffic and revenue study prepared by an internationally
638 recognized traffic and revenue expert that is accepted by the
639 national bond rating agencies. The private entity shall also
640 provide a finance plan than identifies the project cost,
641 revenues by source, financing, major assumptions, internal rate
642 of return on private investment, whether any government funds
643 are assumed to deliver a cost-feasible project, and a total cash
644 flow analysis beginning with the implementation of the project
645 and extending for the term of the agreement.

646 Section 13. Subsection (2) of section 337.0261, Florida
647 Statutes, is amended to read:

648 337.0261 Construction aggregate materials.—

649 (2) LEGISLATIVE INTENT.—The Legislature finds that there is
650 a strategic and critical need for an available supply of



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651 construction aggregate materials within the state and that a
652 disruption of the supply would cause a significant detriment to
653 the state's construction industry, transportation system, and
654 overall health, safety, and welfare. In addition, the
655 Legislature recognizes that construction aggregate materials
656 mining is an industry of critical importance to the state and
657 that the mining of construction aggregate materials is in the
658 public interest.

659 Section 14. Subsection (1) of section 337.401, Florida
660 Statutes, is amended to read:

661 337.401 Use of right-of-way for utilities subject to
662 regulation; permit; fees.—

663 (1) (a) The department and local governmental entities,
664 referred to in ss. 337.401-337.404 as the "authority," that have
665 jurisdiction and control of public roads or publicly owned rail
666 corridors are authorized to prescribe and enforce reasonable
667 rules or regulations with reference to the placing and
668 maintaining along, across, or on any road or publicly owned rail
669 corridors under their respective jurisdictions any electric
670 transmission, telephone, telegraph, or other communications
671 services lines; pole lines; poles; railways; ditches; sewers;
672 water, heat, or gas mains; pipelines; fences; gasoline tanks and
673 pumps; or other structures referred to in this section as the
674 "utility." ~~For aerial and underground electric utility~~
675 ~~transmission lines designed to operate at 69 or more kilovolts~~
676 ~~that are needed to accommodate the additional electrical~~
677 ~~transfer capacity on the transmission grid resulting from new~~
678 ~~base load generating facilities, where there is no other~~
679 ~~practicable alternative available for placement of the electric~~



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680 ~~utility transmission lines on the department's rights of way,~~
681 ~~the department's rules shall provide for placement of and access~~
682 ~~to such transmission lines adjacent to and within the right of~~
683 ~~way of any department-controlled public roads, including~~
684 ~~longitudinally within limited access facilities to the greatest~~
685 ~~extent allowed by federal law, if compliance with the standards~~
686 ~~established by such rules is achieved. Such rules may include,~~
687 ~~but need not be limited to, that the use of the right-of-way is~~
688 ~~reasonable based upon a consideration of economic and~~
689 ~~environmental factors, including, without limitation, other~~
690 ~~practicable alternative alignments, utility corridors and~~
691 ~~easements, impacts on adjacent property owners, and minimum~~
692 ~~clear zones and other safety standards, and further provide that~~
693 ~~placement of the electric utility transmission lines within the~~
694 ~~department's right-of-way does not interfere with operational~~
695 ~~requirements of the transportation facility or planned or~~
696 ~~potential future expansion of such transportation facility. If~~
697 ~~the department approves longitudinal placement of electric~~
698 ~~utility transmission lines in limited access facilities,~~
699 ~~compensation for the use of the right-of-way is required. Such~~
700 ~~consideration or compensation paid by the electric utility in~~
701 ~~connection with the department's issuance of a permit does not~~
702 ~~create any property right in the department's property~~
703 ~~regardless of the amount of consideration paid or the~~
704 ~~improvements constructed on the property by the utility. Upon~~
705 ~~notice by the department that the property is needed for~~
706 ~~expansion or improvement of the transportation facility, the~~
707 ~~electric utility transmission line will relocate from the~~
708 ~~facility at the electric utility's sole expense. The electric~~



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709 ~~utility shall pay to the department reasonable damages resulting~~
710 ~~from the utility's failure or refusal to timely relocate its~~
711 ~~transmission lines. The rules to be adopted by the department~~
712 ~~may also address the compensation methodology and relocation. As~~
713 ~~used in this subsection, the term "base-load generating~~
714 ~~facilities" means electric power plants that are certified under~~
715 ~~part II of chapter 403. The department may enter into a permit-~~
716 ~~delegation agreement with a governmental entity if issuance of a~~
717 ~~permit is based on requirements that the department finds will~~
718 ~~ensure the safety and integrity of facilities of the Department~~
719 ~~of Transportation; however, the permit-delegation agreement does~~
720 ~~not apply to facilities of electric utilities as defined in s.~~
721 ~~366.02(2).~~

722 (b) For aerial and underground electric utility
723 transmission lines designed to operate at 69 or more kilovolts
724 that are needed to accommodate the additional electrical
725 transfer capacity on the transmission grid resulting from new
726 base-load generating facilities, the department's rules shall
727 provide for placement of and access to such transmission lines
728 adjacent to and within the right-of-way of any department-
729 controlled public roads, including longitudinally within limited
730 access facilities where there is no other practicable
731 alternative available, to the greatest extent allowed by federal
732 law, if compliance with the standards established by such rules
733 is achieved. Such rules may include, but need not be limited to,
734 that the use of the limited access right-of-way for longitudinal
735 placement of electric utility transmission lines is reasonable
736 based upon a consideration of economic and environmental
737 factors, including, without limitation, other practicable



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738 alternative alignments, utility corridors and easements, impacts
739 on adjacent property owners, and minimum clear zones and other
740 safety standards, and further provide that placement of the
741 electric utility transmission lines within the department's
742 right-of-way does not interfere with operational requirements of
743 the transportation facility or planned or potential future
744 expansion of such transportation facility. If the department
745 approves longitudinal placement of electric utility transmission
746 lines in limited access facilities, compensation for the use of
747 the right-of-way is required. Such consideration or compensation
748 paid by the electric utility in connection with the department's
749 issuance of a permit does not create any property right in the
750 department's property regardless of the amount of consideration
751 paid or the improvements constructed on the property by the
752 utility. Upon notice by the department that the property is
753 needed for expansion or improvement of the transportation
754 facility, the electric utility transmission line will relocate
755 at the electric utility's sole expense. The electric utility
756 shall pay to the department reasonable damages resulting from
757 the utility's failure or refusal to timely relocate its
758 transmission lines. The rules to be adopted by the department
759 may also address the compensation methodology and relocation. As
760 used in this subsection, the term "base-load generating
761 facilities" means electric power plants that are certified under
762 part II of chapter 403.

763 Section 15. Subsection (3) and paragraphs (b) and (c) of
764 subsection (4) of section 339.2816, Florida Statutes, are
765 amended to read:

766 339.2816 Small County Road Assistance Program.—



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767 (3) Beginning with fiscal year 1999-2000 until fiscal year
768 2009-2010, and beginning again with fiscal year 2012-2013, up to
769 \$25 million annually from the State Transportation Trust Fund
770 may be used for the purposes of funding the Small County Road
771 Assistance Program as described in this section.

772 (4)

773 (b) In determining a county's eligibility for assistance
774 under this program, the department may consider whether the
775 county has attempted to keep county roads in satisfactory
776 condition, including the amount of local option fuel tax ~~and ad~~
777 ~~valorem millage rate~~ imposed by the county. The department may
778 also consider the extent to which the county has offered to
779 provide a match of local funds with state funds provided under
780 the program. At a minimum, small counties shall be eligible only
781 if:

782 ~~1. the county has enacted the maximum rate of the local~~
783 ~~option fuel tax authorized by s. 336.025(1) (a) .7, and has imposed~~
784 ~~an ad valorem millage rate of at least 8 mills; or~~

785 ~~2. The county has imposed an ad valorem millage rate of 10~~
786 ~~mills.~~

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

789 1. The primary criterion is the physical condition of the
790 road as measured by the department.

791 2. As secondary criteria the department may consider:

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

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

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

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



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796 e. Whether a road is located in a fiscally constrained
797 county as defined in s. 218.67(1).

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

801 Section 16. Subsection (1) of section 339.2818, Florida
802 Statutes, is amended to read:

803 339.2818 Small County Outreach Program.—

804 (1) There is created within the Department of
805 Transportation the Small County Outreach Program. The purpose of
806 this program is to assist small county governments in repairing
807 or rehabilitating county bridges, paving unpaved roads,
808 addressing road-related drainage improvements, resurfacing or
809 reconstructing county roads, or ~~in~~ constructing capacity or
810 safety improvements to county roads.

811 Section 17. Subsections (1), (2), and (5) of section
812 339.64, Florida Statutes, are amended to read:

813 339.64 Strategic Intermodal System Plan.—

814 (1) The department shall develop, in cooperation with
815 metropolitan planning organizations, regional planning councils,
816 local governments, ~~the Statewide Intermodal Transportation~~
817 ~~Advisory Council~~ and other transportation providers, a Strategic
818 Intermodal System Plan. The plan shall be consistent with the
819 Florida Transportation Plan developed pursuant to s. 339.155 and
820 shall be updated at least once every 5 years, subsequent to
821 updates of the Florida Transportation Plan.

822 (2) In association with the continued development of the
823 Strategic Intermodal System Plan, the Florida Transportation
824 Commission, as part of its work program review process, shall



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825 conduct an annual assessment of the progress that the department
826 and its transportation partners have made in realizing the goals
827 of economic development, improved mobility, and increased
828 intermodal connectivity of the Strategic Intermodal System. The
829 Florida Transportation Commission shall coordinate with the
830 department, ~~the Statewide Intermodal Transportation Advisory~~
831 ~~Council,~~ and other appropriate entities when developing this
832 assessment. The Florida Transportation Commission shall deliver
833 a report to the Governor and Legislature no later than 14 days
834 after the regular session begins, with recommendations as
835 necessary to fully implement the Strategic Intermodal System.

836 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY COUNCIL.~~

837 ~~(a) The Statewide Intermodal Transportation Advisory~~
838 ~~Council is created to advise and make recommendations to the~~
839 ~~Legislature and the department on policies, planning, and~~
840 ~~funding of intermodal transportation projects. The council's~~
841 ~~responsibilities shall include:~~

842 ~~1. Advising the department on the policies, planning, and~~
843 ~~implementation of strategies related to intermodal~~
844 ~~transportation.~~

845 ~~2. Providing advice and recommendations to the Legislature~~
846 ~~on funding for projects to move goods and people in the most~~
847 ~~efficient and effective manner for the State of Florida.~~

848 ~~(b) MEMBERSHIP. Members of the Statewide Intermodal~~
849 ~~Transportation Advisory Council shall consist of the following:~~

850 ~~1. Six intermodal industry representatives selected by the~~
851 ~~Governor as follows:~~

852 ~~a. One representative from an airport involved in the~~
853 ~~movement of freight and people from their airport facility to~~



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854 ~~another transportation mode.~~
855 ~~b. One individual representing a fixed-route, local-~~
856 ~~government transit system.~~
857 ~~e. One representative from an intercity bus company~~
858 ~~providing regularly scheduled bus travel as determined by~~
859 ~~federal regulations.~~
860 ~~d. One representative from a spaceport.~~
861 ~~e. One representative from intermodal trucking companies.~~
862 ~~f. One representative having command responsibilities of a~~
863 ~~major military installation.~~
864 ~~2. Three intermodal industry representatives selected by~~
865 ~~the President of the Senate as follows:~~
866 ~~a. One representative from major-line railroads.~~
867 ~~b. One representative from seaports listed in s. 311.09(1)~~
868 ~~from the Atlantic Coast.~~
869 ~~e. One representative from an airport involved in the~~
870 ~~movement of freight and people from their airport facility to~~
871 ~~another transportation mode.~~
872 ~~3. Three intermodal industry representatives selected by~~
873 ~~the Speaker of the House of Representatives as follows:~~
874 ~~a. One representative from short-line railroads.~~
875 ~~b. One representative from seaports listed in s. 311.09(1)~~
876 ~~from the Gulf Coast.~~
877 ~~e. One representative from intermodal trucking companies.~~
878 ~~In no event may this representative be employed by the same~~
879 ~~company that employs the intermodal trucking company~~
880 ~~representative selected by the Governor.~~
881 ~~(c) Initial appointments to the council must be made no~~
882 ~~later than 30 days after the effective date of this section.~~



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883 ~~1. The initial appointments made by the President of the~~
884 ~~Senate and the Speaker of the House of Representatives shall~~
885 ~~serve terms concurrent with those of the respective appointing~~
886 ~~officer. Beginning January 15, 2005, and for all subsequent~~
887 ~~appointments, council members appointed by the President of the~~
888 ~~Senate and the Speaker of the House of Representatives shall~~
889 ~~serve 2-year terms, concurrent with the term of the respective~~
890 ~~appointing officer.~~

891 ~~2. The initial appointees, and all subsequent appointees,~~
892 ~~made by the Governor shall serve 2-year terms.~~

893 ~~3. Vacancies on the council shall be filled in the same~~
894 ~~manner as the initial appointments.~~

895 ~~(d) Each member of the council shall be allowed one vote.~~
896 ~~The council shall select a chair from among its membership.~~
897 ~~Meetings shall be held at the call of the chair, but not less~~
898 ~~frequently than quarterly. The members of the council shall be~~
899 ~~reimbursed for per diem and travel expenses as provided in s.~~
900 ~~112.061.~~

901 ~~(e) The department shall provide administrative staff~~
902 ~~support and shall ensure that council meetings are~~
903 ~~electronically recorded. Such recordings and all documents~~
904 ~~received, prepared for, or used by the council in conducting its~~
905 ~~business shall be preserved pursuant to chapters 119 and 257.~~

906 Section 18. Subsections (3) and (7) of section 348.51,
907 Florida Statutes, are amended to read:

908 348.51 Definitions.—The following terms whenever used or
909 referred to in this part shall have the following meanings,
910 except in those instances where the context clearly indicates
911 otherwise:



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

916 (7) "Expressway system" or "system" means, generally, a
917 modern highway system of roads, managed lanes, and other transit
918 supporting facilities, bridges, causeways, and tunnels in the
919 metropolitan area of the city, or within any area of the county,
920 including the Tampa Bay Region as defined by those counties set
921 forth in s. 343.91(1)(a), with access limited or unlimited as
922 the authority may determine, and such buildings and structures
923 and appurtenances and facilities related thereto, including all
924 approaches, streets, roads, bridges, and avenues of access for
925 such system.

926 Section 19. Section 348.53, Florida Statutes, is amended to
927 read:

928 348.53 Purposes of the authority.—The authority is created
929 for the purposes and shall have power to construct, reconstruct,
930 improve, extend, repair, maintain and operate the expressway
931 system. It is hereby found and declared that such purposes are
932 in all respects for the benefit of the people of the State of
933 Florida, City of Tampa, ~~and the~~ County of Hillsborough, and
934 Tampa Bay Region, for the increase of their pleasure,
935 convenience and welfare, for the improvement of their health, to
936 facilitate transportation, including transit support facilities,
937 for their recreation and commerce and for the common defense.
938 The authority shall be performing a public purpose and a
939 governmental function in carrying out its corporate purpose and
940 in exercising the powers granted herein.



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941 Section 20. Subsections (7) and (8) of section 348.54,
942 Florida Statutes, are amended to read:

943 348.54 Powers of the authority.—Except as otherwise limited
944 herein, the authority shall have the power:

945 (7) To borrow money and to make and issue negotiable bonds,
946 notes, refunding bonds, and other evidences of indebtedness or
947 obligations, either in temporary or definitive form, hereinafter
948 in this chapter referred to as "bonds of the authority," for the
949 purpose of financing all or part of the improvement or extension
950 of the expressway system, and appurtenant facilities, including
951 all approaches, streets, roads, bridges, and avenues of access
952 for the expressway system and for any other purpose authorized
953 by this part and to provide for the rights of the holders
954 thereof.

955 (8) To secure the payment of bonds by a pledge of all or
956 any portion of the revenues or such other moneys legally
957 available therefor and of all or any portion of the Hillsborough
958 County gasoline tax funds in the manner provided by this part;
959 and in general to provide for the security of the bonds and the
960 rights and remedies of the holders thereof. Interest upon the
961 amount of gasoline tax funds to be repaid to the county pursuant
962 to s. 348.60 shall be payable, at the highest rate applicable to
963 any outstanding bonds of the authority, out of revenues and
964 other available moneys not required to meet the authority's
965 obligations to its bondholders. The authority shall have no
966 power at any time or in any manner to pledge the credit or
967 taxing power of the state or any political subdivision or
968 agency, including the city and the county, nor shall any of the
969 authority's obligations be deemed to be obligations of the state



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970 or of any political subdivision or agency, nor shall the state
971 or any political subdivision or agency, except the authority, be
972 liable for the payment of the principal of or interest on such
973 obligations.

974 Section 21. Section 348.545, Florida Statutes, is amended
975 to read:

976 348.545 Facility improvement; bond financing authority.—
977 Pursuant to s. 11(f), Art. VII of the State Constitution, the
978 Legislature hereby approves for bond financing by the Tampa-
979 Hillsborough County Expressway Authority improvements to toll
980 collection facilities, interchanges to the legislatively
981 approved expressway system, and any other facility appurtenant,
982 necessary, or incidental to the approved system. Subject to
983 terms and conditions of applicable revenue bond resolutions and
984 covenants, such costs ~~financing~~ may be financed in whole or in
985 part by revenue bonds issued pursuant to s. 348.56(1)(a) or (b)
986 whether currently issued or issued in the future, or by a
987 combination of such bonds.

988 Section 22. Subsections (1) and (2) of section 348.56,
989 Florida Statutes, are amended to read:

990 348.56 Bonds of the authority.—

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

993 (b) Alternatively, the authority shall have the power and
994 is hereby authorized from time to time to issue bonds in such
995 principal amount as, in the opinion of the authority, shall be
996 necessary to provide sufficient moneys for achieving its
997 corporate purposes, including construction, reconstruction,
998 improvement, extension, repair, maintenance and operation of the



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999 expressway system, the cost of acquisition of all real property,
1000 interest on bonds during construction and for a reasonable
1001 period thereafter, establishment of reserves to secure bonds,
1002 and all other expenditures of the authority incident to and
1003 necessary or convenient to carry out its corporate purposes and
1004 powers.

1005 (2) (a) Bonds issued by the authority pursuant to paragraph
1006 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
1007 the members of the authority and shall bear such date or dates,
1008 mature at such time or times, not exceeding 40 years from their
1009 respective dates, bear interest at such rate or rates, not
1010 exceeding the maximum rate fixed by general law for authorities,
1011 be in such denominations, be in such form, either coupon or
1012 fully registered, carry such registration, exchangeability and
1013 interchangeability privileges, be payable in such medium of
1014 payment and at such place or places, be subject to such terms of
1015 redemption and be entitled to such priorities of lien on the
1016 revenues, other available moneys, and the Hillsborough County
1017 gasoline tax funds as such resolution or any resolution
1018 subsequent thereto may provide. The bonds shall be executed
1019 either by manual or facsimile signature by such officers as the
1020 authority shall determine, provided that such bonds shall bear
1021 at least one signature which is manually executed thereon. The
1022 coupons attached to such bonds shall bear the facsimile
1023 signature or signatures of such officer or officers as shall be
1024 designated by the authority. Such bonds shall have the seal of
1025 the authority affixed, imprinted, reproduced, or lithographed
1026 thereon.

1027 (b) The bonds issued pursuant to paragraph (1) (a) or



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1028 paragraph (1)(b) shall be sold at public sale in the same manner
1029 provided in the State Bond Act, and the net interest cost to the
1030 authority on such bonds shall not exceed the maximum rate fixed
1031 by general law for authorities. If all bids received on the
1032 public sale are rejected, the authority may then proceed to
1033 negotiate for the sale of the bonds at a net interest cost which
1034 shall be less than the lowest net interest cost stated in the
1035 bids rejected at the public sale. However, if the authority
1036 determines, by official action at a public meeting, that a
1037 negotiated sale of such bonds is in the best interest of the
1038 authority, the authority may negotiate the sale of such bonds
1039 with the underwriter or underwriters designated by the authority
1040 and the Division of Bond Finance within the State Board of
1041 Administration with respect to bonds issued pursuant to
1042 paragraph (1)(a) or solely by the authority with respect to
1043 bonds issued pursuant to paragraph (1)(b). The authority's
1044 determination to negotiate the sale of such bonds may be based,
1045 in part, upon the written advice of the authority's financial
1046 adviser. Pending the preparation of definitive bonds, temporary
1047 bonds or interim certificates may be issued to the purchaser or
1048 purchasers of such bonds and may contain such terms and
1049 conditions as the authority may determine.

1050 Section 23. Section 348.565, Florida Statutes, is amended
1051 to read:

1052 348.565 Revenue bonds for specified projects.—The existing
1053 facilities that constitute the Tampa-Hillsborough County
1054 Expressway System are hereby approved to be refinanced by ~~the~~
1055 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance
1056 of the State Board of Administration pursuant to s. 11(f), Art.



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1057 VII of the State Constitution and the State Bond Act, or by
1058 revenue bonds issued by the authority pursuant to s.
1059 348.56(1)(b). In addition, the following projects of the Tampa-
1060 Hillsborough County Expressway Authority are approved to be
1061 financed or refinanced by the issuance of revenue bonds in
1062 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of
1063 the State Constitution:

1064 (1) Brandon area feeder roads.

1065 (2) Capital improvements to the expressway system,
1066 including safety and operational improvements and toll
1067 collection equipment.

1068 (3) Lee Roy Selmon Crosstown Expressway System widening.

1069 (4) The connector highway linking the Lee Roy Selmon
1070 Crosstown Expressway to Interstate 4.

1071 (5) Managed lanes and other transit support facilities.

1072 Section 24. Subsection (1) of section 348.57, Florida
1073 Statutes, is amended to read:

1074 348.57 Refunding bonds.—

1075 (1) Subject to public notice as provided in s. 348.54, the
1076 authority is authorized to provide by resolution for the
1077 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
1078 for the purpose of refunding any bonds then outstanding
1079 regardless of whether the bonds being refunded were issued by
1080 the authority pursuant to this chapter or on behalf of the
1081 authority pursuant to the State Bond Act. The authority is
1082 further authorized to provide by resolution for the issuance of
1083 bonds for the combined purpose of:

1084 (a) Paying the cost of constructing, reconstructing,
1085 improving, extending, repairing, maintaining and operating the



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1086 expressway system.

1087 (b) Refunding bonds then outstanding. The authorization,
1088 sale and issuance of such obligations, the maturities and other
1089 details thereof, the rights and remedies of the holders thereof,
1090 and the rights, powers, privileges, duties and obligations of
1091 the authority with respect to the same shall be governed by the
1092 foregoing provisions of this part insofar as the same may be
1093 applicable.

1094 Section 25. Section 348.70, Florida Statutes, is amended to
1095 read:

1096 348.70 This part complete and additional authority.-

1097 (1) The powers conferred by this part shall be in addition
1098 and supplemental to the existing respective powers of the
1099 authority, the department, the county, and the city, if any, and
1100 this part shall not be construed as repealing any of the
1101 provisions of any other law, general, special, or local, but
1102 shall be deemed to supersede such other law or laws in the
1103 exercise of the powers provided in this part insofar as such
1104 other law or laws are inconsistent with the provisions of this
1105 part and to provide a complete method for the exercise of the
1106 powers granted herein. The construction, reconstruction,
1107 improvement, extension, repair, maintenance, and operation of
1108 the expressway system, and the issuance of bonds hereunder to
1109 finance all or part of the cost thereof, may be accomplished
1110 upon compliance with the provisions of this part without regard
1111 to or necessity for compliance with the provisions, limitations,
1112 or restrictions contained in any other general, special, or
1113 local law, including, but not limited to, s. 215.821, and no
1114 approval of any bonds issued under this part by the qualified



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1115 electors or qualified electors who are freeholders in the state
1116 or in the county or in the city or in any other political
1117 subdivision of the state shall be required for the issuance of
1118 such bonds.

1119 (2) This part does not repeal, rescind, or modify any other
1120 law or laws relating to the State Board of Administration, the
1121 Department of Transportation, or the Division of Bond Finance of
1122 the State Board of Administration, but shall supersede such
1123 other law or laws as are inconsistent with the provisions of
1124 this part, including, but not limited to, s. 215.821.

1125 Section 26. Subsection (6) of section 369.317, Florida
1126 Statutes, is amended to read:

1127 369.317 Wekiva Parkway.—

1128 (6) The Orlando-Orange County Expressway Authority is
1129 hereby granted the authority to act as a third-party acquisition
1130 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
1131 or chapter 373 on behalf of the governing board of the St. Johns
1132 River Water Management District, for the acquisition of all
1133 necessary lands, property and all interests in property
1134 identified herein, including fee simple or less-than-fee simple
1135 interests. The lands subject to this authority are identified in
1136 paragraph 10.a., State of Florida, Office of the Governor,
1137 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
1138 of the Wekiva Basin Area Task Force created by Executive Order
1139 2002-259, such lands otherwise known as Neighborhood Lakes, a
1140 1,587+/- acre parcel located in Orange and Lake Counties within
1141 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
1142 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
1143 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake



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1144 County within Section 37, Township 19 South, Range 28 East; New
1145 Garden Coal; a 1,605+/- acre parcel in Lake County within
1146 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
1147 East; Pine Plantation, a 617+/- acre tract consisting of eight
1148 individual parcels within the Apopka City limits. The Department
1149 of Transportation, the Department of Environmental Protection,
1150 the St. Johns River Water Management District, and other land
1151 acquisition entities shall participate and cooperate in
1152 providing information and support to the third-party acquisition
1153 agent. The land acquisition process authorized by this paragraph
1154 shall begin no later than December 31, 2004. Acquisition of the
1155 properties identified as Neighborhood Lakes, Pine Plantation,
1156 and New Garden Coal, or approval as a mitigation bank shall be
1157 concluded no later than December 31, 2010. Department of
1158 Transportation and Orlando-Orange County Expressway Authority
1159 funds expended to purchase an interest in those lands identified
1160 in this subsection shall be eligible as environmental mitigation
1161 for road construction related impacts in the Wekiva Study Area.
1162 If any of the lands identified in this subsection are used as
1163 environmental mitigation for road-construction-related impacts
1164 incurred by the Department of Transportation or the Orlando-
1165 Orange County Expressway Authority, or for other impacts
1166 incurred by other entities, within the Wekiva Study Area or
1167 within the Wekiva Parkway alignment corridor and, if the
1168 mitigation offsets such impacts, the St. Johns River Water
1169 Management District and the Department of Environmental
1170 Protection shall consider the activity regulated under part IV
1171 of chapter 373 to meet the cumulative impact requirements of s.
1172 373.414(8)(a).



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1173 (a) Acquisition of the land described in this section is
1174 required to provide right of way for the Wekiva Parkway, a
1175 limited access roadway linking State Road 429 to Interstate 4,
1176 an essential component in meeting regional transportation needs
1177 to provide regional connectivity, improve safety, accommodate
1178 projected population and economic growth, and satisfy critical
1179 transportation requirements caused by increased traffic volume
1180 growth and travel demands.

1181 (b) Acquisition of the lands described in this section is
1182 also required to protect the surface water and groundwater
1183 resources of Lake, Orange, and Seminole counties, otherwise
1184 known as the Wekiva Study Area, including recharge within the
1185 springshed that provides for the Wekiva River system. Protection
1186 of this area is crucial to the long term viability of the Wekiva
1187 River and springs and the central Florida region's water supply.
1188 Acquisition of the lands described in this section is also
1189 necessary to alleviate pressure from growth and development
1190 affecting the surface and groundwater resources within the
1191 recharge area.

1192 (c) Lands acquired pursuant to this section that are needed
1193 for transportation facilities for the Wekiva Parkway shall be
1194 determined not necessary for conservation purposes pursuant to
1195 ss. 253.034(6) and 373.089(5) and shall be transferred to or
1196 retained by the Orlando-Orange County Expressway Authority or
1197 the Department of Transportation upon reimbursement of the full
1198 purchase price and acquisition costs.

1199 Section 27. Section 705.18, Florida Statutes, is amended to
1200 read:

1201 705.18 Disposal of personal property lost or abandoned on



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1202 university or community college campuses ~~or certain public use~~
1203 ~~airports~~; disposition of proceeds from sale thereof.-

1204 (1) Whenever any lost or abandoned personal property shall
1205 be found on a campus of an institution in the State University
1206 System or a campus of a state-supported community college, ~~or on~~
1207 ~~premises owned or controlled by the operator of a public-use~~
1208 ~~airport having regularly scheduled international passenger~~
1209 ~~service~~, the president of the institution or the president's
1210 designee ~~or the director of the airport or the director's~~
1211 ~~designee~~ shall take charge thereof and make a record of the date
1212 such property was found. If, within 30 days after such property
1213 is found, or a longer period of time as may be deemed
1214 appropriate by the president ~~or the director~~ under the
1215 circumstances, the property ~~it~~ is not claimed by the owner, the
1216 president ~~or director~~ shall order it sold at public outcry after
1217 giving notice of the time and place of sale in a publication of
1218 general circulation on the campus of such institution ~~or within~~
1219 ~~the county where the airport is located~~ and written notice to
1220 the owner if known. The rightful owner of such property may
1221 reclaim the same at any time prior to sale.

1222 (2) All moneys realized from such institution's sale shall
1223 be placed in an appropriate fund and used solely for student
1224 scholarship and loan purposes. ~~All moneys realized from such~~
1225 ~~sale by an airport, less its costs of storage, transportation,~~
1226 ~~and publication of notice, shall, unless another use is required~~
1227 ~~by federal law, be deposited into the state school fund.~~

1228 Section 28. Section 705.182, Florida Statutes, is created
1229 to read:

1230 705.182 Disposal of personal property found on the premises



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1231 of public-use airports.-

1232 (1) Whenever any personal property, other than an aircraft
1233 or motor vehicle, is found on premises owned or controlled by
1234 the operator of a public-use airport, the director of the
1235 airport or the director's designee shall take charge thereof and
1236 make a record of the date such property was found.

1237 (2) If, within 30 calendar days after such property is
1238 found or for a longer period of time as may be deemed
1239 appropriate by the director or the director's designee under the
1240 circumstances, the property is not claimed by the owner, the
1241 director or the director's designee may:

1242 (a) Retain any or all of the property for use by the
1243 airport or for use by the state or the unit of local government
1244 owning or operating the airport;

1245 (b) Trade such property to another unit of local government
1246 or a state agency;

1247 (c) Donate the property to a charitable organization;

1248 (d) Sell the property; or

1249 (e) Dispose of the property through an appropriate refuse
1250 removal company or a company that provides salvage services for
1251 the type of personal property found or located on the airport
1252 premises.

1253 (3) The airport shall notify the owner, if known, of the
1254 property found on the airport premises and that the airport
1255 intends to dispose of the property as provided in subsection
1256 (2).

1257 (4) If the airport elects to sell the property under
1258 paragraph (2) (d), the property must be sold at a public auction
1259 either on the Internet or at a specified physical location after



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1260 giving notice of the time and place of sale, at least 10
1261 calendar days prior to the date of sale, in a publication of
1262 general circulation within the county where the airport is
1263 located and after written notice, via certified mail, return
1264 receipt requested, is provided to the owner, if known. Any such
1265 notice shall be sufficient if the notice refers to the airport's
1266 intention to sell all then-accumulated found property, and there
1267 is no requirement that the notice identify each item to be sold.
1268 The rightful owner of such property may reclaim the property at
1269 any time prior to sale by presenting acceptable evidence of
1270 ownership to the airport director or the director's designee.
1271 All proceeds from the sale of the property shall be retained by
1272 the airport for use by the airport in any lawfully authorized
1273 manner.

1274 (5) Nothing in this section shall preclude the airport from
1275 allowing a domestic or international air carrier or other
1276 tenant, on premises owned or controlled by the operator of a
1277 public-use airport, to establish its own lost and found
1278 procedures for personal property and to dispose of such personal
1279 property.

1280 (6) A purchaser or recipient in good faith of personal
1281 property sold or obtained under this section shall take the
1282 property free of the rights of persons then holding any legal or
1283 equitable interest thereto, whether or not recorded.

1284 Section 29. Section 705.183, Florida Statutes, is created
1285 to read:

1286 705.183 Disposal of derelict or abandoned aircraft on the
1287 premises of public-use airports.-

1288 (1) (a) Whenever any derelict or abandoned aircraft is found



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1289 or located on premises owned or controlled by the operator of a
1290 public-use airport, whether or not such premises are under a
1291 lease or license to a third party, the director of the airport
1292 or the director's designee shall make a record of the date the
1293 aircraft was found or determined to be present on the airport
1294 premises.

1295 (b) For purposes of this section, the term:

1296 1. "Abandoned aircraft" means an aircraft that has been
1297 disposed of on a public-use airport in a wrecked, inoperative,
1298 or partially dismantled condition or an aircraft that has
1299 remained in an idle state on premises owned or controlled by the
1300 operator of a public-use airport for 45 consecutive calendar
1301 days.

1302 2. "Derelict aircraft" means any aircraft that is not in a
1303 flyable condition, does not have a current certificate of air
1304 worthiness issued by the Federal Aviation Administration, and is
1305 not in the process of actively being repaired.

1306 (2) The director or the director's designee shall contact
1307 the Federal Aviation Administration, Aircraft Registration
1308 Branch, to determine the name and address of the last registered
1309 owner of the aircraft and shall make a diligent personal search
1310 of the appropriate records, or contact an aircraft title search
1311 company, to determine the name and address of any person having
1312 an equitable or legal interest in the aircraft. Within 10
1313 business days after receipt of the information, the director or
1314 the director's designee shall notify the owner and all persons
1315 having an equitable or legal interest in the aircraft by
1316 certified mail, return receipt requested, of the location of the
1317 derelict or abandoned aircraft on the airport premises, that



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1318 fees and charges for the use of the airport by the aircraft have
1319 accrued and the amount thereof, that the aircraft is subject to
1320 a lien under subsection (5) for the accrued fees and charges for
1321 the use of the airport and for the transportation, storage, and
1322 removal of the aircraft, that the lien is subject to enforcement
1323 pursuant to law, and that the airport may cause the use, trade,
1324 sale, or removal of the aircraft as described in s.
1325 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days
1326 after the date of receipt of such notice, the aircraft has not
1327 been removed from the airport upon payment in full of all
1328 accrued fees and charges for the use of the airport and for the
1329 transportation, storage, and removal of the aircraft. Such
1330 notice may require removal of the aircraft in less than 30
1331 calendar days if the aircraft poses a danger to the health or
1332 safety of users of the airport, as determined by the director or
1333 the director's designee.

1334 (3) If the owner of the aircraft is unknown or cannot be
1335 found, the director or the director's designee shall cause a
1336 laminated notice to be placed upon such aircraft in
1337 substantially the following form:

1338
1339 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1340 PROPERTY. This property, to wit: (setting forth brief
1341 description) is unlawfully upon public property known as
1342 (setting forth brief description of location) and has accrued
1343 fees and charges for the use of the (same description of
1344 location as above) and for the transportation, storage, and
1345 removal of the property. These accrued fees and charges must be
1346 paid in full and the property must be removed within 30 calendar



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1347 days after the date of this notice; otherwise, the property will
1348 be removed and disposed of pursuant to chapter 705, Florida
1349 Statutes. The property is subject to a lien for all accrued fees
1350 and charges for the use of the public property known as (same
1351 description of location as above) by such property and for all
1352 fees and charges incurred by the public property known as (same
1353 description of location as above) for the transportation,
1354 storage, and removal of the property. This lien is subject to
1355 enforcement pursuant to law. The owner will be liable for such
1356 fees and charges, as well as the cost for publication of this
1357 notice. Dated this: (setting forth the date of posting of
1358 notice), signed: (setting forth name, title, address, and
1359 telephone number of law enforcement officer).

1360
1361 Such notice shall be not less than 8 inches by 10 inches and
1362 shall be sufficiently weatherproof to withstand normal exposure
1363 to the weather. If, at the end of 30 calendar days after posting
1364 the notice, the owner or any person interested in the described
1365 derelict or abandoned aircraft has not removed the aircraft from
1366 the airport upon payment in full of all accrued fees and charges
1367 for the use of the airport and for the transportation, storage,
1368 and removal of the aircraft, or shown reasonable cause for
1369 failure to do so, the director or the director's designee may
1370 cause the use, trade, sale, or removal of the aircraft as
1371 described in s. 705.182(2)(a), (b), (d), or (e).

1372 (4) Such aircraft shall be removed within the time period
1373 specified in the notice provided under subsection (2) or
1374 subsection (3). If, at the end of such period of time, the owner
1375 or any person interested in the described derelict or abandoned



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1376 aircraft has not removed the aircraft from the airport upon
1377 payment in full of all accrued fees and charges for the use of
1378 the airport and for the transportation, storage, and removal of
1379 the aircraft, or shown reasonable cause for the failure to do
1380 so, the director or the director's designee may cause the use,
1381 trade, sale, or removal of the aircraft as described in s.
1382 705.182(2)(a), (b), (d), or (e).

1383 (a) If the airport elects to sell the aircraft in
1384 accordance with s. 705.182(2)(d), the aircraft must be sold at
1385 public auction after giving notice of the time and place of
1386 sale, at least 10 calendar days prior to the date of sale, in a
1387 publication of general circulation within the county where the
1388 airport is located and after providing written notice of the
1389 intended sale to all parties known to have an interest in the
1390 aircraft.

1391 (b) If the airport elects to dispose of the aircraft in
1392 accordance with s. 705.182(2)(e), the airport shall be entitled
1393 to negotiate with the company for a price to be received from
1394 such company in payment for the aircraft, or, if circumstances
1395 so warrant, a price to be paid to such company by the airport
1396 for the costs of disposing of the aircraft. All information
1397 pertaining to the establishment of such price and the
1398 justification for the amount of such price shall be prepared and
1399 maintained by the airport, and such negotiated price shall be
1400 deemed to be a commercially reasonable price.

1401 (c) If the sale price or the negotiated price is less than
1402 the airport's then current charges and costs against the
1403 aircraft, or if the airport is required to pay the salvage
1404 company for its services, the owner of the aircraft shall remain



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1405 liable to the airport for the airport's costs that are not
1406 offset by the sale price or negotiated price, in addition to the
1407 owner's liability for payment to the airport of the price the
1408 airport was required to pay any salvage company. All costs
1409 incurred by the airport in the removal, storage, and sale of any
1410 aircraft shall be recoverable against the owner thereof.

1411 (5) The airport shall have a lien on a derelict or
1412 abandoned aircraft for all fees and charges for the use of the
1413 airport by such aircraft and for all fees and charges incurred
1414 by the airport for the transportation, storage, and removal of
1415 the aircraft. As a prerequisite to perfecting a lien under this
1416 section, the airport director or the director's designee must
1417 serve a notice in accordance with subsection (2) on the last
1418 registered owner and all persons having an equitable or legal
1419 interest in the aircraft. Serving the notice does not dispense
1420 with recording the claim of lien.

1421 (6) (a) For the purpose of perfecting its lien under this
1422 section, the airport shall record a claim of lien which shall
1423 state:

1424 1. The name and address of the airport.

1425 2. The name of the last registered owner of the aircraft
1426 and all persons having a legal or equitable interest in the
1427 aircraft.

1428 3. The fees and charges incurred by the aircraft for the
1429 use of the airport and the fees and charges for the
1430 transportation, storage, and removal of the aircraft.

1431 4. A description of the aircraft sufficient for
1432 identification.

1433 (b) The claim of lien shall be signed and sworn to or



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1434 affirmed by the airport director or the director's designee.

1435 (c) The claim of lien shall be sufficient if it is in
1436 substantially the following form:

1437
1438 CLAIM OF LIEN

1439 State of _____

1440 County of _____

1441 Before me, the undersigned notary public, personally appeared

1442 _____, who was duly sworn and says that he/she is the

1443 _____ of _____, whose address is _____; and that the

1444 following described aircraft:

1445 (Description of aircraft)

1446 owned by _____, whose address is _____, has accrued

1447 \$ _____ in fees and charges for the use by the aircraft of

1448 _____ and for the transportation, storage, and removal

1449 of the aircraft from _____; that the lienor served its

1450 notice to the last registered owner and all persons having a

1451 legal or equitable interest in the aircraft on _____, (year),

1452 by _____.

1453 (Signature)

1454 Sworn to (or affirmed) and subscribed before me this _____ day

1455 of _____, (year), by (name of person making statement).

1456 (Signature of Notary Public) (Print, Type, or Stamp Commissioned

1457 name of Notary Public)

1458 Personally Known OR Produced _____ as identification.

1459

1460 However, the negligent inclusion or omission of any information

1461 in this claim of lien which does not prejudice the last

1462 registered owner does not constitute a default that operates to



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1463 defeat an otherwise valid lien.

1464 (d) The claim of lien shall be served on the last
1465 registered owner of the aircraft and all persons having an
1466 equitable or legal interest in the aircraft. The claim of lien
1467 shall be so served before recordation.

1468 (e) The claim of lien shall be recorded with the clerk of
1469 court in the county where the airport is located. The recording
1470 of the claim of lien shall be constructive notice to all persons
1471 of the contents and effect of such claim. The lien shall attach
1472 at the time of recordation and shall take priority as of that
1473 time.

1474 (7) A purchaser or recipient in good faith of an aircraft
1475 sold or obtained under this section takes the property free of
1476 the rights of persons then holding any legal or equitable
1477 interest thereto, whether or not recorded. The purchaser or
1478 recipient is required to notify the appropriate Federal Aviation
1479 Administration office of such change in the registered owner of
1480 the aircraft.

1481 (8) If the aircraft is sold at public sale, the airport
1482 shall deduct from the proceeds of sale the costs of
1483 transportation, storage, publication of notice, and all other
1484 costs reasonably incurred by the airport, and any balance of the
1485 proceeds shall be deposited into an interest-bearing account not
1486 later than 30 calendar days after the airport's receipt of the
1487 proceeds and held there for 1 year. The rightful owner of the
1488 aircraft may claim the balance of the proceeds within 1 year
1489 after the date of the deposit by making application to the
1490 airport and presenting acceptable written evidence of ownership
1491 to the airport's director or the director's designee. If no



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1492 rightful owner claims the proceeds within the 1-year time
1493 period, the balance of the proceeds shall be retained by the
1494 airport to be used in any manner authorized by law.

1495 (9) Any person acquiring a legal interest in an aircraft
1496 that is sold by an airport under this section or s. 705.182
1497 shall be the lawful owner of such aircraft and all other legal
1498 or equitable interests in such aircraft shall be divested and of
1499 no further force and effect, provided that the holder of any
1500 such legal or equitable interests was notified of the intended
1501 disposal of the aircraft to the extent required in this section.
1502 The airport may issue documents of disposition to the purchaser
1503 or recipient of an aircraft disposed of under this section.

1504 Section 30. Section 705.184, Florida Statutes, is created
1505 to read:

1506 705.184 Derelict or abandoned motor vehicles on the
1507 premises of public-use airports.-

1508 (1) (a) Whenever any derelict or abandoned motor vehicle is
1509 found on premises owned or controlled by the operator of a
1510 public-use airport, including airport premises leased to a third
1511 party, the director of the airport or the director's designee
1512 may take charge thereof and make a record of the date such motor
1513 vehicle was found.

1514 (b) For purposes of this section, the term:

1515 1. "Abandoned motor vehicle" means a motor vehicle that has
1516 been disposed of on a public-use airport in a wrecked,
1517 inoperative, or partially dismantled condition or a motor
1518 vehicle that has remained in an idle state on the premises of a
1519 public-use airport for 45 consecutive calendar days.

1520 2. "Derelict motor vehicle" means any motor vehicle that is



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1521 not in a drivable condition.

1522 (c) After the information relating to the abandoned or
1523 derelict motor vehicle is recorded in the airport's records, the
1524 director or the director's designee may cause the motor vehicle
1525 to be removed from airport premises by the airport's wrecker or
1526 by a licensed independent wrecker company to be stored at a
1527 suitable location on or off the airport premises. If the motor
1528 vehicle is to be removed from airport premises by the airport's
1529 wrecker, the airport must follow the procedures in subsections
1530 (2)-(8). The procedures in subsections (2)-(8) do not apply if
1531 the motor vehicle is removed from the airport premises by a
1532 licensed independent wrecker company.

1533 (2) The airport director or the director's designee shall
1534 contact the Department of Highway Safety and Motor Vehicles to
1535 notify that department that the airport has possession of the
1536 abandoned or derelict motor vehicle and to determine the name
1537 and address of the owner of the motor vehicle, the insurance
1538 company insuring the motor vehicle notwithstanding the
1539 provisions of s. 627.736, and any person who has filed a lien on
1540 the motor vehicle. Within 7 business days after receipt of the
1541 information, the director or the director's designee shall send
1542 notice by certified mail, return receipt requested, to the owner
1543 of the motor vehicle, the insurance company insuring the motor
1544 vehicle notwithstanding the provisions of s. 627.736, and all
1545 persons of record claiming a lien against the motor vehicle. The
1546 notice shall state the fact of possession of the motor vehicle,
1547 that charges for reasonable towing, storage, and parking fees,
1548 if any, have accrued and the amount thereof, that a lien as
1549 provided in subsection (6) will be claimed, that the lien is



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1550 subject to enforcement pursuant to law, that the owner or
1551 lienholder, if any, has the right to a hearing as set forth in
1552 subsection (4), and that any motor vehicle which, at the end of
1553 30 calendar days after receipt of the notice, has not been
1554 removed from the airport upon payment in full of all accrued
1555 charges for reasonable towing, storage, and parking fees, if
1556 any, may be disposed of as provided in s. 705.182(2) (a), (b),
1557 (d), or (e), including, but not limited to, the motor vehicle
1558 being sold free of all prior liens after 35 calendar days after
1559 the time the motor vehicle is stored if any prior liens on the
1560 motor vehicle are more than 5 years of age or after 50 calendar
1561 days after the time the motor vehicle is stored if any prior
1562 liens on the motor vehicle are 5 years of age or less.

1563 (3) If attempts to notify the owner or lienholder pursuant
1564 to subsection (2) are not successful, the requirement of notice
1565 by mail shall be considered met and the director or the
1566 director's designee, in accordance with subsection (5), may
1567 cause the motor vehicle to be disposed of as provided in s.
1568 705.182(2) (a), (b), (d), or (e), including, but not limited to,
1569 the motor vehicle being sold free of all prior liens after 35
1570 calendar days after the time the motor vehicle is stored if any
1571 prior liens on the motor vehicle are more than 5 years of age or
1572 after 50 calendar days after the time the motor vehicle is
1573 stored if any prior liens on the motor vehicle are 5 years of
1574 age or less.

1575 (4) (a) The owner of, or any person with a lien on, a motor
1576 vehicle removed pursuant to subsection (1), may, within 10
1577 calendar days after the time he or she has knowledge of the
1578 location of the motor vehicle, file a complaint in the county



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1579 court of the county in which the motor vehicle is stored to
1580 determine if his or her property was wrongfully taken or
1581 withheld.

1582 (b) Upon filing a complaint, an owner or lienholder may
1583 have his or her motor vehicle released upon posting with the
1584 court a cash or surety bond or other adequate security equal to
1585 the amount of the fees for towing, storage, and accrued parking,
1586 if any, to ensure the payment of such fees in the event he or
1587 she does not prevail. Upon the posting of the bond or other
1588 adequate security and the payment of any applicable fee, the
1589 clerk of the court shall issue a certificate notifying the
1590 airport of the posting of the bond or other adequate security
1591 and directing the airport to release the motor vehicle. At the
1592 time of such release, after reasonable inspection, the owner or
1593 lienholder shall give a receipt to the airport reciting any
1594 claims he or she has for loss or damage to the motor vehicle or
1595 the contents thereof.

1596 (5) If, after 30 calendar days after receipt of the notice,
1597 the owner or any person claiming a lien has not removed the
1598 motor vehicle from its storage location upon payment in full of
1599 all accrued charges for reasonable towing, storage, and parking
1600 fees, if any, or shown reasonable cause for the failure to do
1601 so, the airport director or the director's designee may dispose
1602 of the motor vehicle as provided in s. 705.182(2)(a), (b), (d),
1603 or (e). If the airport elects to sell the motor vehicle pursuant
1604 to s. 705.182(2)(d), the motor vehicle may be sold free of all
1605 prior liens after 35 calendar days after the time the motor
1606 vehicle is stored if any prior liens on the motor vehicle are
1607 more than 5 years of age or after 50 calendar days after the



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1608 time the motor vehicle is stored if any prior liens on the motor
1609 vehicle are 5 years of age or less. The sale shall be a public
1610 auction either on the Internet or at a specified physical
1611 location. If the date of the sale was not included in the notice
1612 required in subsection (2), notice of the sale, sent by
1613 certified mail, return receipt requested, shall be given to the
1614 owner of the motor vehicle and to all persons claiming a lien on
1615 the motor vehicle. Such notice shall be mailed not less than 10
1616 calendar days before the date of the sale. In addition to the
1617 notice by mail, public notice of the time and place of the sale
1618 at auction shall be made by publishing a notice thereof one
1619 time, at least 10 calendar days prior to the date of sale, in a
1620 newspaper of general circulation in the county in which the sale
1621 is to be held. All costs incurred by the airport for the towing,
1622 storage, and sale of the motor vehicle, as well as all accrued
1623 parking fees, if any, shall be recovered by the airport from the
1624 proceeds of the sale, and any proceeds of the sale in excess of
1625 such costs shall be retained by the airport for use by the
1626 airport in any manner authorized by law.

1627 (6) The airport pursuant to this section or, if used, a
1628 licensed independent wrecker company pursuant to s. 713.78 shall
1629 have a lien on an abandoned or derelict motor vehicle for all
1630 reasonable towing, storage, and accrued parking fees, if any,
1631 except that no storage fee shall be charged if the motor vehicle
1632 is stored less than 6 hours. As a prerequisite to perfecting a
1633 lien under this section, the airport director or the director's
1634 designee must serve a notice in accordance with subsection (2)
1635 on the owner of the motor vehicle, the insurance company
1636 insuring the motor vehicle notwithstanding the provisions of s.



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1637 627.736, and all persons of record claiming a lien against the
1638 motor vehicle. If attempts to notify the owner, the insurance
1639 company insuring the motor vehicle notwithstanding the
1640 provisions of s. 627.736, or lienholders are not successful, the
1641 requirement of notice by mail shall be considered met. Serving
1642 of the notice does not dispense with recording the claim of
1643 lien.

1644 (7) (a) For the purpose of perfecting its lien under this
1645 section, the airport shall record a claim of lien which shall
1646 state:

1647 1. The name and address of the airport.

1648 2. The name of the owner of the motor vehicle, the
1649 insurance company insuring the motor vehicle notwithstanding the
1650 provisions of s. 627.736, and all persons of record claiming a
1651 lien against the motor vehicle.

1652 3. The costs incurred from reasonable towing, storage, and
1653 parking fees, if any.

1654 4. A description of the motor vehicle sufficient for
1655 identification.

1656 (b) The claim of lien shall be signed and sworn to or
1657 affirmed by the airport director or the director's designee.

1658 (c) The claim of lien shall be sufficient if it is in
1659 substantially the following form:

1660

1661 CLAIM OF LIEN

1662 State of _____

1663 County of _____

1664 Before me, the undersigned notary public, personally appeared

1665 _____, who was duly sworn and says that he/she is the



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1666 _____ of _____, whose address is _____; and that the
1667 following described motor vehicle:

1668 (Description of motor vehicle)

1669 owned by _____, whose address is _____, has accrued
1670 \$ _____ in fees for a reasonable tow, for storage, and for
1671 parking, if applicable; that the lienor served its notice to the
1672 owner, the insurance company insuring the motor vehicle
1673 notwithstanding the provisions of s. 627.736, Florida Statutes,
1674 and all persons of record claiming a lien against the motor
1675 vehicle on _____, (year), by _____.

1676 (Signature)

1677 Sworn to (or affirmed) and subscribed before me this _____ day
1678 of _____, (year), by (name of person making statement).

1679 (Signature of Notary Public) (Print, Type, or Stamp Commissioned
1680 name of Notary Public)

1681 Personally Known OR Produced _____ as identification.

1682

1683 However, the negligent inclusion or omission of any information
1684 in this claim of lien which does not prejudice the owner does
1685 not constitute a default that operates to defeat an otherwise
1686 valid lien.

1687 (d) The claim of lien shall be served on the owner of the
1688 motor vehicle, the insurance company insuring the motor vehicle
1689 notwithstanding the provisions of s. 627.736, and all persons of
1690 record claiming a lien against the motor vehicle. If attempts to
1691 notify the owner, the insurance company insuring the motor
1692 vehicle notwithstanding the provisions of s. 627.736, or
1693 lienholders are not successful, the requirement of notice by
1694 mail shall be considered met. The claim of lien shall be so



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1695 served before recordation.

1696 (e) The claim of lien shall be recorded with the clerk of
1697 court in the county where the airport is located. The recording
1698 of the claim of lien shall be constructive notice to all persons
1699 of the contents and effect of such claim. The lien shall attach
1700 at the time of recordation and shall take priority as of that
1701 time.

1702 (8) A purchaser or recipient in good faith of a motor
1703 vehicle sold or obtained under this section takes the property
1704 free of the rights of persons then holding any legal or
1705 equitable interest thereto, whether or not recorded.

1706 Section 31. Subsection (3) of section 288.063, Florida
1707 Statutes, is amended to read:

1708 288.063 Contracts for transportation projects.—

1709 (3) With respect to any contract executed pursuant to this
1710 section, the term "transportation project" means a
1711 transportation facility as defined in s. 334.03~~(28)~~~~(31)~~ which is
1712 necessary in the judgment of the Office of Tourism, Trade, and
1713 Economic Development to facilitate the economic development and
1714 growth of the state. Except for applications received prior to
1715 July 1, 1996, such transportation projects shall be approved
1716 only as a consideration to attract new employment opportunities
1717 to the state or expand or retain employment in existing
1718 companies operating within the state, or to allow for the
1719 construction or expansion of a state or federal correctional
1720 facility in a county with a population of 75,000 or less that
1721 creates new employment opportunities or expands or retains
1722 employment in the county. The Office of Tourism, Trade, and
1723 Economic Development shall institute procedures to ensure that



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1724 small and minority businesses have equal access to funding
1725 provided under this section. Funding for approved transportation
1726 projects may include any expenses, other than administrative
1727 costs and equipment purchases specified in the contract,
1728 necessary for new, or improvement to existing, transportation
1729 facilities. Funds made available pursuant to this section may
1730 not be expended in connection with the relocation of a business
1731 from one community to another community in this state unless the
1732 Office of Tourism, Trade, and Economic Development determines
1733 that without such relocation the business will move outside this
1734 state or determines that the business has a compelling economic
1735 rationale for the relocation which creates additional jobs.
1736 Subject to appropriation for projects under this section, any
1737 appropriation greater than \$10 million shall be allocated to
1738 each of the districts of the Department of Transportation to
1739 ensure equitable geographical distribution. Such allocated funds
1740 that remain uncommitted by the third quarter of the fiscal year
1741 shall be reallocated among the districts based on pending
1742 project requests.

1743 Section 32. Paragraph (b) of subsection (3) of section
1744 311.07, Florida Statutes, is amended to read:

1745 311.07 Florida seaport transportation and economic
1746 development funding.—

1747 (3)

1748 (b) Projects eligible for funding by grants under the
1749 program are limited to the following port facilities or port
1750 transportation projects:

1751 1. Transportation facilities within the jurisdiction of the
1752 port.



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1753 2. The dredging or deepening of channels, turning basins,
1754 or harbors.

1755 3. The construction or rehabilitation of wharves, docks,
1756 structures, jetties, piers, storage facilities, cruise
1757 terminals, automated people mover systems, or any facilities
1758 necessary or useful in connection with any of the foregoing.

1759 4. The acquisition of vessel tracking systems, container
1760 cranes, or other mechanized equipment used in the movement of
1761 cargo or passengers in international commerce.

1762 5. The acquisition of land to be used for port purposes.

1763 6. The acquisition, improvement, enlargement, or extension
1764 of existing port facilities.

1765 7. Environmental protection projects which are necessary
1766 because of requirements imposed by a state agency as a condition
1767 of a permit or other form of state approval; which are necessary
1768 for environmental mitigation required as a condition of a state,
1769 federal, or local environmental permit; which are necessary for
1770 the acquisition of spoil disposal sites and improvements to
1771 existing and future spoil sites; or which result from the
1772 funding of eligible projects listed in this paragraph.

1773 8. Transportation facilities as defined in s.
1774 334.03(28) ~~(31)~~ which are not otherwise part of the Department of
1775 Transportation's adopted work program.

1776 9. Seaport intermodal access projects identified in the 5-
1777 year Florida Seaport Mission Plan as provided in s. 311.09(3).

1778 10. Construction or rehabilitation of port facilities as
1779 defined in s. 315.02, excluding any park or recreational
1780 facilities, in ports listed in s. 311.09(1) with operating
1781 revenues of \$5 million or less, provided that such projects



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1782 create economic development opportunities, capital improvements,
1783 and positive financial returns to such ports.

1784 Section 33. Subsection (7) of section 311.09, Florida
1785 Statutes, is amended to read:

1786 311.09 Florida Seaport Transportation and Economic
1787 Development Council.—

1788 (7) The Department of Transportation shall review the list
1789 of projects approved by the council for consistency with the
1790 Florida Transportation Plan and the department's adopted work
1791 program. In evaluating the consistency of a project, the
1792 department shall determine whether the transportation impact of
1793 the proposed project is adequately handled by existing state-
1794 owned transportation facilities or by the construction of
1795 additional state-owned transportation facilities as identified
1796 in the Florida Transportation Plan and the department's adopted
1797 work program. In reviewing for consistency a transportation
1798 facility project as defined in s. 334.03 (28) ~~(31)~~ which is not
1799 otherwise part of the department's work program, the department
1800 shall evaluate whether the project is needed to provide for
1801 projected movement of cargo or passengers from the port to a
1802 state transportation facility or local road. If the project is
1803 needed to provide for projected movement of cargo or passengers,
1804 the project shall be approved for consistency as a consideration
1805 to facilitate the economic development and growth of the state
1806 in a timely manner. The Department of Transportation shall
1807 identify those projects which are inconsistent with the Florida
1808 Transportation Plan and the adopted work program and shall
1809 notify the council of projects found to be inconsistent.

1810 Section 34. Section 316.2122, Florida Statutes, is amended



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1811 to read:

1812 316.2122 Operation of a low-speed vehicle on certain
1813 roadways.—The operation of a low-speed vehicle, as defined in s.
1814 320.01(42), on any road under the jurisdiction of a county or
1815 municipality or on an urban minor arterial road under the
1816 jurisdiction of the Department of Transportation as defined in
1817 s. 334.03(15) or (33), is authorized with the following
1818 restrictions:

1819 (1) A low-speed vehicle may be operated only on streets
1820 where the posted speed limit is 35 miles per hour or less. This
1821 does not prohibit a low-speed vehicle from crossing a road or
1822 street at an intersection where the road or street has a posted
1823 speed limit of more than 35 miles per hour.

1824 (2) A low-speed vehicle must be equipped with headlamps,
1825 stop lamps, turn signal lamps, taillamps, reflex reflectors,
1826 parking brakes, rearview mirrors, windshields, seat belts, and
1827 vehicle identification numbers.

1828 (3) A low-speed vehicle must be registered and insured in
1829 accordance with s. 320.02.

1830 (4) Any person operating a low-speed vehicle must have in
1831 his or her possession a valid driver's license.

1832 (5) A county or municipality may prohibit the operation of
1833 low-speed vehicles on any road under its jurisdiction if the
1834 governing body of the county or municipality determines that
1835 such prohibition is necessary in the interest of safety.

1836 (6) The Department of Transportation may prohibit the
1837 operation of low-speed vehicles on any road under its
1838 jurisdiction if it determines that such prohibition is necessary
1839 in the interest of safety.



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1840 Section 35. Paragraph (c) of subsection (5) of section
1841 316.515, Florida Statutes, is amended to read:

1842 316.515 Maximum width, height, length.—

1843 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
1844 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

1845 (c) The width and height limitations of this section do not
1846 apply to farming or agricultural equipment, whether self-
1847 propelled, pulled, or hauled, when temporarily operated during
1848 daylight hours upon a public road that is not a limited access
1849 facility as defined in s. 334.03(11)~~(13)~~, and the width and
1850 height limitations may be exceeded by such equipment without a
1851 permit. To be eligible for this exemption, the equipment shall
1852 be operated within a radius of 50 miles of the real property
1853 owned, rented, or leased by the equipment owner. However,
1854 equipment being delivered by a dealer to a purchaser is not
1855 subject to the 50-mile limitation. Farming or agricultural
1856 equipment greater than 174 inches in width must have one warning
1857 lamp mounted on each side of the equipment to denote the width
1858 and must have a slow-moving vehicle sign. Warning lamps required
1859 by this paragraph must be visible from the front and rear of the
1860 vehicle and must be visible from a distance of at least 1,000
1861 feet.

1862 Section 36. Paragraph (b) of subsection (7) of section
1863 332.14, Florida Statutes, is amended to read:

1864 332.14 Secure Airports for Florida's Economy Council.—

1865 (7) The SAFE council may utilize, as appropriate and with
1866 legislative spending authorization, any federal, state, and
1867 local government contributions as well as private donations to
1868 fund SAFE Master Plan projects.



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1869 (b) The council shall review and approve or disapprove each
1870 project eligible to be funded pursuant to this act. The council
1871 shall annually submit a list of projects which have been
1872 approved by the council to the Secretary of Transportation, the
1873 Secretary of Community Affairs, the executive director of the
1874 Department of Law Enforcement, and the director of the Office of
1875 Tourism, Trade, and Economic Development. The list shall specify
1876 the recommended funding level for each project, and, if staged
1877 implementation of the project is appropriate, the funding
1878 requirements for each stage shall be specified.

1879 1. The Department of Community Affairs shall review the
1880 list of projects approved by the council to determine
1881 consistency with approved local government comprehensive plans
1882 of the units of local government in which the airport is located
1883 and consistency with the airport master plan. The Department of
1884 Community Affairs shall identify and notify the council of those
1885 projects which are not consistent, to the maximum extent
1886 feasible, with such comprehensive plans and airport master
1887 plans.

1888 2. The Department of Transportation shall review the list
1889 of projects approved by the council for consistency with the
1890 Florida Transportation Plan and the department's adopted work
1891 program. In evaluating the consistency of a project, the
1892 department shall determine whether the transportation impact of
1893 the proposed project is adequately handled by existing state-
1894 owned transportation facilities or by the construction of
1895 additional state-owned transportation facilities as identified
1896 in the Florida Transportation Plan and the department's adopted
1897 work program. In reviewing for consistency a transportation



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1898 facility project as defined in s. 334.03(28)~~(31)~~ which is not
1899 otherwise part of the department's work program, the department
1900 shall evaluate whether the project is needed to provide for
1901 projected movement of cargo or passengers from the airport to a
1902 state transportation facility or local road. If the project is
1903 needed to provide for projected movement of cargo or passengers,
1904 the project shall be approved for consistency as a consideration
1905 to facilitate the economic development and growth of the state
1906 in a timely manner. The department shall identify those projects
1907 which are inconsistent with the Florida Transportation Plan and
1908 the adopted work program and shall notify the council of
1909 projects found to be inconsistent.

1910 3. The Office of Tourism, Trade, and Economic Development,
1911 in consultation with Enterprise Florida, Inc., shall review the
1912 list of projects approved by the council to evaluate the
1913 economic benefit of the project and to determine whether the
1914 project is consistent with the SAFE Master Plan. The Office of
1915 Tourism, Trade, and Economic Development shall review the
1916 economic benefits of each project based upon the rules adopted
1917 pursuant to paragraph (a). The Office of Tourism, Trade, and
1918 Economic Development shall identify those projects which it has
1919 determined do not offer an economic benefit to the state or are
1920 not consistent with the SAFE Master Plan and shall notify the
1921 council of its findings.

1922 4. The Department of Law Enforcement shall review the list
1923 of projects approved by the council for consistency with
1924 domestic security provisions of ss. 943.03101, 943.0311, and
1925 943.0312. The Department of Law Enforcement shall identify those
1926 projects that it has determined are inconsistent with the



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1927 state's strategic plan for domestic security and shall notify
1928 the council of its findings.

1929 Section 37. Section 336.01, Florida Statutes, is amended to
1930 read:

1931 336.01 Designation of county road system.—The county road
1932 system shall be as defined in s. 334.03 (6) ~~(8)~~.

1933 Section 38. Subsection (2) of section 338.222, Florida
1934 Statutes, is amended to read:

1935 338.222 Department of Transportation sole governmental
1936 entity to acquire, construct, or operate turnpike projects;
1937 exception.—

1938 (2) The department may contract with any local governmental
1939 entity as defined in s. 334.03 (12) ~~(14)~~ for the design, right-of-
1940 way acquisition, or construction of any turnpike project which
1941 the Legislature has approved. Local governmental entities may
1942 negotiate with the department for the design, right-of-way
1943 acquisition, and construction of any section of the turnpike
1944 project within areas of their respective jurisdictions or within
1945 counties with which they have interlocal agreements.

1946 Section 39. Paragraph (a) of subsection (2) of section
1947 403.7211, Florida Statutes, is amended to read:

1948 403.7211 Hazardous waste facilities managing hazardous
1949 wastes generated offsite; federal facilities managing hazardous
1950 waste.—

1951 (2) The department shall not issue any permit under s.
1952 403.722 for the construction, initial operation, or substantial
1953 modification of a facility for the disposal, storage, or
1954 treatment of hazardous waste generated offsite which is proposed
1955 to be located in any of the following locations:



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1956 (a) Any area where life-threatening concentrations of
1957 hazardous substances could accumulate at any residence or
1958 residential subdivision as the result of a catastrophic event at
1959 the proposed facility, unless each such residence or residential
1960 subdivision is served by at least one arterial road or urban
1961 minor arterial road that, ~~as defined in s. 334.03, which~~
1962 provides safe and direct egress by land to an area where such
1963 life-threatening concentrations of hazardous substances could
1964 not accumulate in a catastrophic event. Egress by any road
1965 leading from any residence or residential subdivision to any
1966 point located within 1,000 yards of the proposed facility is
1967 unsafe for the purposes of this paragraph. In determining
1968 whether egress proposed by the applicant is safe and direct, the
1969 department shall also consider, at a minimum, the following
1970 factors:

- 1971 1. Natural barriers such as water bodies, and whether any
1972 road in the proposed evacuation route is impaired by a natural
1973 barrier such as a water body;
- 1974 2. Potential exposure during egress and potential increases
1975 in the duration of exposure;
- 1976 3. Whether any road in a proposed evacuation route passes
1977 in close proximity to the facility; and
- 1978 4. Whether any portion of the evacuation route is
1979 inherently directed toward the facility.

1980
1981 For the purposes of this subsection, all distances shall be
1982 measured from the outer limit of the active hazardous waste
1983 management area. "Substantial modification" includes: any
1984 physical change in, change in the operations of, or addition to



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1985 a facility which could increase the potential offsite impact, or
1986 risk of impact, from a release at that facility; and any change
1987 in permit conditions which is reasonably expected to lead to
1988 greater potential impacts or risks of impacts, from a release at
1989 that facility. "Substantial modification" does not include a
1990 change in operations, structures, or permit conditions which
1991 does not substantially increase either the potential impact
1992 from, or the risk of, a release. Physical or operational changes
1993 to a facility related solely to the management of nonhazardous
1994 waste at the facility shall not be considered a substantial
1995 modification. The department shall, by rule, adopt criteria to
1996 determine whether a facility has been substantially modified.
1997 "Initial operation" means the initial commencement of operations
1998 at the facility.

1999 Section 40. Subsection (24) of section 479.01, Florida
2000 Statutes, is amended to read:

2001 479.01 Definitions.—As used in this chapter, the term:
2002 (24) "Urban area" has the same meaning as defined in s.
2003 334.03(29) ~~(32)~~.

2004 Section 41. (1) The first week of September is designated
2005 as "Drowsy Driving Prevention Week" in this state.

2006 (2) During Drowsy Driving Prevention Week, the Department
2007 of Highway Safety and Motor Vehicles and the Department of
2008 Transportation are encouraged to educate the law enforcement
2009 community and the public about the relationship between fatigue
2010 and performance and the research showing fatigue to be as much
2011 of an impairment as alcohol and as dangerous behind the wheel.

2012 Section 42. (1) The Northwest Florida Regional
2013 Transportation Planning Organization, an interlocal agency under



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2014 part I of chapter 163, Florida Statutes, is authorized to study
2015 the feasibility of advance-funding the costs of capacity
2016 projects in its member counties and making recommendations to
2017 the Legislature by February 1, 2010. The Department of
2018 Transportation may assist the organization in conducting the
2019 study.

2020 (2) Results of any study authorized by this section shall
2021 be provided to the Governor, the President of the Senate, the
2022 Speaker of the House of Representatives, the department, any
2023 metropolitan planning organization in any county served by the
2024 organization, and the counties served by the organization and
2025 shall discuss the financial feasibility of advance-funding the
2026 costs of capacity projects in the Northwest Florida Regional
2027 Transportation Planning Organization's member counties. The
2028 study must be based on the following assumptions:

2029 (a) Any advanced projects must be consistent with the
2030 Northwest Florida Regional Transportation Planning
2031 Organization's 5-year plan and the department's work program.

2032 (b) Any bonds shall have a maturity not to exceed 30 years.

2033 (c) A maximum of 25 percent of the department's capacity
2034 funds allocated annually to the counties served by the Northwest
2035 Florida Regional Transportation Planning Organization may be
2036 used to pay debt service on the bonds.

2037 (d) Bond proceeds may only be used for the following
2038 components of a construction project on a state road: planning,
2039 engineering, design, right-of-way acquisition, and construction.

2040 (e) The cost of the projects must be balanced with the
2041 proceeds available from the bonds.

2042 (f) The department shall have final approval of the



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2043 projects financed through the sale of bonds.
2044 (3) The study shall contain:
2045 (a) An analysis of the financial feasibility of advancing
2046 capacity projects in the Northwest Florida Regional
2047 Transportation Planning Organization's member counties.
2048 (b) A long-range, cost-feasible finance plan that
2049 identifies the project cost, revenues by source, financing,
2050 major assumptions, and a total cash flow analysis beginning with
2051 implementation of the project and extending through final
2052 completion of the project.
2053 (c) A tentative list of capacity projects and the priority
2054 in which they would be advanced. These projects must be
2055 consistent with the criteria in s. 339.135(2)(b), Florida
2056 Statutes.
2057 (d) A 5-year work program of the projects to be advanced.
2058 This program must be consistent with chapter 339, Florida
2059 Statutes.
2060 (e) A report of any statutory changes, including a draft
2061 bill, needed to give the Northwest Florida Regional
2062 Transportation Planning Organization the ability to advance
2063 construction projects. The draft bill language shall address, at
2064 a minimum:
2065 1. Developing a list of road projects to be advanced,
2066 consistent with the organization's 5-year plan.
2067 2. Giving the department the authority to review projects
2068 to determine consistency with its current work program.
2069 3. Giving the organization the authority to issue bonds
2070 with a maturity of not greater than 30 years.
2071 4. Requiring proceeds of the bonds to be delivered to the



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2072 department to pay the cost of completing the projects.

2073 5. Requiring the road projects to be consistent with the
2074 organization's 5-year plan.

2075 6. Permitting any participating county to elect to
2076 undertake responsibility for the payment of a portion of the
2077 cost of any project in the county pursuant to an agreement with
2078 the organization and the department.

2079 7. Providing that, in each year that the bonds are
2080 outstanding, no more than 25 percent of the state transportation
2081 funds appropriated for capacity projects advanced pursuant to
2082 the terms of this section and within the area of operation of
2083 the organization shall be paid over to the organization for the
2084 purpose of paying debt service on bonds the organization issued
2085 for such capacity projects. Such payments shall be made in lieu
2086 of programming any new projects in the work program.

2087 8. In the event that the capacity funds allocated to the
2088 member counties of the organization are less than the amount
2089 needed to satisfy the payment requirements under the contract,
2090 the department shall defer the funded capacity on any other
2091 projects in the member counties of the organization to the
2092 extent necessary to make up such deficiency, so as to enable the
2093 organization to make the required debt service payments on the
2094 bonds or to replenish the reserves established for the bonds
2095 which may have been used to make up such deficiency. Under no
2096 circumstances shall the department provide any funds for these
2097 capacity projects in excess of the amount that would be
2098 allocated to the member counties pursuant to statutory formula
2099 and legislative appropriation.

2100 9. Providing that the bonds shall state on their face that



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2101 they do not constitute a pledge of the full faith or taxing
2102 power of the state, and no holder of any bond shall have the
2103 right to compel payment of the bonds from any funds of the
2104 state, other than amounts required to be paid to the
2105 organization under the contract. The bonds shall be limited and
2106 special obligations payable solely from the sources described
2107 herein.

2108 10. Establishing such other terms and provisions as may be
2109 deemed reasonable and necessary to enable the organization to
2110 market the bonds at the most advantageous rates possible.

2111 (4) The Legislature may authorize the implementation of the
2112 Northwest Florida Regional Transportation Planning
2113 Organization's study after a satisfactory showing that these
2114 prerequisites have been met and that any source of funding for
2115 any bonds to be issued has been approved by the Department of
2116 Transportation.

2117 Section 43. This act shall take effect July 1, 2009.

2118
2119 ===== T I T L E A M E N D M E N T =====

2120 And the title is amended as follows:

2121 Delete everything before the enacting clause
2122 and insert:

2123 A bill to be entitled
2124 An act relating to transportation; amending s.
2125 163.3180, F.S., relating to transportation
2126 concurrency; providing for evaluating whether certain
2127 necessary transportation facilities will be in place
2128 or under actual construction within a required
2129 timeframe; providing that certain projects or high-



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2130 performance transit systems be considered as committed
2131 facilities; revising an exception to transportation
2132 concurrency requirements to provide for hangars used
2133 for assembly and manufacture of aircraft; exempting
2134 certain housing developments from concurrency
2135 requirements; revising provisions for a development of
2136 regional impact to satisfy specified concurrency
2137 requirements by paying a proportionate-share
2138 contribution for traffic impacts; providing that the
2139 cost of certain improvements shall be credited against
2140 a development of regional impact's proportionate-share
2141 contribution; requiring local government agreements
2142 relating to funding regional transportation impacts
2143 under certain circumstances; defining the term
2144 "backlog" as it applies to the impacts of development
2145 on transportation facilities; conforming a cross-
2146 reference; amending s. 380.06, F.S., relating to
2147 developments of regional impact; revising provisions
2148 for preapplication procedures for development
2149 approval; requiring the level-of-service standards in
2150 the transportation methodology applied to a
2151 development of regional impact to be the same level-
2152 of-service standards used to evaluate concurrency
2153 under specified provisions; amending s. 320.03, F.S.;
2154 clarifying provisions regarding the withholding of
2155 license plates and revalidation stickers; providing
2156 procedures for enforcement; amending s. 322.27, F.S.;
2157 exempting violations of specified requirements to pay
2158 a toll from the Department of Highway Safety and Motor



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2159 Vehicles' point system for evaluation of violations of
2160 motor vehicle laws and ordinances; amending s.
2161 316.29545, F.S.; excluding vehicles owned or leased by
2162 private investigative services from specified
2163 provisions restricting window sunscreening when such
2164 vehicle is used in specified activities; amending s.
2165 316.515, F.S.; revising a limitation on the length of
2166 certain trailers issued a special permit by the
2167 department to deliver manufactured buildings; amending
2168 s. 316.535, F.S.; requiring specified scale tolerances
2169 to be applied to weight limits for vehicles on
2170 highways that are not in the Interstate Highway
2171 System; amending s. 316.545, F.S.; providing for a
2172 reduction in the gross weight of certain vehicles
2173 equipped with idle-reduction technologies when
2174 calculating a penalty for exceeding maximum weight
2175 limits; requiring the operator to provide
2176 certification of the weight of the idle-reduction
2177 technology and to demonstrate or certify that the
2178 idle-reduction technology is fully functional at all
2179 times; amending s. 334.03, F.S.; revising definitions
2180 relating to the Florida Transportation Code; amending
2181 s. 334.044, F.S.; revising powers and duties of the
2182 Department of Transportation; removing duty to assign
2183 jurisdictional responsibility and to designate
2184 existing facilities as part of the State Highway
2185 System; amending s. 334.047, F.S.; removing a
2186 provision prohibiting the department from establishing
2187 a maximum number of miles of urban principal arterial



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2188 roads within a district or county; creating s.
2189 336.445, F.S.; authorizing counties to enter into
2190 agreements with private entities for the building,
2191 operation, ownership, or financing of toll facilities;
2192 requiring public declaration; requiring a public
2193 hearing; requiring county to make certain
2194 determinations prior to awarding a project; providing
2195 requirements for an agreement; amending s. 337.0261,
2196 F.S.; recognizing that construction aggregate
2197 materials mining is an industry of critical importance
2198 and that the mining of construction aggregate
2199 materials is in the public interest; amending s.
2200 337.401, F.S.; revising provisions for rules of the
2201 department that provide for the placement of and
2202 access to certain electrical transmission lines on the
2203 right-of-way of department-controlled roads;
2204 authorizing the rules to include that the use of the
2205 limited access right-of-way for longitudinal placement
2206 of such transmission lines is reasonable based upon
2207 consideration of certain economic and environmental
2208 factors; amending s. 339.2816, F.S., relating to the
2209 Small County Road Assistance Program; providing for
2210 resumption of certain funding for the program;
2211 revising criteria for program eligibility; revising
2212 criteria for prioritization of projects; amending s.
2213 339.2818, F.S., relating to the Small County Outreach
2214 Program; revising the purpose of the program to
2215 include certain project types; amending s. 339.64,
2216 F.S., relating to the Strategic Intermodal System



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2217 Plan; removing provisions for the Statewide Intermodal
2218 Transportation Advisory Council; amending s. 348.51,
2219 F.S.; revising the definition of the terms "bonds" and
2220 "expressway system" in reference to the Tampa-
2221 Hillsborough County Expressway Authority Law; amending
2222 s. 348.53, F.S.; providing that the authority is to
2223 benefit the Tampa Bay Region; providing that the
2224 purpose of the authority includes transit support
2225 facilities; amending s. 348.54, F.S.; authorizing the
2226 Tampa-Hillsborough County Expressway Authority to make
2227 and issue notes, refunding bonds, and other evidences
2228 of indebtedness or obligations for specified purposes
2229 relating to the expressway system; prohibiting the
2230 authority from pledging the credit or taxing power of
2231 the state; providing that the authority's obligations
2232 are not obligations of the state, a political
2233 subdivision, or an agency; providing that the state, a
2234 political subdivision, or an agency is not liable for
2235 the payment of the principal or interest on the
2236 authority's obligations; amending s. 348.545, F.S.;
2237 authorizing costs of authority improvements to be
2238 financed by bonds issued on behalf of the authority
2239 pursuant to the State Bond Act or bonds issued by the
2240 authority under specified provisions; amending s.
2241 348.56, F.S.; authorizing bonds to be issued on behalf
2242 of the authority pursuant to the State Bond Act or
2243 issued by the authority under specified provisions;
2244 revising requirements for such bonds; requiring the
2245 bonds to be sold at public sale; authorizing the



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2246 authority to negotiate the sale of bonds with
2247 underwriters under certain circumstances; amending s.
2248 348.565, F.S.; providing that facilities of the
2249 expressway system are approved to be refinanced by the
2250 revenue bonds issued by the Division of Bond Finance
2251 of the State Board of Administration and the State
2252 Bond Act or by revenue bonds issued by the authority;
2253 providing that certain projects of the authority are
2254 approved for financing or refinancing by revenue
2255 bonds; providing an additional project type where the
2256 authority may use revenue bonds; amending s. 348.57,
2257 F.S.; authorizing the authority to provide for the
2258 issuance of certain bonds for the refunding of bonds
2259 outstanding regardless of whether the bonds being
2260 refunded were issued by the authority or on behalf of
2261 the authority; amending s. 348.70, F.S.; providing
2262 that the Tampa-Hillsborough County Expressway
2263 Authority Law does not repeal, rescind, or modify any
2264 other laws; providing that such law supersedes laws
2265 that are inconsistent with the provisions of that law;
2266 amending s. 369.317, F.S., relating to Wekiva Parkway;
2267 providing that the use of certain lands as
2268 environmental mitigation for road-construction-related
2269 impacts incurred by certain entities satisfies
2270 specified cumulative impact requirements; amending s.
2271 705.18, F.S.; removing provisions for disposal of
2272 personal property lost or abandoned at certain public-
2273 use airports; creating s. 705.182, F.S.; providing for
2274 disposal of personal property found on premises owned



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2275 or controlled by the operator of a public-use airport;
2276 providing a timeframe for the property to be claimed;
2277 providing options for disposing of such personal
2278 property; providing procedures for selling abandoned
2279 personal property; providing for notice of sale;
2280 permitting airport tenants to establish lost and found
2281 procedures; providing that purchaser holds title to
2282 the property free of the rights of persons then
2283 holding any legal or equitable interest thereto;
2284 creating s. 705.183, F.S.; providing for disposition
2285 of derelict or abandoned aircraft on the premises of
2286 public-use airports; providing procedures for such
2287 disposition; requiring a record of when the aircraft
2288 is found; defining the terms "derelict aircraft" and
2289 "abandoned aircraft"; providing for notification of
2290 aircraft owner and all persons having an equitable or
2291 legal interest in the aircraft; providing for notice
2292 if the owner of the aircraft is unknown or cannot be
2293 found; providing for disposition if the aircraft is
2294 not removed upon payment of required fees; requiring
2295 any sale of the aircraft to be at a public auction;
2296 providing notice requirements for such public auction;
2297 providing procedures for disposal of the aircraft;
2298 providing for liability if charges and costs related
2299 to the disposition are more than that obtained from
2300 the sale; providing for a lien by the airport for fees
2301 and charges; providing for notice of lien; requiring
2302 the filing of a claim of lien; providing for the form
2303 of the claim of lien; providing for service of the



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2304 claim of lien; providing that the purchaser of the
2305 aircraft takes the property free of rights of persons
2306 holding legal or equitable interest in the aircraft;
2307 requiring purchaser or recipient to notify the Federal
2308 Aviation Administration of change in ownership;
2309 providing for disposition of moneys received for an
2310 aircraft sold at public sale; authorizing the airport
2311 to issue documents relating to the aircraft's
2312 disposal; creating s. 705.184, F.S.; providing for
2313 disposition of derelict or abandoned motor vehicles on
2314 the premises of public-use airports; providing
2315 procedures; requiring recording of the abandoned motor
2316 vehicle; defining the terms "derelict motor vehicle"
2317 and "abandoned motor vehicle"; providing for removal
2318 of such motor vehicle from airport premises; providing
2319 for notice to the owner, the company insuring the
2320 motor vehicle, and any lienholder; providing for
2321 disposition if the motor vehicle is not removed upon
2322 payment of required fees; requiring any sale of the
2323 motor vehicle to be at a public auction; providing
2324 notice requirements for such public auction; providing
2325 procedures for disposal of the motor vehicle;
2326 providing for liability if charges and costs related
2327 to the disposition are more than that obtained from
2328 the sale; providing for a lien by the airport or a
2329 licensed independent wrecker for fees and charges;
2330 providing for notice of lien; requiring the filing of
2331 a claim of lien; providing for the form of the claim
2332 of lien; providing for service of claim of lien;



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2333 providing that the purchaser of the motor vehicle
2334 takes the property free of the rights of persons
2335 holding legal or equitable interest in the motor
2336 vehicle; amending ss. 288.063, 311.07, 311.09,
2337 316.2122, 316.515, 332.14, 336.01, 338.222, 403.7211,
2338 and 479.01, F.S.; correcting cross-references;
2339 conforming provisions to changes made by the act;
2340 designating "Drowsy Driving Prevention Week";
2341 encouraging the Department of Highway Safety and Motor
2342 Vehicles and the Department of Transportation to
2343 educate the law enforcement community and the public
2344 about the relationship between fatigue and driving
2345 performance; authorizing the Northwest Florida
2346 Regional Transportation Planning Organization to
2347 conduct a study on advancing funds for certain
2348 construction projects; authorizing the Department of
2349 Transportation to assist with the study; requiring
2350 results of the study to be provided to the Governor,
2351 the Legislature, and certain entities; providing
2352 principles for the study; providing for content of the
2353 study; providing for legislative authorization prior
2354 to implementation of the study; providing an effective
2355 date.