

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 amending s. 20.23, F.S.; authorizing the department to
4 grant a specified pay additive to law enforcement officers
5 assigned to the Office of Motor Carrier Compliance who
6 maintain certification by the Commercial Vehicle Safety
7 Alliance; repealing s. 315.03(12)(c), F.S., relating to
8 legislative review of a loan program of the Florida
9 Seaport Transportation and Economic Development Council;
10 amending s. 316.2122, F.S.; revising provisions
11 authorizing operation of low-speed vehicles and mini
12 trucks; amending s. 316.535, F.S.; requiring specified
13 scale tolerances to be applied to weight limits for
14 vehicles on highways that are not in the Interstate
15 Highway System; providing that specified tolerances do not
16 apply to cranes; providing for determination of fines for
17 violations of the total gross weight limits; amending s.
18 316.545, F.S.; revising conditions under which a vehicle
19 in violation of specified gross or external bridge weight
20 limits must be unloaded; providing for a reduction in the
21 gross weight of certain vehicles equipped with idle-
22 reduction technologies when calculating a penalty for
23 exceeding maximum weight limits; requiring the operator to
24 provide certification of the weight of the idle-reduction
25 technology and to demonstrate or certify that the idle-
26 reduction technology is fully functional at all times;
27 amending s. 318.18, F.S.; revising provisions for
28 distribution of proceeds collected by the clerk of the

29 | court for disposition of citations for failure to pay a
30 | toll; providing alternative procedures for disposition of
31 | such citation; providing for adjudication to be withheld
32 | and no points assessed against the driver's license unless
33 | adjudication is imposed by a court; removing a provision
34 | for suspension of the driver's license of a person who is
35 | convicted of failing to pay a toll 10 or more times within
36 | a 36-month period; amending s. 320.08058, F.S.; revising
37 | authorized uses of revenue received from the sale of
38 | United We Stand license plates; amending s. 322.27, F.S.;
39 | providing for assessment of points against a driver's
40 | license for specified violations of requirements to pay a
41 | toll only when the points are imposed by a court;
42 | repealing s. 332.14, F.S., relating to the Secure Airports
43 | for Florida's Economy Council; providing for the use of
44 | funds accrued by the Secure Airports for Florida's Economy
45 | Council; amending s. 334.03, F.S.; revising definitions
46 | for purposes of the Florida Transportation Code; amending
47 | s. 334.044, F.S.; revising powers and duties of the
48 | department; removing provisions for assigning jurisdiction
49 | of roads and designating facilities as part of the State
50 | Highway System; amending s. 334.047, F.S.; removing a
51 | prohibition against the department establishing a maximum
52 | number of miles of certain roads within a district or
53 | county; amending s. 337.14, F.S.; revising application
54 | procedures for the qualification of contractors; requiring
55 | any required interim financial statement to be accompanied
56 | by an updated application; amending s. 337.401, F.S.;

57 | revising provisions for rules of the department that
58 | provide for the placement of and access to certain
59 | electrical transmission lines on the right-of-way of
60 | department-controlled roads; authorizing the rules to
61 | include that the use of the limited access right-of-way
62 | for longitudinal placement of such transmission lines is
63 | reasonable based upon consideration of certain economic
64 | and environmental factors; amending s. 338.155, F.S.;
65 | authorizing the department to adopt rules relating to the
66 | payment, collection, and enforcement of tolls; amending s.
67 | 343.64, F.S.; authorizing the Central Florida Regional
68 | Transportation Authority to borrow funds under certain
69 | circumstances; amending s. 348.51, F.S.; revising the
70 | definition for the term "bonds" when used in the Tampa-
71 | Hillsborough County Expressway Authority Law; amending s.
72 | 348.545, F.S.; authorizing costs of authority improvements
73 | to be financed by bonds issued on behalf of the authority
74 | pursuant to the State Bond Act or bonds issued by the
75 | authority under specified provisions; amending s. 348.56,
76 | F.S.; authorizing bonds to be issued on behalf of the
77 | authority pursuant to the State Bond Act or issued by the
78 | authority under specified provisions; revising
79 | requirements for such bonds; requiring the bonds to be
80 | sold at public sale; authorizing the authority to
81 | negotiate the sale of bonds with underwriters under
82 | certain circumstances; amending s. 348.565, F.S.;
83 | providing that facilities of the expressway system are
84 | approved to be refinanced by the revenue bonds issued by

85 | the Division of Bond Finance of the State Board of
86 | Administration and the State Bond Act or by revenue bonds
87 | issued by the authority; providing that certain projects
88 | of the authority are approved for financing or refinancing
89 | by revenue bonds; amending s. 348.57, F.S.; authorizing
90 | the authority to provide for the issuance of certain bonds
91 | for the refunding of bonds outstanding regardless of
92 | whether the bonds being refunded were issued by the
93 | authority or on behalf of the authority; amending s.
94 | 348.70, F.S.; providing that the Tampa-Hillsborough County
95 | Expressway Authority Law does not repeal, rescind, or
96 | modify any other laws; providing that such law supersedes
97 | laws that are inconsistent with the provisions of that
98 | law; creating pt. XI of ch. 348, F.S., titled "Osceola
99 | County Expressway Authority"; providing a short title;
100 | providing definitions; creating the Osceola County
101 | Expressway Authority as an agency of the state; providing
102 | for a governing body of the authority; providing for
103 | membership, terms, organization, personnel, and
104 | administration; authorizing payment of travel and other
105 | expenses; directing the authority to cooperate with and
106 | participate in any efforts to establish a regional
107 | expressway authority; providing purposes and powers of the
108 | authority for acquisition, construction, expansion,
109 | maintenance, improvement, operation, ownership, and
110 | leasing of the Osceola County Expressway System; providing
111 | for use of certain funds to pay or secure obligations;
112 | authorizing use of the Osceola County gasoline tax under

113 | certain conditions; authorizing the authority to enter
114 | into partnerships and other agreements; authorizing the
115 | authority to construct, operate, and maintain roads,
116 | bridges, avenues of access, thoroughfares, and boulevards,
117 | and electronic toll payment systems thereon, outside the
118 | jurisdictional boundaries of Osceola County; authorizing
119 | the authority to enter into an interlocal agreement with
120 | the Orlando-Orange County Expressway Authority to
121 | coordinate and plan for projects; prohibiting the
122 | authority from pledging the credit or taxing power of the
123 | state; requiring consent of local and county jurisdictions
124 | prior to acquisition of rights-of-way; requiring consent
125 | of local and county jurisdictions for agreements that
126 | would restrict construction of roads; providing for bond
127 | financing of improvements to certain facilities; providing
128 | for issuance and sale of bonds; providing for the
129 | employment of fiscal agents; authorizing the State Board
130 | of Administration to act as fiscal agent; providing
131 | approval of certain facilities that have been financed by
132 | the issuance of bonds or other evidence of indebtedness;
133 | providing for rights and remedies granted to bondholders;
134 | providing for appointment of a trustee to represent the
135 | bondholders; providing for appointment of a receiver to
136 | take possession of, operate, and maintain the system;
137 | providing for lease of the system to the Department of
138 | Transportation under a lease-purchase agreement;
139 | authorizing the department to act in place of the
140 | authority under terms of the lease-purchase agreement;

141 requiring approval by the county for certain provisions of
142 the lease-purchase agreement; providing that upon
143 termination of such lease-purchase agreement title to the
144 system shall be transferred to the state; providing that
145 no pledge of Osceola County gasoline tax funds as rentals
146 under such lease-purchase agreement shall be made without
147 the consent of Osceola County; authorizing the department
148 to expend a limited amount of funds; providing that the
149 system is part of the state road system; providing for the
150 authority to appoint the department as its agent for
151 certain construction purposes; authorizing the authority
152 to acquire property; authorizing the authority to exercise
153 eminent domain; limiting liability of the authority for
154 preexisting contamination of an acquired property;
155 providing for remedial acts necessary due to such
156 contamination; authorizing agreements between the
157 authority and other entities; providing pledge of the
158 state to bondholders; exempting the authority from
159 taxation; providing that investment in such bonds or other
160 obligations constitutes legal investments; providing that
161 such bonds are eligible for deposit as security for state,
162 municipal, and other public funds; providing that pledges
163 shall be enforceable by bondholders; providing for
164 application and construction of the part; authorizing
165 certain audits of the authority by the Osceola County
166 auditor; requiring reports of such audits to be submitted
167 to the authority and the governing body of Osceola County;
168 providing for dissolution of the authority under certain

169 | circumstances; amending s. 373.41492, F.S.; increasing the
170 | mitigation fee for mining activities in the Miami-Dade
171 | County Lake Belt; amending s. 403.4131, F.S.; removing
172 | provisions relating to a report on the adopt-a-highway
173 | program; amending s. 479.01, F.S.; defining the terms
174 | "allowable uses," "commercial use," "industrial use," and
175 | "zoning category" and revising the definition of the term
176 | "commercial or industrial zone" for purposes of provisions
177 | relating to outdoor advertising; conforming cross-
178 | references; designating pts. I and II of ch. 479, F.S.,
179 | entitled "General Provisions" and "Special Programs,"
180 | respectively; creating pt. III of ch. 479, F.S., entitled
181 | "Sign Removal"; creating s. 479.310, F.S.; providing
182 | intent relating to unpermitted and illegal signs; placing
183 | financial responsibility for the removal of such signs;
184 | providing the department authority to recover costs of
185 | removal of such signs; creating s. 479.311, F.S.,
186 | providing jurisdiction to consider claims to recover
187 | costs; defining the term "venue" for the purposes of a
188 | claim filed by the department; creating s. 479.312, F.S.;
189 | providing that costs incurred by the department in
190 | removing certain signs shall be assessed against certain
191 | individuals; providing presumption of a ownership;
192 | creating s. 479.313, F.S.; providing for the assessment of
193 | the cost of removal for signs following the revocation of
194 | a sign permit; creating s. 479.315, F.S.; providing for
195 | the assessment of the cost of removal of signs located
196 | within a highway right-of-way; amending s. 705.18, F.S.;

197 removing provisions for disposal of personal property lost
198 or abandoned at certain public-use airports; creating s.
199 705.182, F.S.; providing for disposal of personal property
200 found on premises owned or controlled by the operator of a
201 public-use airport; providing a timeframe for the property
202 to be claimed; providing options for disposing of such
203 personal property; providing procedures for selling
204 abandoned personal property; providing for notice of sale;
205 providing that the rightful owner of such property may
206 reclaim the property at any time prior to sale; permitting
207 airport tenants to establish lost and found procedures;
208 providing that purchaser holds title to the property free
209 of the rights of persons then holding any legal or
210 equitable interest thereto; creating s. 705.183, F.S.;
211 providing for disposition of derelict or abandoned
212 aircraft on the premises of public-use airports; providing
213 procedures for such disposition; requiring a record of
214 when the aircraft is found; defining the terms "derelict
215 aircraft" and "abandoned aircraft"; providing for
216 notification of aircraft owner and all persons having an
217 equitable or legal interest in the aircraft; providing for
218 notice if the owner of the aircraft is unknown or cannot
219 be found; providing for disposition if the aircraft is not
220 removed upon payment of required fees; requiring any sale
221 of the aircraft to be at a public auction; providing
222 notice requirements for such public auction; providing
223 procedures for disposal of the aircraft; providing for
224 liability if charges and costs related to the disposition

225 are more than that obtained from the sale; providing for a
226 lien by the airport for fees and charges; providing for
227 notice of lien; requiring recording of a claim of lien;
228 providing for the form of the claim of lien; providing for
229 service of the claim of lien; providing that the purchaser
230 of the aircraft takes the property free of rights of
231 persons holding legal or equitable interest in the
232 aircraft; requiring purchaser or recipient to notify the
233 Federal Aviation Administration of change in ownership;
234 providing for disposition of moneys received for an
235 aircraft sold at public sale; authorizing the airport to
236 issue documents relating to the aircraft's disposal;
237 creating s. 705.184, F.S.; providing for disposition of
238 derelict or abandoned motor vehicles on the premises of
239 public-use airports; providing procedures; requiring
240 recording of the abandoned motor vehicle; defining the
241 terms "derelict motor vehicle" and "abandoned motor
242 vehicle"; providing for removal of such motor vehicle from
243 airport premises; providing for notice to the owner, the
244 company insuring the motor vehicle, and any lienholder;
245 providing for disposition if the motor vehicle is not
246 removed upon payment of required fees; requiring any sale
247 of the motor vehicle to be at a public auction; providing
248 notice requirements for such public auction; providing
249 procedures for disposal of the motor vehicle; providing
250 for a lien by the airport or a licensed independent
251 wrecker for fees and charges; providing for notice of
252 lien; requiring recording of a claim of lien; providing

253 | for the form of the claim of lien; providing for service
 254 | of claim of lien; providing that the purchaser of the
 255 | motor vehicle takes the property free of the rights of
 256 | persons holding legal or equitable interest in the motor
 257 | vehicle; amending ss. 163.3180, 288.063, 311.07, 311.09,
 258 | 316.515, 336.01, 338.222, 341.8225, 479.07, 479.156, and
 259 | 479.261, F.S.; correcting cross-references; providing an
 260 | effective date.

261

262 | Be It Enacted by the Legislature of the State of Florida:

263

264 | Section 1. Subsection (7) of section 20.23, Florida
 265 | Statutes, as amended by chapter 2009-271, Laws of Florida, is
 266 | renumbered as subsection (8), and a new subsection (7) is added
 267 | to that section to read:

268 | 20.23 Department of Transportation.—There is created a
 269 | Department of Transportation which shall be a decentralized
 270 | agency.

271 | (7) The department is authorized to continue to grant a
 272 | pay additive of \$75 per pay period for law enforcement officers
 273 | assigned to the Office of Motor Carrier Compliance who maintain
 274 | certification by the Commercial Vehicle Safety Alliance.

275 | Section 2. Paragraph (c) of subsection (12) of section
 276 | 315.03, Florida Statutes, is repealed.

277 | Section 3. Section 316.2122, Florida Statutes, is amended
 278 | to read:

279 | 316.2122 Operation of a low-speed vehicle or mini truck on
 280 | certain roadways.—The operation of a low-speed vehicle as

CS/HB 1271

2010

281 defined in s. 320.01(42) or a mini truck as defined in s.
 282 320.01(45) on any road under the jurisdiction of a county or
 283 municipality or on an urban minor arterial road, determined by
 284 the Department of Transportation using procedures developed by
 285 the Federal Highway Administration, under the jurisdiction of
 286 the Department of Transportation as defined in s. 334.03(15) or
 287 ~~(33)~~ is authorized with the following restrictions:

288 (1) A low-speed vehicle or mini truck may be operated only
 289 on streets where the posted speed limit is 35 miles per hour or
 290 less. This does not prohibit a low-speed vehicle or mini truck
 291 from crossing a road or street at an intersection where the road
 292 or street has a posted speed limit of more than 35 miles per
 293 hour.

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

298 (3) A low-speed vehicle or mini truck must be registered
 299 and insured in accordance with s. 320.02 and titled pursuant to
 300 chapter 319.

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

303 (5) A county or municipality may prohibit the operation of
 304 low-speed vehicles or mini trucks on any road under its
 305 jurisdiction if the governing body of the county or municipality
 306 determines that such prohibition is necessary in the interest of
 307 safety.

308 (6) The Department of Transportation may prohibit the

CS/HB 1271

2010

309 operation of low-speed vehicles or mini trucks on any road under
 310 its jurisdiction if it determines that such prohibition is
 311 necessary in the interest of safety.

312 Section 4. Subsection (5) of section 316.535, Florida
 313 Statutes, is amended to read:

314 316.535 Maximum weights.—

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

320
 321
$$W = 500((LN \div (N-1)) + 12N + 36)$$

322
 323 where W = overall gross weight of the vehicle to the nearest 500
 324 pounds; L = distance in feet between the extreme of the external
 325 axles; and N = number of axles on the vehicle. However, such
 326 overall gross weight of any vehicle or combination of vehicles
 327 may not exceed 80,000 pounds ~~including all enforcement~~
 328 ~~tolerances.~~ The scale tolerance provided in s. 316.545(2) shall
 329 be applicable to all weight limitations of this subsection,
 330 except when a vehicle exceeds the posted weight limit on a road
 331 or bridge. The scale tolerance provided in s. 316.545(2) shall
 332 not apply to cranes. Fines for violations of the total gross
 333 weight limitations provided for in this subsection shall be
 334 based on the amount by which the actual weight of the vehicle
 335 and load exceeds the allowable maximum weight determined under
 336 this subsection plus the scale tolerance provided in s.

337 316.545(2).

338 Section 5. Subsections (2) and (3) of section 316.545,
 339 Florida Statutes, are amended to read:

340 316.545 Weight and load unlawful; special fuel and motor
 341 fuel tax enforcement; inspection; penalty; review.—

342 (2) (a) Whenever an officer, upon weighing a vehicle or
 343 combination of vehicles with load, determines that the axle
 344 weight or gross weight is unlawful, the officer may require the
 345 driver to stop the vehicle in a suitable place and remain
 346 standing until a determination can be made as to the amount of
 347 weight thereon and, if overloaded, the amount of penalty to be
 348 assessed as provided herein. ~~However, any gross weight over and~~
 349 ~~beyond 6,000 pounds beyond the maximum herein set shall be~~
 350 ~~unloaded and all material so unloaded shall be cared for by the~~
 351 ~~owner or operator of the vehicle at the risk of such owner or~~
 352 ~~operator.~~ Except as otherwise provided in this chapter, to
 353 facilitate compliance with and enforcement of the weight limits
 354 established in s. 316.535, weight tables published pursuant to
 355 s. 316.535(7) shall include a 10-percent scale tolerance and
 356 shall thereby reflect the maximum scaled weights allowed any
 357 vehicle or combination of vehicles. As used in this section,
 358 scale tolerance means the allowable deviation from legal weights
 359 established in s. 316.535. Notwithstanding any other provision
 360 of the weight law, if a vehicle or combination of vehicles does
 361 not exceed the gross, external bridge, or internal bridge weight
 362 limits imposed in s. 316.535 and the driver of such vehicle or
 363 combination of vehicles can comply with the requirements of this
 364 chapter by shifting or equalizing the load on all wheels or

CS/HB 1271

2010

365 axles and does so when requested by the proper authority, the
 366 driver shall not be held to be operating in violation of said
 367 weight limits. Any vehicle or combination of vehicles which
 368 exceeds the gross or external bridge weight limits imposed in s.
 369 316.535(3), (4), or (6) over and beyond 6,000 pounds shall be
 370 unloaded and all material so unloaded shall be cared for by the
 371 owner or operator of the vehicle at the risk of such owner or
 372 operator. Any vehicle or combination of vehicles which exceeds
 373 the gross or external bridge weight limits imposed in s.
 374 316.535(5) shall be unloaded and all material so unloaded shall
 375 be cared for by the owner or operator of the vehicle at the risk
 376 of such owner or operator.

377 (b) The officer shall inspect the license plate or
 378 registration certificate of the commercial vehicle, as defined
 379 in s. 316.003(66), to determine if its gross weight is in
 380 compliance with the declared gross vehicle weight. If its gross
 381 weight exceeds the declared weight, the penalty shall be 5 cents
 382 per pound on the difference between such weights. In those cases
 383 when the commercial vehicle, as defined in s. 316.003(66), is
 384 being operated over the highways of the state with an expired
 385 registration or with no registration from this or any other
 386 jurisdiction or is not registered under the applicable
 387 provisions of chapter 320, the penalty herein shall apply on the
 388 basis of 5 cents per pound on that scaled weight which exceeds
 389 35,000 pounds on laden truck tractor-semitrailer combinations or
 390 tandem trailer truck combinations, 10,000 pounds on laden
 391 straight trucks or straight truck-trailer combinations, or
 392 10,000 pounds on any unladen commercial motor vehicle. If the

CS/HB 1271

2010

393 license plate or registration has not been expired for more than
394 90 days, the penalty imposed under this paragraph may not exceed
395 \$1,000. In the case of special mobile equipment as defined in s.
396 316.003(48), which qualifies for the license tax provided for in
397 s. 320.08(5)(b), being operated on the highways of the state
398 with an expired registration or otherwise not properly
399 registered under the applicable provisions of chapter 320, a
400 penalty of \$75 shall apply in addition to any other penalty
401 which may apply in accordance with this chapter. A vehicle found
402 in violation of this section may be detained until the owner or
403 operator produces evidence that the vehicle has been properly
404 registered. Any costs incurred by the retention of the vehicle
405 shall be the sole responsibility of the owner. A person who has
406 been assessed a penalty pursuant to this paragraph for failure
407 to have a valid vehicle registration certificate pursuant to the
408 provisions of chapter 320 is not subject to the delinquent fee
409 authorized in s. 320.07 if such person obtains a valid
410 registration certificate within 10 working days after such
411 penalty was assessed.

412 (c) Weight limits established and posted for a road or
413 bridge pursuant to s. 316.555 and weight limits specified in
414 special permits issued pursuant to s. 316.550 shall be deemed to
415 include all allowable tolerances. In those cases when a vehicle
416 or combination of vehicles exceeds the weight limits established
417 and posted for a road or bridge pursuant to s. 316.555, or
418 exceeds the weight limits permitted in a special permit issued
419 pursuant to s. 316.550, the penalty shall be 5 cents per pound
420 on the difference between the scale weight of the vehicle and

421 the weight limits for such posted road or bridge or permitted in
 422 such special permit. However, if a special permit is declared
 423 invalid in accordance with rules promulgated pursuant to s.
 424 316.550, the penalties imposed in subsection (3) shall apply to
 425 those weights which exceed the limits established in s. 316.535.

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

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

432 (b) Five cents per pound for each pound of weight in
 433 excess of the maximum herein provided when the excess weight
 434 exceeds 200 pounds. However, whenever the gross weight of the
 435 vehicle or combination of vehicles does not exceed the maximum
 436 allowable gross weight, the maximum fine for the first 600
 437 pounds of unlawful axle weight shall be \$10;

438 (c) For a vehicle equipped with fully functional idle-
 439 reduction technology, any penalty shall be calculated by
 440 reducing the actual gross vehicle weight or the internal bridge
 441 weight by the certified weight of the idle-reduction technology
 442 or by 400 pounds, whichever is less. The vehicle operator must
 443 present written certification of the weight of the idle-
 444 reduction technology and must demonstrate or certify that the
 445 idle-reduction technology is fully functional at all times. This
 446 calculation is not allowed for vehicles described in s.
 447 316.535(6);

448 (d)-(e) An apportioned motor vehicle, as defined in s.

CS/HB 1271

2010

449 | 320.01, operating on the highways of this state without being
 450 | properly licensed and registered shall be subject to the
 451 | penalties as herein provided; and

452 | ~~(e)~~ Vehicles operating on the highways of this state
 453 | from nonmember International Registration Plan jurisdictions
 454 | which are not in compliance with the provisions of s. 316.605
 455 | shall be subject to the penalties as herein provided.

456 | Section 6. Subsection (7) of section 318.18, Florida
 457 | Statutes, is amended to read:

458 | 318.18 Amount of penalties.—The penalties required for a
 459 | noncriminal disposition pursuant to s. 318.14 or a criminal
 460 | offense listed in s. 318.17 are as follows:

461 | (7) Mandatory \$100 fine for each violation of s. 316.1001
 462 | plus the amount of the unpaid toll shown on the traffic citation
 463 | for each citation issued. The clerk of the court shall forward
 464 | \$25 of the \$100 fine received, plus the amount of the unpaid
 465 | toll that is shown on the citation, to the governmental entity
 466 | that issued the citation for citations issued by toll
 467 | enforcement officers or to the entity administering the tolls at
 468 | the facility where the violation occurred for citations issued
 469 | by law enforcement officers. However, a person may elect to pay
 470 | \$30 to the clerk of the court, plus the amount of the unpaid
 471 | toll that is shown on the citation, in which case adjudication
 472 | is withheld, and no points are assessed under s. 322.27. Upon
 473 | receipt of the \$30 and unpaid toll amount, the clerk of the
 474 | court shall retain \$5 for administrative purposes and shall
 475 | forward the remaining \$25, plus the amount of the unpaid toll
 476 | shown on the citation, to the governmental entity that issued

CS/HB 1271

2010

477 the citation for citations issued by toll enforcement officers
478 or to the entity administering the tolls at the facility where
479 the violation occurred for citations issued by law enforcement
480 officers. Additionally, adjudication shall be withheld and no
481 points shall be assessed under s. 322.27, except when
482 adjudication is imposed by the court after a hearing pursuant to
483 s. 318.14(5), ~~or on whose behalf the citation was issued.~~ If a
484 plea arrangement is reached prior to the date set for a
485 scheduled evidentiary hearing and, as a result of the plea,
486 adjudication is withheld, there shall be a mandatory fine
487 assessed per citation of not less than \$50 and not more than
488 \$100, plus the amount of the unpaid toll for each citation
489 issued. The clerk of the court shall forward \$25 of the fine
490 imposed plus the amount of the unpaid toll that is shown on the
491 citation to the governmental entity that issued the citation for
492 citations issued by toll enforcement officers or to the entity
493 administering the tolls at the facility where the violation
494 occurred for citations issued by law enforcement officers ~~or on~~
495 ~~whose behalf the citation was issued.~~ The court shall have
496 specific authority to consolidate issued citations for the same
497 defendant for the purpose of sentencing and aggregate
498 jurisdiction. ~~In addition, the department shall suspend for 60~~
499 ~~days the driver's license of a person who is convicted of 10~~
500 ~~violations of s. 316.1001 within a 36-month period.~~ Any funds
501 received by a governmental entity for this violation may be used
502 for any lawful purpose related to the operation or maintenance
503 of a toll facility.

CS/HB 1271

2010

504 Section 7. Paragraph (b) of subsection (32) of section
505 320.08058, Florida Statutes, is amended to read:

506 320.08058 Specialty license plates.—

507 (32) UNITED WE STAND LICENSE PLATES.—

508 (b) The department shall retain all revenues from the sale
509 of such plates until all startup costs for developing and
510 issuing the plates have been recovered. Thereafter, 100 percent
511 of the annual use fee shall be distributed to the Department of
512 Transportation to fund security-related aviation projects
513 pursuant to chapter 332 SAFE Council to fund a grant program to
514 enhance security at airports throughout the state, pursuant to
515 s. 332.14.

516 Section 8. Paragraph (d) of subsection (3) of section
517 322.27, Florida Statutes, is amended to read:

518 322.27 Authority of department to suspend or revoke
519 license.—

520 (3) There is established a point system for evaluation of
521 convictions of violations of motor vehicle laws or ordinances,
522 and violations of applicable provisions of s. 403.413(6) (b) when
523 such violations involve the use of motor vehicles, for the
524 determination of the continuing qualification of any person to
525 operate a motor vehicle. The department is authorized to suspend
526 the license of any person upon showing of its records or other
527 good and sufficient evidence that the licensee has been
528 convicted of violation of motor vehicle laws or ordinances, or
529 applicable provisions of s. 403.413(6) (b), amounting to 12 or
530 more points as determined by the point system. The suspension
531 shall be for a period of not more than 1 year.

CS/HB 1271

2010

- 532 (d) The point system shall have as its basic element a
533 graduated scale of points assigning relative values to
534 convictions of the following violations:
- 535 1. Reckless driving, willful and wanton—4 points.
 - 536 2. Leaving the scene of a crash resulting in property
537 damage of more than \$50—6 points.
 - 538 3. Unlawful speed resulting in a crash—6 points.
 - 539 4. Passing a stopped school bus—4 points.
 - 540 5. Unlawful speed:
 - 541 a. Not in excess of 15 miles per hour of lawful or posted
542 speed—3 points.
 - 543 b. In excess of 15 miles per hour of lawful or posted
544 speed—4 points.
 - 545 6. A violation of a traffic control signal device as
546 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 - 547 7. All other moving violations (including parking on a
548 highway outside the limits of a municipality)—3 points. However,
549 no points shall be imposed for a violation of s. 316.0741 or s.
550 316.2065(12); and points shall be imposed for a violation of s.
551 316.1001 only when imposed by the court after a hearing pursuant
552 to s. 318.14(5).
 - 553 8. Any moving violation covered above, excluding unlawful
554 speed, resulting in a crash—4 points.
 - 555 9. Any conviction under s. 403.413(6)(b)—3 points.
 - 556 10. Any conviction under s. 316.0775(2)—4 points.
- 557 Section 9. Section 332.14, Florida Statutes, is repealed.
558 Section 10. All funds accrued by the Secure Airports for
559 Florida's Economy Council prior to July 1, 2010, shall be

560 retained by the Department of Transportation. The Department of
 561 Transportation is authorized to use these funds for statewide
 562 training purposes relating to airport security and management.
 563 The Department of Transportation is further authorized to use
 564 these funds for security-related aviation projects pursuant to
 565 chapter 332, Florida Statutes.

566 Section 11. Section 334.03, Florida Statutes, is amended
 567 to read:

568 334.03 Definitions.—When used in the Florida
 569 Transportation Code, the term:

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

575 (1)-(2) "Bridge" means a structure, including supports,
 576 erected over a depression or an obstruction, such as water or a
 577 highway or railway, and having a track or passageway for
 578 carrying traffic as defined in chapter 316 or other moving
 579 loads.

580 (2)-(3) "City street system" means all local roads within a
 581 municipality that were under the jurisdiction of that
 582 municipality on June 10, 1995; roads transferred to the
 583 municipality's jurisdiction after that date by mutual consent
 584 with another governmental entity, but not including roads so
 585 transferred from the municipality's jurisdiction; and roads
 586 constructed by a municipality for its street system,
 587 ~~and all collector roads inside that municipality, which are not in the~~

588 ~~county road system.~~

589 ~~(4) "Collector road" means a route providing service which~~
 590 ~~is of relatively moderate average traffic volume, moderately~~
 591 ~~average trip length, and moderately average operating speed.~~
 592 ~~Such a route also collects and distributes traffic between local~~
 593 ~~roads or arterial roads and serves as a linkage between land~~
 594 ~~access and mobility needs.~~

595 ~~(3)~~(5) "Commissioners" means the governing body of a
 596 county.

597 ~~(4)~~(6) "Consolidated metropolitan statistical area" means
 598 two or more metropolitan statistical areas that are socially and
 599 economically interrelated as defined by the United States Bureau
 600 of the Census.

601 ~~(5)~~(7) "Controlled access facility" means a street or
 602 highway to which the right of access is highly regulated by the
 603 governmental entity having jurisdiction over the facility in
 604 order to maximize the operational efficiency and safety of the
 605 high-volume through traffic utilizing the facility. Owners or
 606 occupants of abutting lands and other persons have a right of
 607 access to or from such facility at such points only and in such
 608 manner as may be determined by the governmental entity.

609 ~~(6)~~(8) "County road system" means all roads within a
 610 county which were under the jurisdiction of that county on June
 611 10, 1995; roads transferred to the county's jurisdiction after
 612 that date by mutual consent with another governmental entity,
 613 but not including roads so transferred from the county's
 614 jurisdiction; and roads constructed by a county for that
 615 county's road system ~~collector roads in the unincorporated areas~~

CS/HB 1271

2010

616 ~~of a county and all extensions of such collector roads into and~~
617 ~~through any incorporated areas, all local roads in the~~
618 ~~unincorporated areas, and all urban minor arterial roads not in~~
619 ~~the State Highway System.~~

620 (7)~~(9)~~ "Department" means the Department of
621 Transportation.

622 (8)~~(10)~~ "Florida Intrastate Highway System" means a system
623 of limited access and controlled access facilities on the State
624 Highway System which have the capacity to provide high-speed and
625 high-volume traffic movements in an efficient and safe manner.

626 (9)~~(11)~~ "Functional classification" means the assignment
627 of roads into systems according to the character of service they
628 provide in relation to the total road network using procedures
629 developed by the Federal Highway Administration. ~~Basic~~
630 ~~functional categories include arterial roads, collector roads,~~
631 ~~and local roads which may be subdivided into principal, major,~~
632 ~~or minor levels. Those levels may be additionally divided into~~
633 ~~rural and urban categories.~~

634 (10)~~(12)~~ "Governmental entity" means a unit of government,
635 or any officially designated public agency or authority of a
636 unit of government, that has the responsibility for planning,
637 construction, operation, or maintenance or jurisdiction over
638 transportation facilities; the term includes the Federal
639 Government, the state government, a county, an incorporated
640 municipality, a metropolitan planning organization, an
641 expressway or transportation authority, a road and bridge
642 district, a special road and bridge district, and a regional
643 governmental unit.

644 (11)~~(13)~~ "Limited access facility" means a street or
645 highway especially designed for through traffic, and over, from,
646 or to which owners or occupants of abutting land or other
647 persons have no right or easement of access, light, air, or view
648 by reason of the fact that their property abuts upon such
649 limited access facility or for any other reason. Such highways
650 or streets may be facilities from which trucks, buses, and other
651 commercial vehicles are excluded; or they may be facilities open
652 to use by all customary forms of street and highway traffic.

653 (12)~~(14)~~ "Local governmental entity" means a unit of
654 government with less than statewide jurisdiction, or any
655 officially designated public agency or authority of such a unit
656 of government, that has the responsibility for planning,
657 construction, operation, or maintenance of, or jurisdiction
658 over, a transportation facility; the term includes, but is not
659 limited to, a county, an incorporated municipality, a
660 metropolitan planning organization, an expressway or
661 transportation authority, a road and bridge district, a special
662 road and bridge district, and a regional governmental unit.

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

667 (13)~~(16)~~ "Metropolitan area" means a geographic region
668 comprising as a minimum the existing urbanized area and the
669 contiguous area projected to become urbanized within a 20-year
670 forecast period. The boundaries of a metropolitan area may be
671 designated so as to encompass a metropolitan statistical area or

672 a consolidated metropolitan statistical area. If a metropolitan
 673 area, or any part thereof, is located within a nonattainment
 674 area, the boundaries of the metropolitan area must be designated
 675 so as to include the boundaries of the entire nonattainment
 676 area, unless otherwise provided by agreement between the
 677 applicable metropolitan planning organization and the Governor.

678 (14)~~(17)~~ "Metropolitan statistical area" means an area
 679 that includes a municipality of 50,000 persons or more, or an
 680 urbanized area of at least 50,000 persons as defined by the
 681 United States Bureau of the Census, provided that the component
 682 county or counties have a total population of at least 100,000.

683 (15)~~(18)~~ "Nonattainment area" means an area designated by
 684 the United States Environmental Protection Agency, pursuant to
 685 federal law, as exceeding national primary or secondary ambient
 686 air quality standards for the pollutants carbon monoxide or
 687 ozone.

688 (16)~~(19)~~ "Periodic maintenance" means activities that are
 689 large in scope and require a major work effort to restore
 690 deteriorated components of the transportation system to a safe
 691 and serviceable condition, including, but not limited to, the
 692 repair of large bridge structures, major repairs to bridges and
 693 bridge systems, and the mineral sealing of lengthy sections of
 694 roadway.

695 (17)~~(20)~~ "Person" means any person described in s. 1.01 or
 696 any unit of government in or outside the state.

697 (18)~~(21)~~ "Right of access" means the right of ingress to a
 698 highway from abutting land and egress from a highway to abutting
 699 land.

CS/HB 1271

2010

700 ~~(19)-(22)~~ "Right-of-way" means land in which the state, the
 701 department, a county, or a municipality owns the fee or has an
 702 easement devoted to or required for use as a transportation
 703 facility.

704 ~~(20)-(23)~~ "Road" means a way open to travel by the public,
 705 including, but not limited to, a street, highway, or alley. The
 706 term includes associated sidewalks, the roadbed, the right-of-
 707 way, and all culverts, drains, sluices, ditches, water storage
 708 areas, waterways, embankments, slopes, retaining walls, bridges,
 709 tunnels, and viaducts necessary for the maintenance of travel
 710 and all ferries used in connection therewith.

711 ~~(21)-(24)~~ "Routine maintenance" means minor repairs and
 712 associated tasks necessary to maintain a safe and efficient
 713 transportation system. The term includes: pavement patching;
 714 shoulder repair; cleaning and repair of drainage ditches,
 715 traffic signs, and structures; mowing; bridge inspection and
 716 maintenance; pavement striping; litter cleanup; and other
 717 similar activities.

718 ~~(22)-(25)~~ "State Highway System" means ~~the following, which~~
 719 ~~shall be facilities to which access is regulated:~~

720 ~~(a)~~ the interstate system and all other roads within the
 721 state which were under the jurisdiction of the state on June 10,
 722 1995; roads transferred to the state's jurisdiction after that
 723 date by mutual consent with another governmental entity, but not
 724 including roads so transferred from the state's jurisdiction;
 725 and roads constructed by an agency of the state for the State
 726 Highway System. These facilities shall be facilities to which
 727 access is regulated.‡

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

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

731 ~~(d) The urban minor arterial mileage on the existing State~~
732 ~~Highway System as of July 1, 1987, plus additional mileage to~~
733 ~~comply with the 2 percent requirement as described below.~~
734

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

738 ~~Urbanized areas not meeting the foregoing minimum requirement~~
739 ~~shall have transferred to the State Highway System additional~~
740 ~~minor arterials of the highest significance in which case the~~
741 ~~total minor arterials in the State Highway System from any~~
742 ~~urbanized area shall not exceed 2.5 percent of that area's total~~
743 ~~public urban road mileage.~~

744 (23)~~(26)~~ "State Park Road System" means roads embraced
745 within the boundaries of state parks and state roads leading to
746 state parks, other than roads of the State Highway System, the
747 county road systems, or the city street systems.

748 (24)~~(27)~~ "State road" means a street, road, highway, or
749 other way open to travel by the public generally and dedicated
750 to the public use according to law or by prescription and
751 designated by the department, as provided by law, as part of the
752 State Highway System.

753 (25)~~(28)~~ "Structure" means a bridge, viaduct, tunnel,
754 causeway, approach, ferry slip, culvert, toll plaza, gate, or
755 other similar facility used in connection with a transportation

CS/HB 1271

2010

756 facility.

757 (26)~~(29)~~ "Sufficiency rating" means the objective rating
758 of a road or section of a road for the purpose of determining
759 its capability to serve properly the actual or anticipated
760 volume of traffic using the road.

761 (27)~~(30)~~ "Transportation corridor" means any land area
762 designated by the state, a county, or a municipality which is
763 between two geographic points and which area is used or suitable
764 for the movement of people and goods by one or more modes of
765 transportation, including areas necessary for management of
766 access and securing applicable approvals and permits.

767 Transportation corridors shall contain, but are not limited to,
768 the following:

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

770 (b) All property or property interests necessary for
771 future transportation facilities, including rights of access,
772 air, view, and light, whether public or private, for the purpose
773 of securing and utilizing future transportation rights-of-way,
774 including, but not limited to, any lands reasonably necessary
775 now or in the future for securing applicable approvals and
776 permits, borrow pits, drainage ditches, water retention areas,
777 rest areas, replacement access for landowners whose access could
778 be impaired due to the construction of a future facility, and
779 replacement rights-of-way for relocation of rail and utility
780 facilities.

781 (28)~~(31)~~ "Transportation facility" means any means for the
782 transportation of people or property from place to place which
783 is constructed, operated, or maintained in whole or in part from

784 public funds. The term includes the property or property rights,
 785 both real and personal, which have been or may be established by
 786 public bodies for the transportation of people or property from
 787 place to place.

788 (29)~~(32)~~ "Urban area" means a geographic region comprising
 789 as a minimum the area inside the United States Bureau of the
 790 Census boundary of an urban place with a population of 5,000 or
 791 more persons, expanded to include adjacent developed areas as
 792 provided for by Federal Highway Administration regulations.

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

799 (30)~~(34)~~ "Urban place" means a geographic region composed
 800 of one or more contiguous census tracts that have been found by
 801 the United States Bureau of the Census to contain a population
 802 density of at least 1,000 persons per square mile.

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

809 (31)~~(36)~~ "Urbanized area" means a geographic region
 810 comprising as a minimum the area inside an urban place of 50,000
 811 or more persons, as designated by the United States Bureau of

CS/HB 1271

2010

812 the Census, expanded to include adjacent developed areas as
 813 provided for by Federal Highway Administration regulations.
 814 Urban areas with a population of fewer than 50,000 persons which
 815 are located within the expanded boundary of an urbanized area
 816 are not separately recognized.

817 (32)~~(37)~~ "511" or "511 services" means three-digit
 818 telecommunications dialing to access interactive voice response
 819 telephone traveler information services provided in the state as
 820 defined by the Federal Communications Commission in FCC Order
 821 No. 00-256, July 31, 2000.

822 (33)~~(38)~~ "Interactive voice response" means a software
 823 application that accepts a combination of voice telephone input
 824 and touch-tone keypad selection and provides appropriate
 825 responses in the form of voice, fax, callback, e-mail, and other
 826 media.

827 Section 12. Subsections (11) and (13) of section 334.044,
 828 Florida Statutes, are amended to read:

829 334.044 Department; powers and duties.—The department
 830 shall have the following general powers and duties:

831 (11) To establish a numbering system for public roads and~~7~~
 832 ~~to functionally classify such roads, and to assign~~
 833 ~~jurisdictional responsibility.~~

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

837 Section 13. Section 334.047, Florida Statutes, is amended
 838 to read:

839 334.047 Prohibition.—Notwithstanding any other provision

840 of law to the contrary, the Department of Transportation may not
 841 establish a cap on the number of miles in the State Highway
 842 System ~~or a maximum number of miles of urban principal arterial~~
 843 ~~roads, as defined in s. 334.03, within a district or county.~~

844 Section 14. Subsection (1) of section 337.14, Florida
 845 Statutes, is amended to read:

846 337.14 Application for qualification; certificate of
 847 qualification; restrictions; request for hearing.—

848 (1) Any person desiring to bid for the performance of any
 849 construction contract in excess of \$250,000 which the department
 850 proposes to let must first be certified by the department as
 851 qualified pursuant to this section and rules of the department.
 852 The rules of the department shall address the qualification of
 853 persons to bid on construction contracts in excess of \$250,000
 854 and shall include requirements with respect to the equipment,
 855 past record, experience, financial resources, and organizational
 856 personnel of the applicant necessary to perform the specific
 857 class of work for which the person seeks certification. The
 858 department is authorized to limit the dollar amount of any
 859 contract upon which a person is qualified to bid or the
 860 aggregate total dollar volume of contracts such person is
 861 allowed to have under contract at any one time. Each applicant
 862 seeking qualification to bid on construction contracts in excess
 863 of \$250,000 shall furnish the department a statement under oath,
 864 on such forms as the department may prescribe, setting forth
 865 detailed information as required on the application. Each
 866 application for certification shall be accompanied by the latest
 867 annual financial statement of the applicant completed within the

868 last 12 months. If the application or the annual financial
 869 statement shows the financial condition of the applicant more
 870 than 4 months prior to the date on which the application is
 871 received by the department, then an interim financial statement
 872 must ~~also~~ be submitted and be accompanied by an updated
 873 application. The interim financial statement must cover the
 874 period from the end date of the annual statement and must show
 875 the financial condition of the applicant no more than 4 months
 876 prior to the date the interim financial statement ~~on which the~~
 877 ~~application~~ is received by the department. Each required annual
 878 or interim financial statement must be audited and accompanied
 879 by the opinion of a certified public accountant or a public
 880 accountant approved by the department. The information required
 881 by this subsection is confidential and exempt from the
 882 provisions of s. 119.07(1). The department shall act upon the
 883 application for qualification within 30 days after the
 884 department determines that the application is complete. The
 885 department may waive the requirements of this subsection for
 886 projects having a contract price of \$500,000 or less if the
 887 department determines that the project is of a noncritical
 888 nature and the waiver will not endanger public health, safety,
 889 or property.

890 Section 15. Subsection (1) of section 337.401, Florida
 891 Statutes, is amended to read:

892 337.401 Use of right-of-way for utilities subject to
 893 regulation; permit; fees.—

894 (1) (a) The department and local governmental entities,
 895 referred to in ss. 337.401-337.404 as the "authority," that have

896 jurisdiction and control of public roads or publicly owned rail
 897 corridors are authorized to prescribe and enforce reasonable
 898 rules or regulations with reference to the placing and
 899 maintaining along, across, or on any road or publicly owned rail
 900 corridors under their respective jurisdictions any electric
 901 transmission, telephone, telegraph, or other communications
 902 services lines; pole lines; poles; railways; ditches; sewers;
 903 water, heat, or gas mains; pipelines; fences; gasoline tanks and
 904 pumps; or other structures referred to in this section as the
 905 "utility." ~~For aerial and underground electric utility~~
 906 ~~transmission lines designed to operate at 69 or more kilovolts~~
 907 ~~that are needed to accommodate the additional electrical~~
 908 ~~transfer capacity on the transmission grid resulting from new~~
 909 ~~base-load generating facilities, where there is no other~~
 910 ~~practicable alternative available for placement of the electric~~
 911 ~~utility transmission lines on the department's rights-of-way,~~
 912 ~~the department's rules shall provide for placement of and access~~
 913 ~~to such transmission lines adjacent to and within the right-of-~~
 914 ~~way of any department-controlled public roads, including~~
 915 ~~longitudinally within limited access facilities to the greatest~~
 916 ~~extent allowed by federal law, if compliance with the standards~~
 917 ~~established by such rules is achieved. Such rules may include,~~
 918 ~~but need not be limited to, that the use of the right-of-way is~~
 919 ~~reasonable based upon a consideration of economic and~~
 920 ~~environmental factors, including, without limitation, other~~
 921 ~~practicable alternative alignments, utility corridors and~~
 922 ~~easements, impacts on adjacent property owners, and minimum~~
 923 ~~clear zones and other safety standards, and further provide that~~

924 ~~placement of the electric utility transmission lines within the~~
 925 ~~department's right-of-way does not interfere with operational~~
 926 ~~requirements of the transportation facility or planned or~~
 927 ~~potential future expansion of such transportation facility. If~~
 928 ~~the department approves longitudinal placement of electric~~
 929 ~~utility transmission lines in limited access facilities,~~
 930 ~~compensation for the use of the right-of-way is required. Such~~
 931 ~~consideration or compensation paid by the electric utility in~~
 932 ~~connection with the department's issuance of a permit does not~~
 933 ~~create any property right in the department's property~~
 934 ~~regardless of the amount of consideration paid or the~~
 935 ~~improvements constructed on the property by the utility. Upon~~
 936 ~~notice by the department that the property is needed for~~
 937 ~~expansion or improvement of the transportation facility, the~~
 938 ~~electric utility transmission line will relocate from the~~
 939 ~~facility at the electric utility's sole expense. The electric~~
 940 ~~utility shall pay to the department reasonable damages resulting~~
 941 ~~from the utility's failure or refusal to timely relocate its~~
 942 ~~transmission lines. The rules to be adopted by the department~~
 943 ~~may also address the compensation methodology and relocation. As~~
 944 ~~used in this subsection, the term "base-load generating~~
 945 ~~facilities" means electric power plants that are certified under~~
 946 ~~part II of chapter 403. The department may enter into a permit-~~
 947 ~~delegation agreement with a governmental entity if issuance of a~~
 948 ~~permit is based on requirements that the department finds will~~
 949 ~~ensure the safety and integrity of facilities of the Department~~
 950 ~~of Transportation; however, the permit-delegation agreement does~~
 951 ~~not apply to facilities of electric utilities as defined in s.~~

CS/HB 1271

2010

952 366.02 (2) .

953 (b) For aerial and underground electric utility

954 transmission lines designed to operate at 69 or more kilovolts

955 that are needed to accommodate the additional electrical

956 transfer capacity on the transmission grid resulting from new

957 base-load generating facilities, the department's rules shall

958 provide for placement of and access to such transmission lines

959 adjacent to and within the right-of-way of any department-

960 controlled public roads, including longitudinally within limited

961 access facilities where there is no other practicable

962 alternative available, to the greatest extent allowed by federal

963 law, if compliance with the standards established by such rules

964 is achieved. Such rules may include, but need not be limited to,

965 that the use of the limited access right-of-way for longitudinal

966 placement of electric utility transmission lines is reasonable

967 based upon a consideration of economic and environmental

968 factors, including, without limitation, other practicable

969 alternative alignments, utility corridors and easements, impacts

970 on adjacent property owners, and minimum clear zones and other

971 safety standards, and further provide that placement of the

972 electric utility transmission lines within the department's

973 right-of-way does not interfere with operational requirements of

974 the transportation facility or planned or potential future

975 expansion of such transportation facility. If the department

976 approves longitudinal placement of electric utility transmission

977 lines in limited access facilities, compensation for the use of

978 the right-of-way is required. Such consideration or compensation

979 paid by the electric utility in connection with the department's

980 issuance of a permit does not create any property right in the
 981 department's property regardless of the amount of consideration
 982 paid or the improvements constructed on the property by the
 983 utility. Upon notice by the department that the property is
 984 needed for expansion or improvement of the transportation
 985 facility, the electric utility transmission line will relocate
 986 at the electric utility's sole expense. The electric utility
 987 shall pay to the department reasonable damages resulting from
 988 the utility's failure or refusal to timely relocate its
 989 transmission lines. The rules to be adopted by the department
 990 may also address the compensation methodology and relocation. As
 991 used in this subsection, the term "base-load generating
 992 facilities" means electric power plants that are certified under
 993 part II of chapter 403.

994 Section 16. Subsection (1) of section 338.155, Florida
 995 Statutes, is amended to read:

996 338.155 Payment of toll on toll facilities required;
 997 exemptions.—

998 (1) No persons are permitted to use any toll facility
 999 without payment of tolls, except employees of the agency
 1000 operating the toll project when using the toll facility on
 1001 official state business, state military personnel while on
 1002 official military business, handicapped persons as provided in
 1003 this section, persons exempt from toll payment by the
 1004 authorizing resolution for bonds issued to finance the facility,
 1005 and persons exempt on a temporary basis where use of such toll
 1006 facility is required as a detour route. Any law enforcement
 1007 officer operating a marked official vehicle is exempt from toll

CS/HB 1271

2010

1008 payment when on official law enforcement business. Any person
 1009 operating a fire vehicle when on official business or a rescue
 1010 vehicle when on official business is exempt from toll payment.
 1011 Any person participating in the funeral procession of a law
 1012 enforcement officer or firefighter killed in the line of duty is
 1013 exempt from toll payment. The secretary, or the secretary's
 1014 designee, may suspend the payment of tolls on a toll facility
 1015 when necessary to assist in emergency evacuation. The failure to
 1016 pay a prescribed toll constitutes a noncriminal traffic
 1017 infraction, punishable as a moving violation pursuant to s.
 1018 318.18. The department is authorized to adopt rules relating to
 1019 the payment, collection, and enforcement of tolls, including,
 1020 but not limited to, rules for the implementation of video or
 1021 other image billing and variable pricing ~~guaranteed toll~~
 1022 ~~accounts.~~

1023 Section 17. Paragraph (q) is added to subsection (2) of
 1024 section 343.64, Florida Statutes, to read:

1025 343.64 Powers and duties.—

1026 (2) The authority may exercise all powers necessary,
 1027 appurtenant, convenient, or incidental to the carrying out of
 1028 the aforesaid purposes, including, but not limited to, the
 1029 following rights and powers:

1030 (q) Notwithstanding s. 343.65, to borrow money in a
 1031 principal amount not to exceed \$10 million in any calendar year
 1032 to refinance all or part of the costs or obligations of the
 1033 authority, including, but not limited to, obligations of the
 1034 authority as a lessee under a lease.

1035 Section 18. Subsection (3) of section 348.51, Florida

CS/HB 1271

2010

1036 Statutes, is amended to read:

1037 348.51 Definitions.—The following terms whenever used or
 1038 referred to in this part shall have the following meanings,
 1039 except in those instances where the context clearly indicates
 1040 otherwise:

1041 (3) "Bonds" means and includes the notes, bonds, refunding
 1042 bonds, or other evidences of indebtedness or obligations, in
 1043 either temporary or definitive form, which ~~of~~ the authority is
 1044 authorized to issue ~~issued~~ pursuant to this part.

1045 Section 19. Section 348.545, Florida Statutes, is amended
 1046 to read:

1047 348.545 Facility improvement; bond financing authority.—
 1048 Pursuant to s. 11(f), Art. VII of the State Constitution, the
 1049 Legislature hereby approves for bond financing by the Tampa-
 1050 Hillsborough County Expressway Authority improvements to toll
 1051 collection facilities, interchanges to the legislatively
 1052 approved expressway system, and any other facility appurtenant,
 1053 necessary, or incidental to the approved system. Subject to
 1054 terms and conditions of applicable revenue bond resolutions and
 1055 covenants, such costs ~~financing~~ may be financed in whole or in
 1056 part by revenue bonds issued pursuant to s. 348.56(1)(a) or (b),
 1057 whether currently issued or issued in the future, or by a
 1058 combination of such bonds.

1059 Section 20. Subsections (1) and (2) of section 348.56,
 1060 Florida Statutes, are amended to read:

1061 348.56 Bonds of the authority.—

1062 (1) (a) Bonds may be issued on behalf of the authority
 1063 pursuant to the State Bond Act.

1064 (b) Alternatively, the authority shall have the power and
 1065 is hereby authorized from time to time to issue bonds in such
 1066 principal amount as, in the opinion of the authority, shall be
 1067 necessary to provide sufficient moneys for achieving its
 1068 corporate purposes, including construction, reconstruction,
 1069 improvement, extension, repair, maintenance and operation of the
 1070 expressway system, the cost of acquisition of all real property,
 1071 interest on bonds during construction and for a reasonable
 1072 period thereafter, establishment of reserves to secure bonds,
 1073 and all other expenditures of the authority incident to and
 1074 necessary or convenient to carry out its corporate purposes and
 1075 powers.

1076 (2) (a) Bonds issued by the authority pursuant to paragraph
 1077 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
 1078 the members of the authority and shall bear such date or dates,
 1079 mature at such time or times, not exceeding 40 years from their
 1080 respective dates, bear interest at such rate or rates, not
 1081 exceeding the maximum rate fixed by general law for authorities,
 1082 be in such denominations, be in such form, either coupon or
 1083 fully registered, carry such registration, exchangeability and
 1084 interchangeability privileges, be payable in such medium of
 1085 payment and at such place or places, be subject to such terms of
 1086 redemption and be entitled to such priorities of lien on the
 1087 revenues, other available moneys, and the Hillsborough County
 1088 gasoline tax funds as such resolution or any resolution
 1089 subsequent thereto may provide. The bonds shall be executed
 1090 either by manual or facsimile signature by such officers as the
 1091 authority shall determine, provided that such bonds shall bear

CS/HB 1271

2010

1092 at least one signature which is manually executed thereon. The
 1093 coupons attached to such bonds shall bear the facsimile
 1094 signature or signatures of such officer or officers as shall be
 1095 designated by the authority. Such bonds shall have the seal of
 1096 the authority affixed, imprinted, reproduced, or lithographed
 1097 thereon.

1098 (b) The bonds issued pursuant to paragraph (1)(a) or
 1099 paragraph (1)(b) shall be sold at public sale in the same manner
 1100 provided in the State Bond Act, ~~and the net interest cost to the~~
 1101 ~~authority on such bonds shall not exceed the maximum rate fixed~~
 1102 ~~by general law for authorities. If all bids received on the~~
 1103 ~~public sale are rejected, the authority may then proceed to~~
 1104 ~~negotiate for the sale of the bonds at a net interest cost which~~
 1105 ~~shall be less than the lowest net interest cost stated in the~~
 1106 ~~bids rejected at the public sale. However, if the authority~~
 1107 determines, by official action at a public meeting, that a
 1108 negotiated sale of such bonds is in the best interest of the
 1109 authority, the authority may negotiate the sale of such bonds
 1110 with the underwriter or underwriters designated by the authority
 1111 and the Division of Bond Finance within the State Board of
 1112 Administration with respect to bonds issued pursuant to
 1113 paragraph (1)(a) or solely by the authority with respect to
 1114 bonds issued pursuant to paragraph (1)(b). The authority's
 1115 determination to negotiate the sale of such bonds may be based,
 1116 in part, upon the written advice of the authority's financial
 1117 adviser. Pending the preparation of definitive bonds, temporary
 1118 bonds or interim certificates may be issued to the purchaser or
 1119 purchasers of such bonds and may contain such terms and

CS/HB 1271

2010

1120 conditions as the authority may determine.

1121 Section 21. Section 348.565, Florida Statutes, is amended
1122 to read:

1123 348.565 Revenue bonds for specified projects.—The existing
1124 facilities that constitute the Tampa-Hillsborough County
1125 Expressway System are hereby approved to be refinanced by ~~the~~
1126 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance
1127 of the State Board of Administration pursuant to s. 11(f), Art.
1128 VII of the State Constitution and the State Bond Act or by
1129 revenue bonds issued by the authority pursuant to s.

1130 348.56(1)(b). In addition, the following projects of the Tampa-
1131 Hillsborough County Expressway Authority are approved to be
1132 financed or refinanced by the issuance of revenue bonds in
1133 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of
1134 the State Constitution:

1135 (1) Brandon area feeder roads.

1136 (2) Capital improvements to the expressway system,
1137 including safety and operational improvements and toll
1138 collection equipment.

1139 (3) Lee Roy Selmon Crosstown Expressway System widening.

1140 (4) The connector highway linking the Lee Roy Selmon
1141 Crosstown Expressway to Interstate 4.

1142 Section 22. Subsection (1) of section 348.57, Florida
1143 Statutes, is amended to read:

1144 348.57 Refunding bonds.—

1145 (1) Subject to public notice as provided in s. 348.54, the
1146 authority is authorized to provide by resolution for the
1147 issuance from time to time of bonds pursuant to s. 348.56(1)(b)

CS/HB 1271

2010

1148 | for the purpose of refunding any bonds then outstanding
 1149 | regardless of whether the bonds being refunded were issued by
 1150 | the authority pursuant to this chapter or on behalf of the
 1151 | authority pursuant to the State Bond Act. The authority is
 1152 | further authorized to provide by resolution for the issuance of
 1153 | bonds for the combined purpose of:

1154 | (a) Paying the cost of constructing, reconstructing,
 1155 | improving, extending, repairing, maintaining and operating the
 1156 | expressway system.

1157 | (b) Refunding bonds then outstanding. The authorization,
 1158 | sale and issuance of such obligations, the maturities and other
 1159 | details thereof, the rights and remedies of the holders thereof,
 1160 | and the rights, powers, privileges, duties and obligations of
 1161 | the authority with respect to the same shall be governed by the
 1162 | foregoing provisions of this part insofar as the same may be
 1163 | applicable.

1164 | Section 23. Section 348.70, Florida Statutes, is amended
 1165 | to read:

1166 | 348.70 This part complete and additional authority.-

1167 | (1) The powers conferred by this part shall be in addition
 1168 | and supplemental to the existing respective powers of the
 1169 | authority, the department, the county, and the city, if any, and
 1170 | this part shall not be construed as repealing any of the
 1171 | provisions of any other law, general, special, or local, but
 1172 | shall be deemed to supersede such other law or laws in the
 1173 | exercise of the powers provided in this part insofar as such
 1174 | other law or laws are inconsistent with the provisions of this
 1175 | part and to provide a complete method for the exercise of the

1176 powers granted herein. The construction, reconstruction,
 1177 improvement, extension, repair, maintenance, and operation of
 1178 the expressway system, and the issuance of bonds hereunder to
 1179 finance all or part of the cost thereof, may be accomplished
 1180 upon compliance with the provisions of this part without regard
 1181 to or necessity for compliance with the provisions, limitations,
 1182 or restrictions contained in any other general, special, or
 1183 local law, including, but not limited to, s. 215.821, and no
 1184 approval of any bonds issued under this part by the qualified
 1185 electors or qualified electors who are freeholders in the state
 1186 or in the county or in the city or in any other political
 1187 subdivision of the state shall be required for the issuance of
 1188 such bonds.

1189 (2) This part does not repeal, rescind, or modify any
 1190 other law or laws relating to the State Board of Administration,
 1191 the Department of Transportation, or the Division of Bond
 1192 Finance of the State Board of Administration, but shall
 1193 supersede such other law or laws as are inconsistent with the
 1194 provisions of this part, including, but not limited to, s.
 1195 215.821.

1196 Section 24. Part XI of chapter 348, Florida Statutes,
 1197 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
 1198 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,
 1199 348.9960, 348.9961, 348.9962, 348.9963, 348.9964, 348.9965,
 1200 348.9966, and 348.9967, is created to read:

1201 PART XI

1202 OSCEOLA COUNTY EXPRESSWAY AUTHORITY

1203 348.9950 Short title.—This part may be cited as the

1204 "Osceola County Expressway Authority Law."
 1205 348.9951 Definitions.—As used in this part, except where
 1206 the context clearly indicates otherwise, the term:
 1207 (1) "Agency of the state" means the state and any
 1208 department of or corporation, agency, or instrumentality
 1209 created, designated, or established by the state.
 1210 (2) "Authority" means the body politic and corporate and
 1211 agency of the state created by this part.
 1212 (3) "Bonds" means and includes the notes, bonds, refunding
 1213 bonds, or other evidences of indebtedness or obligations, in
 1214 either temporary or definitive form, that the authority is
 1215 authorized to issue under this part.
 1216 (4) "County" means Osceola County.
 1217 (5) "Department" means the Department of Transportation.
 1218 (6) "Federal agency" means the United States, the
 1219 President of the United States, and any department of or
 1220 corporation, agency, or instrumentality created, designated, or
 1221 established by the United States.
 1222 (7) "Lease-purchase agreement" means any lease-purchase
 1223 agreement the authority is authorized under this part to enter
 1224 into with the department.
 1225 (8) "Limited access expressway" or "expressway" means a
 1226 street or highway especially designed for through traffic and
 1227 over, from, or to which no person has a right of easement, use,
 1228 or access except in accordance with the rules and regulations
 1229 adopted by the authority for the use of such facility. Such
 1230 streets or highways may be parkways from which trucks, buses,
 1231 and other commercial vehicles are excluded or freeways open to

CS/HB 1271

2010

1232 use by all customary forms of street and highway traffic.

1233 (9) "Members" means the governing body of the authority,
 1234 and the term "member" means one of the individuals constituting
 1235 such governing body.

1236 (10) "Osceola County Expressway System" or "system" means
 1237 any and all expressways and appurtenant facilities thereto,
 1238 including, but not limited to, all approaches, roads, bridges,
 1239 and avenues of access for such expressways that are built by the
 1240 authority or the ownership of which is transferred to the
 1241 authority by other governmental or private entities.

1242 (11) "Osceola County gasoline tax funds" means all the 80-
 1243 percent surplus gasoline tax funds accruing in each year to the
 1244 department for use in Osceola County under s. 9, Art. XII of the
 1245 State Constitution after deduction only of any amounts of such
 1246 gasoline tax funds pledged by the department or the county for
 1247 outstanding obligations.

1248 (12) "State Board of Administration" means the body
 1249 corporate existing under s. 9, Art. XII of the State
 1250 Constitution or any successor thereto.

1251 348.9952 Osceola County Expressway Authority.—

1252 (1) There is created a body politic and corporate, an
 1253 agency of the state, to be known as the Osceola County
 1254 Expressway Authority.

1255 (2) (a) The governing body of the authority shall consist
 1256 of six members. Five members must be residents of Osceola
 1257 County, three of whom shall be appointed by the governing body
 1258 of the county and two of whom shall be appointed by the
 1259 Governor. The sixth member shall be the district secretary of

1260 the department serving in the district that includes Osceola
 1261 County, who shall serve as an ex officio, nonvoting member. The
 1262 term of each appointed member shall be for 4 years, except that
 1263 the first term of the initial members appointed by the Governor
 1264 shall be 2 years each. Each appointed member shall hold office
 1265 until his or her successor has been appointed and has qualified.
 1266 A vacancy occurring during a term shall be filled only for the
 1267 balance of the unexpired term. Each appointed member of the
 1268 authority shall be a person of outstanding reputation for
 1269 integrity, responsibility, and business ability, but no person
 1270 who is an officer or employee of any city or of Osceola County
 1271 in any other capacity shall be an appointed member of the
 1272 authority. A member of the authority is eligible for
 1273 reappointment.

1274 (b) Members of the authority may be removed from office by
 1275 the Governor for misconduct, malfeasance, or nonfeasance in
 1276 office.

1277 (3) (a) The authority shall elect one of its members as
 1278 chair. The authority shall also elect a secretary and a
 1279 treasurer, who may be members of the authority. The chair,
 1280 secretary, and treasurer shall hold such offices at the will of
 1281 the authority.

1282 (b) Three members of the authority constitute a quorum,
 1283 and the vote of three members is necessary for any action taken
 1284 by the authority. A vacancy in the authority does not impair the
 1285 right of a quorum of the authority to exercise all of the rights
 1286 and perform all of the duties of the authority.

1287 (4) (a) The authority may employ an executive secretary, an

CS/HB 1271

2010

1288 executive director, its own counsel and legal staff, technical
1289 experts, engineers, and other employees, permanent or temporary,
1290 as it may require; may determine the qualifications and fix the
1291 compensation of such persons, firms, or corporations; and may
1292 employ a fiscal agent or agents. However, the authority shall
1293 solicit sealed proposals from at least three persons, firms, or
1294 corporations for the performance of any services as fiscal
1295 agents. The authority may delegate to one or more of its agents
1296 or employees such of its power as it deems necessary to carry
1297 out the purposes of this part, subject always to the supervision
1298 and control of the authority.

1299 (b) Members of the authority are entitled to receive from
1300 the authority their travel and other necessary expenses incurred
1301 in connection with the business of the authority as provided in
1302 s. 112.061, but they shall draw no salaries or other
1303 compensation.

1304 (c) The department is not required to grant funds for
1305 startup costs to the authority; however, the governing body of
1306 the county may provide funds for such startup costs.

1307 (d) The authority shall cooperate with and participate in
1308 any efforts to establish a regional expressway authority.

1309 348.9953 Purposes and powers.—

1310 (1) The authority may acquire, hold, construct, improve,
1311 maintain, operate, own, and lease in the capacity of lessor the
1312 Osceola County Expressway System and, in the construction of the
1313 system, may construct any extensions, additions, or improvements
1314 to the system or appurtenant facilities, including all necessary
1315 approaches, roads, bridges, and avenues of access, with such

1316 changes, modifications, or revisions of such project as the
 1317 authority deems desirable and proper.

1318 (2) The authority may exercise all powers necessary,
 1319 appurtenant, convenient, or incidental to the carrying out of
 1320 its purposes, including, but not limited to, the following
 1321 rights and powers:

1322 (a) To sue and be sued, implead and be impleaded, and
 1323 complain and defend in all courts.

1324 (b) To adopt, use, and alter at will a corporate seal.

1325 (c) To acquire by donation, purchase, or otherwise and
 1326 hold, lease as lessee, and use any franchise or property, real,
 1327 personal, or mixed, tangible or intangible, or any options
 1328 thereof, in its own name or in conjunction with others, or
 1329 interest therein, necessary or desirable for carrying out the
 1330 purposes of the authority and to sell, lease as lessor,
 1331 transfer, and dispose of any property or interest therein at any
 1332 time acquired by it.

1333 (d) To enter into lease agreements for terms not exceeding
 1334 40 years as either lessee or lessor to carry out the right to
 1335 lease as set forth in this part.

1336 (e) To enter into lease-purchase agreements with the
 1337 department for terms not exceeding 40 years, or until any bonds
 1338 secured by a pledge of rentals thereunder and any refundings
 1339 thereof are fully paid as to both principal and interest,
 1340 whichever is longer.

1341 (f) To fix, alter, charge, establish, and collect rates,
 1342 fees, rentals, and other charges for the services and facilities
 1343 of the system, which rates, fees, rentals, and other charges

CS/HB 1271

2010

1344 must always be sufficient to comply with any covenants made with
1345 the holders of any bonds issued pursuant to this part; however,
1346 such right and power may be assigned or delegated by the
1347 authority to the department.

1348 (g) To borrow money and make and issue negotiable notes,
1349 bonds, refunding bonds, and other evidences of indebtedness or
1350 obligations, either in temporary or definitive form, hereinafter
1351 in this part sometimes called "bonds" of the authority, for the
1352 purpose of financing all or part of the improvement or extension
1353 of the system and appurtenant facilities, including all
1354 approaches, streets, roads, bridges, and avenues of access for
1355 the system and for any other purpose authorized by this part,
1356 such bonds to mature no more than 40 years after the date of the
1357 issuance thereof, and to secure the payment of such bonds or any
1358 part thereof by a pledge of any or all of its revenues, rates,
1359 fees, rentals, or other charges, including all or any portion of
1360 the Osceola County gasoline tax funds received by the authority
1361 pursuant to the terms of any lease-purchase agreement between
1362 the authority and the department; and, in general, to provide
1363 for the security of such bonds and the rights and remedies of
1364 the holders thereof. However, no portion of the Osceola County
1365 gasoline tax funds shall be pledged for the construction of any
1366 project for which a toll is to be charged unless the anticipated
1367 tolls are reasonably estimated by the board of county
1368 commissioners, at the date of its resolution pledging such
1369 funds, to be sufficient to cover the principal and interest of
1370 such obligations during the period when such pledge of funds
1371 shall be in effect.

1372 1. The authority shall reimburse Osceola County for any
 1373 sums expended from such gasoline tax funds used for the payment
 1374 of such obligations. Any gasoline tax funds so disbursed shall
 1375 be repaid when the authority deems it practicable, together with
 1376 interest at the highest rate applicable to any obligations of
 1377 the authority.

1378 2. If the authority decides to fund or refund any bonds
 1379 issued by the authority or by the commission prior to their
 1380 maturity, the proceeds of such funding or refunding bonds must,
 1381 pending the prior redemption of the bonds to be funded or
 1382 refunded, be invested in direct obligations of the United
 1383 States. Such outstanding bonds may be funded or refunded by the
 1384 issuance of bonds pursuant to this part.

1385 (h) To make contracts of every name and nature, including,
 1386 but not limited to, partnerships providing for participation in
 1387 ownership and revenues, and to execute all instruments necessary
 1388 or convenient for the carrying on of its business.

1389 (i) Without limitation of the foregoing, to borrow money
 1390 and accept grants from and to enter into contracts, leases, or
 1391 other transactions with any federal agency, the state, any
 1392 agency of the state, Osceola County, or any other public body of
 1393 the state.

1394 (j) To have the power of eminent domain, including the
 1395 procedural powers granted under chapters 73 and 74.

1396 (k) To pledge, hypothecate, or otherwise encumber all or
 1397 any part of the revenues, rates, fees, rentals, or other charges
 1398 or receipts of the authority, including all or any portion of
 1399 the Osceola County gasoline tax funds received by the authority

CS/HB 1271

2010

1400 pursuant to the terms of any lease-purchase agreement between
 1401 the authority and the department, as security for all or any of
 1402 the obligations of the authority.

1403 (l) To enter into partnerships and other agreements
 1404 respecting ownership and revenue participation in order to
 1405 facilitate financing and constructing any project or portions
 1406 thereof.

1407 (m) To participate in developer agreements or to receive
 1408 developer contributions.

1409 (n) To contract with Osceola County for the operation of a
 1410 toll facility within the county.

1411 (o) To do all acts and things necessary or convenient for
 1412 the conduct of its business and the general welfare of the
 1413 authority in order to carry out the powers granted to it by this
 1414 part or any other law.

1415 (p) With the consent of the county within the jurisdiction
 1416 of which the following activities occur, to construct, operate,
 1417 and maintain roads, bridges, avenues of access, thoroughfares,
 1418 and boulevards outside the jurisdictional boundaries of Osceola
 1419 County, and to construct, repair, replace, operate, install, and
 1420 maintain electronic toll payment systems thereon, with all
 1421 necessary and incidental powers to accomplish the foregoing.

1422 (q) To enter into an interlocal agreement with the
 1423 Orlando-Orange County Expressway Authority to coordinate and
 1424 plan for projects in order to avoid any negative impacts on
 1425 either authority.

1426 (3) The authority shall not, at any time or in any manner,
 1427 pledge the credit or taxing power of the state or any political

1428 subdivision or agency thereof, including Osceola County, nor
 1429 shall the authority's obligations be deemed to be an obligation
 1430 of the state or of any political subdivision or agency thereof,
 1431 nor shall the state or any political subdivision or agency
 1432 thereof, except the authority, be liable for the payment of the
 1433 principal of or interest on such obligations.

1434 (4) Notwithstanding any other provision of this part,
 1435 acquisition of right-of-way for a project of the authority which
 1436 is within the boundaries of any municipality in Osceola County
 1437 shall not be initiated unless and until the governing body of
 1438 that municipality has approved the route of such project.

1439 (5) Notwithstanding any other provision of this part,
 1440 acquisition of right-of-way for a project of the authority which
 1441 is within the unincorporated area of Osceola County shall not be
 1442 initiated unless and until the governing body of Osceola County
 1443 has approved the route of such project.

1444 (6) The authority shall not, without the consent of
 1445 Osceola County or any affected municipality, enter into any
 1446 agreement that would legally prohibit the construction of any
 1447 road by Osceola County or by any municipality within Osceola
 1448 County.

1449 348.9954 Bond financing authority for improvements.—
 1450 Pursuant to s. 11(f), Art. VII of the State Constitution, the
 1451 Legislature hereby approves for bond financing by the Osceola
 1452 County Expressway Authority improvements to toll collection
 1453 facilities, interchanges to the legislatively approved
 1454 expressway system, and any other facility appurtenant,
 1455 necessary, or incidental to the approved system. Subject to

1456 terms and conditions of applicable revenue bond resolutions and
1457 covenants, such costs may be financed in whole or in part by
1458 revenue bonds issued pursuant to s. 348.9955(1) (a) or (b) or by
1459 a combination of such bonds, whether currently issued or issued
1460 in the future.

1461 348.9955 Bonds of the authority.-

1462 (1) (a) Bonds may be issued on behalf of the authority
1463 pursuant to the State Bond Act.

1464 (b) Alternatively, the authority may issue its own bonds
1465 pursuant to this part at such times and in such principal amount
1466 as, in the opinion of the authority, is necessary to provide
1467 sufficient moneys for achieving its purposes; however, such
1468 bonds may not pledge the full faith and credit of the state.
1469 Bonds issued by the authority pursuant to this paragraph or
1470 paragraph (a), whether on original issuance or on refunding,
1471 shall be authorized by resolution of the members thereof and may
1472 be either term or serial bonds, shall bear such date or dates,
1473 mature at such time or times, not exceeding 40 years from their
1474 respective dates, bear interest at such rate or rates, payable
1475 semiannually, be in such denominations, be in such form, either
1476 coupon or fully registered, shall carry such registration,
1477 exchangeability, and interchangeability privileges, be payable
1478 in such medium of payment and at such place or places, be
1479 subject to such terms of redemption, and be entitled to such
1480 priorities on the revenues, rates, fees, rentals, or other
1481 charges or receipts of the authority, including the Osceola
1482 County gasoline tax funds received by the authority pursuant to
1483 the terms of any lease-purchase agreement between the authority

CS/HB 1271

2010

1484 and the department, as such resolution or any resolution
1485 subsequent thereto may provide. The bonds shall be executed
1486 either by manual or facsimile signature by such officers as the
1487 authority shall determine, provided that such bonds shall bear
1488 at least one signature which is manually executed thereon, and
1489 the coupons attached to such bonds shall bear the facsimile
1490 signature or signatures of such officer or officers as shall be
1491 designated by the authority and shall have the seal of the
1492 authority affixed, imprinted, reproduced, or lithographed
1493 thereon, all as may be prescribed in such resolution or
1494 resolutions.

1495 (c) Bonds issued pursuant to paragraph (a) or paragraph
1496 (b) shall be sold at public sale in the same manner provided by
1497 the State Bond Act. However, if the authority shall, by official
1498 action at a public meeting, determine that a negotiated sale of
1499 such bonds is in the best interest of the authority, the
1500 authority may negotiate the sale of such bonds with the
1501 underwriter designated by the authority and the Division of Bond
1502 Finance of the State Board of Administration with respect to
1503 bonds issued pursuant to paragraph (a) or solely the authority
1504 with respect to bonds issued pursuant to paragraph (b). The
1505 authority's determination to negotiate the sale of such bonds
1506 may be based, in part, upon the written advice of the
1507 authority's financial adviser. Pending the preparation of
1508 definitive bonds, interim certificates may be issued to the
1509 purchaser or purchasers of such bonds and may contain such terms
1510 and conditions as the authority may determine.

1511 (d) The authority may issue bonds pursuant to paragraph

1512 (b) to refund any bonds previously issued regardless of whether
 1513 the bonds being refunded were issued by the authority pursuant
 1514 to this part or on behalf of the authority pursuant to the State
 1515 Bond Act.

1516 (2) Any such resolution or resolutions authorizing any
 1517 bonds under this part may contain provisions which shall be part
 1518 of the contract with the holders of such bonds, as to:

1519 (a) The pledging of all or any part of the revenues,
 1520 rates, fees, rentals, including all or any portion of the
 1521 Osceola County gasoline tax funds received by the authority
 1522 pursuant to the terms of any lease-purchase agreement between
 1523 the authority and the department, or any part thereof, or other
 1524 charges or receipts of the authority, derived by the authority,
 1525 from the Osceola County Expressway System.

1526 (b) The completion, improvement, operation, extension,
 1527 maintenance, repair, lease, or lease-purchase agreement of the
 1528 system and the duties of the authority and others, including the
 1529 department, with reference thereto.

1530 (c) Limitations on the purposes to which the proceeds of
 1531 the bonds, then or thereafter to be issued, or of any loan or
 1532 grant by the United States or the state may be applied.

1533 (d) The fixing, charging, establishing, and collecting of
 1534 rates, fees, rentals, or other charges for use of the services
 1535 and facilities of the Osceola County Expressway System or any
 1536 part thereof.

1537 (e) The setting aside of reserves or sinking funds or
 1538 repair and replacement funds and the regulation and disposition
 1539 thereof.

1540 (f) Limitations on the issuance of additional bonds.
 1541 (g) The terms and provisions of any lease-purchase
 1542 agreement, deed of trust, or indenture securing the bonds or
 1543 under which the bonds may be issued.
 1544 (h) Any other or additional agreements with the holders of
 1545 the bonds which the authority may deem desirable and proper.
 1546 (3) The authority may employ fiscal agents as provided by
 1547 this part, or the State Board of Administration may, upon
 1548 request of the authority, act as fiscal agent for the authority
 1549 in the issuance of any bonds that may be issued pursuant to this
 1550 part. The State Board of Administration may, upon request of the
 1551 authority, take over the management, control, administration,
 1552 custody, and payment of any or all debt services or funds or
 1553 assets now or hereafter available for any bonds issued pursuant
 1554 to this part. The authority may enter into any deeds of trust,
 1555 indentures, or other agreements with its fiscal agent or with
 1556 any bank or trust company within or without the state as
 1557 security for such bonds and may, under such agreements, sign and
 1558 pledge all or any of the revenues, rates, fees, rentals, or
 1559 other charges or receipts of the authority, including all or any
 1560 portion of the Osceola County gasoline tax funds received by the
 1561 authority pursuant to the terms of any lease-purchase agreement
 1562 between the authority and the department, thereunder. Such deed
 1563 of trust, indenture, or other agreement may contain such
 1564 provisions as are customary in such instruments or, as the
 1565 authority may authorize, including, but without limitation,
 1566 provisions as to:
 1567 (a) The completion, improvement, operation, extension,

1568 maintenance, repair, and lease of or lease-purchase agreement
 1569 relating to the Osceola County Expressway System and the duties
 1570 of the authority and others, including the department, with
 1571 reference thereto.

1572 (b) The application of funds and the safeguarding of funds
 1573 on hand or on deposit.

1574 (c) The rights and remedies of the trustee and the holders
 1575 of the bonds.

1576 (d) The terms and provisions of the bonds or the
 1577 resolutions authorizing the issuance of the bonds.

1578 (4) Any of the bonds issued pursuant to this part are, and
 1579 are declared to be, negotiable instruments and shall have all
 1580 the qualities and incidents of negotiable instruments under the
 1581 law merchant and the negotiable instruments law of the state.

1582 (5) Notwithstanding any of the provisions of this part,
 1583 each project, building, or facility which has been financed by
 1584 the issuance of bonds or other evidence of indebtedness under
 1585 this part and any refinancing thereof is hereby approved as
 1586 provided for in s. 11(f), Art. VII of the State Constitution.

1587 348.9956 Remedies of the bondholders.-

1588 (1) The rights and remedies conferred by this part upon or
 1589 granted to the bondholders shall be in addition to and not in
 1590 limitation of any rights and remedies lawfully granted to such
 1591 bondholders by the resolution or resolutions providing for the
 1592 issuance of bonds or by a lease-purchase agreement, deed of
 1593 trust, indenture, or other agreement under which the bonds may
 1594 be issued or secured. If the authority defaults in the payment
 1595 of the principal of or interest on any of the bonds issued under

CS/HB 1271

2010

1596 this part after such principal of or interest on such bonds
 1597 becomes due, whether at maturity or upon call for redemption, or
 1598 if the department defaults in any payments under or covenants
 1599 made in any lease-purchase agreement between the authority and
 1600 the department, and such default continues for a period of 30
 1601 days, or if the authority or the department fails or refuses to
 1602 comply with this part or any agreement made with or for the
 1603 benefit of the holders of the bonds, the holders of 25 percent
 1604 in aggregate principal amount of the bonds then outstanding
 1605 shall be entitled as of right to the appointment of a trustee to
 1606 represent such bondholders for the purposes hereof; provided,
 1607 however, that such holders of 25 percent in aggregate principal
 1608 amount of the bonds then outstanding have first given notice to
 1609 the authority and to the department of their intention to
 1610 appoint a trustee. Such notice shall be deemed to have been
 1611 given if given in writing, deposited in a securely sealed
 1612 postpaid wrapper, mailed at a regularly maintained United States
 1613 post office box or station, and addressed, respectively, to the
 1614 chair of the authority and to the Secretary of Transportation at
 1615 the principal office of the department.

1616 (2) Such trustee and any trustee under any deed of trust,
 1617 indenture, or other agreement may, and upon written request of
 1618 the holders of 25 percent or such other percentages as may be
 1619 specified in any deed of trust, indenture, or other agreement
 1620 aforesaid in principal amount of the bonds then outstanding
 1621 shall, in any court of competent jurisdiction in his, her, or
 1622 its own name:

1623 (a) By mandamus or other suit, action, or proceeding at

1624 law or in equity, enforce all rights of the bondholders,
 1625 including the right to require the authority to fix, establish,
 1626 maintain, collect, and charge rates, fees, rentals, and other
 1627 charges adequate to carry out any agreement as to or pledge of
 1628 the revenues or receipts of the authority, to carry out any
 1629 other covenants and agreements with or for the benefit of the
 1630 bondholders, and to perform its and their duties under this
 1631 part.

1632 (b) By mandamus or other suit, action, or proceeding at
 1633 law or in equity, enforce all rights of the bondholders under or
 1634 pursuant to any lease-purchase agreement between the authority
 1635 and the department, including the right to require the
 1636 department to make all rental payments required to be made by it
 1637 under the provisions of any such lease-purchase agreement,
 1638 whether from the Osceola County gasoline tax funds or other
 1639 funds of the department so agreed to be paid, and to require the
 1640 department to carry out any other covenants and agreements with
 1641 or for the benefit of the bondholders and to perform its and
 1642 their duties under this part.

1643 (c) Bring suit upon the bonds.

1644 (d) By action or suit in equity, require the authority or
 1645 the department to account as if it were the trustee of an
 1646 express trust for the bondholders.

1647 (e) By action or suit in equity, enjoin any acts or things
 1648 which may be unlawful or in violation of the rights of the
 1649 bondholders.

1650 (3) Whether or not all bonds have been declared due and
 1651 payable, any trustee, when appointed under this section or

1652 acting under a deed of trust, indenture, or other agreement,
 1653 shall be entitled as of right to the appointment of a receiver
 1654 who may enter upon and take possession of the Osceola County
 1655 Expressway System or the facilities or any part or parts
 1656 thereof, the rates, fees, rentals, or other revenues, charges,
 1657 or receipts from which are or may be applicable to the payment
 1658 of the bonds so in default; and, subject to and in compliance
 1659 with the provisions of any lease-purchase agreement between the
 1660 authority and the department, operate and maintain the same for
 1661 and on behalf and in the name of the authority, the department,
 1662 and the bondholders; and collect and receive all rates, fees,
 1663 rentals, and other charges or receipts or revenues arising
 1664 therefrom in the same manner as the authority or the department
 1665 might do; and shall deposit all such moneys in a separate
 1666 account and apply the same in such manner as the court shall
 1667 direct. In any suit, action, or proceeding by the trustee, the
 1668 fees, counsel fees, and expenses of the trustee and such
 1669 receiver, if any, and all costs and disbursements allowed by the
 1670 court shall be a first charge on any rates, fees, rentals, or
 1671 other charges, revenues, or receipts derived from the Osceola
 1672 County Expressway System or the facilities or services or any
 1673 part or parts thereof, including payments under any such lease-
 1674 purchase agreement as aforesaid which such rates, fees, rentals,
 1675 or other charges, revenues, or receipts shall or may be
 1676 applicable to the payment of the bonds so in default. Such
 1677 trustee shall also have and possess all of the powers necessary
 1678 or appropriate for the exercise of any functions specifically
 1679 set forth in this part or incident to the representation of the

1680 bondholders in the enforcement and protection of their rights.
 1681 (4) Nothing in this section or any other section of this
 1682 part authorizes any receiver appointed pursuant to this part for
 1683 the purpose, subject to and in compliance with the provisions of
 1684 any lease-purchase agreement between the authority and the
 1685 department, of operating and maintaining the Osceola County
 1686 Expressway System or any facilities or part or parts thereof to
 1687 sell, assign, mortgage, or otherwise dispose of any of the
 1688 assets of whatever kind and character belonging to the
 1689 authority. It is the intention of this part to limit the powers
 1690 of such receiver, subject to and in compliance with the
 1691 provisions of any lease-purchase agreement between the authority
 1692 and the department, to the operation and maintenance of the
 1693 Osceola County Expressway System or any facility or part or
 1694 parts thereof, as the court may direct, in the name and for and
 1695 on behalf of the authority, the department, and the bondholders.
 1696 No holder of bonds of the authority or any trustee shall ever
 1697 have the right in any suit, action, or proceeding at law or in
 1698 equity to compel a receiver, nor shall any receiver be
 1699 authorized or any court be empowered to direct the receiver, to
 1700 sell, assign, mortgage, or otherwise dispose of any assets of
 1701 whatever kind or character belonging to the authority.
 1702 348.9957 Lease-purchase agreement.—
 1703 (1) In order to effectuate the purposes of this part and
 1704 as authorized by this part, the authority may enter into a
 1705 lease-purchase agreement with the department relating to and
 1706 covering the system.
 1707 (2) Such lease-purchase agreement shall provide for the

CS/HB 1271

2010

1708 leasing of the system by the authority as lessor to the
1709 department as lessee, shall prescribe the term of such lease and
1710 the rentals to be paid under the lease, and shall provide that,
1711 upon the completion of the faithful performance under and
1712 termination of the agreement, title in fee simple absolute to
1713 the system as then constituted shall be transferred in
1714 accordance with law by the authority to the state and the
1715 authority shall deliver to the department such deeds and
1716 conveyances as are necessary or convenient to vest title in fee
1717 simple absolute in the state.

1718 (3) Such lease-purchase agreement may include such other
1719 provisions, agreements, and covenants as the authority and the
1720 department deem advisable or required, including, but not
1721 limited to, provisions as to the bonds to be issued under and
1722 for the purposes of this part; the completion, extension,
1723 improvement, operation, and maintenance of the system; the
1724 expenses and the cost of operation of the authority; the
1725 charging and collection of tolls, rates, fees, and other charges
1726 for the use of the services and facilities of the system; the
1727 application of federal or state grants or aid which may be made
1728 or given to assist the authority in the completion, extension,
1729 improvement, operation, and maintenance of the system, which the
1730 authority may accept and apply to such purposes; the enforcement
1731 of payment and collection of rentals; and any other terms,
1732 provisions, or covenants necessary, incidental, or appurtenant
1733 to the making of and full performance under the agreement.

1734 (4) The department as lessee under such lease-purchase
1735 agreement is authorized to pay as rentals thereunder any rates,

1736 fees, charges, funds, moneys, receipts, or income accruing to
 1737 the department from the operation of the system and the Osceola
 1738 County gasoline tax funds and may also pay as rentals any
 1739 appropriations received by the department pursuant to any act of
 1740 the Legislature. However, nothing in this part or in such lease-
 1741 purchase agreement shall require the making or continuance of
 1742 such appropriations, nor shall any holder of bonds issued
 1743 pursuant to this part have any right to compel the making or
 1744 continuance of such appropriations.

1745 (5) A pledge of Osceola County gasoline tax funds as
 1746 rentals under such lease-purchase agreement shall not be made
 1747 without the consent of Osceola County evidenced by a resolution
 1748 duly adopted by the board of county commissioners of the county
 1749 at a public hearing held pursuant to due notice thereof
 1750 published at least once a week for 3 consecutive weeks before
 1751 the hearing in a newspaper of general circulation in Osceola
 1752 County. In addition to other provisions, the resolution must
 1753 provide that any excess of such pledged gasoline tax funds which
 1754 is not required for debt service or reserves for such debt
 1755 service for any bonds issued by the authority shall be returned
 1756 annually to the department for distribution to Osceola County as
 1757 provided by law. Before making any application for such pledge
 1758 of gasoline tax funds, the authority shall present the plan of
 1759 its proposed project to the Osceola County Planning and Zoning
 1760 Commission for its comments and recommendations.

1761 (6) The department may covenant in any lease-purchase
 1762 agreement that it will pay, from sources other than the revenues
 1763 derived from the operation of the system and Osceola County

CS/HB 1271

2010

1764 gasoline tax funds, all or any part of the cost of the
 1765 operation, maintenance, repair, renewal, and replacement of the
 1766 system and any part of the cost of completing the system to the
 1767 extent that the proceeds of bonds issued therefor are
 1768 insufficient. The department may also agree to make such other
 1769 payments from any moneys available to the county in connection
 1770 with the construction or completion of the system as the
 1771 department deems to be fair and proper under such covenants.

1772 (7) The system shall be a part of the state road system,
 1773 and the department may, upon the request of the authority,
 1774 expend moneys from funds available for such purposes and use its
 1775 engineering and other forces as it deems necessary and desirable
 1776 for the operation of the authority and for traffic surveys,
 1777 borings, surveys, preparation of plans and specifications,
 1778 estimates of cost, and other preliminary engineering and other
 1779 studies; however, the aggregate amount of moneys expended for
 1780 such purposes by the department must not exceed \$375,000.

1781 348.9958 Department may be appointed agent of authority
 1782 for construction.—The authority may appoint the department as
 1783 its agent for the purpose of constructing improvements and
 1784 extensions to and the completion of the system. In such event,
 1785 the authority shall provide the department with complete copies
 1786 of all documents, agreements, resolutions, contracts, and
 1787 instruments relating to the system; shall request the department
 1788 to do such construction work, including the planning, surveying,
 1789 and actual construction of the completion, extensions, and
 1790 improvements to the system; and shall transfer to the credit of
 1791 an account of the department in the treasury of the state the

1792 necessary funds for such purpose. After such appointment and
 1793 receipt of funds, the department is authorized, empowered, and
 1794 directed to proceed with such construction and to use the funds
 1795 for such purpose in the same manner as it is authorized to use
 1796 funds otherwise provided to it by law for the construction of
 1797 roads and bridges.

1798 348.9959 Acquisition of lands and property.—

1799 (1) For the purposes of this part, the authority may
 1800 acquire, by gift, devise, purchase, or condemnation by eminent
 1801 domain proceedings, private or public property and property
 1802 rights, including rights of access, air, view, and light, as the
 1803 authority may deem necessary for any of the purposes of this
 1804 part, including, but not limited to, any lands reasonably
 1805 necessary for securing applicable permits, areas necessary for
 1806 management of access, borrow pits, drainage ditches, water
 1807 retention areas, rest areas, replacement access for landowners
 1808 whose access is impaired due to the construction of a facility,
 1809 and replacement rights-of-way for relocated rail and utility
 1810 facilities; for existing, proposed, or anticipated
 1811 transportation facilities on the system or in a transportation
 1812 corridor designated by the authority; or for the purposes of
 1813 screening, relocation, removal, or disposal of junkyards and
 1814 scrap metal processing facilities. The authority may condemn any
 1815 material and property necessary for such purposes.

1816 (2) The right of eminent domain conferred in this part
 1817 shall be exercised by the authority in the manner provided by
 1818 law.

1819 (3) When the authority acquires property for a

1820 transportation facility or in a transportation corridor, the
 1821 authority is not subject to any liability imposed by chapter 376
 1822 or chapter 403 for preexisting soil or groundwater contamination
 1823 due solely to its ownership of the property. This section does
 1824 not affect the rights or liabilities of any past or future
 1825 owners of the acquired property and does not affect the
 1826 liability of any governmental entity for the results of its
 1827 actions which create or exacerbate a pollution source. The
 1828 authority and the Department of Environmental Protection may
 1829 enter into interagency agreements for the performance, funding,
 1830 and reimbursement of the investigative and remedial acts
 1831 necessary for property acquired by the authority.

1832 348.9960 Cooperation with other units, boards, agencies,
 1833 and individuals.—Any county, municipality, drainage district,
 1834 road and bridge district, school district, or other political
 1835 subdivision, board, commission, or individual in or of the state
 1836 may make and enter into any contract, lease, conveyance,
 1837 partnership, or other agreement with the authority within the
 1838 provisions and for purposes of this part; and the authority may
 1839 make and enter into any contract, lease, conveyance,
 1840 partnership, or other agreement with any political subdivision,
 1841 agency, or instrumentality of the state or any federal agency,
 1842 corporation, or individual for the purpose of carrying out the
 1843 provisions of this part.

1844 348.9961 Covenant of the state.—The state does hereby
 1845 pledge to and agrees with any person, firm, or corporation or
 1846 federal or state agency subscribing to or acquiring the bonds to
 1847 be issued by the authority for the purposes of this part that

1848 the state will not limit or alter the rights hereby vested in
 1849 the authority and the department until all bonds at any time
 1850 issued together with the interest thereon are fully paid and
 1851 discharged insofar as the same affects the rights of the holders
 1852 of bonds issued hereunder. The state does further pledge to and
 1853 agree with the United States that in the event any federal
 1854 agency shall construct or contribute any funds for the
 1855 completion, extension, or improvement of the Osceola County
 1856 Expressway System, or any part or portion thereof, the state
 1857 will not alter or limit the rights and powers of the authority
 1858 and the department in any manner which would be inconsistent
 1859 with the continued maintenance and operation of the Osceola
 1860 County Expressway System or the completion, extension, or
 1861 improvement thereof or which would be inconsistent with the due
 1862 performance of any agreements between the authority and any such
 1863 federal agency. The authority and the department shall continue
 1864 to have and may exercise all powers herein granted so long as
 1865 the same shall be necessary or desirable for the carrying out of
 1866 the purposes of this part and the purposes of the United States
 1867 in the completion, extension, or improvement of the Osceola
 1868 County Expressway System or any part or portion thereof.

1869 348.9962 Exemption from taxation.—The effectuation of the
 1870 authorized purposes of the authority created under this part is
 1871 and shall be in all respects for the benefit of the people of
 1872 the state, for the increase of their commerce and prosperity,
 1873 and for the improvement of their health and living conditions;
 1874 and, since the authority will be performing essential
 1875 governmental functions in effectuating such purposes, the

CS/HB 1271

2010

1876 authority is not required to pay any taxes or assessments of any
 1877 kind or nature whatsoever upon any property acquired or used by
 1878 it for such purposes or upon any rates, fees, rentals, receipts,
 1879 income, or charges at any time received by it; and the bonds
 1880 issued by the authority, their transfer, and the income
 1881 therefrom, including any profits made on the sale thereof, shall
 1882 at all times be free from taxation of any kind by the state or
 1883 by any political subdivision or taxing agency or instrumentality
 1884 thereof. This section does not apply to any tax imposed by
 1885 chapter 220 on interest, income, or profits on debt obligations
 1886 owned by corporations.

1887 348.9963 Eligibility for investments and security.—Any
 1888 bonds or other obligations issued pursuant to this part shall be
 1889 and constitute legal investments for banks, savings banks,
 1890 trustees, executors, administrators, and all other fiduciaries
 1891 and for all state, municipal, and other public funds and shall
 1892 also be and constitute securities eligible for deposit as
 1893 security for all state, municipal, or other public funds,
 1894 notwithstanding the provisions of any other law or laws to the
 1895 contrary.

1896 348.9964 Pledges enforceable by bondholders.—It is the
 1897 express intention of this part that any pledge by the department
 1898 of rates, fees, revenues, Osceola County gasoline tax funds, or
 1899 other funds, as rentals, to the authority, or any covenants or
 1900 agreements relative thereto, may be enforceable in any court of
 1901 competent jurisdiction against the authority or directly against
 1902 the department by any holder of bonds issued by the authority.

1903 348.9965 This part complete and additional authority.—

1904 (1) The powers conferred by this part are in addition and
 1905 supplemental to the existing powers of the State Board of
 1906 Administration and the department, and this part does not repeal
 1907 any provision of any other law, general, special, or local, but
 1908 supersedes such a provision to the extent of any conflict in the
 1909 exercise of the powers provided in this part and to provide a
 1910 complete method for the exercise of the powers granted in this
 1911 part. The extension and improvement of the system and the
 1912 issuance of bonds under this part to finance all or part of the
 1913 cost of the system may be accomplished upon compliance with the
 1914 provisions of this part without regard to or necessity for
 1915 compliance with the provisions, limitations, or restrictions
 1916 contained in any other general, special, or local law,
 1917 including, but not limited to, s. 215.821. The issuance of bonds
 1918 pursuant to this part does not require approval by the qualified
 1919 electors or qualified electors who are freeholders in the state
 1920 or in Osceola County or in any other political subdivision of
 1921 the state.

1922 (2) This part does not repeal, rescind, or modify the
 1923 Osceola County Charter and does not repeal, rescind, or modify
 1924 any other law relating to the department, the State Board of
 1925 Administration, or the Division of Bond Finance of the State
 1926 Board of Administration but supersedes any such law to the
 1927 extent of any conflict with this part, including, but not
 1928 limited to, s. 215.821.

1929 348.9966 Osceola County auditor.—In addition to other
 1930 financial requirements provided by this part or by general law,
 1931 the Office of the Osceola County Commission Auditor as created

1932 in Article II, section 2.3 of the Osceola County Home Rule
 1933 Charter may conduct financial and compliance, economy and
 1934 efficiency, and performance audits of the authority with written
 1935 reports to be submitted to the authority and the governing body
 1936 of Osceola County.

1937 348.9967 Automatic dissolution.—If, prior to January 1,
 1938 2020, the authority has not encumbered any funds to further its
 1939 purposes and powers as authorized in s. 348.9953 to establish
 1940 the system, the authority is dissolved.

1941 Section 25. Subsection (2) of section 373.41492, Florida
 1942 Statutes, is amended to read:

1943 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
 1944 mitigation for mining activities within the Miami-Dade County
 1945 Lake Belt.—

1946 (2) To provide for the mitigation of wetland resources
 1947 lost to mining activities within the Miami-Dade County Lake Belt
 1948 Plan, effective October 1, 1999, a mitigation fee is imposed on
 1949 each ton of limerock and sand extracted by any person who
 1950 engages in the business of extracting limerock or sand from
 1951 within the Miami-Dade County Lake Belt Area and the east one-
 1952 half of sections 24 and 25 and all of sections 35 and 36,
 1953 Township 53 South, Range 39 East. The mitigation fee is imposed
 1954 for each ton of limerock and sand sold from within the
 1955 properties where the fee applies in raw, processed, or
 1956 manufactured form, including, but not limited to, sized
 1957 aggregate, asphalt, cement, concrete, and other limerock and
 1958 concrete products. The mitigation fee imposed by this subsection
 1959 for each ton of limerock and sand sold shall be 12 cents per ton

CS/HB 1271

2010

1960 beginning January 1, 2007; 18 cents per ton beginning January 1,
 1961 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45
 1962 cents per ton beginning December 31, 2011. To upgrade a water
 1963 treatment plant that treats water coming from the Northwest
 1964 Wellfield in Miami-Dade County, a water treatment plant upgrade
 1965 fee is imposed within the same Lake Belt Area subject to the
 1966 mitigation fee and upon the same kind of mined limerock and sand
 1967 subject to the mitigation fee. The water treatment plant upgrade
 1968 fee imposed by this subsection for each ton of limerock and sand
 1969 sold shall be 15 cents per ton beginning on January 1, 2007, and
 1970 the collection of this fee shall cease once the total amount of
 1971 proceeds collected for this fee reaches the amount of the actual
 1972 moneys necessary to design and construct the water treatment
 1973 plant upgrade, as determined in an open, public solicitation
 1974 process. Any limerock or sand that is used within the mine from
 1975 which the limerock or sand is extracted is exempt from the fees.
 1976 The amount of the mitigation fee and the water treatment plant
 1977 upgrade fee imposed under this section must be stated separately
 1978 on the invoice provided to the purchaser of the limerock or sand
 1979 product from the limerock or sand miner, or its subsidiary or
 1980 affiliate, for which the fee or fees apply. The limerock or sand
 1981 miner, or its subsidiary or affiliate, who sells the limerock or
 1982 sand product shall collect the mitigation fee and the water
 1983 treatment plant upgrade fee and forward the proceeds of the fees
 1984 to the Department of Revenue on or before the 20th day of the
 1985 month following the calendar month in which the sale occurs.

1986 Section 26. Subsection (1) of section 403.4131, Florida
 1987 Statutes, is amended to read:

CS/HB 1271

2010

1988 403.4131 Litter control.—

1989 (1) The Department of Transportation shall establish an
 1990 "adopt-a-highway" program to allow local organizations to be
 1991 identified with specific highway cleanup and highway
 1992 beautification projects authorized under s. 339.2405. The
 1993 ~~department shall report to the Governor and the Legislature on~~
 1994 ~~the progress achieved and the savings incurred by the "adopt-a-~~
 1995 ~~highway" program.~~ The department shall ~~also~~ monitor ~~and report~~
 1996 ~~on~~ compliance with the provisions of the adopt-a-highway program
 1997 to ensure that organizations participating ~~that participate~~ in
 1998 the program comply with the goals identified by the department.

1999 Section 27. Section 479.01, Florida Statutes, is amended
 2000 to read:

2001 479.01 Definitions.—As used in this chapter, the term:

2002 (1) "Allowable uses" means those uses that are authorized
 2003 within a zoning category without the requirement to obtain a
 2004 variance or waiver. The term includes conditional uses and those
 2005 allowed by special exception, but does not include uses that are
 2006 accessory, incidental to the allowable uses, or allowed only on
 2007 a temporary basis.

2008 (2) ~~(1)~~ "Automatic changeable facing" means a facing that
 2009 is capable of delivering two or more advertising messages
 2010 through an automated or remotely controlled process.

2011 (3) ~~(2)~~ "Business of outdoor advertising" means the
 2012 business of constructing, erecting, operating, using,
 2013 maintaining, leasing, or selling outdoor advertising structures,
 2014 outdoor advertising signs, or outdoor advertisements.

2015 (4) ~~(3)~~ "Commercial or industrial zone" means a parcel of

CS/HB 1271

2010

2016 land designated for commercial or industrial use under both the
 2017 future land use map of the comprehensive plan and the land use
 2018 development regulations adopted pursuant to chapter 163. If a
 2019 parcel is located in an area designated for multiple uses on the
 2020 future land use map of a comprehensive plan and the zoning
 2021 category of the land development regulations does ~~do~~ not
 2022 specifically ~~clearly~~ designate that parcel for commercial or
 2023 industrial uses ~~a specific use~~, the area will be considered an
 2024 unzoned commercial or industrial area if it meets the criteria
 2025 of subsection (26) ~~(23)~~.

2026 (5) "Commercial use" means activities associated with the
 2027 sale, rental, or distribution of products or the performance of
 2028 services. The term includes, without limitation, such uses or
 2029 activities as retail sales; wholesale sales; rentals of
 2030 equipment, goods, or products; offices; restaurants; food
 2031 service vendors; sports arenas; theaters; and tourist
 2032 attractions.

2033 (6) ~~(4)~~ "Controlled area" means ~~shall mean~~ 660 feet or less
 2034 from the nearest edge of the right-of-way of any portion of the
 2035 State Highway System, interstate, or federal-aid primary system
 2036 and beyond 660 feet of the nearest edge of the right-of-way of
 2037 any portion of the State Highway System, interstate, or federal-
 2038 aid primary system outside an urban area.

2039 (7) ~~(5)~~ "Department" means the Department of
 2040 Transportation.

2041 (8) ~~(6)~~ "Erect" means to construct, build, raise, assemble,
 2042 place, affix, attach, create, paint, draw, or in any other way
 2043 bring into being or establish; but it does not include any of

CS/HB 1271

2010

2044 the foregoing activities when performed as an incident to the
 2045 change of advertising message or customary maintenance or repair
 2046 of a sign.

2047 (9)~~(7)~~ "Federal-aid primary highway system" means the
 2048 existing, unbuilt, or unopened system of highways or portions
 2049 thereof, which shall include the National Highway System,
 2050 designated as the federal-aid primary highway system by the
 2051 department.

2052 (10)~~(8)~~ "Highway" means any road, street, or other way
 2053 open or intended to be opened to the public for travel by motor
 2054 vehicles.

2055 (11) "Industrial use" means activities associated with the
 2056 manufacture, assembly, processing, or storage of products or the
 2057 performance of services relating thereto. The term includes,
 2058 without limitation, such uses or activities as automobile
 2059 manufacturing or repair, boat manufacturing or repair, junk
 2060 yards, meat packing facilities, citrus processing and packing
 2061 facilities, produce processing and packing facilities,
 2062 electrical generating plants, water treatment plants, sewage
 2063 treatment plants, and solid waste disposal sites.

2064 (12)~~(9)~~ "Interstate highway system" means the existing,
 2065 unbuilt, or unopened system of highways or portions thereof
 2066 designated as the national system of interstate and defense
 2067 highways by the department.

2068 (13)~~(10)~~ "Main-traveled way" means the traveled way of a
 2069 highway on which through traffic is carried. In the case of a
 2070 divided highway, the traveled way of each of the separate
 2071 roadways for traffic in opposite directions is a main-traveled

CS/HB 1271

2010

2072 way. It does not include such facilities as frontage roads,
 2073 turning roadways, or parking areas.

2074 (14)~~(11)~~ "Maintain" means to allow to exist.

2075 (15)~~(12)~~ "Motorist services directional signs" means signs
 2076 providing directional information about goods and services in
 2077 the interest of the traveling public where such signs were
 2078 lawfully erected and in existence on or before May 6, 1976, and
 2079 continue to provide directional information to goods and
 2080 services in a defined area.

2081 (16)~~(13)~~ "New highway" means the construction of any road,
 2082 paved or unpaved, where no road previously existed or the act of
 2083 paving any previously unpaved road.

2084 (17)~~(14)~~ "Nonconforming sign" means a sign which was
 2085 lawfully erected but which does not comply with the land use,
 2086 setback, size, spacing, and lighting provisions of state or
 2087 local law, rule, regulation, or ordinance passed at a later date
 2088 or a sign which was lawfully erected but which later fails to
 2089 comply with state or local law, rule, regulation, or ordinance
 2090 due to changed conditions.

2091 (18)~~(15)~~ "Premises" means all the land areas under
 2092 ownership or lease arrangement to the sign owner which are
 2093 contiguous to the business conducted on the land except for
 2094 instances where such land is a narrow strip contiguous to the
 2095 advertised activity or is connected by such narrow strip, the
 2096 only viable use of such land is to erect or maintain an
 2097 advertising sign. When the sign owner is a municipality or
 2098 county, "premises" shall mean all lands owned or leased by such
 2099 municipality or county within its jurisdictional boundaries as

CS/HB 1271

2010

2100 set forth by law.

2101 (19)~~(16)~~ "Remove" means to disassemble, transport from the
 2102 site, and dispose of sign materials by sale or destruction.

2103 (20)~~(17)~~ "Sign" means any combination of structure and
 2104 message in the form of an outdoor sign, display, device, figure,
 2105 painting, drawing, message, placard, poster, billboard,
 2106 advertising structure, advertisement, logo, symbol, or other
 2107 form, whether placed individually or on a V-type, back-to-back,
 2108 side-to-side, stacked, or double-faced display or automatic
 2109 changeable facing, designed, intended, or used to advertise or
 2110 inform, any part of the advertising message or informative
 2111 contents of which is visible from any place on the main-traveled
 2112 way. The term does not include an official traffic control sign,
 2113 official marker, or specific information panel erected, caused
 2114 to be erected, or approved by the department.

2115 (21)~~(18)~~ "Sign direction" means that direction from which
 2116 the message or informative contents are most visible to oncoming
 2117 traffic on the main-traveled way.

2118 (22)~~(19)~~ "Sign face" means the part of the sign, including
 2119 trim and background, which contains the message or informative
 2120 contents.

2121 (23)~~(20)~~ "Sign facing" includes all sign faces and
 2122 automatic changeable faces displayed at the same location and
 2123 facing the same direction.

2124 (24)~~(21)~~ "Sign structure" means all the interrelated parts
 2125 and material, such as beams, poles, and stringers, which are
 2126 constructed for the purpose of supporting or displaying a
 2127 message or informative contents.

CS/HB 1271

2010

2128 (25)~~(22)~~ "State Highway System" means the existing,
 2129 unbuilt, or unopened system of highways or portions thereof
 2130 designated as the State Highway System by the department.

2131 (26)~~(23)~~ "Unzoned commercial or industrial area" means a
 2132 parcel of land designated by the future land use map of the
 2133 comprehensive plan for multiple uses that include commercial or
 2134 industrial uses but are not specifically designated for
 2135 commercial or industrial uses under the land development
 2136 regulations, in which three or more separate and distinct
 2137 conforming industrial or commercial activities are located.

2138 (a) These activities must satisfy the following criteria:

2139 1. At least one of the commercial or industrial activities
 2140 must be located on the same side of the highway and within 800
 2141 feet of the sign location;

2142 2. The commercial or industrial activities must be within
 2143 660 feet from the nearest edge of the right-of-way; and

2144 3. The commercial industrial activities must be within
 2145 1,600 feet of each other.

2146
 2147 Distances specified in this paragraph must be measured from the
 2148 nearest outer edge of the primary building or primary building
 2149 complex when the individual units of the complex are connected
 2150 by covered walkways.

2151 (b) Certain activities, including, but not limited to, the
 2152 following, may not be so recognized as commercial or industrial
 2153 activities:

2154 1. Signs.

2155 2. Agricultural, forestry, ranching, grazing, farming, and

CS/HB 1271

2010

2156 related activities, including, but not limited to, wayside fresh
2157 produce stands.

2158 3. Transient or temporary activities.

2159 4. Activities not visible from the main-traveled way.

2160 5. Activities conducted more than 660 feet from the
2161 nearest edge of the right-of-way.

2162 6. Activities conducted in a building principally used as
2163 a residence.

2164 7. Railroad tracks and minor sidings.

2165 8. Communication towers.

2166 (27)~~(24)~~ "Urban area" has the same meaning as defined in
2167 s. 334.03~~(29)~~~~(32)~~.

2168 (28)~~(25)~~ "Visible commercial or industrial activity" means
2169 a commercial or industrial activity that is capable of being
2170 seen without visual aid by a person of normal visual acuity from
2171 the main-traveled way and that is generally recognizable as
2172 commercial or industrial.

2173 (29)~~(26)~~ "Visible sign" means that the advertising message
2174 or informative contents of a sign, whether or not legible, is
2175 capable of being seen without visual aid by a person of normal
2176 visual acuity.

2177 (30)~~(27)~~ "Wall mural" means a sign that is a painting or
2178 an artistic work composed of photographs or arrangements of
2179 color and that displays a commercial or noncommercial message,
2180 relies solely on the side of the building for rigid structural
2181 support, and is painted on the building or depicted on vinyl,
2182 fabric, or other similarly flexible material that is held in
2183 place flush or flat against the surface of the building. The

CS/HB 1271

2010

2184 term excludes a painting or work placed on a structure that is
 2185 erected for the sole or primary purpose of signage.

2186 (31) "Zoning category" means the designation under the
 2187 Land Development Regulations (LDR) or other similar ordinance
 2188 enacted to regulate the use of land as provided in s.
 2189 163.3202(2) (b), which designation sets forth the allowable uses,
 2190 restrictions, and limitations on use applicable to properties
 2191 within the category.

2192 Section 28. Sections 479.01, 479.015, 479.02, 479.03,
 2193 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,
 2194 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
 2195 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
 2196 are designated as part I of chapter 479, Florida Statutes, and
 2197 entitled "General Provisions."

2198 Section 29. Sections 479.261, 479.262, 479.27, 479.28, and
 2199 479.30, Florida Statutes, are designated as part II of chapter
 2200 479, Florida Statutes, and entitled "Special Programs."

2201 Section 30. Part III of chapter 479, Florida Statutes,
 2202 consisting of sections 479.310, 479.311, 479.312, 479.313, and
 2203 479.315, is created to read:

2204 PART III

2205 SIGN REMOVAL

2206 479.310 Unpermitted and illegal signs; intent.—It is the
 2207 intent of this part to relieve the department from the financial
 2208 burden incurred in the removal of unpermitted and illegal signs
 2209 located within the right-of-way of and controlled areas adjacent
 2210 to the State Highway System, interstate highway system, and
 2211 federal-aid primary highway system; to place the financial

2212 responsibility for the cost of such removal directly upon those
 2213 benefiting from the location and operation of such unpermitted
 2214 and illegal signs; and to provide clear authority to the
 2215 department for the recovery of cost incurred by the department
 2216 in the removal of such unpermitted and illegal signs.

2217 479.311 Jurisdiction; venue.—The county court shall have
 2218 jurisdiction concurrent with the circuit court to consider
 2219 claims filed by the department in amounts which are within their
 2220 jurisdictional limitations. For the purposes of a claim filed by
 2221 the department to recover its cost as provided in this section,
 2222 venue shall be Leon County.

2223 479.312 Unpermitted signs; cost of removal.—All costs
 2224 incurred by the department in connection with the removal of a
 2225 sign located within a controlled area adjacent to the State
 2226 Highway System, interstate highway system, or federal-aid
 2227 primary highway system which has not been issued a permit under
 2228 part I shall be assessed against and collected from the owner of
 2229 the sign, the advertiser displayed on the sign, or the owner of
 2230 the property upon which the sign is located. For the purposes of
 2231 this section, a sign that does not display the name of the sign
 2232 owner shall be presumed to be owned by the owner of the property
 2233 upon which the sign is located.

2234 479.313 Permit revocation; cost of removal.—All costs
 2235 incurred by the department in connection with the removal of a
 2236 sign located within a controlled area adjacent to the State
 2237 Highway System, interstate highway system, or federal-aid
 2238 primary highway system following the revocation of the permit
 2239 for such sign shall be assessed against and collected from the

CS/HB 1271

2010

2240 permittee.

2241 479.315 Highway rights-of way; cost of sign removal.-All
 2242 cost incurred by the department in connection with the removal
 2243 of a sign located within the right-of-way of the State Highway
 2244 System, interstate highway system, or federal-aid primary
 2245 highway system shall be assessed against and collected from the
 2246 owner of the sign or the advertiser displayed on the sign.

2247 Section 31. Section 705.18, Florida Statutes, is amended
 2248 to read:

2249 705.18 Disposal of personal property lost or abandoned on
 2250 university or community college campuses ~~or certain public-use~~
 2251 ~~airports~~; disposition of proceeds from sale thereof.-

2252 (1) Whenever any lost or abandoned personal property shall
 2253 be found on a campus of an institution in the State University
 2254 System or a campus of a state-supported community college, ~~or on~~
 2255 ~~premises owned or controlled by the operator of a public-use~~
 2256 ~~airport having regularly scheduled international passenger~~
 2257 ~~service~~, the president of the institution or the president's
 2258 designee ~~or the director of the airport or the director's~~
 2259 ~~designee~~ shall take charge of the property ~~thereof~~ and make a
 2260 record of the date such property was found. If, within 30 days
 2261 after such property is found, or a longer period of time as may
 2262 be deemed appropriate by the president ~~or the director~~ under the
 2263 circumstances, the property ~~it~~ is not claimed by the owner, the
 2264 president ~~or director~~ shall order it sold at public outcry after
 2265 giving notice of the time and place of sale in a publication of
 2266 general circulation on the campus of such institution ~~or within~~
 2267 ~~the county where the airport is located~~ and written notice to

CS/HB 1271

2010

2268 the owner if known. The rightful owner of such property may
 2269 reclaim the same at any time prior to sale.

2270 (2) All moneys realized from such institution's sale shall
 2271 be placed in an appropriate fund and used solely for student
 2272 scholarship and loan purposes. ~~All moneys realized from such~~
 2273 ~~sale by an airport, less its costs of storage, transportation,~~
 2274 ~~and publication of notice, shall, unless another use is required~~
 2275 ~~by federal law, be deposited into the state school fund.~~

2276 Section 32. Section 705.182, Florida Statutes, is created
 2277 to read:

2278 705.182 Disposal of personal property found on the
 2279 premises of public-use airports.-

2280 (1) Whenever any personal property, other than an aircraft
 2281 or motor vehicle, is found on premises owned or controlled by
 2282 the operator of a public-use airport, the director of the
 2283 airport or the director's designee shall take charge of the
 2284 property and make a record of the date such property was found.

2285 (2) If, within 30 calendar days after such property is
 2286 found or for a longer period of time as may be deemed
 2287 appropriate by the director or the director's designee under the
 2288 circumstances, the property is not claimed by the owner, the
 2289 director or the director's designee may:

2290 (a) Retain any or all of the property for use by the
 2291 airport or for use by the state or the unit of local government
 2292 owning or operating the airport;

2293 (b) Trade such property to another unit of local
 2294 government or a state agency;

2295 (c) Donate the property to a charitable organization;

2296 (d) Sell the property; or
 2297 (e) Dispose of the property through an appropriate refuse
 2298 removal company or a company that provides salvage services for
 2299 the type of personal property found or located on the airport
 2300 premises.

2301 (3) The airport shall notify the owner, if known, of the
 2302 property found on the airport premises and that the airport
 2303 intends to dispose of the property as provided in subsection
 2304 (2).

2305 (4) If the airport elects to sell the property under
 2306 paragraph (2) (d), the property must be sold at a public auction
 2307 either on the Internet or at a specified physical location after
 2308 giving notice of the time and place of sale, at least 10
 2309 calendar days prior to the date of sale, in a publication of
 2310 general circulation within the county where the airport is
 2311 located and after written notice, via certified mail, return
 2312 receipt requested, is provided to the owner, if known. Any such
 2313 notice shall be sufficient if the notice refers to the airport's
 2314 intention to sell all then-accumulated found property, and there
 2315 is no requirement that the notice identify each item to be sold.
 2316 The rightful owner of such property may reclaim the property at
 2317 any time prior to sale by presenting acceptable evidence of
 2318 ownership to the airport director or the director's designee.
 2319 All proceeds from the sale of the property shall be retained by
 2320 the airport for use by the airport in any lawfully authorized
 2321 manner.

2322 (5) Nothing in this section shall preclude the airport
 2323 from allowing a domestic or international air carrier or other

CS/HB 1271

2010

2324 tenant, on premises owned or controlled by the operator of a
 2325 public-use airport, to establish its own lost and found
 2326 procedures for personal property and to dispose of such personal
 2327 property.

2328 (6) A purchaser or recipient in good faith of personal
 2329 property sold or obtained under this section shall take the
 2330 property free of the rights of persons then holding any legal or
 2331 equitable interest thereto, whether or not recorded.

2332 Section 33. Section 705.183, Florida Statutes, is created
 2333 to read:

2334 705.183 Disposal of derelict or abandoned aircraft on the
 2335 premises of public-use airports.-

2336 (1) (a) Whenever any derelict or abandoned aircraft is
 2337 found or located on premises owned or controlled by the operator
 2338 of a public-use airport, whether or not such premises are under
 2339 a lease or license to a third party, the director of the airport
 2340 or the director's designee shall make a record of the date the
 2341 aircraft was found or determined to be present on the airport
 2342 premises.

2343 (b) For purposes of this section, the term:

2344 1. "Abandoned aircraft" means an aircraft that has been
 2345 disposed of on a public-use airport in a wrecked, inoperative,
 2346 or partially dismantled condition or an aircraft that has
 2347 remained in an idle state on premises owned or controlled by the
 2348 operator of a public-use airport for 45 consecutive calendar
 2349 days.

2350 2. "Derelict aircraft" means any aircraft that is not in a
 2351 flyable condition, does not have a current certificate of air

CS/HB 1271

2010

2352 worthiness issued by the Federal Aviation Administration, and is
2353 not in the process of actively being repaired.

2354 (2) The director or the director's designee shall contact
2355 the Federal Aviation Administration, Aircraft Registration
2356 Branch, to determine the name and address of the last registered
2357 owner of the aircraft and shall make a diligent personal search
2358 of the appropriate records, or contact an aircraft title search
2359 company, to determine the name and address of any person having
2360 an equitable or legal interest in the aircraft. Within 10
2361 business days after receipt of the information, the director or
2362 the director's designee shall notify the owner and all persons
2363 having an equitable or legal interest in the aircraft by
2364 certified mail, return receipt requested, of the location of the
2365 derelict or abandoned aircraft on the airport premises, that
2366 fees and charges for the use of the airport by the aircraft have
2367 accrued and the amount thereof, that the aircraft is subject to
2368 a lien under subsection (5) for the accrued fees and charges for
2369 the use of the airport and for the transportation, storage, and
2370 removal of the aircraft, that the lien is subject to enforcement
2371 pursuant to law, and that the airport may cause the use, trade,
2372 sale, or removal of the aircraft as described in s.
2373 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days
2374 after the date of receipt of such notice, the aircraft has not
2375 been removed from the airport upon payment in full of all
2376 accrued fees and charges for the use of the airport and for the
2377 transportation, storage, and removal of the aircraft. Such
2378 notice may require removal of the aircraft in less than 30
2379 calendar days if the aircraft poses a danger to the health or

2380 safety of users of the airport, as determined by the director or
 2381 the director's designee.

2382 (3) If the owner of the aircraft is unknown or cannot be
 2383 found, the director or the director's designee shall cause a
 2384 laminated notice to be placed upon such aircraft in
 2385 substantially the following form:

2386
 2387 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 2388 PROPERTY. This property, to wit: ...(setting forth brief
 2389 description)... is unlawfully upon public property known as
 2390 ...(setting forth brief description of location)... and has
 2391 accrued fees and charges for the use of the ...(same description
 2392 of location as above)... and for the transportation, storage,
 2393 and removal of the property. These accrued fees and charges must
 2394 be paid in full and the property must be removed within 30
 2395 calendar days after the date of this notice; otherwise, the
 2396 property will be removed and disposed of pursuant to chapter
 2397 705, Florida Statutes. The property is subject to a lien for all
 2398 accrued fees and charges for the use of the public property
 2399 known as ...(same description of location as above)... by such
 2400 property and for all fees and charges incurred by the public
 2401 property known as ...(same description of location as above)...
 2402 for the transportation, storage, and removal of the property.
 2403 This lien is subject to enforcement pursuant to law. The owner
 2404 will be liable for such fees and charges, as well as the cost
 2405 for publication of this notice. Dated this: ...(setting forth
 2406 the date of posting of notice)..., signed: ...(setting forth
 2407 name, title, address, and telephone number of law enforcement

CS/HB 1271

2010

2408 officer)....

2409

2410 Such notice shall be not less than 8 inches by 10 inches and
2411 shall be sufficiently weatherproof to withstand normal exposure
2412 to the weather. If, at the end of 30 calendar days after posting
2413 the notice, the owner or any person interested in the described
2414 derelict or abandoned aircraft has not removed the aircraft from
2415 the airport upon payment in full of all accrued fees and charges
2416 for the use of the airport and for the transportation, storage,
2417 and removal of the aircraft, or shown reasonable cause for
2418 failure to do so, the director or the director's designee may
2419 cause the use, trade, sale, or removal of the aircraft as
2420 described in s. 705.182(2)(a), (b), (d), or (e).

2421 (4) Such aircraft shall be removed within the time period
2422 specified in the notice provided under subsection (2) or
2423 subsection (3). If, at the end of such period of time, the owner
2424 or any person interested in the described derelict or abandoned
2425 aircraft has not removed the aircraft from the airport upon
2426 payment in full of all accrued fees and charges for the use of
2427 the airport and for the transportation, storage, and removal of
2428 the aircraft, or shown reasonable cause for the failure to do
2429 so, the director or the director's designee may cause the use,
2430 trade, sale, or removal of the aircraft as described in s.
2431 705.182(2)(a), (b), (d), or (e).

2432 (a) If the airport elects to sell the aircraft in
2433 accordance with s. 705.182(2)(d), the aircraft must be sold at
2434 public auction after giving notice of the time and place of
2435 sale, at least 10 calendar days prior to the date of sale, in a

2436 publication of general circulation within the county where the
 2437 airport is located and after providing written notice of the
 2438 intended sale to all parties known to have an interest in the
 2439 aircraft.

2440 (b) If the airport elects to dispose of the aircraft in
 2441 accordance with s. 705.182(2)(e), the airport shall be entitled
 2442 to negotiate with the company for a price to be received from
 2443 such company in payment for the aircraft, or, if circumstances
 2444 so warrant, a price to be paid to such company by the airport
 2445 for the costs of disposing of the aircraft. All information
 2446 pertaining to the establishment of such price and the
 2447 justification for the amount of such price shall be prepared and
 2448 maintained by the airport, and such negotiated price shall be
 2449 deemed to be a commercially reasonable price.

2450 (c) If the sale price or the negotiated price is less than
 2451 the airport's then current charges and costs against the
 2452 aircraft, or if the airport is required to pay the salvage
 2453 company for its services, the owner of the aircraft shall remain
 2454 liable to the airport for the airport's costs that are not
 2455 offset by the sale price or negotiated price, in addition to the
 2456 owner's liability for payment to the airport of the price the
 2457 airport was required to pay any salvage company. All costs
 2458 incurred by the airport in the removal, storage, and sale of any
 2459 aircraft shall be recoverable against the owner of the aircraft.

2460 (5) The airport shall have a lien on a derelict or
 2461 abandoned aircraft for all fees and charges for the use of the
 2462 airport by such aircraft and for all fees and charges incurred
 2463 by the airport for the transportation, storage, and removal of

2464 the aircraft. As a prerequisite to perfecting a lien under this
 2465 section, the airport director or the director's designee must
 2466 serve a notice in accordance with subsection (2) on the last
 2467 registered owner and all persons having an equitable or legal
 2468 interest in the aircraft. Serving the notice does not dispense
 2469 with recording the claim of lien.

2470 (6) (a) For the purpose of perfecting its lien under this
 2471 section, the airport shall record a claim of lien which shall
 2472 state:

2473 1. The name and address of the airport.

2474 2. The name of the last registered owner of the aircraft
 2475 and all persons having a legal or equitable interest in the
 2476 aircraft.

2477 3. The fees and charges incurred by the aircraft for the
 2478 use of the airport and the fees and charges for the
 2479 transportation, storage, and removal of the aircraft.

2480 4. A description of the aircraft sufficient for
 2481 identification.

2482 (b) The claim of lien shall be signed and sworn to or
 2483 affirmed by the airport director or the director's designee.

2484 (c) The claim of lien shall be sufficient if it is in
 2485 substantially the following form:

2487 CLAIM OF LIEN

2488 State of _____

2489 County of _____

2490 Before me, the undersigned notary public, personally appeared
 2491 _____, who was duly sworn and says that he/she is the

CS/HB 1271

2010

2492 of , whose address is ; and that the
 2493 following described aircraft:
 2494 ...(Description of aircraft)...
 2495 owned by , whose address is , has accrued
 2496 \$ in fees and charges for the use by the aircraft of
 2497 and for the transportation, storage, and removal
 2498 of the aircraft from ; that the lienor served its
 2499 notice to the last registered owner and all persons having a
 2500 legal or equitable interest in the aircraft on ,
 2501 ...(year)..., by .
 2502 ...(Signature)...
 2503 Sworn to (or affirmed) and subscribed before me this day
 2504 of , ...(year)..., by ...(name of person making statement)....
 2505 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 2506 Commissioned name of Notary Public)...
 2507 Personally Known OR Produced as identification.
 2508
 2509 However, the negligent inclusion or omission of any information
 2510 in this claim of lien which does not prejudice the last
 2511 registered owner does not constitute a default that operates to
 2512 defeat an otherwise valid lien.
 2513 (d) The claim of lien shall be served on the last
 2514 registered owner of the aircraft and all persons having an
 2515 equitable or legal interest in the aircraft. The claim of lien
 2516 shall be so served before recordation.
 2517 (e) The claim of lien shall be recorded with the clerk of
 2518 court in the county where the airport is located. The recording
 2519 of the claim of lien shall be constructive notice to all persons

2520 of the contents and effect of such claim. The lien shall attach
 2521 at the time of recordation and shall take priority as of that
 2522 time.

2523 (7) A purchaser or recipient in good faith of an aircraft
 2524 sold or obtained under this section takes the property free of
 2525 the rights of persons then holding any legal or equitable
 2526 interest to the aircraft, whether or not recorded. The purchaser
 2527 or recipient is required to notify the appropriate Federal
 2528 Aviation Administration office of such change in the registered
 2529 owner of the aircraft.

2530 (8) If the aircraft is sold at public sale, the airport
 2531 shall deduct from the proceeds of sale the costs of
 2532 transportation, storage, publication of notice, and all other
 2533 costs reasonably incurred by the airport, and any balance of the
 2534 proceeds shall be deposited into an interest-bearing account not
 2535 later than 30 calendar days after the airport's receipt of the
 2536 proceeds and held there for 1 year. The rightful owner of the
 2537 aircraft may claim the balance of the proceeds within 1 year
 2538 after the date of the deposit by making application to the
 2539 airport and presenting acceptable written evidence of ownership
 2540 to the airport's director or the director's designee. If no
 2541 rightful owner claims the proceeds within the 1-year period, the
 2542 balance of the proceeds shall be retained by the airport to be
 2543 used in any manner authorized by law.

2544 (9) Any person acquiring a legal interest in an aircraft
 2545 that is sold by an airport under this section or s. 705.182
 2546 shall be the lawful owner of such aircraft and all other legal
 2547 or equitable interests in such aircraft shall be divested and of

CS/HB 1271

2010

2548 no further force and effect, provided that the holder of any
 2549 such legal or equitable interests was notified of the intended
 2550 disposal of the aircraft to the extent required in this section.
 2551 The airport may issue documents of disposition to the purchaser
 2552 or recipient of an aircraft disposed of under this section.

2553 Section 34. Section 705.184, Florida Statutes, is created
 2554 to read:

2555 705.184 Derelict or abandoned motor vehicles on the
 2556 premises of public-use airports.—

2557 (1) (a) Whenever any derelict or abandoned motor vehicle is
 2558 found on premises owned or controlled by the operator of a
 2559 public-use airport, including airport premises leased to a third
 2560 party, the director of the airport or the director's designee
 2561 may take charge of the motor vehicle and make a record of the
 2562 date such motor vehicle was found.

2563 (b) For purposes of this section, the term:

2564 1. "Abandoned motor vehicle" means a motor vehicle that
 2565 has been disposed of on a public-use airport in a wrecked,
 2566 inoperative, or partially dismantled condition or a motor
 2567 vehicle that has remained in an idle state on the premises of a
 2568 public-use airport for 45 consecutive calendar days.

2569 2. "Derelict motor vehicle" means any motor vehicle that
 2570 is not in a drivable condition.

2571 (c) After the information relating to the abandoned or
 2572 derelict motor vehicle is recorded in the airport's records, the
 2573 director or the director's designee may cause the motor vehicle
 2574 to be removed from airport premises by the airport's wrecker or
 2575 by a licensed independent wrecker company to be stored at a

2576 suitable location on or off the airport premises. If the motor
 2577 vehicle is to be removed from airport premises by the airport's
 2578 wrecker, the airport must follow the procedures in subsections
 2579 (2)-(8). The procedures in subsections (2)-(8) do not apply if
 2580 the motor vehicle is removed from the airport premises by a
 2581 licensed independent wrecker company.

2582 (2) The airport director or the director's designee shall
 2583 contact the Department of Highway Safety and Motor Vehicles to
 2584 notify that department that the airport has possession of the
 2585 abandoned or derelict motor vehicle and to determine the name
 2586 and address of the owner of the motor vehicle, the insurance
 2587 company insuring the motor vehicle, notwithstanding the
 2588 provisions of s. 627.736, and any person who has filed a lien on
 2589 the motor vehicle. Within 7 business days after receipt of the
 2590 information, the director or the director's designee shall send
 2591 notice by certified mail, return receipt requested, to the owner
 2592 of the motor vehicle, the insurance company insuring the motor
 2593 vehicle, notwithstanding the provisions of s. 627.736, and all
 2594 persons of record claiming a lien against the motor vehicle. The
 2595 notice shall state the fact of possession of the motor vehicle,
 2596 that charges for reasonable towing, storage, and parking fees,
 2597 if any, have accrued and the amount thereof, that a lien as
 2598 provided in subsection (6) will be claimed, that the lien is
 2599 subject to enforcement pursuant to law, that the owner or
 2600 lienholder, if any, has the right to a hearing as set forth in
 2601 subsection (4), and that any motor vehicle which, at the end of
 2602 30 calendar days after receipt of the notice, has not been
 2603 removed from the airport upon payment in full of all accrued

CS/HB 1271

2010

2604 charges for reasonable towing, storage, and parking fees, if
 2605 any, may be disposed of as provided in s. 705.182(2) (a), (b),
 2606 (d), or (e), including, but not limited to, the motor vehicle
 2607 being sold free of all prior liens after 35 calendar days after
 2608 the time the motor vehicle is stored if any prior liens on the
 2609 motor vehicle are more than 5 years of age or after 50 calendar
 2610 days after the time the motor vehicle is stored if any prior
 2611 liens on the motor vehicle are 5 years of age or less.

2612 (3) If attempts to notify the owner or lienholder pursuant
 2613 to subsection (2) are not successful, the requirement of notice
 2614 by mail shall be considered met and the director or the
 2615 director's designee, in accordance with subsection (5), may
 2616 cause the motor vehicle to be disposed of as provided in s.
 2617 705.182(2) (a), (b), (d), or (e), including, but not limited to,
 2618 the motor vehicle being sold free of all prior liens after 35
 2619 calendar days after the time the motor vehicle is stored if any
 2620 prior liens on the motor vehicle are more than 5 years of age or
 2621 after 50 calendar days after the time the motor vehicle is
 2622 stored if any prior liens on the motor vehicle are 5 years of
 2623 age or less.

2624 (4) (a) The owner of, or any person with a lien on, a motor
 2625 vehicle removed pursuant to subsection (1), may, within 10
 2626 calendar days after the time he or she has knowledge of the
 2627 location of the motor vehicle, file a complaint in the county
 2628 court of the county in which the motor vehicle is stored to
 2629 determine if his or her property was wrongfully taken or
 2630 withheld.

2631 (b) Upon filing a complaint, an owner or lienholder may

2632 have his or her motor vehicle released upon posting with the
 2633 court a cash or surety bond or other adequate security equal to
 2634 the amount of the fees for towing, storage, and accrued parking,
 2635 if any, to ensure the payment of such fees in the event he or
 2636 she does not prevail. Upon the posting of the bond or other
 2637 adequate security and the payment of any applicable fee, the
 2638 clerk of the court shall issue a certificate notifying the
 2639 airport of the posting of the bond or other adequate security
 2640 and directing the airport to release the motor vehicle. At the
 2641 time of such release, after reasonable inspection, the owner or
 2642 lienholder shall give a receipt to the airport reciting any
 2643 claims he or she has for loss or damage to the motor vehicle or
 2644 the contents of the motor vehicle.

2645 (5) If, after 30 calendar days after receipt of the
 2646 notice, the owner or any person claiming a lien has not removed
 2647 the motor vehicle from its storage location upon payment in full
 2648 of all accrued charges for reasonable towing, storage, and
 2649 parking fees, if any, or shown reasonable cause for the failure
 2650 to do so, the airport director or the director's designee may
 2651 dispose of the motor vehicle as provided in s. 705.182(2) (a),
 2652 (b), (d), or (e). If the airport elects to sell the motor
 2653 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be
 2654 sold free of all prior liens after 35 calendar days after the
 2655 time the motor vehicle is stored if any prior liens on the motor
 2656 vehicle are more than 5 years of age or after 50 calendar days
 2657 after the time the motor vehicle is stored if any prior liens on
 2658 the motor vehicle are 5 years of age or less. The sale shall be
 2659 a public auction either on the Internet or at a specified

2660 physical location. If the date of the sale was not included in
 2661 the notice required in subsection (2), notice of the sale, sent
 2662 by certified mail, return receipt requested, shall be given to
 2663 the owner of the motor vehicle and to all persons claiming a
 2664 lien on the motor vehicle. Such notice shall be mailed not less
 2665 than 10 calendar days before the date of the sale. In addition
 2666 to the notice by mail, public notice of the time and place of
 2667 the sale at auction shall be made by publishing a notice of the
 2668 sale at auction one time, at least 10 calendar days prior to the
 2669 date of sale, in a newspaper of general circulation in the
 2670 county in which the sale is to be held. All costs incurred by
 2671 the airport for the towing, storage, and sale of the motor
 2672 vehicle, as well as all accrued parking fees, if any, shall be
 2673 recovered by the airport from the proceeds of the sale, and any
 2674 proceeds of the sale in excess of such costs shall be retained
 2675 by the airport for use by the airport in any manner authorized
 2676 by law.

2677 (6) The airport pursuant to this section or, if used, a
 2678 licensed independent wrecker company pursuant to s. 713.78 shall
 2679 have a lien on an abandoned or derelict motor vehicle for all
 2680 reasonable towing, storage, and accrued parking fees, if any,
 2681 except that no storage fee shall be charged if the motor vehicle
 2682 is stored less than 6 hours. As a prerequisite to perfecting a
 2683 lien under this section, the airport director or the director's
 2684 designee must serve a notice in accordance with subsection (2)
 2685 on the owner of the motor vehicle, the insurance company
 2686 insuring the motor vehicle, notwithstanding the provisions of s.
 2687 627.736, and all persons of record claiming a lien against the

CS/HB 1271

2010

2688 motor vehicle. If attempts to notify the owner, the insurance
 2689 company insuring the motor vehicle, notwithstanding the
 2690 provisions of s. 627.736, or lienholders are not successful, the
 2691 requirement of notice by mail shall be considered met. Serving
 2692 of the notice does not dispense with recording the claim of
 2693 lien.

2694 (7) (a) For the purpose of perfecting its lien under this
 2695 section, the airport shall record a claim of lien which shall
 2696 state:

2697 1. The name and address of the airport.

2698 2. The name of the owner of the motor vehicle, the
 2699 insurance company insuring the motor vehicle, notwithstanding
 2700 the provisions of s. 627.736, and all persons of record claiming
 2701 a lien against the motor vehicle.

2702 3. The costs incurred from reasonable towing, storage, and
 2703 parking fees, if any.

2704 4. A description of the motor vehicle sufficient for
 2705 identification.

2706 (b) The claim of lien shall be signed and sworn to or
 2707 affirmed by the airport director or the director's designee.

2708 (c) The claim of lien shall be sufficient if it is in
 2709 substantially the following form:

2711 CLAIM OF LIEN

2712 State of _____

2713 County of _____

2714 Before me, the undersigned notary public, personally appeared
 2715 _____, who was duly sworn and says that he/she is the

CS/HB 1271

2010

2716 of , whose address is ; and that the
 2717 following described motor vehicle:
 2718 ...(Description of motor vehicle)...
 2719 owned by , whose address is , has accrued
 2720 \$ in fees for a reasonable tow, for storage, and for
 2721 parking, if applicable; that the lienor served its notice to the
 2722 owner, the insurance company insuring the motor vehicle
 2723 notwithstanding the provisions of s. 627.736, Florida Statutes,
 2724 and all persons of record claiming a lien against the motor
 2725 vehicle on , ...(year)..., by .
 2726 ...(Signature)...
 2727 Sworn to (or affirmed) and subscribed before me this day
 2728 of , ...(year)..., by ...(name of person making statement)....
 2729 ...(Signature of Notary Public)... ...(Print, Type, or Stamp
 2730 Commissioned name of Notary Public)...
 2731 Personally Known OR Produced as identification.
 2732
 2733 However, the negligent inclusion or omission of any information
 2734 in this claim of lien which does not prejudice the owner does
 2735 not constitute a default that operates to defeat an otherwise
 2736 valid lien.
 2737 (d) The claim of lien shall be served on the owner of the
 2738 motor vehicle, the insurance company insuring the motor vehicle,
 2739 notwithstanding the provisions of s. 627.736, and all persons of
 2740 record claiming a lien against the motor vehicle. If attempts to
 2741 notify the owner, the insurance company insuring the motor
 2742 vehicle notwithstanding the provisions of s. 627.736, or
 2743 lienholders are not successful, the requirement of notice by

2744 mail shall be considered met. The claim of lien shall be so
 2745 served before recordation.

2746 (e) The claim of lien shall be recorded with the clerk of
 2747 court in the county where the airport is located. The recording
 2748 of the claim of lien shall be constructive notice to all persons
 2749 of the contents and effect of such claim. The lien shall attach
 2750 at the time of recordation and shall take priority as of that
 2751 time.

2752 (8) A purchaser or recipient in good faith of a motor
 2753 vehicle sold or obtained under this section takes the property
 2754 free of the rights of persons then holding any legal or
 2755 equitable interest thereto, whether or not recorded.

2756 Section 35. Paragraph (a) of subsection (12) of section
 2757 163.3180, Florida Statutes, is amended to read:

2758 163.3180 Concurrency.—

2759 (12) (a) A development of regional impact may satisfy the
 2760 transportation concurrency requirements of the local
 2761 comprehensive plan, the local government's concurrency
 2762 management system, and s. 380.06 by payment of a proportionate-
 2763 share contribution for local and regionally significant traffic
 2764 impacts, if:

2765 1. The development of regional impact which, based on its
 2766 location or mix of land uses, is designed to encourage
 2767 pedestrian or other nonautomotive modes of transportation;

2768 2. The proportionate-share contribution for local and
 2769 regionally significant traffic impacts is sufficient to pay for
 2770 one or more required mobility improvements that will benefit a
 2771 regionally significant transportation facility;

2772 3. The owner and developer of the development of regional
 2773 impact pays or assures payment of the proportionate-share
 2774 contribution; and

2775 4. If the regionally significant transportation facility
 2776 to be constructed or improved is under the maintenance authority
 2777 of a governmental entity, as defined by s. 334.03(10)~~(12)~~, other
 2778 than the local government with jurisdiction over the development
 2779 of regional impact, the developer is required to enter into a
 2780 binding and legally enforceable commitment to transfer funds to
 2781 the governmental entity having maintenance authority or to
 2782 otherwise assure construction or improvement of the facility.

2783
 2784 The proportionate-share contribution may be applied to any
 2785 transportation facility to satisfy the provisions of this
 2786 subsection and the local comprehensive plan, but, for the
 2787 purposes of this subsection, the amount of the proportionate-
 2788 share contribution shall be calculated based upon the cumulative
 2789 number of trips from the proposed development expected to reach
 2790 roadways during the peak hour from the complete buildout of a
 2791 stage or phase being approved, divided by the change in the peak
 2792 hour maximum service volume of roadways resulting from
 2793 construction of an improvement necessary to maintain the adopted
 2794 level of service, multiplied by the construction cost, at the
 2795 time of developer payment, of the improvement necessary to
 2796 maintain the adopted level of service. For purposes of this
 2797 subsection, "construction cost" includes all associated costs of
 2798 the improvement. Proportionate-share mitigation shall be limited
 2799 to ensure that a development of regional impact meeting the

2800 requirements of this subsection mitigates its impact on the
 2801 transportation system but is not responsible for the additional
 2802 cost of reducing or eliminating backlogs. This subsection also
 2803 applies to Florida Quality Developments pursuant to s. 380.061
 2804 and to detailed specific area plans implementing optional sector
 2805 plans pursuant to s. 163.3245.

2806 Section 36. Subsection (3) of section 288.063, Florida
 2807 Statutes, is amended to read:

2808 288.063 Contracts for transportation projects.—

2809 (3) With respect to any contract executed pursuant to this
 2810 section, the term "transportation project" means a
 2811 transportation facility as defined in s. 334.03(28)~~(31)~~ which is
 2812 necessary in the judgment of the Office of Tourism, Trade, and
 2813 Economic Development to facilitate the economic development and
 2814 growth of the state. Except for applications received prior to
 2815 July 1, 1996, such transportation projects shall be approved
 2816 only as a consideration to attract new employment opportunities
 2817 to the state or expand or retain employment in existing
 2818 companies operating within the state, or to allow for the
 2819 construction or expansion of a state or federal correctional
 2820 facility in a county with a population of 75,000 or less that
 2821 creates new employment opportunities or expands or retains
 2822 employment in the county. The Office of Tourism, Trade, and
 2823 Economic Development shall institute procedures to ensure that
 2824 small and minority businesses have equal access to funding
 2825 provided under this section. Funding for approved transportation
 2826 projects may include any expenses, other than administrative
 2827 costs and equipment purchases specified in the contract,

CS/HB 1271

2010

2828 necessary for new, or improvement to existing, transportation
 2829 facilities. Funds made available pursuant to this section may
 2830 not be expended in connection with the relocation of a business
 2831 from one community to another community in this state unless the
 2832 Office of Tourism, Trade, and Economic Development determines
 2833 that without such relocation the business will move outside this
 2834 state or determines that the business has a compelling economic
 2835 rationale for the relocation which creates additional jobs.
 2836 Subject to appropriation for projects under this section, any
 2837 appropriation greater than \$10 million shall be allocated to
 2838 each of the districts of the Department of Transportation to
 2839 ensure equitable geographical distribution. Such allocated funds
 2840 that remain uncommitted by the third quarter of the fiscal year
 2841 shall be reallocated among the districts based on pending
 2842 project requests.

2843 Section 37. Paragraph (b) of subsection (3) of section
 2844 311.07, Florida Statutes, is amended to read:

2845 311.07 Florida seaport transportation and economic
 2846 development funding.—

2847 (3)

2848 (b) Projects eligible for funding by grants under the
 2849 program are limited to the following port facilities or port
 2850 transportation projects:

2851 1. Transportation facilities within the jurisdiction of
 2852 the port.

2853 2. The dredging or deepening of channels, turning basins,
 2854 or harbors.

2855 3. The construction or rehabilitation of wharves, docks,

CS/HB 1271

2010

2856 structures, jetties, piers, storage facilities, cruise
 2857 terminals, automated people mover systems, or any facilities
 2858 necessary or useful in connection with any of the foregoing.

2859 4. The acquisition of vessel tracking systems, container
 2860 cranes, or other mechanized equipment used in the movement of
 2861 cargo or passengers in international commerce.

2862 5. The acquisition of land to be used for port purposes.

2863 6. The acquisition, improvement, enlargement, or extension
 2864 of existing port facilities.

2865 7. Environmental protection projects which are necessary
 2866 because of requirements imposed by a state agency as a condition
 2867 of a permit or other form of state approval; which are necessary
 2868 for environmental mitigation required as a condition of a state,
 2869 federal, or local environmental permit; which are necessary for
 2870 the acquisition of spoil disposal sites and improvements to
 2871 existing and future spoil sites; or which result from the
 2872 funding of eligible projects listed in this paragraph.

2873 8. Transportation facilities as defined in s.
 2874 334.03(28) ~~(31)~~ which are not otherwise part of the Department of
 2875 Transportation's adopted work program.

2876 9. Seaport intermodal access projects identified in the 5-
 2877 year Florida Seaport Mission Plan as provided in s. 311.09(3).

2878 10. Construction or rehabilitation of port facilities as
 2879 defined in s. 315.02, excluding any park or recreational
 2880 facilities, in ports listed in s. 311.09(1) with operating
 2881 revenues of \$5 million or less, provided that such projects
 2882 create economic development opportunities, capital improvements,
 2883 and positive financial returns to such ports.

CS/HB 1271

2010

2884 Section 38. Subsection (7) of section 311.09, Florida
 2885 Statutes, is amended to read:

2886 311.09 Florida Seaport Transportation and Economic
 2887 Development Council.—

2888 (7) The Department of Transportation shall review the list
 2889 of projects approved by the council for consistency with the
 2890 Florida Transportation Plan and the department's adopted work
 2891 program. In evaluating the consistency of a project, the
 2892 department shall determine whether the transportation impact of
 2893 the proposed project is adequately handled by existing state-
 2894 owned transportation facilities or by the construction of
 2895 additional state-owned transportation facilities as identified
 2896 in the Florida Transportation Plan and the department's adopted
 2897 work program. In reviewing for consistency a transportation
 2898 facility project as defined in s. 334.03 (28) ~~(31)~~ which is not
 2899 otherwise part of the department's work program, the department
 2900 shall evaluate whether the project is needed to provide for
 2901 projected movement of cargo or passengers from the port to a
 2902 state transportation facility or local road. If the project is
 2903 needed to provide for projected movement of cargo or passengers,
 2904 the project shall be approved for consistency as a consideration
 2905 to facilitate the economic development and growth of the state
 2906 in a timely manner. The Department of Transportation shall
 2907 identify those projects which are inconsistent with the Florida
 2908 Transportation Plan and the adopted work program and shall
 2909 notify the council of projects found to be inconsistent.

2910 Section 39. Paragraph (c) of subsection (5) of section
 2911 316.515, Florida Statutes, is amended to read:

CS/HB 1271

2010

2912 316.515 Maximum width, height, length.—
 2913 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
 2914 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

2915 (c) The width and height limitations of this section do
 2916 not apply to farming or agricultural equipment, whether self-
 2917 propelled, pulled, or hauled, when temporarily operated during
 2918 daylight hours upon a public road that is not a limited access
 2919 facility as defined in s. 334.03(11)~~(13)~~, and the width and
 2920 height limitations may be exceeded by such equipment without a
 2921 permit. To be eligible for this exemption, the equipment shall
 2922 be operated within a radius of 50 miles of the real property
 2923 owned, rented, or leased by the equipment owner. However,
 2924 equipment being delivered by a dealer to a purchaser is not
 2925 subject to the 50-mile limitation. Farming or agricultural
 2926 equipment greater than 174 inches in width must have one warning
 2927 lamp mounted on each side of the equipment to denote the width
 2928 and must have a slow-moving vehicle sign. Warning lamps required
 2929 by this paragraph must be visible from the front and rear of the
 2930 vehicle and must be visible from a distance of at least 1,000
 2931 feet.

2932 Section 40. Section 336.01, Florida Statutes, is amended
 2933 to read:

2934 336.01 Designation of county road system.—The county road
 2935 system shall be as defined in s. 334.03(6)~~(8)~~.

2936 Section 41. Subsection (2) of section 338.222, Florida
 2937 Statutes, is amended to read:

2938 338.222 Department of Transportation sole governmental
 2939 entity to acquire, construct, or operate turnpike projects;

CS/HB 1271

2010

2940 exception.—

2941 (2) The department may contract with any local
 2942 governmental entity as defined in s. 334.03 (12) ~~(14)~~ for the
 2943 design, right-of-way acquisition, or construction of any
 2944 turnpike project which the Legislature has approved. Local
 2945 governmental entities may negotiate with the department for the
 2946 design, right-of-way acquisition, and construction of any
 2947 section of the turnpike project within areas of their respective
 2948 jurisdictions or within counties with which they have interlocal
 2949 agreements.

2950 Section 42. Subsection (2) of section 341.8225, Florida
 2951 Statutes, is amended to read:

2952 341.8225 Department of Transportation sole governmental
 2953 entity to acquire, construct, or operate high-speed rail
 2954 projects; exception.—

2955 (2) Local governmental entities, as defined in s.
 2956 334.03 (12) ~~(14)~~, may negotiate with the department for the
 2957 design, right-of-way acquisition, and construction of any
 2958 component of the high-speed rail system within areas of their
 2959 respective jurisdictions or within counties with which they have
 2960 interlocal agreements.

2961 Section 43. Subsection (1) of section 479.07, Florida
 2962 Statutes, is amended to read:

2963 479.07 Sign permits.—

2964 (1) Except as provided in ss. 479.105(1)(e) and 479.16, a
 2965 person may not erect, operate, use, or maintain, or cause to be
 2966 erected, operated, used, or maintained, any sign on the State
 2967 Highway System outside an urban area, as defined in s.

CS/HB 1271

2010

2968 334.03 (29) ~~(32)~~, or on any portion of the interstate or federal-
 2969 aid primary highway system without first obtaining a permit for
 2970 the sign from the department and paying the annual fee as
 2971 provided in this section. As used in this section, the term "on
 2972 any portion of the State Highway System, interstate, or federal-
 2973 aid primary system" means a sign located within the controlled
 2974 area which is visible from any portion of the main-traveled way
 2975 of such system.

2976 Section 44. Section 479.156, Florida Statutes, is amended
 2977 to read:

2978 479.156 Wall murals.—Notwithstanding any other provision
 2979 of this chapter, a municipality or county may permit and
 2980 regulate wall murals within areas designated by such government.
 2981 If a municipality or county permits wall murals, a wall mural
 2982 that displays a commercial message and is within 660 feet of the
 2983 nearest edge of the right-of-way within an area adjacent to the
 2984 interstate highway system or the federal-aid primary highway
 2985 system shall be located in an area that is zoned for industrial
 2986 or commercial use and the municipality or county shall establish
 2987 and enforce regulations for such areas that, at a minimum, set
 2988 forth criteria governing the size, lighting, and spacing of wall
 2989 murals consistent with the intent of the Highway Beautification
 2990 Act of 1965 and with customary use. Whenever a municipality or
 2991 county exercises such control and makes a determination of
 2992 customary use pursuant to 23 U.S.C. s. 131(d), such
 2993 determination shall be accepted in lieu of controls in the
 2994 agreement between the state and the United States Department of
 2995 Transportation, and the department shall notify the Federal

CS/HB 1271

2010

2996 Highway Administration pursuant to the agreement, 23 U.S.C. s.
 2997 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
 2998 subject to municipal or county regulation and the Highway
 2999 Beautification Act of 1965 must be approved by the Department of
 3000 Transportation and the Federal Highway Administration when
 3001 required by federal law and federal regulation under the
 3002 agreement between the state and the United States Department of
 3003 Transportation and federal regulations enforced by the
 3004 Department of Transportation under s. 479.02(1). The existence
 3005 of a wall mural as defined in s. 479.01(30)~~(27)~~ shall not be
 3006 considered in determining whether a sign as defined in s.
 3007 479.01(20)~~(17)~~, either existing or new, is in compliance with s.
 3008 479.07(9) (a).

3009 Section 45. Subsection (5) of section 479.261, Florida
 3010 Statutes, is amended to read:

3011 479.261 Logo sign program.—

3012 (5) At a minimum, permit fees for businesses that
 3013 participate in the program must be established in an amount
 3014 sufficient to offset the total cost to the department for the
 3015 program, including contract costs. The department shall provide
 3016 the services in the most efficient and cost-effective manner
 3017 through department staff or by contracting for some or all of
 3018 the services. The department shall adopt rules that set
 3019 reasonable rates based upon factors such as population, traffic
 3020 volume, market demand, and costs for annual permit fees.
 3021 However, annual permit fees for sign locations inside an urban
 3022 area, as defined in s. 334.03(29)~~(32)~~, may not exceed \$5,000,
 3023 and annual permit fees for sign locations outside an urban area,

CS/HB 1271

2010

3024 | as defined in s. 334.03 (29) ~~(32)~~, may not exceed \$2,500. After
 3025 | recovering program costs, the proceeds from the annual permit
 3026 | fees shall be deposited into the State Transportation Trust Fund
 3027 | and used for transportation purposes.

3028 | Section 46. This act shall take effect July 1, 2010.