

Amendment No.

CHAMBER ACTION

Senate

House

.
.
.
.

1 Representative Evers offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Paragraph (c) of subsection (2), paragraphs (b)
7 and (c) of subsection (4), and subsection (12) of section
8 163.3180, Florida Statutes, are amended, and paragraph (i) is
9 added to subsection (16) of that section, to read:

10 163.3180 Concurrency.--

11 (2)

12 (c) Consistent with the public welfare, and except as
13 otherwise provided in this section, transportation facilities
14 needed to serve new development shall be in place or under
15 actual construction within 3 years after the local government
16 approves a building permit or its functional equivalent that

439445

Amendment No.

17 results in traffic generation. In evaluating whether such
18 transportation facilities will be in place or under actual
19 construction, the following shall be considered a committed
20 facility:

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

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

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

29 (4)

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

42 (c) The concurrency requirement, except as it relates to
43 transportation facilities and public schools, as implemented in
44 local government comprehensive plans, may be waived by a local
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

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

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

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

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

72 3.(c) The owner and developer of the development of
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

73 regional impact pays or assures payment of the proportionate-
74 share contribution to the local government having jurisdiction
75 over the development of regional impact; and

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

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

97 (c) The proportionate-share contribution may be applied to
98 any transportation facility to satisfy the provisions of this
99 subsection and the local comprehensive plan, but, for the
100 purposes of this subsection, the amount of the proportionate-
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

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

127 (16) It is the intent of the Legislature to provide a
128 method by which the impacts of development on transportation
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

129 facilities can be mitigated by the cooperative efforts of the
130 public and private sectors. The methodology used to calculate
131 proportionate fair-share mitigation under this section shall be
132 as provided for in subsection (12).

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

143 Section 2. Paragraphs (a) and (i) of subsection (1) of
144 section 212.05, Florida Statutes, are amended to read:

145 212.05 Sales, storage, use tax.--It is hereby declared to
146 be the legislative intent that every person is exercising a
147 taxable privilege who engages in the business of selling
148 tangible personal property at retail in this state, including
149 the business of making mail order sales, or who rents or
150 furnishes any of the things or services taxable under this
151 chapter, or who stores for use or consumption in this state any
152 item or article of tangible personal property as defined herein
153 and who leases or rents such property within the state.

154 (1) For the exercise of such privilege, a tax is levied on
155 each taxable transaction or incident, which tax is due and
156 payable as follows:

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

157 (a)1.a. At the rate of 6 percent of the sales price of
158 each item or article of tangible personal property when sold at
159 retail in this state, computed on each taxable sale for the
160 purpose of remitting the amount of tax due the state, and
161 including each and every retail sale.

162 b. Each occasional or isolated sale of an aircraft, boat,
163 mobile home, or motor vehicle of a class or type which is
164 required to be registered, licensed, titled, or documented in
165 this state or by the United States Government shall be subject
166 to tax at the rate provided in this paragraph. The department
167 shall by rule adopt any nationally recognized publication for
168 valuation of used motor vehicles as the reference price list for
169 any used motor vehicle which is required to be licensed pursuant
170 to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any
171 party to an occasional or isolated sale of such a vehicle
172 reports to the tax collector a sales price which is less than 80
173 percent of the average loan price for the specified model and
174 year of such vehicle as listed in the most recent reference
175 price list, the tax levied under this paragraph shall be
176 computed by the department on such average loan price unless the
177 parties to the sale have provided to the tax collector an
178 affidavit signed by each party, or other substantial proof,
179 stating the actual sales price. Any party to such sale who
180 reports a sales price less than the actual sales price is guilty
181 of a misdemeanor of the first degree, punishable as provided in
182 s. 775.082 or s. 775.083. The department shall collect or
183 attempt to collect from such party any delinquent sales taxes.
184 In addition, such party shall pay any tax due and any penalty
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

185 and interest assessed plus a penalty equal to twice the amount
186 of the additional tax owed. Notwithstanding any other provision
187 of law, the Department of Revenue may waive or compromise any
188 penalty imposed pursuant to this subparagraph.

189 2. This paragraph does not apply to the sale of a boat or
190 aircraft by or through a registered dealer under this chapter to
191 a purchaser who, at the time of taking delivery, is a
192 nonresident of this state, does not make his or her permanent
193 place of abode in this state, and is not engaged in carrying on
194 in this state any employment, trade, business, or profession in
195 which the boat or aircraft will be used in this state, or is a
196 corporation none of the officers or directors of which is a
197 resident of, or makes his or her permanent place of abode in,
198 this state, or is a noncorporate entity that has no individual
199 vested with authority to participate in the management,
200 direction, or control of the entity's affairs who is a resident
201 of, or makes his or her permanent abode in, this state. For
202 purposes of this exemption, either a registered dealer acting on
203 his or her own behalf as seller, a registered dealer acting as
204 broker on behalf of a seller, or a registered dealer acting as
205 broker on behalf of the purchaser may be deemed to be the
206 selling dealer. This exemption shall not be allowed unless:

207 a. The purchaser removes a qualifying boat, as described
208 in sub-subparagraph f., from the state within 90 days after the
209 date of purchase or extension or the purchaser removes a
210 nonqualifying boat or an aircraft from this state within 10 days
211 after the date of purchase or, when the boat or aircraft is

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

212 repaired or altered, within 20 days after completion of the
213 repairs or alterations;

214 b. The purchaser, within 30 days from the date of
215 departure, shall provide the department with written proof that
216 the purchaser licensed, registered, titled, or documented the
217 boat or aircraft outside the state. If such written proof is
218 unavailable, within 30 days the purchaser shall provide proof
219 that the purchaser applied for such license, title,
220 registration, or documentation. The purchaser shall forward to
221 the department proof of title, license, registration, or
222 documentation upon receipt.

223 c. The purchaser, within 10 days of removing the boat or
224 aircraft from Florida, shall furnish the department with proof
225 of removal in the form of receipts for fuel, dockage, slippage,
226 tie-down, or hangaring from outside of Florida. The information
227 so provided must clearly and specifically identify the boat or
228 aircraft;

229 d. The selling dealer, within 5 days of the date of sale,
230 shall provide to the department a copy of the sales invoice,
231 closing statement, bills of sale, and the original affidavit
232 signed by the purchaser attesting that he or she has read the
233 provisions of this section;

234 e. The seller makes a copy of the affidavit a part of his
235 or her record for as long as required by s. 213.35; and

236 f. Unless the nonresident purchaser of a boat of 5 net
237 tons of admeasurement or larger intends to remove the boat from
238 this state within 10 days after the date of purchase or when the
239 boat is repaired or altered, within 20 days after completion of
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

240 the repairs or alterations, the nonresident purchaser shall
241 apply to the selling dealer for a decal which authorizes 90 days
242 after the date of purchase for removal of the boat. The
243 nonresident purchaser of a qualifying boat may apply to the
244 selling dealer within 60 days after the date of purchase for an
245 extension decal that authorizes the boat to remain in this state
246 for an additional 90 days, but not more than a total of 180
247 days, before the nonresident purchaser is required to pay the
248 tax imposed by this chapter. The department is authorized to
249 issue decals in advance to dealers. The number of decals issued
250 in advance to a dealer shall be consistent with the volume of
251 the dealer's past sales of boats which qualify under this sub-
252 subparagraph. The selling dealer or his or her agent shall mark
253 and affix the decals to qualifying boats in the manner
254 prescribed by the department, prior to delivery of the boat.

255 (I) The department is hereby authorized to charge dealers
256 a fee sufficient to recover the costs of decals issued, except
257 the extension decal shall cost \$350.

258 (II) The proceeds from the sale of decals will be
259 deposited into the administrative trust fund.

260 (III) Decals shall display information to identify the
261 boat as a qualifying boat under this sub-subparagraph,
262 including, but not limited to, the decal's date of expiration.

263 (IV) The department is authorized to require dealers who
264 purchase decals to file reports with the department and may
265 prescribe all necessary records by rule. All such records are
266 subject to inspection by the department.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

267 (V) Any dealer or his or her agent who issues a decal
268 falsely, fails to affix a decal, mismarks the expiration date of
269 a decal, or fails to properly account for decals will be
270 considered prima facie to have committed a fraudulent act to
271 evade the tax and will be liable for payment of the tax plus a
272 mandatory penalty of 200 percent of the tax, and shall be liable
273 for fine and punishment as provided by law for a conviction of a
274 misdemeanor of the first degree, as provided in s. 775.082 or s.
275 775.083.

276 (VI) Any nonresident purchaser of a boat who removes a
277 decal prior to permanently removing the boat from the state, or
278 defaces, changes, modifies, or alters a decal in a manner
279 affecting its expiration date prior to its expiration, or who
280 causes or allows the same to be done by another, will be
281 considered prima facie to have committed a fraudulent act to
282 evade the tax and will be liable for payment of the tax plus a
283 mandatory penalty of 200 percent of the tax, and shall be liable
284 for fine and punishment as provided by law for a conviction of a
285 misdemeanor of the first degree, as provided in s. 775.082 or s.
286 775.083.

287 (VII) The department is authorized to adopt rules
288 necessary to administer and enforce this subparagraph and to
289 publish the necessary forms and instructions.

290 (VIII) The department is hereby authorized to adopt
291 emergency rules pursuant to s. 120.54(4) to administer and
292 enforce the provisions of this subparagraph.

293

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

294 If the purchaser fails to remove the qualifying boat from this
295 state within the maximum 180 ~~90~~ days after purchase or a
296 nonqualifying boat or an aircraft from this state within 10 days
297 after purchase or, when the boat or aircraft is repaired or
298 altered, within 20 days after completion of such repairs or
299 alterations, or permits the boat or aircraft to return to this
300 state within 6 months from the date of departure, or if the
301 purchaser fails to furnish the department with any of the
302 documentation required by this subparagraph within the
303 prescribed time period, the purchaser shall be liable for use
304 tax on the cost price of the boat or aircraft and, in addition
305 thereto, payment of a penalty to the Department of Revenue equal
306 to the tax payable. This penalty shall be in lieu of the penalty
307 imposed by s. 212.12(2) and is mandatory and shall not be waived
308 by the department. The maximum 180-day ~~90-day~~ period following
309 the sale of a qualifying boat tax-exempt to a nonresident may
310 not be tolled for any reason. Notwithstanding other provisions
311 of this paragraph to the contrary, an aircraft purchased in this
312 state under the provisions of this paragraph may be returned to
313 this state for repairs within 6 months after the date of its
314 departure without being in violation of the law and without
315 incurring liability for the payment of tax or penalty on the
316 purchase price of the aircraft if the aircraft is removed from
317 this state within 20 days after the completion of the repairs
318 and if such removal can be demonstrated by invoices for fuel,
319 tie-down, hangar charges issued by out-of-state vendors or
320 suppliers, or similar documentation.

321 (i)1. At the rate of 6 percent on charges for all:

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

322 a. Detective, burglar protection, and other protection
323 services (NAICS National SIC Industry Numbers 561611, 561612,
324 561613, ~~7381~~ and 561621 ~~7382~~). Any law enforcement officer, as
325 defined in s. 943.10, who is performing approved duties as
326 determined by his or her local law enforcement agency in his or
327 her capacity as a law enforcement officer, and who is subject to
328 the direct and immediate command of his or her law enforcement
329 agency, and in the law enforcement officer's uniform as
330 authorized by his or her law enforcement agency, is performing
331 law enforcement and public safety services and is not performing
332 detective, burglar protection, or other protective services, if
333 the law enforcement officer is performing his or her approved
334 duties in a geographical area in which the law enforcement
335 officer has arrest jurisdiction. Such law enforcement and public
336 safety services are not subject to tax irrespective of whether
337 the duty is characterized as "extra duty," "off-duty," or
338 "secondary employment," and irrespective of whether the officer
339 is paid directly or through the officer's agency by an outside
340 source. The term "law enforcement officer" includes full-time or
341 part-time law enforcement officers, and any auxiliary law
342 enforcement officer, when such auxiliary law enforcement officer
343 is working under the direct supervision of a full-time or part-
344 time law enforcement officer.

345 b. Nonresidential cleaning and nonresidential pest control
346 services (NAICS National Numbers 561710 and 561720 ~~SIC Industry~~
347 Group Number 734).

348 2. As used in this paragraph, "NAICS SIC" means those
349 classifications contained in the North American Industry
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

350 ~~Standard Industrial Classification System Manual, 1987~~, as
351 published in 2007 by the Office of Management and Budget,
352 Executive Office of the President.

353 3. Charges for detective, burglar protection, and other
354 protection security services performed in this state but used
355 outside this state are exempt from taxation. Charges for
356 detective, burglar protection, and other protection security
357 services performed outside this state and used in this state are
358 subject to tax.

359 4. If a transaction involves both the sale or use of a
360 service taxable under this paragraph and the sale or use of a
361 service or any other item not taxable under this chapter, the
362 consideration paid must be separately identified and stated with
363 respect to the taxable and exempt portions of the transaction or
364 the entire transaction shall be presumed taxable. The burden
365 shall be on the seller of the service or the purchaser of the
366 service, whichever applicable, to overcome this presumption by
367 providing documentary evidence as to which portion of the
368 transaction is exempt from tax. The department is authorized to
369 adjust the amount of consideration identified as the taxable and
370 exempt portions of the transaction; however, a determination
371 that the taxable and exempt portions are inaccurately stated and
372 that the adjustment is applicable must be supported by
373 substantial competent evidence.

374 5. Each seller of services subject to sales tax pursuant
375 to this paragraph shall maintain a monthly log showing each
376 transaction for which sales tax was not collected because the
377 services meet the requirements of subparagraph 3. for out-of-
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

378 state use. The log must identify the purchaser's name, location
379 and mailing address, and federal employer identification number,
380 if a business, or the social security number, if an individual,
381 the service sold, the price of the service, the date of sale,
382 the reason for the exemption, and the sales invoice number. The
383 monthly log shall be maintained pursuant to the same
384 requirements and subject to the same penalties imposed for the
385 keeping of similar records pursuant to this chapter.

386 Section 3. Subsection (1) of section 212.055, Florida
387 Statutes, is amended to read:

388 212.055 Discretionary sales surtaxes; legislative intent;
389 authorization and use of proceeds.--It is the legislative intent
390 that any authorization for imposition of a discretionary sales
391 surtax shall be published in the Florida Statutes as a
392 subsection of this section, irrespective of the duration of the
393 levy. Each enactment shall specify the types of counties
394 authorized to levy; the rate or rates which may be imposed; the
395 maximum length of time the surtax may be imposed, if any; the
396 procedure which must be followed to secure voter approval, if
397 required; the purpose for which the proceeds may be expended;
398 and such other requirements as the Legislature may provide.
399 Taxable transactions and administrative procedures shall be as
400 provided in s. 212.054.

401 (1) CHARTER COUNTY TRANSPORTATION ~~TRANSIT~~ SYSTEM SURTAX.--

402 (a) Each charter county that has ~~which~~ adopted a charter
403 ~~prior to January 1, 1984~~, and each county the government of
404 which is consolidated with that of one or more municipalities,
405 may levy a discretionary sales surtax, subject to approval by a
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

406 majority vote of the electorate of the county or by a charter
407 amendment approved by a majority vote of the electorate of the
408 county.

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

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

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

418 1. Deposited by the county in the trust fund and shall be
419 used for the purposes of development, construction, equipment,
420 maintenance, operation, supportive services, including a
421 countywide bus system, and related costs of a fixed guideway
422 rapid transit system;

423 2. Remitted by the governing body of the county to an
424 expressway, transit, or transportation authority created by law
425 to be used, at the discretion of such authority, for the
426 development, construction, operation, or maintenance of roads or
427 bridges in the county, for the operation and maintenance of a
428 bus system, for the payment of principal and interest on
429 existing bonds issued for the construction of such roads or
430 bridges, and, upon approval by the county commission, such
431 proceeds may be pledged for bonds issued to refinance existing
432 bonds or new bonds issued for the construction of such roads or
433 bridges;

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

434 3. Used by the charter county for the development,
435 construction, operation, and maintenance of roads and bridges in
436 the county; for the expansion, operation, and maintenance of bus
437 and fixed guideway systems; and for the payment of principal and
438 interest on bonds issued for the construction of fixed guideway
439 rapid transit systems, bus systems, roads, or bridges; and such
440 proceeds may be pledged by the governing body of the county for
441 bonds issued to refinance existing bonds or new bonds issued for
442 the construction of such fixed guideway rapid transit systems,
443 bus systems, roads, or bridges and no more than 25 percent used
444 for nontransit uses; and

445 4. Used by the charter county for the planning,
446 development, construction, operation, and maintenance of roads
447 and bridges in the county; for the planning, development,
448 expansion, operation, and maintenance of bus and fixed guideway
449 systems; and for the payment of principal and interest on bonds
450 issued for the construction of fixed guideway rapid transit
451 systems, bus systems, roads, or bridges; and such proceeds may
452 be pledged by the governing body of the county for bonds issued
453 to refinance existing bonds or new bonds issued for the
454 construction of such fixed guideway rapid transit systems, bus
455 systems, roads, or bridges. Pursuant to an interlocal agreement
456 entered into pursuant to chapter 163, the governing body of the
457 charter county may distribute proceeds from the tax to a
458 municipality, or an expressway or transportation authority
459 created by law to be expended for the purpose authorized by this
460 paragraph.

461 Section 4. Paragraph (b) of subsection (2) and subsection
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

462 (4) of section 316.1001, Florida Statutes, are amended to read:

463 316.1001 Payment of toll on toll facilities required;
464 penalties.--

465 (2)

466 (b) A citation issued under this subsection may be issued
467 by mailing the citation ~~by first class mail, or~~ by certified
468 mail, ~~return receipt requested,~~ to the address of the registered
469 owner of the motor vehicle involved in the violation, and
470 verifiable receipt. ~~Mailing the citation to this address~~
471 constitutes notification. In the case of joint ownership of a
472 motor vehicle, the traffic citation must be mailed to the first
473 name appearing on the registration, unless the first name
474 appearing on the registration is a business organization, in
475 which case the second name appearing on the registration may be
476 used. A citation issued under this paragraph must be mailed to
477 the registered owner of the motor vehicle involved in the
478 violation within 14 days after the date of issuance of the
479 violation. In addition to the citation, notification must be
480 sent to the registered owner of the motor vehicle involved in
481 the violation specifying remedies available under ss. 318.14(12)
482 and 318.18(7).

483 (4) Any governmental entity, including, without
484 limitation, a clerk of court, may supply the department with
485 data that is machine readable by the department's computer
486 system, listing persons who have one or more outstanding
487 violations of this section, with reference to the person's
488 driver's license number or license plate number in the case of a
489 business entity. Pursuant to s. 320.03(8), the department and
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

490 its authorized agents may not issue ~~those persons may not be~~
491 ~~issued~~ a license plate or revalidation sticker for any motor
492 vehicle owned by a person whose name appears on the department's
493 list of persons having any outstanding violations of this
494 section until the person's name no longer appears on the list or
495 until the person presents a receipt from the governmental entity
496 or clerk showing that all applicable amounts owed on outstanding
497 violations have been paid.

498 Section 5. Subsection (6) of section 316.1895, Florida
499 Statutes, is amended to read:

500 316.1895 Establishment of school speed zones, enforcement;
501 designation.--

502 (6) Permanent signs designating school zones and school
503 zone speed limits shall be uniform in size and color, and shall
504 have the times during which the restrictive speed limit is
505 enforced clearly designated thereon. Flashing beacons activated
506 by a time clock, or other automatic device, or manually
507 activated may be used as an alternative to posting the times
508 during which the restrictive school speed limit is enforced.
509 Beginning July 1, 2008, for any newly established school zone or
510 any school zone in which the signing has been replaced, a sign
511 stating "Speeding Fines Doubled" shall be installed within or in
512 advance of the school zone. The Department of Transportation
513 shall establish adequate standards for the signs and flashing
514 beacons.

515 Section 6. Subsection (3) of section 316.29545, Florida
516 Statutes, is renumbered as subsection (4), and a new subsection
517 (3) is added to that section to read:

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

518 316.29545 Window suncreening exclusions; medical
519 exemption; certain law enforcement vehicles and private
520 investigative service vehicles exempt.--

521 (3) The department shall exempt from the window
522 sunscreening restrictions of ss. 316.2953, 316.2954, and
523 316.2956 vehicles owned or leased by private investigative
524 agencies licensed under chapter 493 and used in homeland
525 security functions on behalf of federal, state, or local
526 authorities; executive protection activities; undercover,
527 covert, or surveillance operations involving child abductions,
528 convicted sex offenders, insurance fraud, or missing persons or
529 property; or investigative activities in which evidence is being
530 obtained for civil or criminal court proceedings.

531 Section 7. Subsection (14) of section 316.515, Florida
532 Statutes, is amended to read:

533 316.515 Maximum width, height, length.--

534 (14) MANUFACTURED BUILDINGS.--The Department of
535 Transportation may, in its discretion and upon application and
536 good cause shown therefor that the same is not contrary to the
537 public interest, issue a special permit for truck tractor-
538 semitrailer combinations if where the total number of overwidth
539 deliveries of manufactured buildings, as defined in s.
540 553.36(13), may be reduced by permitting the use of multiple
541 sections or single units on an overlength trailer of no more
542 than 80 ~~54~~ feet.

543 Section 8. Subsection (5) of section 316.535, Florida
544 Statutes, is amended to read:

545 316.535 Maximum weights.--

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

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

551
552
$$W = 500((LN \div (N-1)) + 12N + 36)$$

553
554 where W = overall gross weight of the vehicle to the nearest 500
555 pounds; L = distance in feet between the extreme of the external
556 axles; and N = number of axles on the vehicle. However, such
557 overall gross weight of any vehicle or combination of vehicles
558 may not exceed 80,000 pounds ~~including all enforcement~~
559 ~~tolerances~~. The scale tolerance provided in s. 316.545(2) shall
560 be applicable to all weight limitations of this subsection,
561 except when a vehicle exceeds the posted weight limit on a road
562 or bridge. The scale tolerance provided in s. 316.545(2) shall
563 not apply to cranes. Fines for violations of the total gross
564 weight limitations provided for in this subsection shall be
565 based on the amount by which the actual weight of the vehicle
566 and load exceeds the allowable maximum weight determined under
567 this subsection plus the scale tolerance provided in s.
568 316.545(2).

569 Section 9. Subsections (2) and (3) of section 316.545,
570 Florida Statutes, are amended to read:

571 316.545 Weight and load unlawful; special fuel and motor
572 fuel tax enforcement; inspection; penalty; review.--

573 (2) (a) Whenever an officer, upon weighing a vehicle or
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

574 combination of vehicles with load, determines that the axle
575 weight or gross weight is unlawful, the officer may require the
576 driver to stop the vehicle in a suitable place and remain
577 standing until a determination can be made as to the amount of
578 weight thereon and, if overloaded, the amount of penalty to be
579 assessed as provided herein. ~~However, any gross weight over and~~
580 ~~beyond 6,000 pounds beyond the maximum herein set shall be~~
581 ~~unloaded and all material so unloaded shall be cared for by the~~
582 ~~owner or operator of the vehicle at the risk of such owner or~~
583 ~~operator.~~ Except as otherwise provided in this chapter, to
584 facilitate compliance with and enforcement of the weight limits
585 established in s. 316.535, weight tables published pursuant to
586 s. 316.535(7) shall include a 10-percent scale tolerance and
587 shall thereby reflect the maximum scaled weights allowed any
588 vehicle or combination of vehicles. As used in this section,
589 scale tolerance means the allowable deviation from legal weights
590 established in s. 316.535. Notwithstanding any other provision
591 of the weight law, if a vehicle or combination of vehicles does
592 not exceed the gross, external bridge, or internal bridge weight
593 limits imposed in s. 316.535 and the driver of such vehicle or
594 combination of vehicles can comply with the requirements of this
595 chapter by shifting or equalizing the load on all wheels or
596 axles and does so when requested by the proper authority, the
597 driver shall not be held to be operating in violation of said
598 weight limits. Any vehicle or combination of vehicles which
599 exceed the gross, or external bridge weight limits imposed in
600 ss. 316.535(3), 316.535(4), or 316.535(6) over and beyond 6000
601 pounds shall be unloaded and all material so unloaded shall be

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

602 cared for by the owner or operator of the vehicle at the risk of
603 such owner or operator. Any vehicle or combination of vehicles
604 which exceed the gross, or external bridge weight limits imposed
605 in s. 316.535(5) shall be unloaded and all material so unloaded
606 shall be cared for by the owner or operator of the vehicle at
607 risk of such owner or operator.

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

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

614 (b) Five cents per pound for each pound of weight in
615 excess of the maximum herein provided when the excess weight
616 exceeds 200 pounds. However, whenever the gross weight of the
617 vehicle or combination of vehicles does not exceed the maximum
618 allowable gross weight, the maximum fine for the first 600
619 pounds of unlawful axle weight shall be \$10;

620 (c) For a vehicle equipped with fully functional idle-
621 reduction technology, any penalty shall be calculated by
622 reducing the actual gross vehicle weight or the internal bridge
623 weight by the certified weight of the idle-reduction technology
624 or by 400 pounds, whichever is less. The vehicle operator must
625 present written certification of the weight of the idle-
626 reduction technology and must demonstrate or certify that the
627 idle-reduction technology is fully functional at all times. This
628 calculation is not allowed for vehicles described in s.
629 316.535(6);

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

630 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.
631 320.01, operating on the highways of this state without being
632 properly licensed and registered shall be subject to the
633 penalties as herein provided; and

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

638 Section 10. Subsection (1) of section 316.605, Florida
639 Statutes, is amended to read:

640 316.605 Licensing of vehicles.--

641 (1) Every vehicle, at all times while driven, stopped, or
642 parked upon any highways, roads, or streets of this state, shall
643 be licensed in the name of the owner thereof in accordance with
644 the laws of this state unless such vehicle is not required by
645 the laws of this state to be licensed in this state and shall,
646 except as otherwise provided in s. 320.0706 for front-end
647 registration license plates on truck tractors and s. 320.086(5)
648 which exempts display of license plates on described former
649 military vehicles, display the license plate or both of the
650 license plates assigned to it by the state, one on the rear and,
651 if two, the other on the front of the vehicle, each to be
652 securely fastened to the vehicle outside the main body of the
653 vehicle not higher than 60 inches and not lower than 12 inches
654 from the ground and no more than 24 inches to the left or right
655 of the centerline of the vehicle, and in such manner as to
656 prevent the plates from swinging, and all letters, numerals,
657 printing, writing, and other identification marks upon the
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

658 plates regarding the word "Florida," the registration decal, and
659 the alphanumeric designation shall be clear and distinct and
660 free from defacement, mutilation, grease, and other obscuring
661 matter, so that they will be plainly visible and legible at all
662 times 100 feet from the rear or front. Except for motorcycle
663 license plates, vehicle license plates shall be affixed and
664 displayed in such a manner that the letters and numerals shall
665 be read from left to right parallel to the ground. No vehicle
666 license plate may be displayed in an inverted or reversed
667 position or in such a manner that the letters and numbers and
668 their proper sequence are not readily identifiable. Nothing
669 shall be placed upon the face of a Florida plate except as
670 permitted by law or by rule or regulation of a governmental
671 agency. No license plates other than those furnished by the
672 state shall be used. However, if the vehicle is not required to
673 be licensed in this state, the license plates on such vehicle
674 issued by another state, by a territory, possession, or district
675 of the United States, or by a foreign country, substantially
676 complying with the provisions hereof, shall be considered as
677 complying with this chapter. A violation of this subsection is a
678 noncriminal traffic infraction, punishable as a nonmoving
679 violation as provided in chapter 318.

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

682 318.18 Amount of penalties.--The penalties required for a
683 noncriminal disposition pursuant to s. 318.14 or a criminal
684 offense listed in s. 318.17 are as follows:

685 (7) Mandatory \$100 fine for each violation of s. 316.1001
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

686 plus the amount of the unpaid toll shown on the traffic citation
687 for each citation issued. The clerk of the court shall forward
688 \$25 of the \$100 fine received, plus the amount of the unpaid
689 toll that is shown on the citation, to the governmental entity
690 that issued the citation, or on whose behalf the citation was
691 issued. If a plea arrangement is reached prior to the date set
692 for a scheduled evidentiary hearing and adjudication is
693 withheld, there shall be a mandatory fine assessed per citation
694 of not less than \$50 and not more than \$100, plus the amount of
695 the unpaid toll for each citation issued. The clerk of the court
696 shall forward \$25 of the fine imposed plus the amount of the
697 unpaid toll that is shown on the citation to the governmental
698 entity that issued the citation or on whose behalf the citation
699 was issued. The court shall have specific authority to
700 consolidate issued citations for the same defendant for the
701 purpose of sentencing and aggregate jurisdiction. ~~In addition,~~
702 ~~the department shall suspend for 60 days the driver's license of~~
703 ~~a person who is convicted of 10 violations of s. 316.1001 within~~
704 ~~a 36-month period.~~ Any funds received by a governmental entity
705 for this violation may be used for any lawful purpose related to
706 the operation or maintenance of a toll facility.

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

709 320.03 Registration; duties of tax collectors;
710 International Registration Plan.--

711 (8) If the applicant's name appears on the list referred
712 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
713 license plate or revalidation sticker may not be issued until
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

714 that person's name no longer appears on the list or until the
715 person presents a receipt from the governmental entity that
716 supplied the list or the clerk of court showing that the fines
717 outstanding have been paid. This subsection does not apply to
718 the owner of a leased vehicle if the vehicle is registered in
719 the name of the lessee of the vehicle. The tax collector and the
720 clerk of the court are each entitled to receive monthly, as
721 costs for implementing and administering this subsection, 10
722 percent of the civil penalties and fines recovered from such
723 persons. As used in this subsection, the term "civil penalties
724 and fines" does not include a wrecker operator's lien as
725 described in s. 713.78(13). If the tax collector has private tag
726 agents, such tag agents are entitled to receive a pro rata share
727 of the amount paid to the tax collector, based upon the
728 percentage of license plates and revalidation stickers issued by
729 the tag agent compared to the total issued within the county.
730 The authority of any private agent to issue license plates shall
731 be revoked, after notice and a hearing as provided in chapter
732 120, if he or she issues any license plate or revalidation
733 sticker contrary to the provisions of this subsection. This
734 section applies only to the annual renewal in the owner's birth
735 month of a motor vehicle registration and does not apply to the
736 transfer of a registration of a motor vehicle sold by a motor
737 vehicle dealer licensed under this chapter, except for the
738 transfer of registrations which is inclusive of the annual
739 renewals. This section does not affect the issuance of the title
740 to a motor vehicle, notwithstanding s. 319.23(7)(b).

741 Section 13. Paragraph (d) of subsection (3) of section
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

742 322.27, Florida Statutes, is amended to read:

743 322.27 Authority of department to suspend or revoke
744 license.--

745 (3) There is established a point system for evaluation of
746 convictions of violations of motor vehicle laws or ordinances,
747 and violations of applicable provisions of s. 403.413(6) (b) when
748 such violations involve the use of motor vehicles, for the
749 determination of the continuing qualification of any person to
750 operate a motor vehicle. The department is authorized to suspend
751 the license of any person upon showing of its records or other
752 good and sufficient evidence that the licensee has been
753 convicted of violation of motor vehicle laws or ordinances, or
754 applicable provisions of s. 403.413(6) (b), amounting to 12 or
755 more points as determined by the point system. The suspension
756 shall be for a period of not more than 1 year.

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

- 760 1. Reckless driving, willful and wanton--4 points.
761 2. Leaving the scene of a crash resulting in property
762 damage of more than \$50--6 points.
763 3. Unlawful speed resulting in a crash--6 points.
764 4. Passing a stopped school bus--4 points.
765 5. Unlawful speed:
766 a. Not in excess of 15 miles per hour of lawful or posted
767 speed--3 points.
768 b. In excess of 15 miles per hour of lawful or posted
769 speed--4 points.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

770 6. A violation of a traffic control signal device as
771 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

772 7. All other moving violations (including parking on a
773 highway outside the limits of a municipality)--3 points.
774 However, no points shall be imposed for a violation of s.
775 316.0741, s. 316.1001, or s. 316.2065(12).

776 8. Any moving violation covered above, excluding unlawful
777 speed, resulting in a crash--4 points.

778 9. Any conviction under s. 403.413(6)(b)--3 points.

779 10. Any conviction under s. 316.0775(2)--4 points.

780 Section 14. Section 334.03, Florida Statutes, is amended
781 to read:

782 334.03 Definitions.--When used in the Florida
783 Transportation Code, the term:

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

789 (1)(2) "Bridge" means a structure, including supports,
790 erected over a depression or an obstruction, such as water or a
791 highway or railway, and having a track or passageway for
792 carrying traffic as defined in chapter 316 or other moving
793 loads.

794 (2)(3) "City street system" means all local roads within a
795 municipality which were under the jurisdiction of that
796 municipality on June 10, 1995, roads constructed by a
797 municipality for that municipality's street system, and roads

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

798 transferred to the municipality's jurisdiction after that date
799 by mutual consent with another governmental entity, but does not
800 include roads so transferred from the municipality's
801 jurisdiction, ~~and all collector roads inside that municipality,~~
802 ~~which are not in the county road system.~~

803 ~~(4) "Collector road" means a route providing service which~~
804 ~~is of relatively moderate average traffic volume, moderately~~
805 ~~average trip length, and moderately average operating speed.~~
806 ~~Such a route also collects and distributes traffic between local~~
807 ~~roads or arterial roads and serves as a linkage between land~~
808 ~~access and mobility needs.~~

809 ~~(3)~~⁽⁵⁾ "Commissioners" means the governing body of a
810 county.

811 ~~(4)~~⁽⁶⁾ "Consolidated metropolitan statistical area" means
812 two or more metropolitan statistical areas that are socially and
813 economically interrelated as defined by the United States Bureau
814 of the Census.

815 ~~(5)~~⁽⁷⁾ "Controlled access facility" means a street or
816 highway to which the right of access is highly regulated by the
817 governmental entity having jurisdiction over the facility in
818 order to maximize the operational efficiency and safety of the
819 high-volume through traffic utilizing the facility. Owners or
820 occupants of abutting lands and other persons have a right of
821 access to or from such facility at such points only and in such
822 manner as may be determined by the governmental entity.

823 ~~(6)~~⁽⁸⁾ "County road system" means all roads within a
824 county which were under the jurisdiction of that county on June
825 10, 1995, roads constructed by a county for that county's road

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

826 system, and roads transferred to the county's jurisdiction after
827 that date by mutual consent with another governmental entity,
828 but does not include roads so transferred from the county's
829 jurisdiction collector roads in the unincorporated areas of a
830 county and all extensions of such collector roads into and
831 through any incorporated areas, all local roads in the
832 unincorporated areas, and all urban minor arterial roads not in
833 the State Highway System.

834 (7)-(9) "Department" means the Department of
835 Transportation.

836 (8)-(10) "Florida Intrastate Highway System" means a system
837 of limited access and controlled access facilities on the State
838 Highway System which have the capacity to provide high-speed and
839 high-volume traffic movements in an efficient and safe manner.

840 (9)-(11) "Functional classification" means the assignment
841 of roads into systems according to the character of service they
842 provide in relation to the total road network using procedures
843 developed by the Federal Highway Administration. Basic
844 functional categories include arterial roads, collector roads,
845 and local roads which may be subdivided into principal, major,
846 or minor levels. These levels may be additionally divided into
847 rural and urban categories.

848 (10)-(12) "Governmental entity" means a unit of government,
849 or any officially designated public agency or authority of a
850 unit of government, that has the responsibility for planning,
851 construction, operation, or maintenance or jurisdiction over
852 transportation facilities; the term includes the Federal
853 Government, the state government, a county, an incorporated

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

854 municipality, a metropolitan planning organization, an
855 expressway or transportation authority, a road and bridge
856 district, a special road and bridge district, and a regional
857 governmental unit.

858 (11)~~(13)~~ "Limited access facility" means a street or
859 highway especially designed for through traffic, and over, from,
860 or to which owners or occupants of abutting land or other
861 persons have no right or easement of access, light, air, or view
862 by reason of the fact that their property abuts upon such
863 limited access facility or for any other reason. Such highways
864 or streets may be facilities from which trucks, buses, and other
865 commercial vehicles are excluded; or they may be facilities open
866 to use by all customary forms of street and highway traffic.

867 (12)~~(14)~~ "Local governmental entity" means a unit of
868 government with less than statewide jurisdiction, or any
869 officially designated public agency or authority of such a unit
870 of government, that has the responsibility for planning,
871 construction, operation, or maintenance of, or jurisdiction
872 over, a transportation facility; the term includes, but is not
873 limited to, a county, an incorporated municipality, a
874 metropolitan planning organization, an expressway or
875 transportation authority, a road and bridge district, a special
876 road and bridge district, and a regional governmental unit.

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

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

881 (13)~~(16)~~ "Metropolitan area" means a geographic region
882 comprising as a minimum the existing urbanized area and the
883 contiguous area projected to become urbanized within a 20-year
884 forecast period. The boundaries of a metropolitan area may be
885 designated so as to encompass a metropolitan statistical area or
886 a consolidated metropolitan statistical area. If a metropolitan
887 area, or any part thereof, is located within a nonattainment
888 area, the boundaries of the metropolitan area must be designated
889 so as to include the boundaries of the entire nonattainment
890 area, unless otherwise provided by agreement between the
891 applicable metropolitan planning organization and the Governor.

892 (14)~~(17)~~ "Metropolitan statistical area" means an area
893 that includes a municipality of 50,000 persons or more, or an
894 urbanized area of at least 50,000 persons as defined by the
895 United States Bureau of the Census, provided that the component
896 county or counties have a total population of at least 100,000.

897 (15)~~(18)~~ "Nonattainment area" means an area designated by
898 the United States Environmental Protection Agency, pursuant to
899 federal law, as exceeding national primary or secondary ambient
900 air quality standards for the pollutants carbon monoxide or
901 ozone.

902 (16)~~(19)~~ "Periodic maintenance" means activities that are
903 large in scope and require a major work effort to restore
904 deteriorated components of the transportation system to a safe
905 and serviceable condition, including, but not limited to, the
906 repair of large bridge structures, major repairs to bridges and
907 bridge systems, and the mineral sealing of lengthy sections of
908 roadway.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

909 ~~(17)-(20)~~ "Person" means any person described in s. 1.01 or
910 any unit of government in or outside the state.

911 ~~(18)-(21)~~ "Right of access" means the right of ingress to a
912 highway from abutting land and egress from a highway to abutting
913 land.

914 ~~(19)-(22)~~ "Right-of-way" means land in which the state, the
915 department, a county, or a municipality owns the fee or has an
916 easement devoted to or required for use as a transportation
917 facility.

918 ~~(20)-(23)~~ "Road" means a way open to travel by the public,
919 including, but not limited to, a street, highway, or alley. The
920 term includes associated sidewalks, the roadbed, the right-of-
921 way, and all culverts, drains, sluices, ditches, water storage
922 areas, waterways, embankments, slopes, retaining walls, bridges,
923 tunnels, and viaducts necessary for the maintenance of travel
924 and all ferries used in connection therewith.

925 ~~(21)-(24)~~ "Routine maintenance" means minor repairs and
926 associated tasks necessary to maintain a safe and efficient
927 transportation system. The term includes: pavement patching;
928 shoulder repair; cleaning and repair of drainage ditches,
929 traffic signs, and structures; mowing; bridge inspection and
930 maintenance; pavement striping; litter cleanup; and other
931 similar activities.

932 ~~(22)-(25)~~ "State Highway System" means the ~~following, which~~
933 ~~shall be facilities to which access is regulated:~~

934 ~~(a)~~ The interstate system and all other roads within the
935 state which were under the jurisdiction of the state on June 10,
936 1995, roads constructed by an agency of the state for the State

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

937 Highway System, and roads transferred to the state's
938 jurisdiction after that date by mutual consent with another
939 governmental entity, but does not include roads so transferred
940 from the state's jurisdiction. These facilities shall be
941 facilities to which access is regulated.†

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

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

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

948
949 ~~However, not less than 2 percent of the public road mileage of~~
950 ~~each urbanized area on record as of June 30, 1986, shall be~~
951 ~~included as minor arterials in the State Highway System.~~

952 ~~Urbanized areas not meeting the foregoing minimum requirement~~
953 ~~shall have transferred to the State Highway System additional~~
954 ~~minor arterials of the highest significance in which case the~~
955 ~~total minor arterials in the State Highway System from any~~
956 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
957 ~~public urban road mileage.~~

958 ~~(23)-(26)~~ "State Park Road System" means roads embraced
959 within the boundaries of state parks and state roads leading to
960 state parks, other than roads of the State Highway System, the
961 county road systems, or the city street systems.

962 ~~(24)-(27)~~ "State road" means a street, road, highway, or
963 other way open to travel by the public generally and dedicated
964 to the public use according to law or by prescription and

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

965 designated by the department, as provided by law, as part of the
966 State Highway System.

967 ~~(25)-(28)~~ "Structure" means a bridge, viaduct, tunnel,
968 causeway, approach, ferry slip, culvert, toll plaza, gate, or
969 other similar facility used in connection with a transportation
970 facility.

971 ~~(26)-(29)~~ "Sufficiency rating" means the objective rating
972 of a road or section of a road for the purpose of determining
973 its capability to serve properly the actual or anticipated
974 volume of traffic using the road.

975 ~~(27)-(30)~~ "Transportation corridor" means any land area
976 designated by the state, a county, or a municipality which is
977 between two geographic points and which area is used or suitable
978 for the movement of people and goods by one or more modes of
979 transportation, including areas necessary for management of
980 access and securing applicable approvals and permits.

981 Transportation corridors shall contain, but are not limited to,
982 the following:

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

984 (b) All property or property interests necessary for
985 future transportation facilities, including rights of access,
986 air, view, and light, whether public or private, for the purpose
987 of securing and utilizing future transportation rights-of-way,
988 including, but not limited to, any lands reasonably necessary
989 now or in the future for securing applicable approvals and
990 permits, borrow pits, drainage ditches, water retention areas,
991 rest areas, replacement access for landowners whose access could
992 be impaired due to the construction of a future facility, and
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

993 replacement rights-of-way for relocation of rail and utility
994 facilities.

995 ~~(28)~~⁽³¹⁾ "Transportation facility" means any means for the
996 transportation of people or property from place to place which
997 is constructed, operated, or maintained in whole or in part from
998 public funds. The term includes the property or property rights,
999 both real and personal, which have been or may be established by
1000 public bodies for the transportation of people or property from
1001 place to place.

1002 ~~(29)~~⁽³²⁾ "Urban area" means a geographic region comprising
1003 as a minimum the area inside the United States Bureau of the
1004 Census boundary of an urban place with a population of 5,000 or
1005 more persons, expanded to include adjacent developed areas as
1006 provided for by Federal Highway Administration regulations.

1007 ~~(33)~~ "Urban minor arterial road" means a route that
1008 generally interconnects with and augments an urban principal
1009 arterial road and provides service to trips of shorter length
1010 and a lower level of travel mobility. The term includes all
1011 arterials not classified as "principal" and contain facilities
1012 that place more emphasis on land access than the higher system.

1013 ~~(30)~~⁽³⁴⁾ "Urban place" means a geographic region composed
1014 of one or more contiguous census tracts that have been found by
1015 the United States Bureau of the Census to contain a population
1016 density of at least 1,000 persons per square mile.

1017 ~~(35)~~ "Urban principal arterial road" means a route that
1018 generally serves the major centers of activity of an urban area,
1019 the highest traffic volume corridors, and the longest trip
1020 purpose and carries a high proportion of the total urban area
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1021 ~~travel on a minimum of mileage. Such roads are integrated, both~~
1022 ~~internally and between major rural connections.~~

1023 ~~(31)(36)~~ "Urbanized area" means a geographic region
1024 comprising as a minimum the area inside an urban place of 50,000
1025 or more persons, as designated by the United States Bureau of
1026 the Census, expanded to include adjacent developed areas as
1027 provided for by Federal Highway Administration regulations.
1028 Urban areas with a population of fewer than 50,000 persons which
1029 are located within the expanded boundary of an urbanized area
1030 are not separately recognized.

1031 ~~(32)(37)~~ "511" or "511 services" means three-digit
1032 telecommunications dialing to access interactive voice response
1033 telephone traveler information services provided in the state as
1034 defined by the Federal Communications Commission in FCC Order
1035 No. 00-256, July 31, 2000.

1036 ~~(33)(38)~~ "Interactive voice response" means a software
1037 application that accepts a combination of voice telephone input
1038 and touch-tone keypad selection and provides appropriate
1039 responses in the form of voice, fax, callback, e-mail, and other
1040 media.

1041 Section 15. Subsections (11), (13), and (26) of section
1042 334.044, Florida Statutes, are amended to read:

1043 334.044 Department; powers and duties.--The department
1044 shall have the following general powers and duties:

1045 (11) To establish a numbering system for public roads and
1046 to functionally classify such roads, ~~and to assign~~
1047 ~~jurisdictional responsibility.~~

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1048 (13) To ~~designate existing and to~~ plan proposed
1049 transportation facilities as part of the State Highway System,
1050 and to construct, maintain, and operate such facilities.

1051 (26) To provide for the enhancement of environmental
1052 benefits, including air and water quality, to prevent roadside
1053 erosion, to conserve the ~~conservation of~~ natural roadside growth
1054 and scenery and for the implementation and maintenance of
1055 roadside conservation, enhancement, and stabilization
1056 ~~beautification~~ programs, and no less than 1.5 percent of the
1057 amount contracted for construction projects shall be allocated
1058 by the department to the purchase of plant materials
1059 ~~beautification programs. Except where prohibited by federal law~~
1060 ~~or federal regulation~~ and to the greatest extent practical, a
1061 minimum of 50 percent of these funds shall be used to purchase
1062 large plant materials with the remaining funds for other plant
1063 materials. All such plant materials shall be purchased from
1064 Florida-based commercial nursery ~~nurseryman~~ stock on a uniform
1065 competitive bid basis. The department will develop grades and
1066 standards for landscaping materials purchased through this
1067 process. To accomplish these activities, the department may
1068 contract with nonprofit organizations having the primary purpose
1069 of developing youth employment opportunities.

1070 Section 16. Section 334.047, Florida Statutes, is amended
1071 to read:

1072 334.047 Prohibition.--Notwithstanding any other provision
1073 of law to the contrary, the Department of Transportation may not
1074 establish a cap on the number of miles in the State Highway

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1075 ~~System or a maximum number of miles of urban principal arterial~~
1076 ~~roads, as defined in s. 334.03, within a district or county.~~

1077 Section 17. Section 336.445, Florida Statutes, is created
1078 to read:

1079 336.445 Public-private partnerships with counties.--

1080 (1) Notwithstanding any other provision of law or
1081 ordinance, a county may enter into agreements with private
1082 entities, or a consortia thereof, for the building, operation,
1083 ownership, or financing of toll facilities as part of the county
1084 road system under the following circumstances:

1085 (a) The county has publically declared at a properly
1086 noticed commission meeting the need for a toll facility and a
1087 desire to contract with a private entity for the building,
1088 operation, ownership, or financing of a toll facility; and

1089 (b) The county establishes after a public hearing that the
1090 proposal includes unique benefits and that adoption of the
1091 project is not contrary to the interest of the public.

1092 (2) Before awarding the project to a private entity, the
1093 county must determine that the proposed project:

1094 (a) Is not contrary to the public's interest;

1095 (b) Would not require state funds to be used;

1096 (c) Would have adequate safeguards in place to ensure that
1097 no additional costs or service disruptions would be realized by
1098 the travelling public in the event of default or cancellation of
1099 the agreement by the county; and

1100 (d) Would have adequate safeguards in place to ensure that
1101 the county or the private entity has the opportunity to add

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1102 capacity to the proposed project and other transportation
1103 facilities serving similar origins and destinations.

1104 (3) Any agreement between a county and a private entity,
1105 or consortia thereof, must address the following:

1106 (a) Regulations governing the future increase of toll or
1107 fare revenues; and

1108 (b) That the private entity shall provide an investment
1109 grade traffic and revenue study prepared by an internationally
1110 recognized traffic and revenue expert that is accepted by the
1111 national bond rating agencies. The private entity shall also
1112 provide a finance plan than identifies the project cost,
1113 revenues by source, financing, major assumptions, internal rate
1114 of return on private investment, whether any government funds
1115 are assumed to deliver a cost-feasible project, and a total cash
1116 flow analysis beginning with the implementation of the project
1117 and extending for the term of the agreement.

1118 Section 18. Subsection (2) of section 337.0261, Florida
1119 Statutes, is amended to read:

1120 337.0261 Construction aggregate materials.--

1121 (2) LEGISLATIVE INTENT.--The Legislature finds that there
1122 is a strategic and critical need for an available supply of
1123 construction aggregate materials within the state and that a
1124 disruption of the supply would cause a significant detriment to
1125 the state's construction industry, transportation system, and
1126 overall health, safety, and welfare. In addition, the
1127 Legislature recognizes that construction aggregate materials
1128 mining is an industry of critical importance to the state and

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1129 that the mining of construction aggregate materials is in the
1130 public interest.

1131 Section 19. Subsection (1) of section 337.401, Florida
1132 Statutes, is amended to read:

1133 337.401 Use of right-of-way for utilities subject to
1134 regulation; permit; fees.--

1135 (1) (a) The department and local governmental entities,
1136 referred to in ss. 337.401-337.404 as the "authority," that have
1137 jurisdiction and control of public roads or publicly owned rail
1138 corridors are authorized to prescribe and enforce reasonable
1139 rules or regulations with reference to the placing and
1140 maintaining along, across, or on any road or publicly owned rail
1141 corridors under their respective jurisdictions any electric
1142 transmission, telephone, telegraph, or other communications
1143 services lines; pole lines; poles; railways; ditches; sewers;
1144 water, heat, or gas mains; pipelines; fences; gasoline tanks and
1145 pumps; or other structures referred to in this section as the
1146 "utility." ~~For aerial and underground electric utility~~
1147 ~~transmission lines designed to operate at 69 or more kilovolts~~
1148 ~~that are needed to accommodate the additional electrical~~
1149 ~~transfer capacity on the transmission grid resulting from new~~
1150 ~~base load generating facilities, where there is no other~~
1151 ~~practicable alternative available for placement of the electric~~
1152 ~~utility transmission lines on the department's rights-of-way,~~
1153 ~~the department's rules shall provide for placement of and access~~
1154 ~~to such transmission lines adjacent to and within the right-of-~~
1155 ~~way of any department-controlled public roads, including~~
1156 ~~longitudinally within limited access facilities to the greatest~~
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1157 ~~extent allowed by federal law, if compliance with the standards~~
1158 ~~established by such rules is achieved. Such rules may include,~~
1159 ~~but need not be limited to, that the use of the right-of-way is~~
1160 ~~reasonable based upon a consideration of economic and~~
1161 ~~environmental factors, including, without limitation, other~~
1162 ~~practicable alternative alignments, utility corridors and~~
1163 ~~easements, impacts on adjacent property owners, and minimum~~
1164 ~~clear zones and other safety standards, and further provide that~~
1165 ~~placement of the electric utility transmission lines within the~~
1166 ~~department's right-of-way does not interfere with operational~~
1167 ~~requirements of the transportation facility or planned or~~
1168 ~~potential future expansion of such transportation facility. If~~
1169 ~~the department approves longitudinal placement of electric~~
1170 ~~utility transmission lines in limited access facilities,~~
1171 ~~compensation for the use of the right-of-way is required. Such~~
1172 ~~consideration or compensation paid by the electric utility in~~
1173 ~~connection with the department's issuance of a permit does not~~
1174 ~~create any property right in the department's property~~
1175 ~~regardless of the amount of consideration paid or the~~
1176 ~~improvements constructed on the property by the utility. Upon~~
1177 ~~notice by the department that the property is needed for~~
1178 ~~expansion or improvement of the transportation facility, the~~
1179 ~~electric utility transmission line will relocate from the~~
1180 ~~facility at the electric utility's sole expense. The electric~~
1181 ~~utility shall pay to the department reasonable damages resulting~~
1182 ~~from the utility's failure or refusal to timely relocate its~~
1183 ~~transmission lines. The rules to be adopted by the department~~
1184 ~~may also address the compensation methodology and relocation. As~~

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1185 ~~used in this subsection, the term "base-load generating~~
1186 ~~facilities" means electric power plants that are certified under~~
1187 ~~part II of chapter 403.~~ The department may enter into a permit-
1188 delegation agreement with a governmental entity if issuance of a
1189 permit is based on requirements that the department finds will
1190 ensure the safety and integrity of facilities of the Department
1191 of Transportation; however, the permit-delegation agreement does
1192 not apply to facilities of electric utilities as defined in s.
1193 366.02(2).

1194 (b) For aerial and underground electric utility
1195 transmission lines designed to operate at 69 or more kilovolts
1196 that are needed to accommodate the additional electrical
1197 transfer capacity on the transmission grid resulting from new
1198 base-load generating facilities, the department's rules shall
1199 provide for placement of and access to such transmission lines
1200 adjacent to and within the right-of-way of any department-
1201 controlled public roads, including longitudinally within limited
1202 access facilities where there is no other practicable
1203 alternative available, to the greatest extent allowed by federal
1204 law, if compliance with the standards established by such rules
1205 is achieved. Such rules may include, but need not be limited to,
1206 that the use of the limited access right-of-way for longitudinal
1207 placement of electric utility transmission lines is reasonable
1208 based upon a consideration of economic and environmental
1209 factors, including, without limitation, other practicable
1210 alternative alignments, utility corridors and easements, impacts
1211 on adjacent property owners, and minimum clear zones and other
1212 safety standards, and further provide that placement of the

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1213 electric utility transmission lines within the department's
1214 right-of-way does not interfere with operational requirements of
1215 the transportation facility or planned or potential future
1216 expansion of such transportation facility. If the department
1217 approves longitudinal placement of electric utility transmission
1218 lines in limited access facilities, compensation for the use of
1219 the right-of-way is required. Such consideration or compensation
1220 paid by the electric utility in connection with the department's
1221 issuance of a permit does not create any property right in the
1222 department's property regardless of the amount of consideration
1223 paid or the improvements constructed on the property by the
1224 utility. Upon notice by the department that the property is
1225 needed for expansion or improvement of the transportation
1226 facility, the electric utility transmission line will relocate
1227 at the electric utility's sole expense. The electric utility
1228 shall pay to the department reasonable damages resulting from
1229 the utility's failure or refusal to timely relocate its
1230 transmission lines. The rules to be adopted by the department
1231 may also address the compensation methodology and relocation. As
1232 used in this subsection, the term "base-load generating
1233 facilities" means electric power plants that are certified under
1234 part II of chapter 403.

1235 Section 20. Subsection (3) and paragraphs (b) and (c) of
1236 subsection (4) of section 339.2816, Florida Statutes, are
1237 amended to read:

1238 339.2816 Small County Road Assistance Program.--

1239 (3) Beginning with fiscal year 1999-2000 until fiscal year
1240 2009-2010, and beginning again with fiscal year 2012-2013, up to
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1241 \$25 million annually from the State Transportation Trust Fund
1242 may be used for the purposes of funding the Small County Road
1243 Assistance Program as described in this section.

1244 (4)

1245 (b) In determining a county's eligibility for assistance
1246 under this program, the department may consider whether the
1247 county has attempted to keep county roads in satisfactory
1248 condition, including the amount of local option fuel tax ~~and ad~~
1249 ~~valorem millage rate~~ imposed by the county. The department may
1250 also consider the extent to which the county has offered to
1251 provide a match of local funds with state funds provided under
1252 the program. At a minimum, small counties shall be eligible only
1253 if:

1254 ~~1. the county has enacted the maximum rate of the local~~
1255 ~~option fuel tax authorized by s. 336.025(1) (a) .7, and has imposed~~
1256 ~~an ad valorem millage rate of at least 8 mills; or~~

1257 ~~2. The county has imposed an ad valorem millage rate of 10~~
1258 ~~mills.~~

1259 (c) The following criteria shall be used to prioritize
1260 road projects for funding under the program:

1261 1. The primary criterion is the physical condition of the
1262 road as measured by the department.

1263 2. As secondary criteria the department may consider:

1264 a. Whether a road is used as an evacuation route.

1265 b. Whether a road has high levels of agricultural travel.

1266 c. Whether a road is considered a major arterial route.

1267 d. Whether a road is considered a feeder road.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1268 e. Whether a road is located in a fiscally constrained
1269 county as defined in s. 218.67(1).

1270 ~~f.e.~~ Other criteria related to the impact of a project on
1271 the public road system or on the state or local economy as
1272 determined by the department.

1273 Section 21. Subsections (1) and (4) of section 339.2818,
1274 Florida Statutes, are amended to read:

1275 339.2818 Small County Outreach Program.--

1276 (1) There is created within the Department of
1277 Transportation the Small County Outreach Program. The purpose of
1278 this program is to assist small county governments in repairing
1279 or rehabilitating county bridges, paving unpaved roads,
1280 addressing road-related drainage improvements, resurfacing or
1281 reconstructing county roads or in constructing capacity or
1282 safety improvements to county roads.

1283 (4)(a) Small counties shall be eligible to compete for
1284 funds that have been designated for the Small County Outreach
1285 Program for projects on county roads. The department shall fund
1286 75 percent of the cost of projects on county roads funded under
1287 the program.

1288 (b) In determining a county's eligibility for assistance
1289 under this program, the department may consider whether the
1290 county has attempted to keep county roads in satisfactory
1291 condition which may be evidenced through an established pavement
1292 management plan.

1293 (c) The following criteria shall be used to prioritize
1294 road projects for funding under the program:

1295 1. The primary criterion is the physical condition of the
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1296 road as measured by the department.

1297 2. As secondary criteria the department may consider:

1298 a. Whether a road is used as an evacuation route.

1299 b. Whether a road has high levels of agricultural travel.

1300 c. Whether a road is considered a major arterial route.

1301 d. Whether a road is considered a feeder road.

1302 e. Information as evidenced to the department through an
1303 established pavement management plan.

1304 f.e. Other criteria related to the impact of a project on
1305 the public road system or on the state or local economy as
1306 determined by the department.

1307 Section 22. Subsections (1), (2), and (5) of section
1308 339.64, Florida Statutes, are amended to read:

1309 339.64 Strategic Intermodal System Plan.--

1310 (1) The department shall develop, in cooperation with
1311 metropolitan planning organizations, regional planning councils,
1312 local governments, ~~the Statewide Intermodal Transportation~~
1313 ~~Advisory Council~~ and other transportation providers, a Strategic
1314 Intermodal System Plan. The plan shall be consistent with the
1315 Florida Transportation Plan developed pursuant to s. 339.155 and
1316 shall be updated at least once every 5 years, subsequent to
1317 updates of the Florida Transportation Plan.

1318 (2) In association with the continued development of the
1319 Strategic Intermodal System Plan, the Florida Transportation
1320 Commission, as part of its work program review process, shall
1321 conduct an annual assessment of the progress that the department
1322 and its transportation partners have made in realizing the goals
1323 of economic development, improved mobility, and increased

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1324 intermodal connectivity of the Strategic Intermodal System. The
1325 Florida Transportation Commission shall coordinate with the
1326 department, ~~the Statewide Intermodal Transportation Advisory~~
1327 ~~Council,~~ and other appropriate entities when developing this
1328 assessment. The Florida Transportation Commission shall deliver
1329 a report to the Governor and Legislature no later than 14 days
1330 after the regular session begins, with recommendations as
1331 necessary to fully implement the Strategic Intermodal System.

1332 ~~(5) STATEWIDE INTERMODAL TRANSPORTATION ADVISORY~~
1333 ~~COUNCIL.--~~

1334 ~~(a) The Statewide Intermodal Transportation Advisory~~
1335 ~~Council is created to advise and make recommendations to the~~
1336 ~~Legislature and the department on policies, planning, and~~
1337 ~~funding of intermodal transportation projects. The council's~~
1338 ~~responsibilities shall include:~~

1339 ~~1. Advising the department on the policies, planning, and~~
1340 ~~implementation of strategies related to intermodal~~
1341 ~~transportation.~~

1342 ~~2. Providing advice and recommendations to the Legislature~~
1343 ~~on funding for projects to move goods and people in the most~~
1344 ~~efficient and effective manner for the State of Florida.~~

1345 ~~(b) MEMBERSHIP.--Members of the Statewide Intermodal~~
1346 ~~Transportation Advisory Council shall consist of the following:~~

1347 ~~1. Six intermodal industry representatives selected by the~~
1348 ~~Governor as follows:~~

1349 ~~a. One representative from an airport involved in the~~
1350 ~~movement of freight and people from their airport facility to~~
1351 ~~another transportation mode.~~

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1352 ~~b. One individual representing a fixed route, local~~
1353 ~~government transit system.~~

1354 ~~e. One representative from an intercity bus company~~
1355 ~~providing regularly scheduled bus travel as determined by~~
1356 ~~federal regulations.~~

1357 ~~d. One representative from a spaceport.~~

1358 ~~e. One representative from intermodal trucking companies.~~

1359 ~~f. One representative having command responsibilities of a~~
1360 ~~major military installation.~~

1361 ~~2. Three intermodal industry representatives selected by~~
1362 ~~the President of the Senate as follows:~~

1363 ~~a. One representative from major-line railroads.~~

1364 ~~b. One representative from seaports listed in s. 311.09(1)~~
1365 ~~from the Atlantic Coast.~~

1366 ~~e. One representative from an airport involved in the~~
1367 ~~movement of freight and people from their airport facility to~~
1368 ~~another transportation mode.~~

1369 ~~3. Three intermodal industry representatives selected by~~
1370 ~~the Speaker of the House of Representatives as follows:~~

1371 ~~a. One representative from short-line railroads.~~

1372 ~~b. One representative from seaports listed in s. 311.09(1)~~
1373 ~~from the Gulf Coast.~~

1374 ~~e. One representative from intermodal trucking companies.~~

1375 ~~In no event may this representative be employed by the same~~
1376 ~~company that employs the intermodal trucking company~~
1377 ~~representative selected by the Governor.~~

1378 ~~(c) Initial appointments to the council must be made no~~
1379 ~~later than 30 days after the effective date of this section.~~

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1380 ~~1. The initial appointments made by the President of the~~
1381 ~~Senate and the Speaker of the House of Representatives shall~~
1382 ~~serve terms concurrent with those of the respective appointing~~
1383 ~~officer. Beginning January 15, 2005, and for all subsequent~~
1384 ~~appointments, council members appointed by the President of the~~
1385 ~~Senate and the Speaker of the House of Representatives shall~~
1386 ~~serve 2-year terms, concurrent with the term of the respective~~
1387 ~~appointing officer.~~

1388 ~~2. The initial appointees, and all subsequent appointees,~~
1389 ~~made by the Governor shall serve 2-year terms.~~

1390 ~~3. Vacancies on the council shall be filled in the same~~
1391 ~~manner as the initial appointments.~~

1392 ~~(d) Each member of the council shall be allowed one vote.~~
1393 ~~The council shall select a chair from among its membership.~~
1394 ~~Meetings shall be held at the call of the chair, but not less~~
1395 ~~frequently than quarterly. The members of the council shall be~~
1396 ~~reimbursed for per diem and travel expenses as provided in s.~~
1397 ~~112.061.~~

1398 ~~(e) The department shall provide administrative staff~~
1399 ~~support and shall ensure that council meetings are~~
1400 ~~electronically recorded. Such recordings and all documents~~
1401 ~~received, prepared for, or used by the council in conducting its~~
1402 ~~business shall be preserved pursuant to chapters 119 and 257.~~

1403 Section 23. Subsection (2) of section 341.071, Florida
1404 Statutes, is amended to read:

1405 341.071 Transit productivity and performance measures;
1406 reports.--

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1407 (2) Each public transit provider shall establish
1408 productivity and performance measures, which must be approved by
1409 the department and which must be selected from measures
1410 developed pursuant to s. 341.041(3). Each provider shall, by
1411 January 31 of each year, report to the department relative to
1412 these measures. In approving these measures, the department
1413 shall give consideration to the goals and objectives of each
1414 system, the needs of the local area, and the role for public
1415 transit in the local area. The report shall also specifically
1416 address potential enhancements to productivity and performance
1417 which would have the effect of increasing farebox recovery
1418 ratio. The report shall also specifically address the use and
1419 effectiveness of high-performance transit systems authorized in
1420 s. 163.3180 and included in a county's or the Department of
1421 Transportation's long-range plan.

1422 Section 24. Paragraph (c) of subsection (4) of section
1423 348.0003, Florida Statutes, is amended to read:

1424 348.0003 ~~Expressway~~ Authority; formation and
1425 membership.--

1426 (4)

1427 (c) Members of each expressway an authority,
1428 transportation authority, bridge authority, or toll authority,
1429 created pursuant to this chapter, chapter 343, or chapter 349,
1430 or pursuant to any other legislative enactment, shall be
1431 required to comply with the applicable financial disclosure
1432 requirements of s. 8, Art. II of the State Constitution. This
1433 paragraph does not subject a statutorily created expressway
1434 authority, transportation authority, bridge authority, or toll

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1435 authority, other than one created under this part, to any of the
1436 requirements of this part other than those contained in this
1437 paragraph.

1438 Section 25. Subsections (3) and (7) of section 348.51,
1439 Florida Statutes, are amended to read:

1440 348.51 Definitions.--The following terms whenever used or
1441 referred to in this part shall have the following meanings,
1442 except in those instances where the context clearly indicates
1443 otherwise:

1444 (3) "Bonds" means and includes the notes, bonds, refunding
1445 bonds, or other evidences of indebtedness or obligations, in
1446 either temporary or definitive form, which ~~of~~ the authority is
1447 authorized to issue ~~issued~~ pursuant to this part.

1448 (7) "Expressway system" or "system" means, generally, a
1449 modern highway system of roads, managed lanes, and other transit
1450 supporting facilities, bridges, causeways, and tunnels in the
1451 metropolitan area of the city, or within any area of the county,
1452 including the Tampa Bay Region as defined by those counties set
1453 forth in s. 343.91(1)(a), with access limited or unlimited as
1454 the authority may determine, and such buildings and structures
1455 and appurtenances and facilities related thereto, including all
1456 approaches, streets, roads, bridges, and avenues of access for
1457 such system.

1458 Section 26. Section 348.53, Florida Statutes, is amended
1459 to read:

1460 348.53 Purposes of the authority.--The authority is
1461 created for the purposes and shall have power to construct,
1462 reconstruct, improve, extend, repair, maintain and operate the
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1463 expressway system. It is hereby found and declared that such
1464 purposes are in all respects for the benefit of the people of
1465 the State of Florida, City of Tampa, ~~and the~~ County of
1466 Hillsborough, and Tampa Bay Region, for the increase of their
1467 pleasure, convenience and welfare, for the improvement of their
1468 health, to facilitate transportation, including transit support
1469 facilities, for their recreation and commerce and for the common
1470 defense. The authority shall be performing a public purpose and
1471 a governmental function in carrying out its corporate purpose
1472 and in exercising the powers granted herein.

1473 Section 27. Subsections (7) and (8) of section 348.54,
1474 Florida Statutes, are amended to read:

1475 348.54 Powers of the authority.--Except as otherwise
1476 limited herein, the authority shall have the power:

1477 (7) To borrow money and to make and issue negotiable
1478 bonds, notes, refunding bonds, and other evidences of
1479 indebtedness or obligations, either in temporary or definitive
1480 form, hereinafter in this chapter referred to as "bonds of the
1481 authority," for the purpose of financing all or part of the
1482 improvement or extension of the expressway system, and
1483 appurtenant facilities, including all approaches, streets,
1484 roads, bridges, and avenues of access for the expressway system
1485 and for any other purpose authorized by this part and to provide
1486 for the rights of the holders thereof.

1487 (8) To secure the payment of bonds by a pledge of all or
1488 any portion of the revenues or such other moneys legally
1489 available therefor and of all or any portion of the Hillsborough
1490 County gasoline tax funds in the manner provided by this part;

439445
Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1491 and in general to provide for the security of the bonds and the
1492 rights and remedies of the holders thereof. Interest upon the
1493 amount of gasoline tax funds to be repaid to the county pursuant
1494 to s. 348.60 shall be payable, at the highest rate applicable to
1495 any outstanding bonds of the authority, out of revenues and
1496 other available moneys not required to meet the authority's
1497 obligations to its bondholders. The authority shall have no
1498 power at any time or in any manner to pledge the credit or
1499 taxing power of the state or any political subdivision or
1500 agency, including the city and the county, nor shall any of the
1501 authority's obligations be deemed to be obligations of the state
1502 or of any political subdivision or agency, nor shall the state
1503 or any political subdivision or agency, except the authority, be
1504 liable for the payment of the principal of or interest on such
1505 obligations.

1506 Section 28. Section 348.545, Florida Statutes, is amended
1507 to read:

1508 348.545 Facility improvement; bond financing
1509 authority.--Pursuant to s. 11(f), Art. VII of the State
1510 Constitution, the Legislature hereby approves for bond financing
1511 by the Tampa-Hillsborough County Expressway Authority
1512 improvements to toll collection facilities, interchanges to the
1513 legislatively approved expressway system, and any other facility
1514 appurtenant, necessary, or incidental to the approved system.
1515 Subject to terms and conditions of applicable revenue bond
1516 resolutions and covenants, such costs financing may be financed
1517 in whole or in part by revenue bonds issued pursuant to s.
1518 348.56(1) (a) or (b) whether currently issued or issued in the
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1519 future, or by a combination of such bonds.

1520 Section 29. Subsections (1) and (2) of section 348.56,
1521 Florida Statutes, are amended to read:

1522 348.56 Bonds of the authority.--

1523 (1) (a) Bonds may be issued on behalf of the authority
1524 pursuant to the State Bond Act.

1525 (b) Alternatively, the authority shall have the power and
1526 is hereby authorized from time to time to issue bonds in such
1527 principal amount as, in the opinion of the authority, shall be
1528 necessary to provide sufficient moneys for achieving its
1529 corporate purposes, including construction, reconstruction,
1530 improvement, extension, repair, maintenance and operation of the
1531 expressway system, the cost of acquisition of all real property,
1532 interest on bonds during construction and for a reasonable
1533 period thereafter, establishment of reserves to secure bonds,
1534 and all other expenditures of the authority incident to and
1535 necessary or convenient to carry out its corporate purposes and
1536 powers.

1537 (2) (a) Bonds issued by the authority pursuant to paragraph
1538 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
1539 the members of the authority and shall bear such date or dates,
1540 mature at such time or times, not exceeding 40 years from their
1541 respective dates, bear interest at such rate or rates, not
1542 exceeding the maximum rate fixed by general law for authorities,
1543 be in such denominations, be in such form, either coupon or
1544 fully registered, carry such registration, exchangeability and
1545 interchangeability privileges, be payable in such medium of
1546 payment and at such place or places, be subject to such terms of

439445
Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1547 redemption and be entitled to such priorities of lien on the
1548 revenues, other available moneys, and the Hillsborough County
1549 gasoline tax funds as such resolution or any resolution
1550 subsequent thereto may provide. The bonds shall be executed
1551 either by manual or facsimile signature by such officers as the
1552 authority shall determine, provided that such bonds shall bear
1553 at least one signature which is manually executed thereon. The
1554 coupons attached to such bonds shall bear the facsimile
1555 signature or signatures of such officer or officers as shall be
1556 designated by the authority. Such bonds shall have the seal of
1557 the authority affixed, imprinted, reproduced, or lithographed
1558 thereon.

1559 (b) The bonds issued pursuant to paragraph (1) (a) or
1560 paragraph (1) (b) shall be sold at public sale in the same manner
1561 provided in the State Bond Act, ~~and the net interest cost to the~~
1562 ~~authority on such bonds shall not exceed the maximum rate fixed~~
1563 ~~by general law for authorities. If all bids received on the~~
1564 ~~public sale are rejected, the authority may then proceed to~~
1565 ~~negotiate for the sale of the bonds at a net interest cost which~~
1566 ~~shall be less than the lowest net interest cost stated in the~~
1567 ~~bids rejected at the public sale. However, if the authority~~
1568 determines, by official action at a public meeting, that a
1569 negotiated sale of such bonds is in the best interest of the
1570 authority, the authority may negotiate the sale of such bonds
1571 with the underwriter or underwriters designated by the authority
1572 and the Division of Bond Finance within the State Board of
1573 Administration with respect to bonds issued pursuant to
1574 paragraph (1) (a) or solely by the authority with respect to

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1575 bonds issued pursuant to paragraph (1)(b). The authority's
1576 determination to negotiate the sale of such bonds may be based,
1577 in part, upon the written advice of the authority's financial
1578 adviser. Pending the preparation of definitive bonds, temporary
1579 bonds or interim certificates may be issued to the purchaser or
1580 purchasers of such bonds and may contain such terms and
1581 conditions as the authority may determine.

1582 Section 30. Section 348.565, Florida Statutes, is amended
1583 to read:

1584 348.565 Revenue bonds for specified projects.--The
1585 existing facilities that constitute the Tampa-Hillsborough
1586 County Expressway System are hereby approved to be refinanced by
1587 ~~the issuance of~~ revenue bonds issued by the Division of Bond
1588 Finance of the State Board of Administration pursuant to s.
1589 11(f), Art. VII of the State Constitution and the State Bond
1590 Act, or by revenue bonds issued by the authority pursuant to s.
1591 348.56(1)(b). In addition, the following projects of the Tampa-
1592 Hillsborough County Expressway Authority are approved to be
1593 financed or refinanced by the issuance of revenue bonds in
1594 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of
1595 the State Constitution:

1596 (1) Brandon area feeder roads.

1597 (2) Capital improvements to the expressway system,
1598 including safety and operational improvements and toll
1599 collection equipment.

1600 (3) Lee Roy Selmon Crosstown Expressway System widening.

1601 (4) The connector highway linking the Lee Roy Selmon
1602 Crosstown Expressway to Interstate 4.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1603 (5) Managed lanes and other transit support facilities.

1604 Section 31. Subsection (1) of section 348.57, Florida
1605 Statutes, is amended to read:

1606 348.57 Refunding bonds.--

1607 (1) Subject to public notice as provided in s. 348.54, the
1608 authority is authorized to provide by resolution for the
1609 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
1610 for the purpose of refunding any bonds then outstanding
1611 regardless of whether the bonds being refunded were issued by
1612 the authority pursuant to this chapter or on behalf of the
1613 authority pursuant to the State Bond Act. The authority is
1614 further authorized to provide by resolution for the issuance of
1615 bonds for the combined purpose of:

1616 (a) Paying the cost of constructing, reconstructing,
1617 improving, extending, repairing, maintaining and operating the
1618 expressway system.

1619 (b) Refunding bonds then outstanding. The authorization,
1620 sale and issuance of such obligations, the maturities and other
1621 details thereof, the rights and remedies of the holders thereof,
1622 and the rights, powers, privileges, duties and obligations of
1623 the authority with respect to the same shall be governed by the
1624 foregoing provisions of this part insofar as the same may be
1625 applicable.

1626 Section 32. Section 348.70, Florida Statutes, is amended
1627 to read:

1628 348.70 This part complete and additional authority.--

1629 (1) The powers conferred by this part shall be in addition
1630 and supplemental to the existing respective powers of the
439445

Amendment No.

1631 authority, the department, the county, and the city, if any, and
1632 this part shall not be construed as repealing any of the
1633 provisions of any other law, general, special, or local, but
1634 shall be deemed to supersede such other law or laws in the
1635 exercise of the powers provided in this part insofar as such
1636 other law or laws are inconsistent with the provisions of this
1637 part and to provide a complete method for the exercise of the
1638 powers granted herein. The construction, reconstruction,
1639 improvement, extension, repair, maintenance, and operation of
1640 the expressway system, and the issuance of bonds hereunder to
1641 finance all or part of the cost thereof, may be accomplished
1642 upon compliance with the provisions of this part without regard
1643 to or necessity for compliance with the provisions, limitations,
1644 or restrictions contained in any other general, special, or
1645 local law, including, but not limited to, s. 215.821, and no
1646 approval of any bonds issued under this part by the qualified
1647 electors or qualified electors who are freeholders in the state
1648 or in the county or in the city or in any other political
1649 subdivision of the state shall be required for the issuance of
1650 such bonds.

1651 (2) This part does not repeal, rescind, or modify any
1652 other law or laws relating to the State Board of Administration,
1653 the Department of Transportation, or the Division of Bond
1654 Finance of the State Board of Administration, but shall
1655 supersede such other law or laws as are inconsistent with the
1656 provisions of this part, including, but not limited to, s.
1657 215.821.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1658 Section 33. Subsection (6) of section 369.317, Florida
1659 Statutes, is amended to read:

1660 369.317 Wekiva Parkway.--

1661 (6) The Orlando-Orange County Expressway Authority is
1662 hereby granted the authority to act as a third-party acquisition
1663 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
1664 or chapter 373 on behalf of the governing board of the St. Johns
1665 River Water Management District, for the acquisition of all
1666 necessary lands, property and all interests in property
1667 identified herein, including fee simple or less-than-fee simple
1668 interests. The lands subject to this authority are identified in
1669 paragraph 10.a., State of Florida, Office of the Governor,
1670 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
1671 of the Wekiva Basin Area Task Force created by Executive Order
1672 2002-259, such lands otherwise known as Neighborhood Lakes, a
1673 1,587+/- acre parcel located in Orange and Lake Counties within
1674 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
1675 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
1676 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
1677 County within Section 37, Township 19 South, Range 28 East; New
1678 Garden Coal; a 1,605+/- acre parcel in Lake County within
1679 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
1680 East; Pine Plantation, a 617+/- acre tract consisting of eight
1681 individual parcels within the Apopka City limits. The Department
1682 of Transportation, the Department of Environmental Protection,
1683 the St. Johns River Water Management District, and other land
1684 acquisition entities shall participate and cooperate in
1685 providing information and support to the third-party acquisition
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1686 agent. The land acquisition process authorized by this paragraph
1687 shall begin no later than December 31, 2004. Acquisition of the
1688 properties identified as Neighborhood Lakes, Pine Plantation,
1689 and New Garden Coal, or approval as a mitigation bank shall be
1690 concluded no later than December 31, 2010. Department of
1691 Transportation and Orlando-Orange County Expressway Authority
1692 funds expended to purchase an interest in those lands identified
1693 in this subsection shall be eligible as environmental mitigation
1694 for road construction related impacts in the Wekiva Study Area.
1695 If any of the lands identified in this subsection are used as
1696 environmental mitigation for road-construction-related impacts
1697 incurred by the Department of Transportation or the Orlando-
1698 Orange County Expressway Authority, or for other impacts
1699 incurred by other entities, within the Wekiva Study Area or
1700 within the Wekiva Parkway alignment corridor and, if the
1701 mitigation offsets such impacts, the St. Johns River Water
1702 Management District and the Department of Environmental
1703 Protection shall consider the activity regulated under part IV
1704 of chapter 373 to meet the cumulative impact requirements of s.
1705 373.414 (8) (a) .

1706 (a) Acquisition of the land described in this section is
1707 required to provide right of way for the Wekiva Parkway, a
1708 limited access roadway linking State Road 429 to Interstate 4,
1709 an essential component in meeting regional transportation needs
1710 to provide regional connectivity, improve safety, accommodate
1711 projected population and economic growth, and satisfy critical
1712 transportation requirements caused by increased traffic volume
1713 growth and travel demands.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1714 (b) Acquisition of the lands described in this section is
1715 also required to protect the surface water and groundwater
1716 resources of Lake, Orange, and Seminole counties, otherwise
1717 known as the Wekiva Study Area, including recharge within the
1718 springshed that provides for the Wekiva River system. Protection
1719 of this area is crucial to the long term viability of the Wekiva
1720 River and springs and the central Florida region's water supply.
1721 Acquisition of the lands described in this section is also
1722 necessary to alleviate pressure from growth and development
1723 affecting the surface and groundwater resources within the
1724 recharge area.

1725 (c) Lands acquired pursuant to this section that are
1726 needed for transportation facilities for the Wekiva Parkway
1727 shall be determined not necessary for conservation purposes
1728 pursuant to ss. 253.034(6) and 373.089(5) and shall be
1729 transferred to or retained by the Orlando-Orange County
1730 Expressway Authority or the Department of Transportation upon
1731 reimbursement of the full purchase price and acquisition costs.

1732 Section 34. Paragraph (a) of subsection (7) of section
1733 380.06, Florida Statutes, is amended to read:

1734 380.06 Developments of regional impact.--

1735 (7) PREAPPLICATION PROCEDURES.--

1736 (a) Before filing an application for development approval,
1737 the developer shall contact the regional planning agency with
1738 jurisdiction over the proposed development to arrange a
1739 preapplication conference. Upon the request of the developer or
1740 the regional planning agency, other affected state and regional
1741 agencies shall participate in this conference and shall identify
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1742 the types of permits issued by the agencies, the level of
1743 information required, and the permit issuance procedures as
1744 applied to the proposed development. The level-of-service
1745 standards required in the transportation methodology must be the
1746 same level-of-service standards used to evaluate concurrency in
1747 accordance with s. 163.3180. The regional planning agency shall
1748 provide ~~the developer~~ information to the developer about the
1749 development-of-regional-impact process and the use of
1750 preapplication conferences to identify issues, coordinate
1751 appropriate state and local agency requirements, and otherwise
1752 promote a proper and efficient review of the proposed
1753 development. If an agreement is reached regarding assumptions
1754 and methodology to be used in the application for development
1755 approval, the reviewing agencies may not subsequently object to
1756 those assumptions and methodologies unless subsequent changes to
1757 the project or information obtained during the review make those
1758 assumptions and methodologies inappropriate.

1759 Section 35. Sections 479.01, 479.015, 479.02, 479.03,
1760 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,
1761 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
1762 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
1763 are designated as part I of chapter 479, Florida Statutes.

1764 Section 36. Sections 479.261, 479.262, 479.27, 479.28, and
1765 479.30, Florida Statutes, are designated as part II of chapter
1766 479, Florida Statutes.

1767 Section 37. Part III of chapter 479, Florida Statutes,
1768 consisting of sections 479.310, 479.311, 479.312, 479.313, and
1769 479.314, is created to read:

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1770 PART III

1771 SIGN REMOVAL

1772 479.310 Legislative intent.--It is the intent of this part
1773 to relieve the department from the financial burden incurred in
1774 the removal of unpermitted and illegal signs located within the
1775 controlled areas adjacent to the State Highway System,
1776 interstate, or federal-aid primary system; to place the
1777 financial responsibility for the cost of such removal directly
1778 upon those benefiting from the location and operation of such
1779 unpermitted and illegal signs; and to provide clear authority to
1780 the department for the recovery of cost incurred by the
1781 department in the removal of such unpermitted and illegal signs.

1782 479.311 Jurisdiction; venue.--The county court shall have
1783 jurisdiction concurrent with the circuit court to consider
1784 claims filed by the department in amounts that are within their
1785 jurisdictional limitations. Venue shall be the Leon County for
1786 the purpose of a claim filed by the department to recover its
1787 costs as provided in this section.

1788 479.312 Unpermitted signs; cost of removal.--All costs
1789 incurred by the department in connection with the removal of a
1790 sign located within a controlled area adjacent to the interstate
1791 highway system, the federal-aid primary highway system, or the
1792 State Highway System shall be assessed against and collected
1793 from the following persons if they have not been issued a permit
1794 under part I of this chapter:

1795 (1) The owner of the sign;

1796 (2) The advertiser displayed on the sign; or

1797 (3) The owner of the property upon which the sign is

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1798 located.

1799
1800 For the purpose of this subsection, a sign that does not display
1801 the name of the owner of the sign shall be presumed to be owned
1802 by the owner of the property upon which the sign is located.

1803 479.313 Permit revocation; cost of removal.--All costs
1804 incurred by the department in connection with the removal of a
1805 sign located within a controlled area adjacent to the interstate
1806 highway system, the federal-aid primary highway system, or the
1807 State Highway System following the revocation of the permit for
1808 such sign shall be assessed against and collected from the
1809 permittee.

1810 479.314 Highway rights-of-way; cost of sign removal.--All
1811 costs incurred by the department in connection with the removal
1812 of a sign located within a right-of-way of the interstate
1813 highway system, the federal-aid primary highway system, or the
1814 State Highway System shall be assessed against and collected
1815 from the owner of the sign or the advertiser displayed on the
1816 sign.

1817 Section 38. Section 705.18, Florida Statutes, is amended
1818 to read:

1819 705.18 Disposal of personal property lost or abandoned on
1820 university or community college campuses ~~or certain public-use~~
1821 ~~airports~~; disposition of proceeds from sale thereof.--

1822 (1) Whenever any lost or abandoned personal property shall
1823 be found on a campus of an institution in the State University
1824 System or a campus of a state-supported community college, ~~or on~~
1825 ~~premises owned or controlled by the operator of a public-use~~

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1826 ~~airport having regularly scheduled international passenger~~
1827 ~~service,~~ the president of the institution or the president's
1828 ~~designee or the director of the airport or the director's~~
1829 ~~designee~~ shall take charge thereof and make a record of the date
1830 such property was found. If, within 30 days after such property
1831 is found, or a longer period of time as may be deemed
1832 appropriate by the president ~~or the director~~ under the
1833 circumstances, the property ~~it~~ is not claimed by the owner, the
1834 president ~~or director~~ shall order it sold at public outcry after
1835 giving notice of the time and place of sale in a publication of
1836 general circulation on the campus of such institution ~~or within~~
1837 ~~the county where the airport is located~~ and written notice to
1838 the owner if known. The rightful owner of such property may
1839 reclaim the same at any time prior to sale.

1840 (2) All moneys realized from such institution's sale shall
1841 be placed in an appropriate fund and used solely for student
1842 scholarship and loan purposes. ~~All moneys realized from such~~
1843 ~~sale by an airport, less its costs of storage, transportation,~~
1844 ~~and publication of notice, shall, unless another use is required~~
1845 ~~by federal law, be deposited into the state school fund.~~

1846 Section 39. Section 705.182, Florida Statutes, is created
1847 to read:

1848 705.182 Disposal of personal property found on the
1849 premises of public-use airports.--

1850 (1) Whenever any personal property, other than an aircraft
1851 or motor vehicle, is found on premises owned or controlled by
1852 the operator of a public-use airport, the director of the

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1853 airport or the director's designee shall take charge thereof and
1854 make a record of the date such property was found.

1855 (2) If, within 30 calendar days after such property is
1856 found or for a longer period of time as may be deemed
1857 appropriate by the director or the director's designee under the
1858 circumstances, the property is not claimed by the owner, the
1859 director or the director's designee may:

1860 (a) Retain any or all of the property for use by the
1861 airport or for use by the state or the unit of local government
1862 owning or operating the airport;

1863 (b) Trade such property to another unit of local
1864 government or a state agency;

1865 (c) Donate the property to a charitable organization;

1866 (d) Sell the property; or

1867 (e) Dispose of the property through an appropriate refuse
1868 removal company or a company that provides salvage services for
1869 the type of personal property found or located on the airport
1870 premises.

1871 (3) The airport shall notify the owner, if known, of the
1872 property found on the airport premises and that the airport
1873 intends to dispose of the property as provided in subsection

1874 (2).

1875 (4) If the airport elects to sell the property under
1876 paragraph (2) (d), the property must be sold at a public auction
1877 either on the Internet or at a specified physical location after
1878 giving notice of the time and place of sale, at least 10
1879 calendar days prior to the date of sale, in a publication of
1880 general circulation within the county where the airport is

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1881 located and after written notice, via certified mail, return
1882 receipt requested, is provided to the owner, if known. Any such
1883 notice shall be sufficient if the notice refers to the airport's
1884 intention to sell all then-accumulated found property, and there
1885 is no requirement that the notice identify each item to be sold.
1886 The rightful owner of such property may reclaim the property at
1887 any time prior to sale by presenting acceptable evidence of
1888 ownership to the airport director or the director's designee.
1889 All proceeds from the sale of the property shall be retained by
1890 the airport for use by the airport in any lawfully authorized
1891 manner.

1892 (5) Nothing in this section shall preclude the airport
1893 from allowing a domestic or international air carrier or other
1894 tenant, on premises owned or controlled by the operator of a
1895 public-use airport, to establish its own lost and found
1896 procedures for personal property and to dispose of such personal
1897 property.

1898 (6) A purchaser or recipient in good faith of personal
1899 property sold or obtained under this section shall take the
1900 property free of the rights of persons then holding any legal or
1901 equitable interest thereto, whether or not recorded.

1902 Section 40. Section 705.183, Florida Statutes, is created
1903 to read:

1904 705.183 Disposal of derelict or abandoned aircraft on the
1905 premises of public-use airports.--

1906 (1) (a) Whenever any derelict or abandoned aircraft is
1907 found or located on premises owned or controlled by the operator
1908 of a public-use airport, whether or not such premises are under

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1909 a lease or license to a third party, the director of the airport
1910 or the director's designee shall make a record of the date the
1911 aircraft was found or determined to be present on the airport
1912 premises.

1913 (b) For purposes of this section, the term:

1914 1. "Abandoned aircraft" means an aircraft that has been
1915 disposed of on a public-use airport in a wrecked, inoperative,
1916 or partially dismantled condition or an aircraft that has
1917 remained in an idle state on premises owned or controlled by the
1918 operator of a public-use airport for 45 consecutive calendar
1919 days.

1920 2. "Derelict aircraft" means any aircraft that is not in a
1921 flyable condition, does not have a current certificate of air
1922 worthiness issued by the Federal Aviation Administration, and is
1923 not in the process of actively being repaired.

1924 (2) The director or the director's designee shall contact
1925 the Federal Aviation Administration, Aircraft Registration
1926 Branch, to determine the name and address of the last registered
1927 owner of the aircraft and shall make a diligent personal search
1928 of the appropriate records, or contact an aircraft title search
1929 company, to determine the name and address of any person having
1930 an equitable or legal interest in the aircraft. Within 10
1931 business days after receipt of the information, the director or
1932 the director's designee shall notify the owner and all persons
1933 having an equitable or legal interest in the aircraft by
1934 certified mail, return receipt requested, of the location of the
1935 derelict or abandoned aircraft on the airport premises, that
1936 fees and charges for the use of the airport by the aircraft have

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1937 accrued and the amount thereof, that the aircraft is subject to
1938 a lien under subsection (5) for the accrued fees and charges for
1939 the use of the airport and for the transportation, storage, and
1940 removal of the aircraft, that the lien is subject to enforcement
1941 pursuant to law, and that the airport may cause the use, trade,
1942 sale, or removal of the aircraft as described in s.
1943 705.182(2) (a), (b), (d), or (e) if, within 30 calendar days
1944 after the date of receipt of such notice, the aircraft has not
1945 been removed from the airport upon payment in full of all
1946 accrued fees and charges for the use of the airport and for the
1947 transportation, storage, and removal of the aircraft. Such
1948 notice may require removal of the aircraft in less than 30
1949 calendar days if the aircraft poses a danger to the health or
1950 safety of users of the airport, as determined by the director or
1951 the director's designee.

1952 (3) If the owner of the aircraft is unknown or cannot be
1953 found, the director or the director's designee shall cause a
1954 laminated notice to be placed upon such aircraft in
1955 substantially the following form:

1956
1957 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
1958 PROPERTY. This property, to wit: (setting forth brief
1959 description) is unlawfully upon public property known as
1960 (setting forth brief description of location) and has accrued
1961 fees and charges for the use of the (same description of
1962 location as above) and for the transportation, storage, and
1963 removal of the property. These accrued fees and charges must be
1964 paid in full and the property must be removed within 30 calendar

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1965 days after the date of this notice; otherwise, the property will
1966 be removed and disposed of pursuant to chapter 705, Florida
1967 Statutes. The property is subject to a lien for all accrued fees
1968 and charges for the use of the public property known as (same
1969 description of location as above) by such property and for all
1970 fees and charges incurred by the public property known as (same
1971 description of location as above) for the transportation,
1972 storage, and removal of the property. This lien is subject to
1973 enforcement pursuant to law. The owner will be liable for such
1974 fees and charges, as well as the cost for publication of this
1975 notice. Dated this: (setting forth the date of posting of
1976 notice), signed: (setting forth name, title, address, and
1977 telephone number of law enforcement officer).

1978
1979 Such notice shall be not less than 8 inches by 10 inches and
1980 shall be sufficiently weatherproof to withstand normal exposure
1981 to the weather. If, at the end of 30 calendar days after posting
1982 the notice, the owner or any person interested in the described
1983 derelict or abandoned aircraft has not removed the aircraft from
1984 the airport upon payment in full of all accrued fees and charges
1985 for the use of the airport and for the transportation, storage,
1986 and removal of the aircraft, or shown reasonable cause for
1987 failure to do so, the director or the director's designee may
1988 cause the use, trade, sale, or removal of the aircraft as
1989 described in s. 705.182(2)(a), (b), (d), or (e).

1990 (4) Such aircraft shall be removed within the time period
1991 specified in the notice provided under subsection (2) or
1992 subsection (3). If, at the end of such period of time, the owner

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

1993 or any person interested in the described derelict or abandoned
1994 aircraft has not removed the aircraft from the airport upon
1995 payment in full of all accrued fees and charges for the use of
1996 the airport and for the transportation, storage, and removal of
1997 the aircraft, or shown reasonable cause for the failure to do
1998 so, the director or the director's designee may cause the use,
1999 trade, sale, or removal of the aircraft as described in s.
2000 705.182(2)(a), (b), (d), or (e).

2001 (a) If the airport elects to sell the aircraft in
2002 accordance with s. 705.182(2)(d), the aircraft must be sold at
2003 public auction after giving notice of the time and place of
2004 sale, at least 10 calendar days prior to the date of sale, in a
2005 publication of general circulation within the county where the
2006 airport is located and after providing written notice of the
2007 intended sale to all parties known to have an interest in the
2008 aircraft.

2009 (b) If the airport elects to dispose of the aircraft in
2010 accordance with s. 705.182(2)(e), the airport shall be entitled
2011 to negotiate with the company for a price to be received from
2012 such company in payment for the aircraft, or, if circumstances
2013 so warrant, a price to be paid to such company by the airport
2014 for the costs of disposing of the aircraft. All information
2015 pertaining to the establishment of such price and the
2016 justification for the amount of such price shall be prepared and
2017 maintained by the airport, and such negotiated price shall be
2018 deemed to be a commercially reasonable price.

2019 (c) If the sale price or the negotiated price is less than
2020 the airport's then current charges and costs against the

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2021 aircraft, or if the airport is required to pay the salvage
2022 company for its services, the owner of the aircraft shall remain
2023 liable to the airport for the airport's costs that are not
2024 offset by the sale price or negotiated price, in addition to the
2025 owner's liability for payment to the airport of the price the
2026 airport was required to pay any salvage company. All costs
2027 incurred by the airport in the removal, storage, and sale of any
2028 aircraft shall be recoverable against the owner thereof.

2029 (5) The airport shall have a lien on a derelict or
2030 abandoned aircraft for all fees and charges for the use of the
2031 airport by such aircraft and for all fees and charges incurred
2032 by the airport for the transportation, storage, and removal of
2033 the aircraft. As a prerequisite to perfecting a lien under this
2034 section, the airport director or the director's designee must
2035 serve a notice in accordance with subsection (2) on the last
2036 registered owner and all persons having an equitable or legal
2037 interest in the aircraft. Serving the notice does not dispense
2038 with recording the claim of lien.

2039 (6) (a) For the purpose of perfecting its lien under this
2040 section, the airport shall record a claim of lien which shall
2041 state:

2042 1. The name and address of the airport.

2043 2. The name of the last registered owner of the aircraft
2044 and all persons having a legal or equitable interest in the
2045 aircraft.

2046 3. The fees and charges incurred by the aircraft for the
2047 use of the airport and the fees and charges for the
2048 transportation, storage, and removal of the aircraft.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2049 4. A description of the aircraft sufficient for
2050 identification.

2051 (b) The claim of lien shall be signed and sworn to or
2052 affirmed by the airport director or the director's designee.

2053 (c) The claim of lien shall be sufficient if it is in
2054 substantially the following form:

2056 CLAIM OF LIEN

2057 State of _____

2058 County of _____

2059 Before me, the undersigned notary public, personally appeared

2060 _____, who was duly sworn and says that he/she is the

2061 _____ of _____, whose address is _____; and that the

2062 following described aircraft:

2063 (Description of aircraft)

2064 owned by _____, whose address is _____, has accrued

2065 \$ _____ in fees and charges for the use by the aircraft of

2066 _____ and for the transportation, storage, and removal

2067 of the aircraft from _____; that the lienor served its

2068 notice to the last registered owner and all persons having a

2069 legal or equitable interest in the aircraft on _____, (year),

2070 by _____.

2071 (Signature)

2072 Sworn to (or affirmed) and subscribed before me this _____ day

2073 of _____, (year), by (name of person making statement).

2074 (Signature of Notary Public) (Print, Type, or Stamp Commissioned

2075 name of Notary Public)

2076 Personally Known OR Produced _____ as identification.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2077
2078 However, the negligent inclusion or omission of any information
2079 in this claim of lien which does not prejudice the last
2080 registered owner does not constitute a default that operates to
2081 defeat an otherwise valid lien.

2082 (d) The claim of lien shall be served on the last
2083 registered owner of the aircraft and all persons having an
2084 equitable or legal interest in the aircraft. The claim of lien
2085 shall be so served before recordation.

2086 (e) The claim of lien shall be recorded with the clerk of
2087 court in the county where the airport is located. The recording
2088 of the claim of lien shall be constructive notice to all persons
2089 of the contents and effect of such claim. The lien shall attach
2090 at the time of recordation and shall take priority as of that
2091 time.

2092 (7) A purchaser or recipient in good faith of an aircraft
2093 sold or obtained under this section takes the property free of
2094 the rights of persons then holding any legal or equitable
2095 interest thereto, whether or not recorded. The purchaser or
2096 recipient is required to notify the appropriate Federal Aviation
2097 Administration office of such change in the registered owner of
2098 the aircraft.

2099 (8) If the aircraft is sold at public sale, the airport
2100 shall deduct from the proceeds of sale the costs of
2101 transportation, storage, publication of notice, and all other
2102 costs reasonably incurred by the airport, and any balance of the
2103 proceeds shall be deposited into an interest-bearing account not
2104 later than 30 calendar days after the airport's receipt of the

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2105 proceeds and held there for 1 year. The rightful owner of the
2106 aircraft may claim the balance of the proceeds within 1 year
2107 after the date of the deposit by making application to the
2108 airport and presenting acceptable written evidence of ownership
2109 to the airport's director or the director's designee. If no
2110 rightful owner claims the proceeds within the 1-year time
2111 period, the balance of the proceeds shall be retained by the
2112 airport to be used in any manner authorized by law.

2113 (9) Any person acquiring a legal interest in an aircraft
2114 that is sold by an airport under this section or s. 705.182
2115 shall be the lawful owner of such aircraft and all other legal
2116 or equitable interests in such aircraft shall be divested and of
2117 no further force and effect, provided that the holder of any
2118 such legal or equitable interests was notified of the intended
2119 disposal of the aircraft to the extent required in this section.
2120 The airport may issue documents of disposition to the purchaser
2121 or recipient of an aircraft disposed of under this section.

2122 Section 41. Section 705.184, Florida Statutes, is created
2123 to read:

2124 705.184 Derelict or abandoned motor vehicles on the
2125 premises of public-use airports.--

2126 (1) (a) Whenever any derelict or abandoned motor vehicle is
2127 found on premises owned or controlled by the operator of a
2128 public-use airport, including airport premises leased to a third
2129 party, the director of the airport or the director's designee
2130 may take charge thereof and make a record of the date such motor
2131 vehicle was found.

2132 (b) For purposes of this section, the term:

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2133 1. "Abandoned motor vehicle" means a motor vehicle that
2134 has been disposed of on a public-use airport in a wrecked,
2135 inoperative, or partially dismantled condition or a motor
2136 vehicle that has remained in an idle state on the premises of a
2137 public-use airport for 45 consecutive calendar days.

2138 2. "Derelict motor vehicle" means any motor vehicle that
2139 is not in a drivable condition.

2140 (c) After the information relating to the abandoned or
2141 derelict motor vehicle is recorded in the airport's records, the
2142 director or the director's designee may cause the motor vehicle
2143 to be removed from airport premises by the airport's wrecker or
2144 by a licensed independent wrecker company to be stored at a
2145 suitable location on or off the airport premises. If the motor
2146 vehicle is to be removed from airport premises by the airport's
2147 wrecker, the airport must follow the procedures in subsections
2148 (2)-(8). The procedures in subsections (2)-(8) do not apply if
2149 the motor vehicle is removed from the airport premises by a
2150 licensed independent wrecker company.

2151 (2) The airport director or the director's designee shall
2152 contact the Department of Highway Safety and Motor Vehicles to
2153 notify that department that the airport has possession of the
2154 abandoned or derelict motor vehicle and to determine the name
2155 and address of the owner of the motor vehicle, the insurance
2156 company insuring the motor vehicle notwithstanding the
2157 provisions of s. 627.736, and any person who has filed a lien on
2158 the motor vehicle. Within 7 business days after receipt of the
2159 information, the director or the director's designee shall send
2160 notice by certified mail, return receipt requested, to the owner

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2161 of the motor vehicle, the insurance company insuring the motor
2162 vehicle notwithstanding the provisions of s. 627.736, and all
2163 persons of record claiming a lien against the motor vehicle. The
2164 notice shall state the fact of possession of the motor vehicle,
2165 that charges for reasonable towing, storage, and parking fees,
2166 if any, have accrued and the amount thereof, that a lien as
2167 provided in subsection (6) will be claimed, that the lien is
2168 subject to enforcement pursuant to law, that the owner or
2169 lienholder, if any, has the right to a hearing as set forth in
2170 subsection (4), and that any motor vehicle which, at the end of
2171 30 calendar days after receipt of the notice, has not been
2172 removed from the airport upon payment in full of all accrued
2173 charges for reasonable towing, storage, and parking fees, if
2174 any, may be disposed of as provided in s. 705.182(2) (a), (b),
2175 (d), or (e), including, but not limited to, the motor vehicle
2176 being sold free of all prior liens after 35 calendar days after
2177 the time the motor vehicle is stored if any prior liens on the
2178 motor vehicle are more than 5 years of age or after 50 calendar
2179 days after the time the motor vehicle is stored if any prior
2180 liens on the motor vehicle are 5 years of age or less.

2181 (3) If attempts to notify the owner or lienholder pursuant
2182 to subsection (2) are not successful, the requirement of notice
2183 by mail shall be considered met and the director or the
2184 director's designee, in accordance with subsection (5), may
2185 cause the motor vehicle to be disposed of as provided in s.
2186 705.182(2) (a), (b), (d), or (e), including, but not limited to,
2187 the motor vehicle being sold free of all prior liens after 35
2188 calendar days after the time the motor vehicle is stored if any

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2189 prior liens on the motor vehicle are more than 5 years of age or
2190 after 50 calendar days after the time the motor vehicle is
2191 stored if any prior liens on the motor vehicle are 5 years of
2192 age or less.

2193 (4) (a) The owner of, or any person with a lien on, a motor
2194 vehicle removed pursuant to subsection (1), may, within 10
2195 calendar days after the time he or she has knowledge of the
2196 location of the motor vehicle, file a complaint in the county
2197 court of the county in which the motor vehicle is stored to
2198 determine if his or her property was wrongfully taken or
2199 withheld.

2200 (b) Upon filing a complaint, an owner or lienholder may
2201 have his or her motor vehicle released upon posting with the
2202 court a cash or surety bond or other adequate security equal to
2203 the amount of the fees for towing, storage, and accrued parking,
2204 if any, to ensure the payment of such fees in the event he or
2205 she does not prevail. Upon the posting of the bond or other
2206 adequate security and the payment of any applicable fee, the
2207 clerk of the court shall issue a certificate notifying the
2208 airport of the posting of the bond or other adequate security
2209 and directing the airport to release the motor vehicle. At the
2210 time of such release, after reasonable inspection, the owner or
2211 lienholder shall give a receipt to the airport reciting any
2212 claims he or she has for loss or damage to the motor vehicle or
2213 the contents thereof.

2214 (5) If, after 30 calendar days after receipt of the
2215 notice, the owner or any person claiming a lien has not removed
2216 the motor vehicle from its storage location upon payment in full

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2217 of all accrued charges for reasonable towing, storage, and
2218 parking fees, if any, or shown reasonable cause for the failure
2219 to do so, the airport director or the director's designee may
2220 dispose of the motor vehicle as provided in s. 705.182(2) (a),
2221 (b), (d), or (e). If the airport elects to sell the motor
2222 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be
2223 sold free of all prior liens after 35 calendar days after the
2224 time the motor vehicle is stored if any prior liens on the motor
2225 vehicle are more than 5 years of age or after 50 calendar days
2226 after the time the motor vehicle is stored if any prior liens on
2227 the motor vehicle are 5 years of age or less. The sale shall be
2228 a public auction either on the Internet or at a specified
2229 physical location. If the date of the sale was not included in
2230 the notice required in subsection (2), notice of the sale, sent
2231 by certified mail, return receipt requested, shall be given to
2232 the owner of the motor vehicle and to all persons claiming a
2233 lien on the motor vehicle. Such notice shall be mailed not less
2234 than 10 calendar days before the date of the sale. In addition
2235 to the notice by mail, public notice of the time and place of
2236 the sale at auction shall be made by publishing a notice thereof
2237 one time, at least 10 calendar days prior to the date of sale,
2238 in a newspaper of general circulation in the county in which the
2239 sale is to be held. All costs incurred by the airport for the
2240 towing, storage, and sale of the motor vehicle, as well as all
2241 accrued parking fees, if any, shall be recovered by the airport
2242 from the proceeds of the sale, and any proceeds of the sale in
2243 excess of such costs shall be retained by the airport for use by
2244 the airport in any manner authorized by law.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2245 (6) The airport pursuant to this section or, if used, a
2246 licensed independent wrecker company pursuant to s. 713.78 shall
2247 have a lien on an abandoned or derelict motor vehicle for all
2248 reasonable towing, storage, and accrued parking fees, if any,
2249 except that no storage fee shall be charged if the motor vehicle
2250 is stored less than 6 hours. As a prerequisite to perfecting a
2251 lien under this section, the airport director or the director's
2252 designee must serve a notice in accordance with subsection (2)
2253 on the owner of the motor vehicle, the insurance company
2254 insuring the motor vehicle notwithstanding the provisions of s.
2255 627.736, and all persons of record claiming a lien against the
2256 motor vehicle. If attempts to notify the owner, the insurance
2257 company insuring the motor vehicle notwithstanding the
2258 provisions of s. 627.736, or lienholders are not successful, the
2259 requirement of notice by mail shall be considered met. Serving
2260 of the notice does not dispense with recording the claim of
2261 lien.

2262 (7) (a) For the purpose of perfecting its lien under this
2263 section, the airport shall record a claim of lien which shall
2264 state:

2265 1. The name and address of the airport.

2266 2. The name of the owner of the motor vehicle, the
2267 insurance company insuring the motor vehicle notwithstanding the
2268 provisions of s. 627.736, and all persons of record claiming a
2269 lien against the motor vehicle.

2270 3. The costs incurred from reasonable towing, storage, and
2271 parking fees, if any.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2272 4. A description of the motor vehicle sufficient for
2273 identification.

2274 (b) The claim of lien shall be signed and sworn to or
2275 affirmed by the airport director or the director's designee.

2276 (c) The claim of lien shall be sufficient if it is in
2277 substantially the following form:

2278

2279 CLAIM OF LIEN

2280 State of _____

2281 County of _____

2282 Before me, the undersigned notary public, personally appeared

2283 _____, who was duly sworn and says that he/she is the

2284 _____ of _____, whose address is _____; and that the

2285 following described motor vehicle:

2286 (Description of motor vehicle)

2287 owned by _____, whose address is _____, has accrued

2288 \$ _____ in fees for a reasonable tow, for storage, and for

2289 parking, if applicable; that the lienor served its notice to the

2290 owner, the insurance company insuring the motor vehicle

2291 notwithstanding the provisions of s. 627.736, Florida Statutes,

2292 and all persons of record claiming a lien against the motor

2293 vehicle on _____, (year), by _____.

2294 (Signature)

2295 Sworn to (or affirmed) and subscribed before me this _____ day

2296 of _____, (year), by (name of person making statement).

2297 (Signature of Notary Public) (Print, Type, or Stamp Commissioned

2298 name of Notary Public)

2299 Personally Known OR Produced _____ as identification.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2300
2301 However, the negligent inclusion or omission of any information
2302 in this claim of lien which does not prejudice the owner does
2303 not constitute a default that operates to defeat an otherwise
2304 valid lien.

2305 (d) The claim of lien shall be served on the owner of the
2306 motor vehicle, the insurance company insuring the motor vehicle
2307 notwithstanding the provisions of s. 627.736, and all persons of
2308 record claiming a lien against the motor vehicle. If attempts to
2309 notify the owner, the insurance company insuring the motor
2310 vehicle notwithstanding the provisions of s. 627.736, or
2311 lienholders are not successful, the requirement of notice by
2312 mail shall be considered met. The claim of lien shall be so
2313 served before recordation.

2314 (e) The claim of lien shall be recorded with the clerk of
2315 court in the county where the airport is located. The recording
2316 of the claim of lien shall be constructive notice to all persons
2317 of the contents and effect of such claim. The lien shall attach
2318 at the time of recordation and shall take priority as of that
2319 time.

2320 (8) A purchaser or recipient in good faith of a motor
2321 vehicle sold or obtained under this section takes the property
2322 free of the rights of persons then holding any legal or
2323 equitable interest thereto, whether or not recorded.

2324 Section 42. Subsection (3) of section 288.063, Florida
2325 Statutes, is amended to read:

2326 288.063 Contracts for transportation projects.--

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2327 (3) With respect to any contract executed pursuant to this
2328 section, the term "transportation project" means a
2329 transportation facility as defined in s. 334.03 (28) ~~(31)~~ which is
2330 necessary in the judgment of the Office of Tourism, Trade, and
2331 Economic Development to facilitate the economic development and
2332 growth of the state. Except for applications received prior to
2333 July 1, 1996, such transportation projects shall be approved
2334 only as a consideration to attract new employment opportunities
2335 to the state or expand or retain employment in existing
2336 companies operating within the state, or to allow for the
2337 construction or expansion of a state or federal correctional
2338 facility in a county with a population of 75,000 or less that
2339 creates new employment opportunities or expands or retains
2340 employment in the county. The Office of Tourism, Trade, and
2341 Economic Development shall institute procedures to ensure that
2342 small and minority businesses have equal access to funding
2343 provided under this section. Funding for approved transportation
2344 projects may include any expenses, other than administrative
2345 costs and equipment purchases specified in the contract,
2346 necessary for new, or improvement to existing, transportation
2347 facilities. Funds made available pursuant to this section may
2348 not be expended in connection with the relocation of a business
2349 from one community to another community in this state unless the
2350 Office of Tourism, Trade, and Economic Development determines
2351 that without such relocation the business will move outside this
2352 state or determines that the business has a compelling economic
2353 rationale for the relocation which creates additional jobs.
2354 Subject to appropriation for projects under this section, any
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2355 appropriation greater than \$10 million shall be allocated to
2356 each of the districts of the Department of Transportation to
2357 ensure equitable geographical distribution. Such allocated funds
2358 that remain uncommitted by the third quarter of the fiscal year
2359 shall be reallocated among the districts based on pending
2360 project requests.

2361 Section 43. Paragraph (b) of subsection (3) of section
2362 311.07, Florida Statutes, is amended to read:

2363 311.07 Florida seaport transportation and economic
2364 development funding.--

2365 (3)

2366 (b) Projects eligible for funding by grants under the
2367 program are limited to the following port facilities or port
2368 transportation projects:

2369 1. Transportation facilities within the jurisdiction of
2370 the port.

2371 2. The dredging or deepening of channels, turning basins,
2372 or harbors.

2373 3. The construction or rehabilitation of wharves, docks,
2374 structures, jetties, piers, storage facilities, cruise
2375 terminals, automated people mover systems, or any facilities
2376 necessary or useful in connection with any of the foregoing.

2377 4. The acquisition of vessel tracking systems, container
2378 cranes, or other mechanized equipment used in the movement of
2379 cargo or passengers in international commerce.

2380 5. The acquisition of land to be used for port purposes.

2381 6. The acquisition, improvement, enlargement, or extension
2382 of existing port facilities.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2383 7. Environmental protection projects which are necessary
2384 because of requirements imposed by a state agency as a condition
2385 of a permit or other form of state approval; which are necessary
2386 for environmental mitigation required as a condition of a state,
2387 federal, or local environmental permit; which are necessary for
2388 the acquisition of spoil disposal sites and improvements to
2389 existing and future spoil sites; or which result from the
2390 funding of eligible projects listed in this paragraph.

2391 8. Transportation facilities as defined in s.
2392 334.03 (28) ~~(31)~~ which are not otherwise part of the Department of
2393 Transportation's adopted work program.

2394 9. Seaport intermodal access projects identified in the 5-
2395 year Florida Seaport Mission Plan as provided in s. 311.09(3).

2396 10. Construction or rehabilitation of port facilities as
2397 defined in s. 315.02, excluding any park or recreational
2398 facilities, in ports listed in s. 311.09(1) with operating
2399 revenues of \$5 million or less, provided that such projects
2400 create economic development opportunities, capital improvements,
2401 and positive financial returns to such ports.

2402 Section 44. Subsection (7) of section 311.09, Florida
2403 Statutes, is amended to read:

2404 311.09 Florida Seaport Transportation and Economic
2405 Development Council.--

2406 (7) The Department of Transportation shall review the list
2407 of projects approved by the council for consistency with the
2408 Florida Transportation Plan and the department's adopted work
2409 program. In evaluating the consistency of a project, the
2410 department shall determine whether the transportation impact of
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2411 the proposed project is adequately handled by existing state-
2412 owned transportation facilities or by the construction of
2413 additional state-owned transportation facilities as identified
2414 in the Florida Transportation Plan and the department's adopted
2415 work program. In reviewing for consistency a transportation
2416 facility project as defined in s. 334.03(28)~~(31)~~ which is not
2417 otherwise part of the department's work program, the department
2418 shall evaluate whether the project is needed to provide for
2419 projected movement of cargo or passengers from the port to a
2420 state transportation facility or local road. If the project is
2421 needed to provide for projected movement of cargo or passengers,
2422 the project shall be approved for consistency as a consideration
2423 to facilitate the economic development and growth of the state
2424 in a timely manner. The Department of Transportation shall
2425 identify those projects which are inconsistent with the Florida
2426 Transportation Plan and the adopted work program and shall
2427 notify the council of projects found to be inconsistent.

2428 Section 45. Section 316.2122, Florida Statutes, is amended
2429 to read:

2430 316.2122 Operation of a low-speed vehicle on certain
2431 roadways.--The operation of a low-speed vehicle, as defined in
2432 s. 320.01(42), on any road under the jurisdiction of a county or
2433 municipality or on an urban minor arterial road under the
2434 jurisdiction of the Department of Transportation ~~as defined in~~
2435 ~~s. 334.03(15) or (33)~~, is authorized with the following
2436 restrictions:

2437 (1) A low-speed vehicle may be operated only on streets
2438 where the posted speed limit is 35 miles per hour or less. This
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2439 does not prohibit a low-speed vehicle from crossing a road or
2440 street at an intersection where the road or street has a posted
2441 speed limit of more than 35 miles per hour.

2442 (2) A low-speed vehicle must be equipped with headlamps,
2443 stop lamps, turn signal lamps, taillamps, reflex reflectors,
2444 parking brakes, rearview mirrors, windshields, seat belts, and
2445 vehicle identification numbers.

2446 (3) A low-speed vehicle must be registered and insured in
2447 accordance with s. 320.02.

2448 (4) Any person operating a low-speed vehicle must have in
2449 his or her possession a valid driver's license.

2450 (5) A county or municipality may prohibit the operation of
2451 low-speed vehicles on any road under its jurisdiction if the
2452 governing body of the county or municipality determines that
2453 such prohibition is necessary in the interest of safety.

2454 (6) The Department of Transportation may prohibit the
2455 operation of low-speed vehicles on any road under its
2456 jurisdiction if it determines that such prohibition is necessary
2457 in the interest of safety.

2458 Section 46. Paragraph (c) of subsection (5) of section
2459 316.515, Florida Statutes, is amended to read:

2460 316.515 Maximum width, height, length.--

2461 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
2462 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY
2463 REQUIREMENTS.--

2464 (c) The width and height limitations of this section do
2465 not apply to farming or agricultural equipment, whether self-
2466 propelled, pulled, or hauled, when temporarily operated during
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2467 daylight hours upon a public road that is not a limited access
2468 facility as defined in s. 334.03(11)~~(13)~~, and the width and
2469 height limitations may be exceeded by such equipment without a
2470 permit. To be eligible for this exemption, the equipment shall
2471 be operated within a radius of 50 miles of the real property
2472 owned, rented, or leased by the equipment owner. However,
2473 equipment being delivered by a dealer to a purchaser is not
2474 subject to the 50-mile limitation. Farming or agricultural
2475 equipment greater than 174 inches in width must have one warning
2476 lamp mounted on each side of the equipment to denote the width
2477 and must have a slow-moving vehicle sign. Warning lamps required
2478 by this paragraph must be visible from the front and rear of the
2479 vehicle and must be visible from a distance of at least 1,000
2480 feet.

2481 Section 47. Paragraph (b) of subsection (7) of section
2482 332.14, Florida Statutes, is amended to read:

2483 332.14 Secure Airports for Florida's Economy Council.--

2484 (7) The SAFE council may utilize, as appropriate and with
2485 legislative spending authorization, any federal, state, and
2486 local government contributions as well as private donations to
2487 fund SAFE Master Plan projects.

2488 (b) The council shall review and approve or disapprove
2489 each project eligible to be funded pursuant to this act. The
2490 council shall annually submit a list of projects which have been
2491 approved by the council to the Secretary of Transportation, the
2492 Secretary of Community Affairs, the executive director of the
2493 Department of Law Enforcement, and the director of the Office of
2494 Tourism, Trade, and Economic Development. The list shall specify
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2495 the recommended funding level for each project, and, if staged
2496 implementation of the project is appropriate, the funding
2497 requirements for each stage shall be specified.

2498 1. The Department of Community Affairs shall review the
2499 list of projects approved by the council to determine
2500 consistency with approved local government comprehensive plans
2501 of the units of local government in which the airport is located
2502 and consistency with the airport master plan. The Department of
2503 Community Affairs shall identify and notify the council of those
2504 projects which are not consistent, to the maximum extent
2505 feasible, with such comprehensive plans and airport master
2506 plans.

2507 2. The Department of Transportation shall review the list
2508 of projects approved by the council for consistency with the
2509 Florida Transportation Plan and the department's adopted work
2510 program. In evaluating the consistency of a project, the
2511 department shall determine whether the transportation impact of
2512 the proposed project is adequately handled by existing state-
2513 owned transportation facilities or by the construction of
2514 additional state-owned transportation facilities as identified
2515 in the Florida Transportation Plan and the department's adopted
2516 work program. In reviewing for consistency a transportation
2517 facility project as defined in s. 334.03(28)~~(31)~~ which is not
2518 otherwise part of the department's work program, the department
2519 shall evaluate whether the project is needed to provide for
2520 projected movement of cargo or passengers from the airport to a
2521 state transportation facility or local road. If the project is
2522 needed to provide for projected movement of cargo or passengers,
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2523 the project shall be approved for consistency as a consideration
2524 to facilitate the economic development and growth of the state
2525 in a timely manner. The department shall identify those projects
2526 which are inconsistent with the Florida Transportation Plan and
2527 the adopted work program and shall notify the council of
2528 projects found to be inconsistent.

2529 3. The Office of Tourism, Trade, and Economic Development,
2530 in consultation with Enterprise Florida, Inc., shall review the
2531 list of projects approved by the council to evaluate the
2532 economic benefit of the project and to determine whether the
2533 project is consistent with the SAFE Master Plan. The Office of
2534 Tourism, Trade, and Economic Development shall review the
2535 economic benefits of each project based upon the rules adopted
2536 pursuant to paragraph (a). The Office of Tourism, Trade, and
2537 Economic Development shall identify those projects which it has
2538 determined do not offer an economic benefit to the state or are
2539 not consistent with the SAFE Master Plan and shall notify the
2540 council of its findings.

2541 4. The Department of Law Enforcement shall review the list
2542 of projects approved by the council for consistency with
2543 domestic security provisions of ss. 943.03101, 943.0311, and
2544 943.0312. The Department of Law Enforcement shall identify those
2545 projects that it has determined are inconsistent with the
2546 state's strategic plan for domestic security and shall notify
2547 the council of its findings.

2548 Section 48. Section 336.01, Florida Statutes, is amended
2549 to read:

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2550 336.01 Designation of county road system.--The county road
2551 system shall be as defined in s. 334.03(6)~~(8)~~.

2552 Section 49. Subsection (2) of section 338.222, Florida
2553 Statutes, is amended to read:

2554 338.222 Department of Transportation sole governmental
2555 entity to acquire, construct, or operate turnpike projects;
2556 exception.--

2557 (2) The department may contract with any local
2558 governmental entity as defined in s. 334.03(12)~~(14)~~ for the
2559 design, right-of-way acquisition, or construction of any
2560 turnpike project which the Legislature has approved. Local
2561 governmental entities may negotiate with the department for the
2562 design, right-of-way acquisition, and construction of any
2563 section of the turnpike project within areas of their respective
2564 jurisdictions or within counties with which they have interlocal
2565 agreements.

2566 Section 50. Paragraph (a) of subsection (2) of section
2567 403.7211, Florida Statutes, is amended to read:

2568 403.7211 Hazardous waste facilities managing hazardous
2569 wastes generated offsite; federal facilities managing hazardous
2570 waste.--

2571 (2) The department shall not issue any permit under s.
2572 403.722 for the construction, initial operation, or substantial
2573 modification of a facility for the disposal, storage, or
2574 treatment of hazardous waste generated offsite which is proposed
2575 to be located in any of the following locations:

2576 (a) Any area where life-threatening concentrations of
2577 hazardous substances could accumulate at any residence or
439445

Amendment No.

2578 residential subdivision as the result of a catastrophic event at
2579 the proposed facility, unless each such residence or residential
2580 subdivision is served by at least one arterial road or urban
2581 minor arterial road ~~that, as defined in s. 334.03, which~~
2582 provides safe and direct egress by land to an area where such
2583 life-threatening concentrations of hazardous substances could
2584 not accumulate in a catastrophic event. Egress by any road
2585 leading from any residence or residential subdivision to any
2586 point located within 1,000 yards of the proposed facility is
2587 unsafe for the purposes of this paragraph. In determining
2588 whether egress proposed by the applicant is safe and direct, the
2589 department shall also consider, at a minimum, the following
2590 factors:

2591 1. Natural barriers such as water bodies, and whether any
2592 road in the proposed evacuation route is impaired by a natural
2593 barrier such as a water body;

2594 2. Potential exposure during egress and potential
2595 increases in the duration of exposure;

2596 3. Whether any road in a proposed evacuation route passes
2597 in close proximity to the facility; and

2598 4. Whether any portion of the evacuation route is
2599 inherently directed toward the facility.

2600
2601 For the purposes of this subsection, all distances shall be
2602 measured from the outer limit of the active hazardous waste
2603 management area. "Substantial modification" includes: any
2604 physical change in, change in the operations of, or addition to
2605 a facility which could increase the potential offsite impact, or
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2606 risk of impact, from a release at that facility; and any change
2607 in permit conditions which is reasonably expected to lead to
2608 greater potential impacts or risks of impacts, from a release at
2609 that facility. "Substantial modification" does not include a
2610 change in operations, structures, or permit conditions which
2611 does not substantially increase either the potential impact
2612 from, or the risk of, a release. Physical or operational changes
2613 to a facility related solely to the management of nonhazardous
2614 waste at the facility shall not be considered a substantial
2615 modification. The department shall, by rule, adopt criteria to
2616 determine whether a facility has been substantially modified.
2617 "Initial operation" means the initial commencement of operations
2618 at the facility.

2619 Section 51. Subsection (24) of section 479.01, Florida
2620 Statutes, is amended to read:

2621 479.01 Definitions.--As used in this chapter, the term:

2622 (24) "Urban area" has the same meaning as defined in s.

2623 334.03 (29) ~~(32)~~.

2624 Section 52. Ronshay Dugans Act.--The first week of
2625 September is designated as "Drowsy Driving Prevention Week" in
2626 this state. During Drowsy Driving Prevention Week, the
2627 Department of Highway Safety and Motor Vehicles and the
2628 Department of Transportation are encouraged to educate the law
2629 enforcement community and the public about the relationship
2630 between fatigue and performance and the research showing fatigue
2631 to be as much of an impairment as alcohol and as dangerous
2632 behind the wheel. This section may be cited as the "Ronshay
2633 Dugans Act."

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2634 Section 53. (1) The Northwest Florida Regional
2635 Transportation Planning Organization, an interlocal agency under
2636 part I of chapter 163, Florida Statutes, is authorized to study
2637 the feasibility of advance-funding the costs of capacity
2638 projects in its member counties and making recommendations to
2639 the Legislature by February 1, 2010. The Department of
2640 Transportation may assist the organization in conducting the
2641 study.

2642 (2) Results of any study authorized by this section shall
2643 be provided to the Governor, the President of the Senate, the
2644 Speaker of the House of Representatives, the department, any
2645 metropolitan planning organization in any county served by the
2646 organization, and the counties served by the organization and
2647 shall discuss the financial feasibility of advance-funding the
2648 costs of capacity projects in the Northwest Florida Regional
2649 Transportation Planning Organization's member counties. The
2650 study must be based on the following assumptions:

2651 (a) Any advanced projects must be consistent with the
2652 Northwest Florida Regional Transportation Planning
2653 Organization's 5-year plan and the department's work program.

2654 (b) Any bonds shall have a maturity not to exceed 30
2655 years.

2656 (c) A maximum of 25 percent of the department's capacity
2657 funds allocated annually to the counties served by the Northwest
2658 Florida Regional Transportation Planning Organization may be
2659 used to pay debt service on the bonds.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2660 (d) Bond proceeds may only be used for the following
2661 components of a construction project on a state road: planning,
2662 engineering, design, right-of-way acquisition, and construction.

2663 (e) The cost of the projects must be balanced with the
2664 proceeds available from the bonds.

2665 (f) The department shall have final approval of the
2666 projects financed through the sale of bonds.

2667 (3) The study shall contain:

2668 (a) An analysis of the financial feasibility of advancing
2669 capacity projects in the Northwest Florida Regional
2670 Transportation Planning Organization's member counties.

2671 (b) A long-range, cost-feasible finance plan that
2672 identifies the project cost, revenues by source, financing,
2673 major assumptions, and a total cash flow analysis beginning with
2674 implementation of the project and extending through final
2675 completion of the project.

2676 (c) A tentative list of capacity projects and the priority
2677 in which they would be advanced. These projects must be
2678 consistent with the criteria in s. 339.135(2) (b), Florida
2679 Statutes.

2680 (d) A 5-year work program of the projects to be advanced.
2681 This program must be consistent with chapter 339, Florida
2682 Statutes.

2683 (e) A report of any statutory changes, including a draft
2684 bill, needed to give the Northwest Florida Regional
2685 Transportation Planning Organization the ability to advance
2686 construction projects. The draft bill language shall address, at
2687 a minimum:

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

- 2688 1. Developing a list of road projects to be advanced,
2689 consistent with the organization's 5-year plan.
- 2690 2. Giving the department the authority to review projects
2691 to determine consistency with its current work program.
- 2692 3. Giving the organization the authority to issue bonds
2693 with a maturity of not greater than 30 years.
- 2694 4. Requiring proceeds of the bonds to be delivered to the
2695 department to pay the cost of completing the projects.
- 2696 5. Requiring the road projects to be consistent with the
2697 organization's 5-year plan.
- 2698 6. Permitting any participating county to elect to
2699 undertake responsibility for the payment of a portion of the
2700 cost of any project in the county pursuant to an agreement with
2701 the organization and the department.
- 2702 7. Providing that, in each year that the bonds are
2703 outstanding, no more than 25 percent of the state transportation
2704 funds appropriated for capacity projects advanced pursuant to
2705 the terms of this section and within the area of operation of
2706 the organization shall be paid over to the organization for the
2707 purpose of paying debt service on bonds the organization issued
2708 for such capacity projects. Such payments shall be made in lieu
2709 of programming any new projects in the work program.
- 2710 8. In the event that the capacity funds allocated to the
2711 member counties of the organization are less than the amount
2712 needed to satisfy the payment requirements under the contract,
2713 the department shall defer the funded capacity on any other
2714 projects in the member counties of the organization to the
2715 extent necessary to make up such deficiency, so as to enable the

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2716 organization to make the required debt service payments on the
2717 bonds or to replenish the reserves established for the bonds
2718 which may have been used to make up such deficiency. Under no
2719 circumstances shall the department provide any funds for these
2720 capacity projects in excess of the amount that would be
2721 allocated to the member counties pursuant to statutory formula
2722 and legislative appropriation.

2723 9. Providing that the bonds shall state on their face that
2724 they do not constitute a pledge of the full faith or taxing
2725 power of the state, and no holder of any bond shall have the
2726 right to compel payment of the bonds from any funds of the
2727 state, other than amounts required to be paid to the
2728 organization under the contract. The bonds shall be limited and
2729 special obligations payable solely from the sources described
2730 herein.

2731 10. Establishing such other terms and provisions as may be
2732 deemed reasonable and necessary to enable the organization to
2733 market the bonds at the most advantageous rates possible.

2734 (4) The Legislature may authorize the implementation of
2735 the Northwest Florida Regional Transportation Planning
2736 Organization's study after a satisfactory showing that these
2737 prerequisites have been met and that any source of funding for
2738 any bonds to be issued has been approved by the Department of
2739 Transportation.

2740 Section 54. The Department of Transportation shall direct
2741 a study to be conducted and funded by the authority created in
2742 chapter 349, Florida Statutes, for the purpose of recommending
2743 to the Legislature the framework for a regional transportation
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2744 authority for the northeast region of Florida, composed of the
2745 following counties and each of the municipalities located
2746 therein: Baker, Clay, Duval, Flagler, Nassau, Putnam, and St.
2747 Johns. The study shall include, at a minimum, the existing
2748 powers and duties of the authority, as well as the additional
2749 powers and duties necessary for the agency to plan, design,
2750 finance, construct, operate, and maintain transportation
2751 facilities providing a safe, adequate, and efficient surface
2752 transportation network for the region, consistent with the
2753 statewide transportation network. In addition, the study shall
2754 address agency revenue sources, governance, coordination of work
2755 plans, and coordination with local comprehensive plans for all
2756 transportation facilities of the agency. Recommendations shall
2757 be delivered to the President of the Senate and Speaker of the
2758 House of Representatives no later than February 1, 2010.

2759 Section 55. Florida Transportation Revenue Study
2760 Commission.--

2761 (1) The Legislature finds and declares that the costs of
2762 preserving investments in transportation infrastructure and
2763 eliminating or reducing congestion in the movement of people and
2764 goods is expected to substantially increase, and those costs
2765 will have a commensurate effect on the state's economy,
2766 environment, and quality of life.

2767 (2) The Florida Transportation Revenue Study Commission is
2768 created for the purpose of studying state, regional, and local
2769 transportation needs and developing new and innovative funding
2770 options and recommendations that address this state's future
2771 transportation needs. The commission shall submit a written

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2772 report to the Legislature containing its findings and
2773 recommendations by January 1, 2011. The report presented by the
2774 commission shall, at a minimum, include findings and
2775 recommendations regarding:

2776 (a) The stability of existing transportation revenue
2777 sources, taking into account energy-efficient vehicles, emerging
2778 technologies, alternative fuels, and other state and federal
2779 initiatives.

2780 (b) The funding needs of state, regional, and local
2781 transportation facilities and services and the ability to
2782 address those needs.

2783 (c) New and innovative funding options that can be used by
2784 the state, metropolitan planning organizations, local
2785 governments, and other major transportation providers to fund
2786 transportation facilities and services.

2787 (3) The commission shall consist of 13 members. Three
2788 members shall be appointed by the Governor, three members shall
2789 be appointed by the President of the Senate, and three members
2790 shall be appointed by the Speaker of the House of
2791 Representatives. One member shall be the Secretary of
2792 Transportation, or the secretary's designee, one member shall be
2793 appointed by the Metropolitan Planning Organization Advisory
2794 Council, one member shall be appointed by the Florida
2795 Association of Counties, Inc., from among its members, and one
2796 member shall be appointed by the Florida League of Cities, Inc.,
2797 from among its members. The membership of the commission must
2798 represent transportation organizations, local governments,
2799 developers and homebuilders, the business community, the

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2800 environmental community, transportation labor organizations, and
2801 other appropriate stakeholders in the transportation system. One
2802 member shall be designated by the Governor as chair of the
2803 commission. Members shall be appointed to a term that ends July
2804 1, 2011. Any vacancy that occurs on the commission shall be
2805 filled in the same manner as the original appointment. Members
2806 of the commission shall serve without compensation, but are
2807 entitled to reimbursement for per diem and travel expenses in
2808 accordance with s. 112.061, Florida Statutes, while in
2809 performance of their duties.

2810 (4) The first meeting of the commission shall be held by
2811 October 1, 2009, and thereafter the commission shall meet at the
2812 call of the chair but not less frequently than three times per
2813 year. Each member of the commission is entitled to one vote, and
2814 actions of the commission are not binding unless taken by a
2815 majority vote of the members present. A majority of the
2816 membership constitutes a quorum at any meeting of the
2817 commission. The commission may adopt its own rules of procedure
2818 and has such other powers as are necessary to complete its
2819 responsibilities.

2820 (5) The Center for Urban Transportation Research at the
2821 University of South Florida shall provide staff and other
2822 resources necessary to assist the commission in accomplishing
2823 its goals. All agencies under the control of the Governor are
2824 directed, and all other federal, state, and local agencies are
2825 requested, to render assistance to, and cooperate with, the
2826 commission.

2827 Section 56. Funding for the Florida Transportation Revenue
439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2828 Study Commission.--The sum of \$225,000 in federal metropolitan
 2829 planning funds is appropriated from the State Transportation
 2830 Trust Fund to the Center for Urban Transportation Research at
 2831 the University of South Florida for each of the 2009-2010 and
 2832 2010-2011 fiscal years for the purpose of paying the expenses of
 2833 staff services and providing other related assistance to the
 2834 Florida Transportation Revenue Study Commission.

2835 Section 57. This act shall take effect July 1, 2009.

2836
2837

2838 -----

2839 **T I T L E A M E N D M E N T**

2840 Remove the entire title and insert:

2841 A bill to be entitled

2842 An act relating to transportation; amending s. 163.3180,
 2843 F.S., relating to transportation concurrency; providing
 2844 for evaluating whether certain necessary transportation
 2845 facilities will be in place or under actual construction
 2846 within a required timeframe; providing that certain
 2847 projects or high-performance transit systems be considered
 2848 as committed facilities; revising an exception to
 2849 transportation concurrency requirements to provide for
 2850 hangars used for assembly and manufacture of aircraft;
 2851 exempting certain housing developments from concurrency
 2852 requirements; revising provisions for a development of
 2853 regional impact to satisfy specified concurrency
 2854 requirements by paying a proportionate-share contribution
 2855 for traffic impacts; providing that the cost of certain

439445

Approved For Filing: 4/30/2009 5:05:21 PM

HOUSE AMENDMENT

Bill No. CS/SB 582

Amendment No.

2856 improvements shall be credited against a development of
2857 regional impact's proportionate-share contribution;
2858 requiring local government agreements relating to funding
2859 regional transportation impacts under certain
2860 circumstances; defining the term "backlog" as it applies
2861 to the impacts of development on transportation
2862 facilities; conforming a cross-reference; amending s.
2863 212.05, F.S.; extending the time nonresident purchasers
2864 have to remove a boat from the state after purchase;
2865 providing for an extension decal to be issued by a dealer;
2866 imposing a decal cost; revising industry code
2867 designations; amending s. 212.055, F.S.; renaming the
2868 charter county transit system surtax; expanding the
2869 eligibility to levy the surtax to all charter counties;
2870 amending s. 316.1001; revising notification requirements
2871 for toll violation citations; clarifying conditions for
2872 issuance of a license plate; amending s. 316.1895, F.S.;
2873 authorizing alternative installation of Speeding Fines
2874 Doubled signs in advance of school zones; amending s.
2875 316.29545, F.S.; excluding vehicles owned or leased by
2876 private investigative services from specified provisions
2877 restricting window sunscreening when such vehicle is used
2878 in specified activities; amending s. 316.515, F.S.;
2879 revising a limitation on the length of certain trailers
2880 issued a special permit by the department to deliver
2881 manufactured buildings; amending s. 316.535, F.S.;
2882 requiring specified scale tolerances to be applied to
2883 weight limits for vehicles on highways that are not in the

439445

Approved For Filing: 4/30/2009 5:05:21 PM

HOUSE AMENDMENT

Bill No. CS/SB 582

Amendment No.

2884 Interstate Highway System; amending s. 316.545, F.S.;

2885 providing for a reduction in the gross weight of certain

2886 vehicles equipped with idle-reduction technologies when

2887 calculating a penalty for exceeding maximum weight limits;

2888 requiring the operator to provide certification of the

2889 weight of the idle-reduction technology and to demonstrate

2890 or certify that the idle-reduction technology is fully

2891 functional at all times; amending s. 316.605, F.S.;

2892 removing a requirement that motorcycle license plates be

2893 affixed and displayed in such a manner that the letters

2894 and numerals are legible from left to right parallel to

2895 the ground; amending s. 318.18; deleting authorization to

2896 suspend the driver's license of persons convicted of toll

2897 violations; amending 320.03; clarifying the entities that

2898 can verify payment of a fine; amending s. 322.27;

2899 prohibiting the assignment of points against a driver's

2900 license for toll violations; amending s. 334.03, F.S.;

2901 revising definitions relating to the Florida

2902 Transportation Code; amending s. 334.044, F.S.; revising

2903 powers and duties of the Department of Transportation;

2904 removing duty to assign jurisdictional responsibility and

2905 to designate existing facilities as part of the State

2906 Highway System; revising requirements related to

2907 conservation of roadside growth; amending s. 334.047,

2908 F.S.; removing a provision prohibiting the department from

2909 establishing a maximum number of miles of urban principal

2910 arterial roads within a district or county; creating s.

2911 336.445, F.S.; authorizing counties to enter into

439445

Approved For Filing: 4/30/2009 5:05:21 PM

HOUSE AMENDMENT

Bill No. CS/SB 582

Amendment No.

2912 agreements with private entities for the building,
2913 operation, ownership, or financing of toll facilities;
2914 requiring public declaration; requiring a public hearing;
2915 requiring county to make certain determinations prior to
2916 awarding a project; providing requirements for an
2917 agreement; amending s. 337.0261, F.S.; providing
2918 legislative intent recognizing that construction aggregate
2919 materials mining is an industry of critical importance and
2920 that the mining of construction aggregate materials is in
2921 the public interest; amending s. 337.401, F.S.; revising
2922 provisions for rules of the department that provide for
2923 the placement of and access to certain electrical
2924 transmission lines on the right-of-way of department-
2925 controlled roads; authorizing the rules to include that
2926 the use of the limited access right-of-way for
2927 longitudinal placement of such transmission lines is
2928 reasonable based upon consideration of certain economic
2929 and environmental factors; defining the term "base-load
2930 generating facilities"; amending s. 339.2816, F.S.,
2931 relating to the Small County Road Assistance Program;
2932 providing for resumption of certain funding for the
2933 program; revising criteria for program eligibility;
2934 revising criteria for prioritization of projects; amending
2935 s. 339.2818, F.S., relating to the Small County Outreach
2936 Program; revising the purpose of the program to include
2937 certain program types; revising eligibility and
2938 prioritization criteria; amending s. 339.64, F.S.,
2939 relating to the Strategic Intermodal System Plan; removing

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Page 106 of 113

HOUSE AMENDMENT

Bill No. CS/SB 582

Amendment No.

2940 provisions for the Statewide Intermodal Transportation
2941 Advisory Council; amending s. 341.071, F.S.; revising
2942 requirements for a report by transit providers relating to
2943 productivity and performance measures; requiring the
2944 report to address the use and effectiveness of high-
2945 performance transit systems; amending s. 348.0003, F.S.;
2946 providing for financial disclosure for expressway,
2947 transportation, bridge, and toll authorities; amending s.
2948 348.51, F.S.; revising the definition of the terms "bonds"
2949 and "expressway system" in reference to the Tampa-
2950 Hillsborough County Expressway Authority Law; amending s.
2951 348.53, F.S.; providing that the authority is to benefit
2952 the Tampa Bay Region; providing that the purpose of the
2953 authority includes transit support facilities; amending s.
2954 348.54, F.S.; authorizing the Tampa-Hillsborough County
2955 Expressway Authority to make and issue notes, refunding
2956 bonds, and other evidences of indebtedness or obligations
2957 for specified purposes relating to the expressway system;
2958 prohibiting the authority from pledging the credit or
2959 taxing power of the state, a political subdivision, or
2960 agency; providing that the authority's obligations are not
2961 obligations of the state, a political subdivision, or an
2962 agency; providing that the state, a political subdivision,
2963 or an agency is not liable for the payment of the
2964 principal or interest on the authority's obligations;
2965 amending s. 348.545, F.S.; authorizing costs of authority
2966 improvements to be financed by bonds issued on behalf of
2967 the authority pursuant to the State Bond Act or bonds

439445

Approved For Filing: 4/30/2009 5:05:21 PM

HOUSE AMENDMENT

Bill No. CS/SB 582

Amendment No.

2968 | issued by the authority under specified provisions;
2969 | amending s. 348.56, F.S.; authorizing bonds to be issued
2970 | on behalf of the authority pursuant to the State Bond Act
2971 | or issued by the authority under specified provisions;
2972 | revising requirements for such bonds; requiring the bonds
2973 | to be sold at public sale; authorizing the authority to
2974 | negotiate the sale of bonds with underwriters under
2975 | certain circumstances; amending s. 348.565, F.S.;
2976 | providing that facilities of the expressway system are
2977 | approved to be refinanced by the revenue bonds issued by
2978 | the Division of Bond Finance of the State Board of
2979 | Administration and the State Bond Act or by revenue bonds
2980 | issued by the authority; providing that certain projects
2981 | of the authority are approved for financing or refinancing
2982 | by revenue bonds; providing an additional project type
2983 | where the authority may use revenue bonds; amending s.
2984 | 348.57, F.S.; authorizing the authority to provide for the
2985 | issuance of certain bonds for the refunding of bonds
2986 | outstanding regardless of whether the bonds being refunded
2987 | were issued by the authority or on behalf of the
2988 | authority; amending s. 348.70, F.S.; providing that the
2989 | Tampa-Hillsborough County Expressway Authority Law does
2990 | not repeal, rescind, or modify any other laws; providing
2991 | that such law supersedes laws that are inconsistent with
2992 | the provisions of that law; amending s. 369.317, F.S.,
2993 | relating to Wekiva Parkway; providing that the use of
2994 | certain lands as environmental mitigation for road-
2995 | construction-related impacts incurred by certain entities

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

2996 satisfies specified cumulative impact requirements;
2997 amending s. 380.06, F.S., relating to developments of
2998 regional impact; revising provisions for preapplication
2999 procedures for development approval; requiring the level-
3000 of-service standards in the transportation methodology
3001 applied to a development of regional impact to be the same
3002 level-of-service standards used to evaluate concurrency
3003 under specified provisions; designating parts I and II of
3004 ch. 479, F.S.; creating part III of ch. 479, F.S.;
3005 providing legislative intent; providing that the county
3006 court and circuit court have concurrent jurisdiction;
3007 requiring that all costs incurred by the department to
3008 remove signs in certain locations on the interstate
3009 highway system, the federal-aid primary highway system, or
3010 the State Highway System to be assessed and collected from
3011 certain persons under certain conditions; amending s.
3012 705.18, F.S.; removing provisions for disposal of personal
3013 property lost or abandoned at certain public-use airports;
3014 creating s. 705.182, F.S.; providing for disposal of
3015 personal property found on premises owned or controlled by
3016 the operator of a public-use airport; providing a
3017 timeframe for the property to be claimed; providing
3018 options for disposing of such personal property; providing
3019 procedures for selling abandoned personal property;
3020 providing for notice of sale; permitting airport tenants
3021 to establish lost and found procedures; providing that
3022 purchaser holds title to the property free of the rights
3023 of persons then holding any legal or equitable interest

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

3024 thereto; creating s. 705.183, F.S.; providing for
3025 disposition of derelict or abandoned aircraft on the
3026 premises of public-use airports; providing procedures for
3027 such disposition; requiring a record of when the aircraft
3028 is found; defining the terms "derelict aircraft" and
3029 "abandoned aircraft"; providing for notification of
3030 aircraft owner and all persons having an equitable or
3031 legal interest in the aircraft; providing for notice if
3032 the owner of the aircraft is unknown or cannot be found;
3033 providing for disposition if the aircraft is not removed
3034 upon payment of required fees; requiring any sale of the
3035 aircraft to be at a public auction; providing notice
3036 requirements for such public auction; providing procedures
3037 for disposal of the aircraft; providing for liability if
3038 charges and costs related to the disposition are more than
3039 that obtained from the sale; providing for a lien by the
3040 airport for fees and charges; providing for notice of
3041 lien; requiring the filing of a claim of lien; providing
3042 for the form of the claim of lien; providing for service
3043 of the claim of lien; providing that the purchaser of the
3044 aircraft takes the property free of rights of persons
3045 holding legal or equitable interest in the aircraft;
3046 requiring purchaser or recipient to notify the Federal
3047 Aviation Administration of change in ownership; providing
3048 for disposition of moneys received for an aircraft sold at
3049 public sale; authorizing the airport to issue documents
3050 relating to the aircraft's disposal; creating s. 705.184,
3051 F.S.; providing for disposition of derelict or abandoned

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

3052 motor vehicles on the premises of public-use airports;
3053 providing procedures; requiring recording of the abandoned
3054 motor vehicle; defining the terms "derelict motor vehicle"
3055 and "abandoned motor vehicle"; providing for removal of
3056 such motor vehicle from airport premises; providing for
3057 notice to the owner, the company insuring the motor
3058 vehicle, and any lienholder; providing for disposition if
3059 the motor vehicle is not removed upon payment of required
3060 fees; requiring any sale of the motor vehicle to be at a
3061 public auction; providing notice requirements for such
3062 public auction; providing procedures for disposal of the
3063 motor vehicle; providing for liability if charges and
3064 costs related to the disposition are more than that
3065 obtained from the sale; providing for a lien by the
3066 airport or a licensed independent wrecker for fees and
3067 charges; providing for notice of lien; requiring the
3068 filing of a claim of lien; providing for the form of the
3069 claim of lien; providing for service of claim of lien;
3070 providing that the purchaser of the motor vehicle takes
3071 the property free of the rights of persons holding legal
3072 or equitable interest in the motor vehicle; amending ss.
3073 288.063, 311.07, 311.09, 316.2122, 316.515, 332.14,
3074 336.01, 338.222, 403.7211, and 479.01, F.S.; correcting
3075 cross-references; conforming provisions to changes made by
3076 the act; creating the Ronshay Dugans Act; designating the
3077 first week in September as "Drowsy Driving Prevention
3078 Week"; encouraging the Department of Highway Safety and
3079 Motor Vehicles and the Department of Transportation to

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Amendment No.

3080 educate the law enforcement community and the public about
3081 the relationship between fatigue and driving performance;
3082 authorizing the Northwest Florida Regional Transportation
3083 Planning Organization to conduct a study on advancing
3084 funds for certain construction projects; authorizing the
3085 Department of Transportation to assist with the study;
3086 requiring results of the study to be provided to the
3087 Governor, the Legislature, and certain entities; providing
3088 principles for the study; providing for content of the
3089 study; providing for legislative authorization prior to
3090 implementation of the study; providing legislative
3091 findings with respect to the need to preserve investments
3092 in transportation infrastructure and reduce congestion;
3093 providing legislative findings with respect to the need to
3094 preserve investments in transportation infrastructure and
3095 reduce congestion; creating the Florida Transportation
3096 Revenue Study Commission for the purpose of studying the
3097 state's transportation needs and developing
3098 recommendations; requiring that the commission submit a
3099 report to the Legislature by a specified date;
3100 establishing powers and duties of the commission;
3101 providing for membership and authorizing the reimbursement
3102 of members for per diem and travel expenses; providing
3103 requirements for meetings of the commission; requiring the
3104 Center for Urban Transportation Research at the University
3105 of South Florida to provide staff support to the
3106 commission; providing funding for the commission through

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Page 112 of 113

HOUSE AMENDMENT

Bill No. CS/SB 582

Amendment No.

3107 federal funds for metropolitan transportation planning;
3108 providing an effective date.

439445

Approved For Filing: 4/30/2009 5:05:21 PM

Page 113 of 113