

1                   A bill to be entitled  
2           An act relating to transportation; amending s. 20.23,  
3           F.S.; authorizing the Department of Transportation 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. 316.545, F.S.; providing for a  
13          reduction in the gross weight of certain vehicles equipped  
14          with idle-reduction technologies when calculating a  
15          penalty for exceeding maximum weight limits; requiring the  
16          operator to provide certification of the weight of the  
17          idle-reduction technology and to demonstrate or certify  
18          that the idle-reduction technology is fully functional at  
19          all times; amending s. 316.550, F.S.; authorizing the  
20          department or local authority to issue permits for certain  
21          vehicles to operate on certain routes; providing  
22          restrictions on routes; providing conditions when vehicles  
23          must be unloaded; conforming a cross-reference; amending  
24          s. 318.18, F.S.; revising provisions for distribution of  
25          proceeds collected by the clerk of the court for  
26          disposition of citations for failure to pay a toll;  
27          providing alternative procedures for disposition of such  
28          citation; providing for adjudication to be withheld and no

29 | points assessed against the driver's license unless  
30 | adjudication is imposed by a court; removing a provision  
31 | for suspension of the driver's license of a person who is  
32 | convicted of failing to pay a toll 10 or more times within  
33 | a 36-month period; amending s. 320.08, F.S.; providing  
34 | that specified license tax provisions apply to wreckers  
35 | used for certain purposes; amending s. 320.08058, F.S.;  
36 | revising authorized uses of revenue received from the sale  
37 | of United We Stand license plates; amending s. 322.27,  
38 | F.S.; providing for assessment of points against a  
39 | driver's license for specified violations of requirements  
40 | to pay a toll only when the points are imposed by a court;  
41 | repealing s. 332.14, F.S., relating to the Secure Airports  
42 | for Florida's Economy Council; providing for the use of  
43 | funds accrued by the Secure Airports for Florida's Economy  
44 | Council; amending s. 334.03, F.S.; revising definitions  
45 | for purposes of the Florida Transportation Code; amending  
46 | s. 334.044, F.S.; revising powers and duties of the  
47 | department; removing provisions for assigning jurisdiction  
48 | of roads and designating facilities as part of the State  
49 | Highway System; amending s. 334.047, F.S.; removing a  
50 | prohibition against the department establishing a maximum  
51 | number of miles of certain roads within a district or  
52 | county; amending s. 337.14, F.S.; revising application  
53 | procedures for the qualification of contractors; requiring  
54 | any required interim financial statement to be accompanied  
55 | by an updated application; amending s. 337.401, F.S.;  
56 | revising provisions for rules of the department that

57 | provide for the placement of and access to certain  
58 | electrical transmission lines on the right-of-way of  
59 | department-controlled roads; authorizing the rules to  
60 | include that the use of the limited access right-of-way  
61 | for longitudinal placement of such transmission lines is  
62 | reasonable based upon consideration of certain economic  
63 | and environmental factors; amending s. 337.406, F.S.;  
64 | prohibiting camping on certain parts of the right-of-way  
65 | of the State Highway System; amending s. 338.155, F.S.;  
66 | authorizing the department to adopt rules relating to the  
67 | payment, collection, and enforcement of tolls; amending  
68 | ss. 341.051 and 341.3025, F.S.; requiring the use of  
69 | universal common contactless fare media on new or upgraded  
70 | public rail transit systems; amending s. 343.64, F.S.;  
71 | authorizing the Central Florida Regional Transportation  
72 | Authority to borrow funds under certain circumstances;  
73 | amending s. 348.51, F.S.; revising the definition for the  
74 | term "bonds" when used in the Tampa-Hillsborough County  
75 | Expressway Authority Law; amending s. 348.545, F.S.;  
76 | authorizing costs of authority improvements to be financed  
77 | by bonds issued on behalf of the authority pursuant to the  
78 | State Bond Act or bonds issued by the authority under  
79 | specified provisions; amending s. 348.56, F.S.;  
80 | authorizing bonds to be issued on behalf of the authority  
81 | pursuant to the State Bond Act or issued by the authority  
82 | under specified provisions; revising requirements for such  
83 | bonds; requiring the bonds to be sold at public sale;  
84 | authorizing the authority to negotiate the sale of bonds

85 | with underwriters under certain circumstances; amending s.  
86 | 348.565, F.S.; providing that facilities of the expressway  
87 | system are approved to be refinanced by the revenue bonds  
88 | issued by the Division of Bond Finance of the State Board  
89 | of Administration and the State Bond Act or by revenue  
90 | bonds issued by the authority; providing that certain  
91 | projects of the authority are approved for financing or  
92 | refinancing by revenue bonds; amending s. 348.57, F.S.;  
93 | authorizing the authority to provide for the issuance of  
94 | certain bonds for the refunding of bonds outstanding  
95 | regardless of whether the bonds being refunded were issued  
96 | by the authority or on behalf of the authority; amending  
97 | s. 348.70, F.S.; providing that the Tampa-Hillsborough  
98 | County Expressway Authority Law does not repeal, rescind,  
99 | or modify any other laws; providing that such law  
100 | supersedes laws that are inconsistent with the provisions  
101 | of that law; creating pt. XI of ch. 348, F.S., titled  
102 | "Osceola County Expressway Authority"; providing a short  
103 | title; providing definitions; creating the Osceola County  
104 | Expressway Authority as an agency of the state; providing  
105 | for a governing body of the authority; providing for  
106 | membership, terms, organization, personnel, and  
107 | administration; authorizing payment of travel and other  
108 | expenses; directing the authority to cooperate with and  
109 | participate in any efforts to establish a regional  
110 | expressway authority; providing purposes and powers of the  
111 | authority for acquisition, construction, expansion,  
112 | maintenance, improvement, operation, ownership, and

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

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

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

197 the cost of removal for signs following the revocation of  
198 a sign permit; creating s. 479.315, F.S.; providing for  
199 the assessment of the cost of removal of signs located  
200 within a highway right-of-way; amending s. 705.18, F.S.;  
201 removing provisions for disposal of personal property lost  
202 or abandoned at certain public-use airports; creating s.  
203 705.182, F.S.; providing for disposal of personal property  
204 found on premises owned or controlled by the operator of a  
205 public-use airport; providing a timeframe for the property  
206 to be claimed; providing options for disposing of such  
207 personal property; providing procedures for selling  
208 abandoned personal property; providing for notice of sale;  
209 providing that the rightful owner of such property may  
210 reclaim the property at any time prior to sale; permitting  
211 airport tenants to establish lost and found procedures;  
212 providing that purchaser holds title to the property free  
213 of the rights of persons then holding any legal or  
214 equitable interest thereto; creating s. 705.183, F.S.;  
215 providing for disposition of derelict or abandoned  
216 aircraft on the premises of public-use airports; providing  
217 procedures for such disposition; requiring a record of  
218 when the aircraft is found; defining the terms "derelict  
219 aircraft" and "abandoned aircraft"; providing for  
220 notification of aircraft owner and all persons having an  
221 equitable or legal interest in the aircraft; providing for  
222 notice if the owner of the aircraft is unknown or cannot  
223 be found; providing for disposition if the aircraft is not  
224 removed upon payment of required fees; requiring any sale



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

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253 procedures for disposal of the motor vehicle; providing  
254 for a lien by the airport or a licensed independent  
255 wrecker for fees and charges; providing for notice of  
256 lien; requiring recording of a claim of lien; providing  
257 for the form of the claim of lien; providing for service  
258 of claim of lien; providing that the purchaser of the  
259 motor vehicle takes the property free of the rights of  
260 persons holding legal or equitable interest in the motor  
261 vehicle; amending ss. 163.3180, 288.063, 311.07, 311.09,  
262 316.515, 336.01, 338.222, 341.8225, 479.07, 479.156, and  
263 479.261, F.S.; correcting cross-references; providing an  
264 effective date.

265

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

267

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

272 20.23 Department of Transportation.—There is created a  
273 Department of Transportation which shall be a decentralized  
274 agency.

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

279 Section 2. Paragraph (c) of subsection (12) of section  
280 315.03, Florida Statutes, is repealed.

281 Section 3. Section 316.2122, Florida Statutes, is amended  
 282 to read:

283 316.2122 Operation of a low-speed vehicle or mini truck on  
 284 certain roadways.—The operation of a low-speed vehicle as  
 285 defined in s. 320.01(42) or a mini truck as defined in s.  
 286 320.01(45) on any road under the jurisdiction of a county or  
 287 municipality or on an urban minor arterial road, determined by  
 288 the Department of Transportation using procedures developed by  
 289 the Federal Highway Administration, under the jurisdiction of  
 290 the Department of Transportation as defined in s. ~~334.03(15) or~~  
 291 ~~(33)~~ is authorized with the following restrictions:

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

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

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

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

307 (5) A county or municipality may prohibit the operation of  
 308 low-speed vehicles or mini trucks on any road under its

309 jurisdiction if the governing body of the county or municipality  
 310 determines that such prohibition is necessary in the interest of  
 311 safety.

312 (6) The Department of Transportation may prohibit the  
 313 operation of low-speed vehicles or mini trucks on any road under  
 314 its jurisdiction if it determines that such prohibition is  
 315 necessary in the interest of safety.

316 Section 4. Paragraphs (c) and (d) of subsection (3) of  
 317 section 316.545, Florida Statutes, are redesignated as  
 318 paragraphs (d) and (e), respectively, and a new paragraph (c) is  
 319 added to that subsection to read:

320 316.545 Weight and load unlawful; special fuel and motor  
 321 fuel tax enforcement; inspection; penalty; review.—

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

326 (c) For a vehicle equipped with fully functional idle-  
 327 reduction technology, any penalty shall be calculated by  
 328 reducing the actual gross vehicle weight or the internal bridge  
 329 weight by the certified weight of the idle-reduction technology  
 330 or by 400 pounds, whichever is less. The vehicle operator must  
 331 present written certification of the weight of the idle-  
 332 reduction technology and must demonstrate or certify that the  
 333 idle-reduction technology is fully functional at all times. This  
 334 calculation is not allowed for vehicles described in s.

335 316.535(6);

336 Section 5. Subsections (4) through (10) of section

337 316.550, Florida Statutes, are renumbered as subsections (5)  
 338 through (11), respectively, present subsection (7) is amended,  
 339 and a new subsection (4) is added to that section, to read:

340 316.550 Operations not in conformity with law; special  
 341 permits.—

342 (4) (a) The Department of Transportation or local authority  
 343 may issue permits which authorize commercial vehicles  
 344 transporting agricultural products with weights not exceeding  
 345 the limits of s. 316.535(5), plus the scale tolerance provided  
 346 in s. 316.545(2), to operate off the Interstate Highway System  
 347 on a designated route specified in the permit.

348 (b) The designated route shall avoid any bridge which the  
 349 department determines cannot safely accommodate vehicles with a  
 350 gross vehicle weight authorized in paragraph (a).

351 (c) Any vehicle or combination of vehicles which exceeds  
 352 the weight limits authorized in paragraph (a) shall be unloaded  
 353 and all material so unloaded shall be cared for by the owner or  
 354 operator.

355 ~~(8) (7)~~ The Department of Transportation may impose fines  
 356 for the operation of a vehicle in violation of this section, as  
 357 provided in subsection (10) ~~(9)~~.

358 Section 6. Subsection (7) of section 318.18, Florida  
 359 Statutes, is amended to read:

360 318.18 Amount of penalties.—The penalties required for a  
 361 noncriminal disposition pursuant to s. 318.14 or a criminal  
 362 offense listed in s. 318.17 are as follows:

363 (7) Mandatory \$100 fine for each violation of s. 316.1001  
 364 plus the amount of the unpaid toll shown on the traffic citation

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365 for each citation issued. The clerk of the court shall forward  
366 \$25 of the \$100 fine received, plus the amount of the unpaid  
367 toll that is shown on the citation, to the governmental entity  
368 that issued the citation for citations issued by toll  
369 enforcement officers or to the entity administering the tolls at  
370 the facility where the violation occurred for citations issued  
371 by law enforcement officers. However, a person may elect to pay  
372 \$30 to the clerk of the court, plus the amount of the unpaid  
373 toll that is shown on the citation, in which case adjudication  
374 is withheld, and no points are assessed under s. 322.27. Upon  
375 receipt of the \$30 and unpaid toll amount, the clerk of the  
376 court shall retain \$5 for administrative purposes and shall  
377 forward the remaining \$25, plus the amount of the unpaid toll  
378 shown on the citation, to the governmental entity that issued  
379 the citation for citations issued by toll enforcement officers  
380 or to the entity administering the tolls at the facility where  
381 the violation occurred for citations issued by law enforcement  
382 officers. Additionally, adjudication shall be withheld and no  
383 points shall be assessed under s. 322.27, except when  
384 adjudication is imposed by the court after a hearing pursuant to  
385 s. 318.14(5), or on whose behalf the citation was issued. If a  
386 plea arrangement is reached prior to the date set for a  
387 scheduled evidentiary hearing and, as a result of the plea,  
388 adjudication is withheld, there shall be a mandatory fine  
389 assessed per citation of not less than \$50 and not more than  
390 \$100, plus the amount of the unpaid toll for each citation  
391 issued. The clerk of the court shall forward \$25 of the fine  
392 imposed plus the amount of the unpaid toll that is shown on the

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393 citation to the governmental entity that issued the citation for  
 394 citations issued by toll enforcement officers or to the entity  
 395 administering the tolls at the facility where the violation  
 396 occurred for citations issued by law enforcement officers ~~or on~~  
 397 ~~whose behalf the citation was issued.~~ The court shall have  
 398 specific authority to consolidate issued citations for the same  
 399 defendant for the purpose of sentencing and aggregate  
 400 jurisdiction. ~~In addition, the department shall suspend for 60~~  
 401 ~~days the driver's license of a person who is convicted of 10~~  
 402 ~~violations of s. 316.1001 within a 36-month period.~~ Any funds  
 403 received by a governmental entity for this violation may be used  
 404 for any lawful purpose related to the operation or maintenance  
 405 of a toll facility.

406 Section 7. Paragraph (e) of subsection (5) of section  
 407 320.08, Florida Statutes, is amended to read:

408 320.08 License taxes.—Except as otherwise provided herein,  
 409 there are hereby levied and imposed annual license taxes for the  
 410 operation of motor vehicles, mopeds, motorized bicycles as  
 411 defined in s. 316.003(2), and mobile homes, as defined in s.  
 412 320.01, which shall be paid to and collected by the department  
 413 or its agent upon the registration or renewal of registration of  
 414 the following:

415 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 416 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

417 (d) A wrecker, as defined in s. 320.01(40), which is used  
 418 to tow a vessel as defined in s. 327.02(39), a disabled,  
 419 abandoned, stolen-recovered, or impounded motor vehicle as  
 420 defined in s. 320.01(38), or a replacement motor vehicle as

421 defined in s. 320.01(39): \$41 flat, of which \$11 shall be  
 422 deposited into the General Revenue Fund.

423 (e) A wrecker that is used to tow any nondisabled motor  
 424 vehicle, ~~regardless of whether such motor vehicle is a disabled~~  
 425 ~~motor vehicle, a replacement motor vehicle,~~ a vessel, or any  
 426 other cargo unless used as defined in paragraph (d), as follows:

427 1. Gross vehicle weight of 10,000 pounds or more, but less  
 428 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
 429 into the General Revenue Fund.

430 2. Gross vehicle weight of 15,000 pounds or more, but less  
 431 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
 432 into the General Revenue Fund.

433 3. Gross vehicle weight of 20,000 pounds or more, but less  
 434 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
 435 into the General Revenue Fund.

436 4. Gross vehicle weight of 26,000 pounds or more, but less  
 437 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
 438 into the General Revenue Fund.

439 5. Gross vehicle weight of 35,000 pounds or more, but less  
 440 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
 441 into the General Revenue Fund.

442 6. Gross vehicle weight of 44,000 pounds or more, but less  
 443 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
 444 into the General Revenue Fund.

445 7. Gross vehicle weight of 55,000 pounds or more, but less  
 446 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
 447 into the General Revenue Fund.

448 8. Gross vehicle weight of 62,000 pounds or more, but less



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449 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
 450 deposited into the General Revenue Fund.

451 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
 452 flat, of which \$343 shall be deposited into the General Revenue  
 453 Fund.

454 Section 8. Paragraph (b) of subsection (32) of section  
 455 320.08058, Florida Statutes, is amended to read:

456 320.08058 Specialty license plates.—

457 (32) UNITED WE STAND LICENSE PLATES.—

458 (b) The department shall retain all revenues from the sale  
 459 of such plates until all startup costs for developing and  
 460 issuing the plates have been recovered. Thereafter, 100 percent  
 461 of the annual use fee shall be distributed to the Department of  
 462 Transportation to fund security-related aviation projects  
 463 pursuant to chapter 332 ~~SAFE Council to fund a grant program to~~  
 464 ~~enhance security at airports throughout the state, pursuant to~~  
 465 ~~s. 332.14.~~

466 Section 9. Paragraph (d) of subsection (3) of section  
 467 322.27, Florida Statutes, is amended to read:

468 322.27 Authority of department to suspend or revoke  
 469 license.—

470 (3) There is established a point system for evaluation of  
 471 convictions of violations of motor vehicle laws or ordinances,  
 472 and violations of applicable provisions of s. 403.413(6) (b) when  
 473 such violations involve the use of motor vehicles, for the  
 474 determination of the continuing qualification of any person to  
 475 operate a motor vehicle. The department is authorized to suspend  
 476 the license of any person upon showing of its records or other

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477 good and sufficient evidence that the licensee has been  
478 convicted of violation of motor vehicle laws or ordinances, or  
479 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
480 more points as determined by the point system. The suspension  
481 shall be for a period of not more than 1 year.

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

- 485 1. Reckless driving, willful and wanton—4 points.
- 486 2. Leaving the scene of a crash resulting in property  
487 damage of more than \$50—6 points.
- 488 3. Unlawful speed resulting in a crash—6 points.
- 489 4. Passing a stopped school bus—4 points.
- 490 5. Unlawful speed:
  - 491 a. Not in excess of 15 miles per hour of lawful or posted  
492 speed—3 points.
  - 493 b. In excess of 15 miles per hour of lawful or posted  
494 speed—4 points.
- 495 6. A violation of a traffic control signal device as  
496 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 497 7. All other moving violations (including parking on a  
498 highway outside the limits of a municipality)—3 points. However,  
499 no points shall be imposed for a violation of s. 316.0741 or s.  
500 316.2065(12); and points shall be imposed for a violation of s.  
501 316.1001 only when imposed by the court after a hearing pursuant  
502 to s. 318.14(5).
- 503 8. Any moving violation covered above, excluding unlawful  
504 speed, resulting in a crash—4 points.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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505 9. Any conviction under s. 403.413(6)(b)—3 points.  
 506 10. Any conviction under s. 316.0775(2)—4 points.  
 507 Section 10. Section 332.14, Florida Statutes, is repealed.  
 508 Section 11. All funds accrued by the Secure Airports for  
 509 Florida's Economy Council prior to July 1, 2010, shall be  
 510 retained by the Department of Transportation. The Department of  
 511 Transportation is authorized to use these funds for statewide  
 512 training purposes relating to airport security and management.  
 513 The Department of Transportation is further authorized to use  
 514 these funds for security-related aviation projects pursuant to  
 515 chapter 332, Florida Statutes.  
 516 Section 12. Section 334.03, Florida Statutes, is amended  
 517 to read:  
 518 334.03 Definitions.—When used in the Florida  
 519 Transportation Code, the term:  
 520 ~~(1) "Arterial road" means a route providing service which~~  
 521 ~~is relatively continuous and of relatively high traffic volume,~~  
 522 ~~long average trip length, high operating speed, and high~~  
 523 ~~mobility importance. In addition, every United States numbered~~  
 524 ~~highway is an arterial road.~~  
 525 (1)(2) "Bridge" means a structure, including supports,  
 526 erected over a depression or an obstruction, such as water or a  
 527 highway or railway, and having a track or passageway for  
 528 carrying traffic as defined in chapter 316 or other moving  
 529 loads.  
 530 (2)(3) "City street system" means all local roads within a  
 531 municipality that were under the jurisdiction of that  
 532 municipality on June 10, 1995; roads transferred to the

533 municipality's jurisdiction after that date by mutual consent  
534 with another governmental entity, but not including roads so  
535 transferred from the municipality's jurisdiction; and roads  
536 constructed by a municipality for its street system, and all  
537 collector roads inside that municipality, which are not in the  
538 county road system.

539 ~~(4)~~ "Collector road" means a route providing service which  
540 ~~is of relatively moderate average traffic volume, moderately~~  
541 ~~average trip length, and moderately average operating speed.~~  
542 ~~Such a route also collects and distributes traffic between local~~  
543 ~~roads or arterial roads and serves as a linkage between land~~  
544 ~~access and mobility needs.~~

545 ~~(3)~~~~(5)~~ "Commissioners" means the governing body of a  
546 county.

547 ~~(4)~~~~(6)~~ "Consolidated metropolitan statistical area" means  
548 two or more metropolitan statistical areas that are socially and  
549 economically interrelated as defined by the United States Bureau  
550 of the Census.

551 ~~(5)~~~~(7)~~ "Controlled access facility" means a street or  
552 highway to which the right of access is highly regulated by the  
553 governmental entity having jurisdiction over the facility in  
554 order to maximize the operational efficiency and safety of the  
555 high-volume through traffic utilizing the facility. Owners or  
556 occupants of abutting lands and other persons have a right of  
557 access to or from such facility at such points only and in such  
558 manner as may be determined by the governmental entity.

559 ~~(6)~~~~(8)~~ "County road system" means all roads within a  
560 county which were under the jurisdiction of that county on June

561 10, 1995; roads transferred to the county's jurisdiction after  
562 that date by mutual consent with another governmental entity,  
563 but not including roads so transferred from the county's  
564 jurisdiction; and roads constructed by a county for that  
565 county's road system ~~collector roads in the unincorporated areas~~  
566 ~~of a county and all extensions of such collector roads into and~~  
567 ~~through any incorporated areas, all local roads in the~~  
568 ~~unincorporated areas, and all urban minor arterial roads not in~~  
569 ~~the State Highway System.~~

570 (7)-(9) "Department" means the Department of  
571 Transportation.

572 (8)-(10) "Florida Intrastate Highway System" means a system  
573 of limited access and controlled access facilities on the State  
574 Highway System which have the capacity to provide high-speed and  
575 high-volume traffic movements in an efficient and safe manner.

576 (9)-(11) "Functional classification" means the assignment  
577 of roads into systems according to the character of service they  
578 provide in relation to the total road network using procedures  
579 developed by the Federal Highway Administration. ~~Basic~~  
580 ~~functional categories include arterial roads, collector roads,~~  
581 ~~and local roads which may be subdivided into principal, major,~~  
582 ~~or minor levels. Those levels may be additionally divided into~~  
583 ~~rural and urban categories.~~

584 (10)-(12) "Governmental entity" means a unit of government,  
585 or any officially designated public agency or authority of a  
586 unit of government, that has the responsibility for planning,  
587 construction, operation, or maintenance or jurisdiction over  
588 transportation facilities; the term includes the Federal

589 Government, the state government, a county, an incorporated  
 590 municipality, a metropolitan planning organization, an  
 591 expressway or transportation authority, a road and bridge  
 592 district, a special road and bridge district, and a regional  
 593 governmental unit.

594 (11)~~(13)~~ "Limited access facility" means a street or  
 595 highway especially designed for through traffic, and over, from,  
 596 or to which owners or occupants of abutting land or other  
 597 persons have no right or easement of access, light, air, or view  
 598 by reason of the fact that their property abuts upon such  
 599 limited access facility or for any other reason. Such highways  
 600 or streets may be facilities from which trucks, buses, and other  
 601 commercial vehicles are excluded; or they may be facilities open  
 602 to use by all customary forms of street and highway traffic.

603 (12)~~(14)~~ "Local governmental entity" means a unit of  
 604 government with less than statewide jurisdiction, or any  
 605 officially designated public agency or authority of such a unit  
 606 of government, that has the responsibility for planning,  
 607 construction, operation, or maintenance of, or jurisdiction  
 608 over, a transportation facility; the term includes, but is not  
 609 limited to, a county, an incorporated municipality, a  
 610 metropolitan planning organization, an expressway or  
 611 transportation authority, a road and bridge district, a special  
 612 road and bridge district, and a regional governmental unit.

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

617        (13)~~(16)~~ "Metropolitan area" means a geographic region  
618 comprising as a minimum the existing urbanized area and the  
619 contiguous area projected to become urbanized within a 20-year  
620 forecast period. The boundaries of a metropolitan area may be  
621 designated so as to encompass a metropolitan statistical area or  
622 a consolidated metropolitan statistical area. If a metropolitan  
623 area, or any part thereof, is located within a nonattainment  
624 area, the boundaries of the metropolitan area must be designated  
625 so as to include the boundaries of the entire nonattainment  
626 area, unless otherwise provided by agreement between the  
627 applicable metropolitan planning organization and the Governor.

628        (14)~~(17)~~ "Metropolitan statistical area" means an area  
629 that includes a municipality of 50,000 persons or more, or an  
630 urbanized area of at least 50,000 persons as defined by the  
631 United States Bureau of the Census, provided that the component  
632 county or counties have a total population of at least 100,000.

633        (15)~~(18)~~ "Nonattainment area" means an area designated by  
634 the United States Environmental Protection Agency, pursuant to  
635 federal law, as exceeding national primary or secondary ambient  
636 air quality standards for the pollutants carbon monoxide or  
637 ozone.

638        (16)~~(19)~~ "Periodic maintenance" means activities that are  
639 large in scope and require a major work effort to restore  
640 deteriorated components of the transportation system to a safe  
641 and serviceable condition, including, but not limited to, the  
642 repair of large bridge structures, major repairs to bridges and  
643 bridge systems, and the mineral sealing of lengthy sections of  
644 roadway.

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645 ~~(17)-(20)~~ "Person" means any person described in s. 1.01 or  
 646 any unit of government in or outside the state.

647 ~~(18)-(21)~~ "Right of access" means the right of ingress to a  
 648 highway from abutting land and egress from a highway to abutting  
 649 land.

650 ~~(19)-(22)~~ "Right-of-way" means land in which the state, the  
 651 department, a county, or a municipality owns the fee or has an  
 652 easement devoted to or required for use as a transportation  
 653 facility.

654 ~~(20)-(23)~~ "Road" means a way open to travel by the public,  
 655 including, but not limited to, a street, highway, or alley. The  
 656 term includes associated sidewalks, the roadbed, the right-of-  
 657 way, and all culverts, drains, sluices, ditches, water storage  
 658 areas, waterways, embankments, slopes, retaining walls, bridges,  
 659 tunnels, and viaducts necessary for the maintenance of travel  
 660 and all ferries used in connection therewith.

661 ~~(21)-(24)~~ "Routine maintenance" means minor repairs and  
 662 associated tasks necessary to maintain a safe and efficient  
 663 transportation system. The term includes: pavement patching;  
 664 shoulder repair; cleaning and repair of drainage ditches,  
 665 traffic signs, and structures; mowing; bridge inspection and  
 666 maintenance; pavement striping; litter cleanup; and other  
 667 similar activities.

668 ~~(22)-(25)~~ "State Highway System" means ~~the following, which~~  
 669 ~~shall be facilities to which access is regulated:~~

670 ~~(a)~~ the interstate system and all other roads within the  
 671 state which were under the jurisdiction of the state on June 10,  
 672 1995; roads transferred to the state's jurisdiction after that



673 date by mutual consent with another governmental entity, but not  
 674 including roads so transferred from the state's jurisdiction;  
 675 and roads constructed by an agency of the state for the State  
 676 Highway System. These facilities shall be facilities to which  
 677 access is regulated.;

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

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

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

684  
 685 ~~However, not less than 2 percent of the public road mileage of~~  
 686 ~~each urbanized area on record as of June 30, 1986, shall be~~  
 687 ~~included as minor arterials in the State Highway System.~~  
 688 ~~Urbanized areas not meeting the foregoing minimum requirement~~  
 689 ~~shall have transferred to the State Highway System additional~~  
 690 ~~minor arterials of the highest significance in which case the~~  
 691 ~~total minor arterials in the State Highway System from any~~  
 692 ~~urbanized area shall not exceed 2.5 percent of that area's total~~  
 693 ~~public urban road mileage.~~

694 ~~(23)-(26)~~ "State Park Road System" means roads embraced  
 695 within the boundaries of state parks and state roads leading to  
 696 state parks, other than roads of the State Highway System, the  
 697 county road systems, or the city street systems.

698 ~~(24)-(27)~~ "State road" means a street, road, highway, or  
 699 other way open to travel by the public generally and dedicated  
 700 to the public use according to law or by prescription and

701 designated by the department, as provided by law, as part of the  
 702 State Highway System.

703 (25)~~(28)~~ "Structure" means a bridge, viaduct, tunnel,  
 704 causeway, approach, ferry slip, culvert, toll plaza, gate, or  
 705 other similar facility used in connection with a transportation  
 706 facility.

707 (26)~~(29)~~ "Sufficiency rating" means the objective rating  
 708 of a road or section of a road for the purpose of determining  
 709 its capability to serve properly the actual or anticipated  
 710 volume of traffic using the road.

711 (27)~~(30)~~ "Transportation corridor" means any land area  
 712 designated by the state, a county, or a municipality which is  
 713 between two geographic points and which area is used or suitable  
 714 for the movement of people and goods by one or more modes of  
 715 transportation, including areas necessary for management of  
 716 access and securing applicable approvals and permits.

717 Transportation corridors shall contain, but are not limited to,  
 718 the following:

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

720 (b) All property or property interests necessary for  
 721 future transportation facilities, including rights of access,  
 722 air, view, and light, whether public or private, for the purpose  
 723 of securing and utilizing future transportation rights-of-way,  
 724 including, but not limited to, any lands reasonably necessary  
 725 now or in the future for securing applicable approvals and  
 726 permits, borrow pits, drainage ditches, water retention areas,  
 727 rest areas, replacement access for landowners whose access could  
 728 be impaired due to the construction of a future facility, and

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729 replacement rights-of-way for relocation of rail and utility  
730 facilities.

731 (28)~~(31)~~ "Transportation facility" means any means for the  
732 transportation of people or property from place to place which  
733 is constructed, operated, or maintained in whole or in part from  
734 public funds. The term includes the property or property rights,  
735 both real and personal, which have been or may be established by  
736 public bodies for the transportation of people or property from  
737 place to place.

738 (29)~~(32)~~ "Urban area" means a geographic region comprising  
739 as a minimum the area inside the United States Bureau of the  
740 Census boundary of an urban place with a population of 5,000 or  
741 more persons, expanded to include adjacent developed areas as  
742 provided for by Federal Highway Administration regulations.

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

749 (30)~~(34)~~ "Urban place" means a geographic region composed  
750 of one or more contiguous census tracts that have been found by  
751 the United States Bureau of the Census to contain a population  
752 density of at least 1,000 persons per square mile.

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

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

759 (31)~~(36)~~ "Urbanized area" means a geographic region  
 760 comprising as a minimum the area inside an urban place of 50,000  
 761 or more persons, as designated by the United States Bureau of  
 762 the Census, expanded to include adjacent developed areas as  
 763 provided for by Federal Highway Administration regulations.  
 764 Urban areas with a population of fewer than 50,000 persons which  
 765 are located within the expanded boundary of an urbanized area  
 766 are not separately recognized.

767 (32)~~(37)~~ "511" or "511 services" means three-digit  
 768 telecommunications dialing to access interactive voice response  
 769 telephone traveler information services provided in the state as  
 770 defined by the Federal Communications Commission in FCC Order  
 771 No. 00-256, July 31, 2000.

772 (33)~~(38)~~ "Interactive voice response" means a software  
 773 application that accepts a combination of voice telephone input  
 774 and touch-tone keypad selection and provides appropriate  
 775 responses in the form of voice, fax, callback, e-mail, and other  
 776 media.

777 Section 13. Subsections (11) and (13) of section 334.044,  
 778 Florida Statutes, are amended to read:

779 334.044 Department; powers and duties.—The department  
 780 shall have the following general powers and duties:

781 (11) To establish a numbering system for public roads and  
 782 ~~to functionally classify such roads, and to assign~~  
 783 ~~jurisdictional responsibility.~~

784 (13) To ~~designate existing and to plan proposed~~

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785 transportation facilities as part of the State Highway System,  
 786 and to construct, maintain, and operate such facilities.

787 Section 14. Section 334.047, Florida Statutes, is amended  
 788 to read:

789 334.047 Prohibition.—Notwithstanding any other provision  
 790 of law to the contrary, the Department of Transportation may not  
 791 establish a cap on the number of miles in the State Highway  
 792 System ~~or a maximum number of miles of urban principal arterial~~  
 793 ~~roads, as defined in s. 334.03, within a district or county.~~

794 Section 15. Subsection (1) of section 337.14, Florida  
 795 Statutes, is amended to read:

796 337.14 Application for qualification; certificate of  
 797 qualification; restrictions; request for hearing.—

798 (1) Any person desiring to bid for the performance of any  
 799 construction contract in excess of \$250,000 which the department  
 800 proposes to let must first be certified by the department as  
 801 qualified pursuant to this section and rules of the department.  
 802 The rules of the department shall address the qualification of  
 803 persons to bid on construction contracts in excess of \$250,000  
 804 and shall include requirements with respect to the equipment,  
 805 past record, experience, financial resources, and organizational  
 806 personnel of the applicant necessary to perform the specific  
 807 class of work for which the person seeks certification. The  
 808 department is authorized to limit the dollar amount of any  
 809 contract upon which a person is qualified to bid or the  
 810 aggregate total dollar volume of contracts such person is  
 811 allowed to have under contract at any one time. Each applicant  
 812 seeking qualification to bid on construction contracts in excess

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813 of \$250,000 shall furnish the department a statement under oath,  
814 on such forms as the department may prescribe, setting forth  
815 detailed information as required on the application. Each  
816 application for certification shall be accompanied by the latest  
817 annual financial statement of the applicant completed within the  
818 last 12 months. If the application or the annual financial  
819 statement shows the financial condition of the applicant more  
820 than 4 months prior to the date on which the application is  
821 received by the department, then an interim financial statement  
822 must ~~also~~ be submitted and be accompanied by an updated  
823 application. The interim financial statement must cover the  
824 period from the end date of the annual statement and must show  
825 the financial condition of the applicant no more than 4 months  
826 prior to the date the interim financial statement ~~on which the~~  
827 ~~application~~ is received by the department. Each required annual  
828 or interim financial statement must be audited and accompanied  
829 by the opinion of a certified public accountant or a public  
830 accountant approved by the department. The information required  
831 by this subsection is confidential and exempt from the  
832 provisions of s. 119.07(1). The department shall act upon the  
833 application for qualification within 30 days after the  
834 department determines that the application is complete. The  
835 department may waive the requirements of this subsection for  
836 projects having a contract price of \$500,000 or less if the  
837 department determines that the project is of a noncritical  
838 nature and the waiver will not endanger public health, safety,  
839 or property.

840 Section 16. Subsection (1) of section 337.401, Florida  
 841 Statutes, is amended to read:

842 337.401 Use of right-of-way for utilities subject to  
 843 regulation; permit; fees.—

844 (1) (a) The department and local governmental entities,  
 845 referred to in ss. 337.401-337.404 as the "authority," that have  
 846 jurisdiction and control of public roads or publicly owned rail  
 847 corridors are authorized to prescribe and enforce reasonable  
 848 rules or regulations with reference to the placing and  
 849 maintaining along, across, or on any road or publicly owned rail  
 850 corridors under their respective jurisdictions any electric  
 851 transmission, telephone, telegraph, or other communications  
 852 services lines; pole lines; poles; railways; ditches; sewers;  
 853 water, heat, or gas mains; pipelines; fences; gasoline tanks and  
 854 pumps; or other structures referred to in this section as the  
 855 "utility." ~~For aerial and underground electric utility~~  
 856 ~~transmission lines designed to operate at 69 or more kilovolts~~  
 857 ~~that are needed to accommodate the additional electrical~~  
 858 ~~transfer capacity on the transmission grid resulting from new~~  
 859 ~~base-load generating facilities, where there is no other~~  
 860 ~~practicable alternative available for placement of the electric~~  
 861 ~~utility transmission lines on the department's rights-of-way,~~  
 862 ~~the department's rules shall provide for placement of and access~~  
 863 ~~to such transmission lines adjacent to and within the right-of-~~  
 864 ~~way of any department-controlled public roads, including~~  
 865 ~~longitudinally within limited access facilities to the greatest~~  
 866 ~~extent allowed by federal law, if compliance with the standards~~  
 867 ~~established by such rules is achieved. Such rules may include,~~

868 ~~but need not be limited to, that the use of the right-of-way is~~  
869 ~~reasonable based upon a consideration of economic and~~  
870 ~~environmental factors, including, without limitation, other~~  
871 ~~practicable alternative alignments, utility corridors and~~  
872 ~~easements, impacts on adjacent property owners, and minimum~~  
873 ~~clear zones and other safety standards, and further provide that~~  
874 ~~placement of the electric utility transmission lines within the~~  
875 ~~department's right-of-way does not interfere with operational~~  
876 ~~requirements of the transportation facility or planned or~~  
877 ~~potential future expansion of such transportation facility. If~~  
878 ~~the department approves longitudinal placement of electric~~  
879 ~~utility transmission lines in limited access facilities,~~  
880 ~~compensation for the use of the right-of-way is required. Such~~  
881 ~~consideration or compensation paid by the electric utility in~~  
882 ~~connection with the department's issuance of a permit does not~~  
883 ~~create any property right in the department's property~~  
884 ~~regardless of the amount of consideration paid or the~~  
885 ~~improvements constructed on the property by the utility. Upon~~  
886 ~~notice by the department that the property is needed for~~  
887 ~~expansion or improvement of the transportation facility, the~~  
888 ~~electric utility transmission line will relocate from the~~  
889 ~~facility at the electric utility's sole expense. The electric~~  
890 ~~utility shall pay to the department reasonable damages resulting~~  
891 ~~from the utility's failure or refusal to timely relocate its~~  
892 ~~transmission lines. The rules to be adopted by the department~~  
893 ~~may also address the compensation methodology and relocation. As~~  
894 ~~used in this subsection, the term "base-load generating~~  
895 ~~facilities" means electric power plants that are certified under~~



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896 ~~part II of chapter 403.~~ The department may enter into a permit-  
897 delegation agreement with a governmental entity if issuance of a  
898 permit is based on requirements that the department finds will  
899 ensure the safety and integrity of facilities of the Department  
900 of Transportation; however, the permit-delegation agreement does  
901 not apply to facilities of electric utilities as defined in s.  
902 366.02 (2) .

903 (b) For aerial and underground electric utility  
904 transmission lines designed to operate at 69 or more kilovolts  
905 that are needed to accommodate the additional electrical  
906 transfer capacity on the transmission grid resulting from new  
907 base-load generating facilities, the department's rules shall  
908 provide for placement of and access to such transmission lines  
909 adjacent to and within the right-of-way of any department-  
910 controlled public roads, including longitudinally within limited  
911 access facilities where there is no other practicable  
912 alternative available, to the greatest extent allowed by federal  
913 law, if compliance with the standards established by such rules  
914 is achieved. Such rules may include, but need not be limited to,  
915 that the use of the limited access right-of-way for longitudinal  
916 placement of electric utility transmission lines is reasonable  
917 based upon a consideration of economic and environmental  
918 factors, including, without limitation, other practicable  
919 alternative alignments, utility corridors and easements, impacts  
920 on adjacent property owners, and minimum clear zones and other  
921 safety standards, and further provide that placement of the  
922 electric utility transmission lines within the department's  
923 right-of-way does not interfere with operational requirements of

924 the transportation facility or planned or potential future  
 925 expansion of such transportation facility. If the department  
 926 approves longitudinal placement of electric utility transmission  
 927 lines in limited access facilities, compensation for the use of  
 928 the right-of-way is required. Such consideration or compensation  
 929 paid by the electric utility in connection with the department's  
 930 issuance of a permit does not create any property right in the  
 931 department's property regardless of the amount of consideration  
 932 paid or the improvements constructed on the property by the  
 933 utility. Upon notice by the department that the property is  
 934 needed for expansion or improvement of the transportation  
 935 facility, the electric utility transmission line will relocate  
 936 at the electric utility's sole expense. The electric utility  
 937 shall pay to the department reasonable damages resulting from  
 938 the utility's failure or refusal to timely relocate its  
 939 transmission lines. The rules to be adopted by the department  
 940 may also address the compensation methodology and relocation. As  
 941 used in this subsection, the term "base-load generating  
 942 facilities" means electric power plants that are certified under  
 943 part II of chapter 403.

944 Section 17. Subsection (4) of section 337.406, Florida  
 945 Statutes, is renumbered as subsection (5), and a new subsection  
 946 (4) is added to that section to read:

947 337.406 Unlawful use of state transportation facility  
 948 right-of-way; penalties.—

949 (4) Camping is prohibited on any portion of the right-of-  
 950 way of the State Highway System that is within 100 feet of a  
 951 bridge, causeway, overpass, or ramp.

952 Section 18. Subsection (1) of section 338.155, Florida  
 953 Statutes, is amended to read:

954 338.155 Payment of toll on toll facilities required;  
 955 exemptions.—

956 (1) No persons are permitted to use any toll facility  
 957 without payment of tolls, except employees of the agency  
 958 operating the toll project when using the toll facility on  
 959 official state business, state military personnel while on  
 960 official military business, handicapped persons as provided in  
 961 this section, persons exempt from toll payment by the  
 962 authorizing resolution for bonds issued to finance the facility,  
 963 and persons exempt on a temporary basis where use of such toll  
 964 facility is required as a detour route. Any law enforcement  
 965 officer operating a marked official vehicle is exempt from toll  
 966 payment when on official law enforcement business. Any person  
 967 operating a fire vehicle when on official business or a rescue  
 968 vehicle when on official business is exempt from toll payment.  
 969 Any person participating in the funeral procession of a law  
 970 enforcement officer or firefighter killed in the line of duty is  
 971 exempt from toll payment. The secretary, or the secretary's  
 972 designee, may suspend the payment of tolls on a toll facility  
 973 when necessary to assist in emergency evacuation. The failure to  
 974 pay a prescribed toll constitutes a noncriminal traffic  
 975 infraction, punishable as a moving violation pursuant to s.  
 976 318.18. The department is authorized to adopt rules relating to  
 977 the payment, collection, and enforcement of tolls, including,  
 978 but not limited to, rules for the implementation of video or  
 979 other image billing and variable pricing ~~guaranteed toll~~

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980 ~~accounts.~~

981 Section 19. Subsection (7) is added to section 341.051,  
982 Florida Statutes, to read:

983 341.051 Administration and financing of public transit and  
984 intercity bus service programs and projects.—

985 (7) INTEROPERABLE FARE COLLECTION SYSTEMS.—

986 (a) The Legislature recognizes the importance of  
987 encouraging the seamless use of local and regional public  
988 transportation systems by residents of and visitors to the state  
989 wherever possible. The paramount concern is to encourage the  
990 implementation of fare collection systems that are interoperable  
991 and compatible with multiple public transportation systems  
992 throughout the state.

993 (b) Notwithstanding any other provision of law to the  
994 contrary, in order to facilitate the ease of transfer from one  
995 public transportation system to another, any public transit  
996 system which connects directly with a new public rail system put  
997 into service after December 1, 2010, and which is adding a new  
998 fare media system or is upgrading its existing fare media system  
999 shall use a universal common contactless fare media that is  
1000 compatible with the American Public Transportation Association's  
1001 Contactless Fare Media System Standard and allows users to  
1002 purchase fares at a single point of sale with coin, cash, or  
1003 credit card. This paragraph does not require the use of a  
1004 universal common contactless fare media for the paratransit  
1005 element of any transit system or by any public transit system  
1006 that does not share one or more points of origin or destination  
1007 with a public rail system.

1008  
1009 For purposes of this section, the term "net operating costs"  
1010 means all operating costs of a project less any federal funds,  
1011 fares, or other sources of income to the project.

1012 Section 20. Subsection (7) of section 341.3025, Florida  
1013 Statutes, is renumbered as subsection (8), and a new subsection  
1014 (7) is added to that section to read:

1015 341.3025 Multicounty public rail system fares and  
1016 enforcement.—

1017 (7) (a) The Legislature recognizes the importance of  
1018 encouraging the seamless use of local and regional public  
1019 transportation systems by residents of and visitors to the state  
1020 wherever possible. The paramount concern is to encourage the  
1021 implementation of fare collection systems that are interoperable  
1022 and compatible with multiple public transportation systems  
1023 throughout the state.

1024 (b) Notwithstanding any other provision of law to the  
1025 contrary, in order to facilitate the ease of transfer from one  
1026 public transportation system to another, any new public rail  
1027 system that is constructed after December 1, 2010, by the state,  
1028 an agency of the state, a regional transportation authority, or  
1029 one or more counties or municipalities shall use a universal  
1030 common contactless fare media that is compatible with the  
1031 American Public Transportation Association's Contactless Fare  
1032 Media System Standard and allows users to purchase fares at a  
1033 single point of sale with coin, cash, or credit card.  
1034 Additionally, any existing public rail system that is adding a  
1035 new fare media system or is upgrading its existing fare media

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1036 system shall use a universal common contactless fare media that  
 1037 is compatible with the American Public Transportation  
 1038 Association's Contactless Fare Media System Standard and allows  
 1039 users to purchase fares at a single point of sale with coin,  
 1040 cash, or credit card.

1041 Section 21. Paragraph (q) is added to subsection (2) of  
 1042 section 343.64, Florida Statutes, to read:

1043 343.64 Powers and duties.—

1044 (2) The authority may exercise all powers necessary,  
 1045 appurtenant, convenient, or incidental to the carrying out of  
 1046 the aforesaid purposes, including, but not limited to, the  
 1047 following rights and powers:

1048 (q) Notwithstanding s. 343.65, to borrow money in a  
 1049 principal amount not to exceed \$10 million in any calendar year  
 1050 to refinance all or part of the costs or obligations of the  
 1051 authority, including, but not limited to, obligations of the  
 1052 authority as a lessee under a lease.

1053 Section 22. Subsection (3) of section 348.51, Florida  
 1054 Statutes, is amended to read:

1055 348.51 Definitions.—The following terms whenever used or  
 1056 referred to in this part shall have the following meanings,  
 1057 except in those instances where the context clearly indicates  
 1058 otherwise:

1059 (3) "Bonds" means and includes the notes, bonds, refunding  
 1060 bonds, or other evidences of indebtedness or obligations, in  
 1061 either temporary or definitive form, which ~~of~~ the authority is  
 1062 authorized to issue ~~issued~~ pursuant to this part.

1063 Section 23. Section 348.545, Florida Statutes, is amended

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1064 to read:

1065 348.545 Facility improvement; bond financing authority.—  
 1066 Pursuant to s. 11(f), Art. VII of the State Constitution, the  
 1067 Legislature hereby approves for bond financing by the Tampa-  
 1068 Hillsborough County Expressway Authority improvements to toll  
 1069 collection facilities, interchanges to the legislatively  
 1070 approved expressway system, and any other facility appurtenant,  
 1071 necessary, or incidental to the approved system. Subject to  
 1072 terms and conditions of applicable revenue bond resolutions and  
 1073 covenants, such costs ~~financing~~ may be financed in whole or in  
 1074 part by revenue bonds issued pursuant to s. 348.56(1) (a) or (b),  
 1075 whether currently issued or issued in the future, or by a  
 1076 combination of such bonds.

1077 Section 24. Subsections (1) and (2) of section 348.56,  
 1078 Florida Statutes, are amended to read:

1079 348.56 Bonds of the authority.—

1080 (1) (a) Bonds may be issued on behalf of the authority  
 1081 pursuant to the State Bond Act.

1082 (b) Alternatively, the authority shall have the power and  
 1083 is hereby authorized from time to time to issue bonds in such  
 1084 principal amount as, in the opinion of the authority, shall be  
 1085 necessary to provide sufficient moneys for achieving its  
 1086 corporate purposes, including construction, reconstruction,  
 1087 improvement, extension, repair, maintenance and operation of the  
 1088 expressway system, the cost of acquisition of all real property,  
 1089 interest on bonds during construction and for a reasonable  
 1090 period thereafter, establishment of reserves to secure bonds,  
 1091 and all other expenditures of the authority incident to and

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1092 necessary or convenient to carry out its corporate purposes and  
 1093 powers.

1094 (2) (a) Bonds issued by the authority pursuant to paragraph  
 1095 (1) (a) or paragraph (1) (b) shall be authorized by resolution of  
 1096 the members of the authority and shall bear such date or dates,  
 1097 mature at such time or times, not exceeding 40 years from their  
 1098 respective dates, bear interest at such rate or rates, not  
 1099 exceeding the maximum rate fixed by general law for authorities,  
 1100 be in such denominations, be in such form, either coupon or  
 1101 fully registered, carry such registration, exchangeability and  
 1102 interchangeability privileges, be payable in such medium of  
 1103 payment and at such place or places, be subject to such terms of  
 1104 redemption and be entitled to such priorities of lien on the  
 1105 revenues, other available moneys, and the Hillsborough County  
 1106 gasoline tax funds as such resolution or any resolution  
 1107 subsequent thereto may provide. The bonds shall be executed  
 1108 either by manual or facsimile signature by such officers as the  
 1109 authority shall determine, provided that such bonds shall bear  
 1110 at least one signature which is manually executed thereon. The  
 1111 coupons attached to such bonds shall bear the facsimile  
 1112 signature or signatures of such officer or officers as shall be  
 1113 designated by the authority. Such bonds shall have the seal of  
 1114 the authority affixed, imprinted, reproduced, or lithographed  
 1115 thereon.

1116 (b) The bonds issued pursuant to paragraph (1) (a) or  
 1117 paragraph (1) (b) shall be sold at public sale in the same manner  
 1118 provided in the State Bond Act, ~~and the net interest cost to the~~  
 1119 ~~authority on such bonds shall not exceed the maximum rate fixed~~



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1120 ~~by general law for authorities. If all bids received on the~~  
 1121 ~~public sale are rejected, the authority may then proceed to~~  
 1122 ~~negotiate for the sale of the bonds at a net interest cost which~~  
 1123 ~~shall be less than the lowest net interest cost stated in the~~  
 1124 ~~bids rejected at the public sale. However, if the authority~~  
 1125 ~~determines, by official action at a public meeting, that a~~  
 1126 ~~negotiated sale of such bonds is in the best interest of the~~  
 1127 ~~authority, the authority may negotiate the sale of such bonds~~  
 1128 ~~with the underwriter or underwriters designated by the authority~~  
 1129 ~~and the Division of Bond Finance within the State Board of~~  
 1130 ~~Administration with respect to bonds issued pursuant to~~  
 1131 ~~paragraph (1)(a) or solely by the authority with respect to~~  
 1132 ~~bonds issued pursuant to paragraph (1)(b). The authority's~~  
 1133 ~~determination to negotiate the sale of such bonds may be based,~~  
 1134 ~~in part, upon the written advice of the authority's financial~~  
 1135 ~~adviser.~~ Pending the preparation of definitive bonds, temporary  
 1136 bonds or interim certificates may be issued to the purchaser or  
 1137 purchasers of such bonds and may contain such terms and  
 1138 conditions as the authority may determine.

1139 Section 25. Section 348.565, Florida Statutes, is amended  
 1140 to read:

1141 348.565 Revenue bonds for specified projects.—The existing  
 1142 facilities that constitute the Tampa-Hillsborough County  
 1143 Expressway System are hereby approved to be refinanced by ~~the~~  
 1144 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance  
 1145 of the State Board of Administration pursuant to s. 11(f), Art.  
 1146 VII of the State Constitution and the State Bond Act or by  
 1147 revenue bonds issued by the authority pursuant to s.

1148 348.56(1)(b). In addition, the following projects of the Tampa-  
 1149 Hillsborough County Expressway Authority are approved to be  
 1150 financed or refinanced by the issuance of revenue bonds in  
 1151 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of  
 1152 the State Constitution:

- 1153 (1) Brandon area feeder roads.
- 1154 (2) Capital improvements to the expressway system,  
 1155 including safety and operational improvements and toll  
 1156 collection equipment.
- 1157 (3) Lee Roy Selmon Crosstown Expressway System widening.
- 1158 (4) The connector highway linking the Lee Roy Selmon  
 1159 Crosstown Expressway to Interstate 4.

1160 Section 26. Subsection (1) of section 348.57, Florida  
 1161 Statutes, is amended to read:

1162 348.57 Refunding bonds.—

1163 (1) Subject to public notice as provided in s. 348.54, the  
 1164 authority is authorized to provide by resolution for the  
 1165 issuance from time to time of bonds pursuant to s. 348.56(1)(b)  
 1166 for the purpose of refunding any bonds then outstanding  
 1167 regardless of whether the bonds being refunded were issued by  
 1168 the authority pursuant to this chapter or on behalf of the  
 1169 authority pursuant to the State Bond Act. The authority is  
 1170 further authorized to provide by resolution for the issuance of  
 1171 bonds for the combined purpose of:

- 1172 (a) Paying the cost of constructing, reconstructing,  
 1173 improving, extending, repairing, maintaining and operating the  
 1174 expressway system.
- 1175 (b) Refunding bonds then outstanding. The authorization,

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1176 sale and issuance of such obligations, the maturities and other  
 1177 details thereof, the rights and remedies of the holders thereof,  
 1178 and the rights, powers, privileges, duties and obligations of  
 1179 the authority with respect to the same shall be governed by the  
 1180 foregoing provisions of this part insofar as the same may be  
 1181 applicable.

1182 Section 27. Section 348.70, Florida Statutes, is amended  
 1183 to read:

1184 348.70 This part complete and additional authority.—

1185 (1) The powers conferred by this part shall be in addition  
 1186 and supplemental to the existing respective powers of the  
 1187 authority, the department, the county, and the city, if any, and  
 1188 this part shall not be construed as repealing any of the  
 1189 provisions of any other law, general, special, or local, but  
 1190 shall be deemed to supersede such other law or laws in the  
 1191 exercise of the powers provided in this part insofar as such  
 1192 other law or laws are inconsistent with the provisions of this  
 1193 part and to provide a complete method for the exercise of the  
 1194 powers granted herein. The construction, reconstruction,  
 1195 improvement, extension, repair, maintenance, and operation of  
 1196 the expressway system, and the issuance of bonds hereunder to  
 1197 finance all or part of the cost thereof, may be accomplished  
 1198 upon compliance with the provisions of this part without regard  
 1199 to or necessity for compliance with the provisions, limitations,  
 1200 or restrictions contained in any other general, special, or  
 1201 local law, including, but not limited to, s. 215.821, and no  
 1202 approval of any bonds issued under this part by the qualified  
 1203 electors or qualified electors who are freeholders in the state

1204 or in the county or in the city or in any other political  
 1205 subdivision of the state shall be required for the issuance of  
 1206 such bonds.

1207 (2) This part does not repeal, rescind, or modify any  
 1208 other law or laws relating to the State Board of Administration,  
 1209 the Department of Transportation, or the Division of Bond  
 1210 Finance of the State Board of Administration, but shall  
 1211 supersede such other law or laws as are inconsistent with the  
 1212 provisions of this part, including, but not limited to, s.  
 1213 215.821.

1214 Section 28. Part XI of chapter 348, Florida Statutes,  
 1215 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,  
 1216 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,  
 1217 348.9960, 348.9961, 348.9962, 348.9963, 348.9964, 348.9965,  
 1218 348.9966, and 348.9967, is created to read:

1219 PART XI

1220 OSCEOLA COUNTY EXPRESSWAY AUTHORITY

1221 348.9950 Short title.—This part may be cited as the  
 1222 "Osceola County Expressway Authority Law."

1223 348.9951 Definitions.—As used in this part, except where  
 1224 the context clearly indicates otherwise, the term:

1225 (1) "Agency of the state" means the state and any  
 1226 department of or corporation, agency, or instrumentality  
 1227 created, designated, or established by the state.

1228 (2) "Authority" means the body politic and corporate and  
 1229 agency of the state created by this part.

1230 (3) "Bonds" means and includes the notes, bonds, refunding  
 1231 bonds, or other evidences of indebtedness or obligations, in

1232 either temporary or definitive form, that the authority is  
 1233 authorized to issue under this part.

1234 (4) "County" means Osceola County.

1235 (5) "Department" means the Department of Transportation.

1236 (6) "Federal agency" means the United States, the  
 1237 President of the United States, and any department of or  
 1238 corporation, agency, or instrumentality created, designated, or  
 1239 established by the United States.

1240 (7) "Lease-purchase agreement" means any lease-purchase  
 1241 agreement the authority is authorized under this part to enter  
 1242 into with the department.

1243 (8) "Limited access expressway" or "expressway" means a  
 1244 street or highway especially designed for through traffic and  
 1245 over, from, or to which no person has a right of easement, use,  
 1246 or access except in accordance with the rules and regulations  
 1247 adopted by the authority for the use of such facility. Such  
 1248 streets or highways may be parkways from which trucks, buses,  
 1249 and other commercial vehicles are excluded or freeways open to  
 1250 use by all customary forms of street and highway traffic.

1251 (9) "Members" means the governing body of the authority,  
 1252 and the term "member" means one of the individuals constituting  
 1253 such governing body.

1254 (10) "Osceola County Expressway System" or "system" means  
 1255 any and all expressways and appurtenant facilities thereto,  
 1256 including, but not limited to, all approaches, roads, bridges,  
 1257 and avenues of access for such expressways that are built by the  
 1258 authority or the ownership of which is transferred to the  
 1259 authority by other governmental or private entities.

1260           (11) "Osceola County gasoline tax funds" means all the 80-  
 1261 percent surplus gasoline tax funds accruing in each year to the  
 1262 department for use in Osceola County under s. 9, Art. XII of the  
 1263 State Constitution after deduction only of any amounts of such  
 1264 gasoline tax funds pledged by the department or the county for  
 1265 outstanding obligations.

1266           (12) "State Board of Administration" means the body  
 1267 corporate existing under s. 9, Art. XII of the State  
 1268 Constitution or any successor thereto.

1269           348.9952 Osceola County Expressway Authority.—

1270           (1) There is created a body politic and corporate, an  
 1271 agency of the state, to be known as the Osceola County  
 1272 Expressway Authority.

1273           (2) (a) The governing body of the authority shall consist  
 1274 of six members. Five members must be residents of Osceola  
 1275 County, three of whom shall be appointed by the governing body  
 1276 of the county and two of whom shall be appointed by the  
 1277 Governor. The sixth member shall be the district secretary of  
 1278 the department serving in the district that includes Osceola  
 1279 County, who shall serve as an ex officio, nonvoting member. The  
 1280 term of each appointed member shall be for 4 years, except that  
 1281 the first term of the initial members appointed by the Governor  
 1282 shall be 2 years each. Each appointed member shall hold office  
 1283 until his or her successor has been appointed and has qualified.  
 1284 A vacancy occurring during a term shall be filled only for the  
 1285 balance of the unexpired term. Each appointed member of the  
 1286 authority shall be a person of outstanding reputation for  
 1287 integrity, responsibility, and business ability, but no person

1288 who is an officer or employee of any city or of Osceola County  
 1289 in any other capacity shall be an appointed member of the  
 1290 authority. A member of the authority is eligible for  
 1291 reappointment.

1292 (b) Members of the authority may be removed from office by  
 1293 the Governor for misconduct, malfeasance, or nonfeasance in  
 1294 office.

1295 (3) (a) The authority shall elect one of its members as  
 1296 chair. The authority shall also elect a secretary and a  
 1297 treasurer, who may be members of the authority. The chair,  
 1298 secretary, and treasurer shall hold such offices at the will of  
 1299 the authority.

1300 (b) Three members of the authority constitute a quorum,  
 1301 and the vote of three members is necessary for any action taken  
 1302 by the authority. A vacancy in the authority does not impair the  
 1303 right of a quorum of the authority to exercise all of the rights  
 1304 and perform all of the duties of the authority.

1305 (4) (a) The authority may employ an executive secretary, an  
 1306 executive director, its own counsel and legal staff, technical  
 1307 experts, engineers, and other employees, permanent or temporary,  
 1308 as it may require; may determine the qualifications and fix the  
 1309 compensation of such persons, firms, or corporations; and may  
 1310 employ a fiscal agent or agents. However, the authority shall  
 1311 solicit sealed proposals from at least three persons, firms, or  
 1312 corporations for the performance of any services as fiscal  
 1313 agents. The authority may delegate to one or more of its agents  
 1314 or employees such of its power as it deems necessary to carry  
 1315 out the purposes of this part, subject always to the supervision

1316 and control of the authority.

1317 (b) Members of the authority are entitled to receive from  
 1318 the authority their travel and other necessary expenses incurred  
 1319 in connection with the business of the authority as provided in  
 1320 s. 112.061, but they shall draw no salaries or other  
 1321 compensation.

1322 (c) The department is not required to grant funds for  
 1323 startup costs to the authority; however, the governing body of  
 1324 the county may provide funds for such startup costs.

1325 (d) The authority shall cooperate with and participate in  
 1326 any efforts to establish a regional expressway authority.

1327 348.9953 Purposes and powers.—

1328 (1) The authority may acquire, hold, construct, improve,  
 1329 maintain, operate, own, and lease in the capacity of lessor the  
 1330 Osceola County Expressway System and, in the construction of the  
 1331 system, may construct any extensions, additions, or improvements  
 1332 to the system or appurtenant facilities, including all necessary  
 1333 approaches, roads, bridges, and avenues of access, with such  
 1334 changes, modifications, or revisions of such project as the  
 1335 authority deems desirable and proper.

1336 (2) The authority may exercise all powers necessary,  
 1337 appurtenant, convenient, or incidental to the carrying out of  
 1338 its purposes, including, but not limited to, the following  
 1339 rights and powers:

1340 (a) To sue and be sued, implead and be impleaded, and  
 1341 complain and defend in all courts.

1342 (b) To adopt, use, and alter at will a corporate seal.

1343 (c) To acquire by donation, purchase, or otherwise and



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1344 hold, lease as lessee, and use any franchise or property, real,  
1345 personal, or mixed, tangible or intangible, or any options  
1346 thereof, in its own name or in conjunction with others, or  
1347 interest therein, necessary or desirable for carrying out the  
1348 purposes of the authority and to sell, lease as lessor,  
1349 transfer, and dispose of any property or interest therein at any  
1350 time acquired by it.

1351 (d) To enter into lease agreements for terms not exceeding  
1352 40 years as either lessee or lessor to carry out the right to  
1353 lease as set forth in this part.

1354 (e) To enter into lease-purchase agreements with the  
1355 department for terms not exceeding 40 years, or until any bonds  
1356 secured by a pledge of rentals thereunder and any refundings  
1357 thereof are fully paid as to both principal and interest,  
1358 whichever is longer.

1359 (f) To fix, alter, charge, establish, and collect rates,  
1360 fees, rentals, and other charges for the services and facilities  
1361 of the system, which rates, fees, rentals, and other charges  
1362 must always be sufficient to comply with any covenants made with  
1363 the holders of any bonds issued pursuant to this part; however,  
1364 such right and power may be assigned or delegated by the  
1365 authority to the department.

1366 (g) To borrow money and make and issue negotiable notes,  
1367 bonds, refunding bonds, and other evidences of indebtedness or  
1368 obligations, either in temporary or definitive form, hereinafter  
1369 in this part sometimes called "bonds" of the authority, for the  
1370 purpose of financing all or part of the improvement or extension  
1371 of the system and appurtenant facilities, including all

1372 approaches, streets, roads, bridges, and avenues of access for  
 1373 the system and for any other purpose authorized by this part,  
 1374 such bonds to mature no more than 40 years after the date of the  
 1375 issuance thereof, and to secure the payment of such bonds or any  
 1376 part thereof by a pledge of any or all of its revenues, rates,  
 1377 fees, rentals, or other charges, including all or any portion of  
 1378 the Osceola County gasoline tax funds received by the authority  
 1379 pursuant to the terms of any lease-purchase agreement between  
 1380 the authority and the department; and, in general, to provide  
 1381 for the security of such bonds and the rights and remedies of  
 1382 the holders thereof. However, no portion of the Osceola County  
 1383 gasoline tax funds shall be pledged for the construction of any  
 1384 project for which a toll is to be charged unless the anticipated  
 1385 tolls are reasonably estimated by the board of county  
 1386 commissioners, at the date of its resolution pledging such  
 1387 funds, to be sufficient to cover the principal and interest of  
 1388 such obligations during the period when such pledge of funds  
 1389 shall be in effect.

1390 1. The authority shall reimburse Osceola County for any  
 1391 sums expended from such gasoline tax funds used for the payment  
 1392 of such obligations. Any gasoline tax funds so disbursed shall  
 1393 be repaid when the authority deems it practicable, together with  
 1394 interest at the highest rate applicable to any obligations of  
 1395 the authority.

1396 2. If the authority decides to fund or refund any bonds  
 1397 issued by the authority or by the commission prior to their  
 1398 maturity, the proceeds of such funding or refunding bonds must,  
 1399 pending the prior redemption of the bonds to be funded or

1400 refunded, be invested in direct obligations of the United  
 1401 States. Such outstanding bonds may be funded or refunded by the  
 1402 issuance of bonds pursuant to this part.

1403 (h) To make contracts of every name and nature, including,  
 1404 but not limited to, partnerships providing for participation in  
 1405 ownership and revenues, and to execute all instruments necessary  
 1406 or convenient for the carrying on of its business.

1407 (i) Without limitation of the foregoing, to borrow money  
 1408 and accept grants from and to enter into contracts, leases, or  
 1409 other transactions with any federal agency, the state, any  
 1410 agency of the state, Osceola County, or any other public body of  
 1411 the state.

1412 (j) To have the power of eminent domain, including the  
 1413 procedural powers granted under chapters 73 and 74.

1414 (k) To pledge, hypothecate, or otherwise encumber all or  
 1415 any part of the revenues, rates, fees, rentals, or other charges  
 1416 or receipts of the authority, including all or any portion of  
 1417 the Osceola County gasoline tax funds received by the authority  
 1418 pursuant to the terms of any lease-purchase agreement between  
 1419 the authority and the department, as security for all or any of  
 1420 the obligations of the authority.

1421 (l) To enter into partnerships and other agreements  
 1422 respecting ownership and revenue participation in order to  
 1423 facilitate financing and constructing any project or portions  
 1424 thereof.

1425 (m) To participate in developer agreements or to receive  
 1426 developer contributions.

1427 (n) To contract with Osceola County for the operation of a

1428 toll facility within the county.

1429 (o) To do all acts and things necessary or convenient for  
 1430 the conduct of its business and the general welfare of the  
 1431 authority in order to carry out the powers granted to it by this  
 1432 part or any other law.

1433 (p) With the consent of the county within the jurisdiction  
 1434 of which the following activities occur, to construct, operate,  
 1435 and maintain roads, bridges, avenues of access, thoroughfares,  
 1436 and boulevards outside the jurisdictional boundaries of Osceola  
 1437 County, and to construct, repair, replace, operate, install, and  
 1438 maintain electronic toll payment systems thereon, with all  
 1439 necessary and incidental powers to accomplish the foregoing.

1440 (q) To enter into an interlocal agreement with the  
 1441 Orlando-Orange County Expressway Authority to coordinate and  
 1442 plan for projects in order to avoid any negative impacts on  
 1443 either authority.

1444 (3) The authority shall not, at any time or in any manner,  
 1445 pledge the credit or taxing power of the state or any political  
 1446 subdivision or agency thereof, including Osceola County, nor  
 1447 shall the authority's obligations be deemed to be an obligation  
 1448 of the state or of any political subdivision or agency thereof,  
 1449 nor shall the state or any political subdivision or agency  
 1450 thereof, except the authority, be liable for the payment of the  
 1451 principal of or interest on such obligations.

1452 (4) Notwithstanding any other provision of this part,  
 1453 acquisition of right-of-way for a project of the authority which  
 1454 is within the boundaries of any municipality in Osceola County  
 1455 shall not be initiated unless and until the governing body of

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1456 that municipality has approved the route of such project.

1457 (5) Notwithstanding any other provision of this part,  
1458 acquisition of right-of-way for a project of the authority which  
1459 is within the unincorporated area of Osceola County shall not be  
1460 initiated unless and until the governing body of Osceola County  
1461 has approved the route of such project.

1462 (6) The authority shall not, without the consent of  
1463 Osceola County or any affected municipality, enter into any  
1464 agreement that would legally prohibit the construction of any  
1465 road by Osceola County or by any municipality within Osceola  
1466 County.

1467 348.9954 Bond financing authority for improvements.—  
1468 Pursuant to s. 11(f), Art. VII of the State Constitution, the  
1469 Legislature hereby approves for bond financing by the Osceola  
1470 County Expressway Authority improvements to toll collection  
1471 facilities, interchanges to the legislatively approved  
1472 expressway system, and any other facility appurtenant,  
1473 necessary, or incidental to the approved system. Subject to  
1474 terms and conditions of applicable revenue bond resolutions and  
1475 covenants, such costs may be financed in whole or in part by  
1476 revenue bonds issued pursuant to s. 348.9955(1)(a) or (b) or by  
1477 a combination of such bonds, whether currently issued or issued  
1478 in the future.

1479 348.9955 Bonds of the authority.—

1480 (1)(a) Bonds may be issued on behalf of the authority  
1481 pursuant to the State Bond Act.

1482 (b) Alternatively, the authority may issue its own bonds  
1483 pursuant to this part at such times and in such principal amount

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1484 as, in the opinion of the authority, is necessary to provide  
1485 sufficient moneys for achieving its purposes; however, such  
1486 bonds may not pledge the full faith and credit of the state.  
1487 Bonds issued by the authority pursuant to this paragraph or  
1488 paragraph (a), whether on original issuance or on refunding,  
1489 shall be authorized by resolution of the members thereof and may  
1490 be either term or serial bonds, shall bear such date or dates,  
1491 mature at such time or times, not exceeding 40 years from their  
1492 respective dates, bear interest at such rate or rates, payable  
1493 semiannually, be in such denominations, be in such form, either  
1494 coupon or fully registered, shall carry such registration,  
1495 exchangeability, and interchangeability privileges, be payable  
1496 in such medium of payment and at such place or places, be  
1497 subject to such terms of redemption, and be entitled to such  
1498 priorities on the revenues, rates, fees, rentals, or other  
1499 charges or receipts of the authority, including the Osceola  
1500 County gasoline tax funds received by the authority pursuant to  
1501 the terms of any lease-purchase agreement between the authority  
1502 and the department, as such resolution or any resolution  
1503 subsequent thereto may provide. The bonds shall be executed  
1504 either by manual or facsimile signature by such officers as the  
1505 authority shall determine, provided that such bonds shall bear  
1506 at least one signature which is manually executed thereon, and  
1507 the coupons attached to such bonds shall bear the facsimile  
1508 signature or signatures of such officer or officers as shall be  
1509 designated by the authority and shall have the seal of the  
1510 authority affixed, imprinted, reproduced, or lithographed  
1511 thereon, all as may be prescribed in such resolution or

1512 resolutions.

1513 (c) Bonds issued pursuant to paragraph (a) or paragraph  
 1514 (b) shall be sold at public sale in the same manner provided by  
 1515 the State Bond Act. However, if the authority shall, by official  
 1516 action at a public meeting, determine that a negotiated sale of  
 1517 such bonds is in the best interest of the authority, the  
 1518 authority may negotiate the sale of such bonds with the  
 1519 underwriter designated by the authority and the Division of Bond  
 1520 Finance of the State Board of Administration with respect to  
 1521 bonds issued pursuant to paragraph (a) or solely the authority  
 1522 with respect to bonds issued pursuant to paragraph (b). The  
 1523 authority's determination to negotiate the sale of such bonds  
 1524 may be based, in part, upon the written advice of the  
 1525 authority's financial adviser. Pending the preparation of  
 1526 definitive bonds, interim certificates may be issued to the  
 1527 purchaser or purchasers of such bonds and may contain such terms  
 1528 and conditions as the authority may determine.

1529 (d) The authority may issue bonds pursuant to paragraph  
 1530 (b) to refund any bonds previously issued regardless of whether  
 1531 the bonds being refunded were issued by the authority pursuant  
 1532 to this part or on behalf of the authority pursuant to the State  
 1533 Bond Act.

1534 (2) Any such resolution or resolutions authorizing any  
 1535 bonds under this part may contain provisions which shall be part  
 1536 of the contract with the holders of such bonds, as to:

1537 (a) The pledging of all or any part of the revenues,  
 1538 rates, fees, rentals, including all or any portion of the  
 1539 Osceola County gasoline tax funds received by the authority

1540 pursuant to the terms of any lease-purchase agreement between  
1541 the authority and the department, or any part thereof, or other  
1542 charges or receipts of the authority, derived by the authority,  
1543 from the Osceola County Expressway System.

1544 (b) The completion, improvement, operation, extension,  
1545 maintenance, repair, lease, or lease-purchase agreement of the  
1546 system and the duties of the authority and others, including the  
1547 department, with reference thereto.

1548 (c) Limitations on the purposes to which the proceeds of  
1549 the bonds, then or thereafter to be issued, or of any loan or  
1550 grant by the United States or the state may be applied.

1551 (d) The fixing, charging, establishing, and collecting of  
1552 rates, fees, rentals, or other charges for use of the services  
1553 and facilities of the Osceola County Expressway System or any  
1554 part thereof.

1555 (e) The setting aside of reserves or sinking funds or  
1556 repair and replacement funds and the regulation and disposition  
1557 thereof.

1558 (f) Limitations on the issuance of additional bonds.

1559 (g) The terms and provisions of any lease-purchase  
1560 agreement, deed of trust, or indenture securing the bonds or  
1561 under which the bonds may be issued.

1562 (h) Any other or additional agreements with the holders of  
1563 the bonds which the authority may deem desirable and proper.

1564 (3) The authority may employ fiscal agents as provided by  
1565 this part, or the State Board of Administration may, upon  
1566 request of the authority, act as fiscal agent for the authority  
1567 in the issuance of any bonds that may be issued pursuant to this



1568 part. The State Board of Administration may, upon request of the  
 1569 authority, take over the management, control, administration,  
 1570 custody, and payment of any or all debt services or funds or  
 1571 assets now or hereafter available for any bonds issued pursuant  
 1572 to this part. The authority may enter into any deeds of trust,  
 1573 indentures, or other agreements with its fiscal agent or with  
 1574 any bank or trust company within or without the state as  
 1575 security for such bonds and may, under such agreements, sign and  
 1576 pledge all or any of the revenues, rates, fees, rentals, or  
 1577 other charges or receipts of the authority, including all or any  
 1578 portion of the Osceola County gasoline tax funds received by the  
 1579 authority pursuant to the terms of any lease-purchase agreement  
 1580 between the authority and the department, thereunder. Such deed  
 1581 of trust, indenture, or other agreement may contain such  
 1582 provisions as are customary in such instruments or, as the  
 1583 authority may authorize, including, but without limitation,  
 1584 provisions as to:

1585 (a) The completion, improvement, operation, extension,  
 1586 maintenance, repair, and lease of or lease-purchase agreement  
 1587 relating to the Osceola County Expressway System and the duties  
 1588 of the authority and others, including the department, with  
 1589 reference thereto.

1590 (b) The application of funds and the safeguarding of funds  
 1591 on hand or on deposit.

1592 (c) The rights and remedies of the trustee and the holders  
 1593 of the bonds.

1594 (d) The terms and provisions of the bonds or the  
 1595 resolutions authorizing the issuance of the bonds.

1596        (4) Any of the bonds issued pursuant to this part are, and  
 1597 are declared to be, negotiable instruments and shall have all  
 1598 the qualities and incidents of negotiable instruments under the  
 1599 law merchant and the negotiable instruments law of the state.

1600        (5) Notwithstanding any of the provisions of this part,  
 1601 each project, building, or facility which has been financed by  
 1602 the issuance of bonds or other evidence of indebtedness under  
 1603 this part and any refinancing thereof is hereby approved as  
 1604 provided for in s. 11(f), Art. VII of the State Constitution.

1605        348.9956 Remedies of the bondholders.-

1606        (1) The rights and remedies conferred by this part upon or  
 1607 granted to the bondholders shall be in addition to and not in  
 1608 limitation of any rights and remedies lawfully granted to such  
 1609 bondholders by the resolution or resolutions providing for the  
 1610 issuance of bonds or by a lease-purchase agreement, deed of  
 1611 trust, indenture, or other agreement under which the bonds may  
 1612 be issued or secured. If the authority defaults in the payment  
 1613 of the principal of or interest on any of the bonds issued under  
 1614 this part after such principal of or interest on such bonds  
 1615 becomes due, whether at maturity or upon call for redemption, or  
 1616 if the department defaults in any payments under or covenants  
 1617 made in any lease-purchase agreement between the authority and  
 1618 the department, and such default continues for a period of 30  
 1619 days, or if the authority or the department fails or refuses to  
 1620 comply with this part or any agreement made with or for the  
 1621 benefit of the holders of the bonds, the holders of 25 percent  
 1622 in aggregate principal amount of the bonds then outstanding  
 1623 shall be entitled as of right to the appointment of a trustee to

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1624 represent such bondholders for the purposes hereof; provided,  
1625 however, that such holders of 25 percent in aggregate principal  
1626 amount of the bonds then outstanding have first given notice to  
1627 the authority and to the department of their intention to  
1628 appoint a trustee. Such notice shall be deemed to have been  
1629 given if given in writing, deposited in a securely sealed  
1630 postpaid wrapper, mailed at a regularly maintained United States  
1631 post office box or station, and addressed, respectively, to the  
1632 chair of the authority and to the Secretary of Transportation at  
1633 the principal office of the department.

1634 (2) Such trustee and any trustee under any deed of trust,  
1635 indenture, or other agreement may, and upon written request of  
1636 the holders of 25 percent or such other percentages as may be  
1637 specified in any deed of trust, indenture, or other agreement  
1638 aforsaid in principal amount of the bonds then outstanding  
1639 shall, in any court of competent jurisdiction in his, her, or  
1640 its own name:

1641 (a) By mandamus or other suit, action, or proceeding at  
1642 law or in equity, enforce all rights of the bondholders,  
1643 including the right to require the authority to fix, establish,  
1644 maintain, collect, and charge rates, fees, rentals, and other  
1645 charges adequate to carry out any agreement as to or pledge of  
1646 the revenues or receipts of the authority, to carry out any  
1647 other covenants and agreements with or for the benefit of the  
1648 bondholders, and to perform its and their duties under this  
1649 part.

1650 (b) By mandamus or other suit, action, or proceeding at  
1651 law or in equity, enforce all rights of the bondholders under or

1652 pursuant to any lease-purchase agreement between the authority  
 1653 and the department, including the right to require the  
 1654 department to make all rental payments required to be made by it  
 1655 under the provisions of any such lease-purchase agreement,  
 1656 whether from the Osceola County gasoline tax funds or other  
 1657 funds of the department so agreed to be paid, and to require the  
 1658 department to carry out any other covenants and agreements with  
 1659 or for the benefit of the bondholders and to perform its and  
 1660 their duties under this part.

1661 (c) Bring suit upon the bonds.

1662 (d) By action or suit in equity, require the authority or  
 1663 the department to account as if it were the trustee of an  
 1664 express trust for the bondholders.

1665 (e) By action or suit in equity, enjoin any acts or things  
 1666 which may be unlawful or in violation of the rights of the  
 1667 bondholders.

1668 (3) Whether or not all bonds have been declared due and  
 1669 payable, any trustee, when appointed under this section or  
 1670 acting under a deed of trust, indenture, or other agreement,  
 1671 shall be entitled as of right to the appointment of a receiver  
 1672 who may enter upon and take possession of the Osceola County  
 1673 Expressway System or the facilities or any part or parts  
 1674 thereof, the rates, fees, rentals, or other revenues, charges,  
 1675 or receipts from which are or may be applicable to the payment  
 1676 of the bonds so in default; and, subject to and in compliance  
 1677 with the provisions of any lease-purchase agreement between the  
 1678 authority and the department, operate and maintain the same for  
 1679 and on behalf and in the name of the authority, the department,

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1680 and the bondholders; and collect and receive all rates, fees,  
 1681 rentals, and other charges or receipts or revenues arising  
 1682 therefrom in the same manner as the authority or the department  
 1683 might do; and shall deposit all such moneys in a separate  
 1684 account and apply the same in such manner as the court shall  
 1685 direct. In any suit, action, or proceeding by the trustee, the  
 1686 fees, counsel fees, and expenses of the trustee and such  
 1687 receiver, if any, and all costs and disbursements allowed by the  
 1688 court shall be a first charge on any rates, fees, rentals, or  
 1689 other charges, revenues, or receipts derived from the Osceola  
 1690 County Expressway System or the facilities or services or any  
 1691 part or parts thereof, including payments under any such lease-  
 1692 purchase agreement as aforesaid which such rates, fees, rentals,  
 1693 or other charges, revenues, or receipts shall or may be  
 1694 applicable to the payment of the bonds so in default. Such  
 1695 trustee shall also have and possess all of the powers necessary  
 1696 or appropriate for the exercise of any functions specifically  
 1697 set forth in this part or incident to the representation of the  
 1698 bondholders in the enforcement and protection of their rights.

1699 (4) Nothing in this section or any other section of this  
 1700 part authorizes any receiver appointed pursuant to this part for  
 1701 the purpose, subject to and in compliance with the provisions of  
 1702 any lease-purchase agreement between the authority and the  
 1703 department, of operating and maintaining the Osceola County  
 1704 Expressway System or any facilities or part or parts thereof to  
 1705 sell, assign, mortgage, or otherwise dispose of any of the  
 1706 assets of whatever kind and character belonging to the  
 1707 authority. It is the intention of this part to limit the powers

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1708 of such receiver, subject to and in compliance with the  
1709 provisions of any lease-purchase agreement between the authority  
1710 and the department, to the operation and maintenance of the  
1711 Osceola County Expressway System or any facility or part or  
1712 parts thereof, as the court may direct, in the name and for and  
1713 on behalf of the authority, the department, and the bondholders.  
1714 No holder of bonds of the authority or any trustee shall ever  
1715 have the right in any suit, action, or proceeding at law or in  
1716 equity to compel a receiver, nor shall any receiver be  
1717 authorized or any court be empowered to direct the receiver, to  
1718 sell, assign, mortgage, or otherwise dispose of any assets of  
1719 whatever kind or character belonging to the authority.

1720 348.9957 Lease-purchase agreement.—

1721 (1) In order to effectuate the purposes of this part and  
1722 as authorized by this part, the authority may enter into a  
1723 lease-purchase agreement with the department relating to and  
1724 covering the system.

1725 (2) Such lease-purchase agreement shall provide for the  
1726 leasing of the system by the authority as lessor to the  
1727 department as lessee, shall prescribe the term of such lease and  
1728 the rentals to be paid under the lease, and shall provide that,  
1729 upon the completion of the faithful performance under and  
1730 termination of the agreement, title in fee simple absolute to  
1731 the system as then constituted shall be transferred in  
1732 accordance with law by the authority to the state and the  
1733 authority shall deliver to the department such deeds and  
1734 conveyances as are necessary or convenient to vest title in fee  
1735 simple absolute in the state.

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1736       (3) Such lease-purchase agreement may include such other  
1737 provisions, agreements, and covenants as the authority and the  
1738 department deem advisable or required, including, but not  
1739 limited to, provisions as to the bonds to be issued under and  
1740 for the purposes of this part; the completion, extension,  
1741 improvement, operation, and maintenance of the system; the  
1742 expenses and the cost of operation of the authority; the  
1743 charging and collection of tolls, rates, fees, and other charges  
1744 for the use of the services and facilities of the system; the  
1745 application of federal or state grants or aid which may be made  
1746 or given to assist the authority in the completion, extension,  
1747 improvement, operation, and maintenance of the system, which the  
1748 authority may accept and apply to such purposes; the enforcement  
1749 of payment and collection of rentals; and any other terms,  
1750 provisions, or covenants necessary, incidental, or appurtenant  
1751 to the making of and full performance under the agreement.

1752       (4) The department as lessee under such lease-purchase  
1753 agreement is authorized to pay as rentals thereunder any rates,  
1754 fees, charges, funds, moneys, receipts, or income accruing to  
1755 the department from the operation of the system and the Osceola  
1756 County gasoline tax funds and may also pay as rentals any  
1757 appropriations received by the department pursuant to any act of  
1758 the Legislature. However, nothing in this part or in such lease-  
1759 purchase agreement shall require the making or continuance of  
1760 such appropriations, nor shall any holder of bonds issued  
1761 pursuant to this part have any right to compel the making or  
1762 continuance of such appropriations.

1763       (5) A pledge of Osceola County gasoline tax funds as

1764 rentals under such lease-purchase agreement shall not be made  
 1765 without the consent of Osceola County evidenced by a resolution  
 1766 duly adopted by the board of county commissioners of the county  
 1767 at a public hearing held pursuant to due notice thereof  
 1768 published at least once a week for 3 consecutive weeks before  
 1769 the hearing in a newspaper of general circulation in Osceola  
 1770 County. In addition to other provisions, the resolution must  
 1771 provide that any excess of such pledged gasoline tax funds which  
 1772 is not required for debt service or reserves for such debt  
 1773 service for any bonds issued by the authority shall be returned  
 1774 annually to the department for distribution to Osceola County as  
 1775 provided by law. Before making any application for such pledge  
 1776 of gasoline tax funds, the authority shall present the plan of  
 1777 its proposed project to the Osceola County Planning and Zoning  
 1778 Commission for its comments and recommendations.

1779 (6) The department may covenant in any lease-purchase  
 1780 agreement that it will pay, from sources other than the revenues  
 1781 derived from the operation of the system and Osceola County  
 1782 gasoline tax funds, all or any part of the cost of the  
 1783 operation, maintenance, repair, renewal, and replacement of the  
 1784 system and any part of the cost of completing the system to the  
 1785 extent that the proceeds of bonds issued therefor are  
 1786 insufficient. The department may also agree to make such other  
 1787 payments from any moneys available to the county in connection  
 1788 with the construction or completion of the system as the  
 1789 department deems to be fair and proper under such covenants.

1790 (7) The system shall be a part of the state road system,  
 1791 and the department may, upon the request of the authority,



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1792 expend moneys from funds available for such purposes and use its  
 1793 engineering and other forces as it deems necessary and desirable  
 1794 for the operation of the authority and for traffic surveys,  
 1795 borings, surveys, preparation of plans and specifications,  
 1796 estimates of cost, and other preliminary engineering and other  
 1797 studies; however, the aggregate amount of moneys expended for  
 1798 such purposes by the department must not exceed \$375,000.

1799 348.9958 Department may be appointed agent of authority  
 1800 for construction.—The authority may appoint the department as  
 1801 its agent for the purpose of constructing improvements and  
 1802 extensions to and the completion of the system. In such event,  
 1803 the authority shall provide the department with complete copies  
 1804 of all documents, agreements, resolutions, contracts, and  
 1805 instruments relating to the system; shall request the department  
 1806 to do such construction work, including the planning, surveying,  
 1807 and actual construction of the completion, extensions, and  
 1808 improvements to the system; and shall transfer to the credit of  
 1809 an account of the department in the treasury of the state the  
 1810 necessary funds for such purpose. After such appointment and  
 1811 receipt of funds, the department is authorized, empowered, and  
 1812 directed to proceed with such construction and to use the funds  
 1813 for such purpose in the same manner as it is authorized to use  
 1814 funds otherwise provided to it by law for the construction of  
 1815 roads and bridges.

1816 348.9959 Acquisition of lands and property.—

1817 (1) For the purposes of this part, the authority may  
 1818 acquire, by gift, devise, purchase, or condemnation by eminent  
 1819 domain proceedings, private or public property and property

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1820 rights, including rights of access, air, view, and light, as the  
 1821 authority may deem necessary for any of the purposes of this  
 1822 part, including, but not limited to, any lands reasonably  
 1823 necessary for securing applicable permits, areas necessary for  
 1824 management of access, borrow pits, drainage ditches, water  
 1825 retention areas, rest areas, replacement access for landowners  
 1826 whose access is impaired due to the construction of a facility,  
 1827 and replacement rights-of-way for relocated rail and utility  
 1828 facilities; for existing, proposed, or anticipated  
 1829 transportation facilities on the system or in a transportation  
 1830 corridor designated by the authority; or for the purposes of  
 1831 screening, relocation, removal, or disposal of junkyards and  
 1832 scrap metal processing facilities. The authority may condemn any  
 1833 material and property necessary for such purposes.

1834 (2) The right of eminent domain conferred in this part  
 1835 shall be exercised by the authority in the manner provided by  
 1836 law.

1837 (3) When the authority acquires property for a  
 1838 transportation facility or in a transportation corridor, the  
 1839 authority is not subject to any liability imposed by chapter 376  
 1840 or chapter 403 for preexisting soil or groundwater contamination  
 1841 due solely to its ownership of the property. This section does  
 1842 not affect the rights or liabilities of any past or future  
 1843 owners of the acquired property and does not affect the  
 1844 liability of any governmental entity for the results of its  
 1845 actions which create or exacerbate a pollution source. The  
 1846 authority and the Department of Environmental Protection may  
 1847 enter into interagency agreements for the performance, funding,

1848 and reimbursement of the investigative and remedial acts  
 1849 necessary for property acquired by the authority.

1850 348.9960 Cooperation with other units, boards, agencies,  
 1851 and individuals.—Any county, municipality, drainage district,  
 1852 road and bridge district, school district, or other political  
 1853 subdivision, board, commission, or individual in or of the state  
 1854 may make and enter into any contract, lease, conveyance,  
 1855 partnership, or other agreement with the authority within the  
 1856 provisions and for purposes of this part; and the authority may  
 1857 make and enter into any contract, lease, conveyance,  
 1858 partnership, or other agreement with any political subdivision,  
 1859 agency, or instrumentality of the state or any federal agency,  
 1860 corporation, or individual for the purpose of carrying out the  
 1861 provisions of this part.

1862 348.9961 Covenant of the state.—The state does hereby  
 1863 pledge to and agrees with any person, firm, or corporation or  
 1864 federal or state agency subscribing to or acquiring the bonds to  
 1865 be issued by the authority for the purposes of this part that  
 1866 the state will not limit or alter the rights hereby vested in  
 1867 the authority and the department until all bonds at any time  
 1868 issued together with the interest thereon are fully paid and  
 1869 discharged insofar as the same affects the rights of the holders  
 1870 of bonds issued hereunder. The state does further pledge to and  
 1871 agree with the United States that in the event any federal  
 1872 agency shall construct or contribute any funds for the  
 1873 completion, extension, or improvement of the Osceola County  
 1874 Expressway System, or any part or portion thereof, the state  
 1875 will not alter or limit the rights and powers of the authority

1876 and the department in any manner which would be inconsistent  
 1877 with the continued maintenance and operation of the Osceola  
 1878 County Expressway System or the completion, extension, or  
 1879 improvement thereof or which would be inconsistent with the due  
 1880 performance of any agreements between the authority and any such  
 1881 federal agency. The authority and the department shall continue  
 1882 to have and may exercise all powers herein granted so long as  
 1883 the same shall be necessary or desirable for the carrying out of  
 1884 the purposes of this part and the purposes of the United States  
 1885 in the completion, extension, or improvement of the Osceola  
 1886 County Expressway System or any part or portion thereof.

1887 348.9962 Exemption from taxation.—The effectuation of the  
 1888 authorized purposes of the authority created under this part is  
 1889 and shall be in all respects for the benefit of the people of  
 1890 the state, for the increase of their commerce and prosperity,  
 1891 and for the improvement of their health and living conditions;  
 1892 and, since the authority will be performing essential  
 1893 governmental functions in effectuating such purposes, the  
 1894 authority is not required to pay any taxes or assessments of any  
 1895 kind or nature whatsoever upon any property acquired or used by  
 1896 it for such purposes or upon any rates, fees, rentals, receipts,  
 1897 income, or charges at any time received by it; and the bonds  
 1898 issued by the authority, their transfer, and the income  
 1899 therefrom, including any profits made on the sale thereof, shall  
 1900 at all times be free from taxation of any kind by the state or  
 1901 by any political subdivision or taxing agency or instrumentality  
 1902 thereof. This section does not apply to any tax imposed by  
 1903 chapter 220 on interest, income, or profits on debt obligations

1904 owned by corporations.

1905 348.9963 Eligibility for investments and security.—Any  
 1906 bonds or other obligations issued pursuant to this part shall be  
 1907 and constitute legal investments for banks, savings banks,  
 1908 trustees, executors, administrators, and all other fiduciaries  
 1909 and for all state, municipal, and other public funds and shall  
 1910 also be and constitute securities eligible for deposit as  
 1911 security for all state, municipal, or other public funds,  
 1912 notwithstanding the provisions of any other law or laws to the  
 1913 contrary.

1914 348.9964 Pledges enforceable by bondholders.—It is the  
 1915 express intention of this part that any pledge by the department  
 1916 of rates, fees, revenues, Osceola County gasoline tax funds, or  
 1917 other funds, as rentals, to the authority, or any covenants or  
 1918 agreements relative thereto, may be enforceable in any court of  
 1919 competent jurisdiction against the authority or directly against  
 1920 the department by any holder of bonds issued by the authority.

1921 348.9965 This part complete and additional authority.—

1922 (1) The powers conferred by this part are in addition and  
 1923 supplemental to the existing powers of the State Board of  
 1924 Administration and the department, and this part does not repeal  
 1925 any provision of any other law, general, special, or local, but  
 1926 supersedes such a provision to the extent of any conflict in the  
 1927 exercise of the powers provided in this part and to provide a  
 1928 complete method for the exercise of the powers granted in this  
 1929 part. The extension and improvement of the system and the  
 1930 issuance of bonds under this part to finance all or part of the  
 1931 cost of the system may be accomplished upon compliance with the

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1932 provisions of this part without regard to or necessity for  
 1933 compliance with the provisions, limitations, or restrictions  
 1934 contained in any other general, special, or local law,  
 1935 including, but not limited to, s. 215.821. The issuance of bonds  
 1936 pursuant to this part does not require approval by the qualified  
 1937 electors or qualified electors who are freeholders in the state  
 1938 or in Osceola County or in any other political subdivision of  
 1939 the state.

1940 (2) This part does not repeal, rescind, or modify the  
 1941 Osceola County Charter and does not repeal, rescind, or modify  
 1942 any other law relating to the department, the State Board of  
 1943 Administration, or the Division of Bond Finance of the State  
 1944 Board of Administration but supersedes any such law to the  
 1945 extent of any conflict with this part, including, but not  
 1946 limited to, s. 215.821.

1947 348.9966 Osceola County auditor.—In addition to other  
 1948 financial requirements provided by this part or by general law,  
 1949 the Office of the Osceola County Commission Auditor as created  
 1950 in Article II, section 2.3 of the Osceola County Home Rule  
 1951 Charter may conduct financial and compliance, economy and  
 1952 efficiency, and performance audits of the authority with written  
 1953 reports to be submitted to the authority and the governing body  
 1954 of Osceola County.

1955 348.9967 Automatic dissolution.—If, prior to January 1,  
 1956 2020, the authority has not encumbered any funds to further its  
 1957 purposes and powers as authorized in s. 348.9953 to establish  
 1958 the system, the authority is dissolved.

1959 Section 29. Subsections (2) and (5) and paragraph (b) of

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1960 subsection (9) of section 373.41492, Florida Statutes, are  
 1961 amended to read:  
 1962 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
 1963 mitigation for mining activities within the Miami-Dade County  
 1964 Lake Belt.—  
 1965 (2) To provide for the mitigation of wetland resources  
 1966 lost to mining activities within the Miami-Dade County Lake Belt  
 1967 Plan, effective October 1, 1999, a mitigation fee is imposed on  
 1968 each ton of limerock and sand extracted by any person who  
 1969 engages in the business of extracting limerock or sand from  
 1970 within the Miami-Dade County Lake Belt Area and the east one-  
 1971 half of sections 24 and 25 and all of sections 35 and 36,  
 1972 Township 53 South, Range 39 East. The mitigation fee is imposed  
 1973 for each ton of limerock and sand sold from within the  
 1974 properties where the fee applies in raw, processed, or  
 1975 manufactured form, including, but not limited to, sized  
 1976 aggregate, asphalt, cement, concrete, and other limerock and  
 1977 concrete products. The mitigation fee imposed by this subsection  
 1978 for each ton of limerock and sand sold shall be 12 cents per ton  
 1979 beginning January 1, 2007; 18 cents per ton beginning January 1,  
 1980 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45  
 1981 cents per ton beginning January 1, 2011. To upgrade a water  
 1982 treatment plant that treats water coming from the Northwest  
 1983 Wellfield in Miami-Dade County, a water treatment plant upgrade  
 1984 fee is imposed within the same Lake Belt Area subject to the  
 1985 mitigation fee and upon the same kind of mined limerock and sand  
 1986 subject to the mitigation fee. The water treatment plant upgrade  
 1987 fee imposed by this subsection for each ton of limerock and sand

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1988 sold shall be 15 cents per ton beginning on January 1, 2007, and  
 1989 the collection of this fee shall cease once the total amount of  
 1990 proceeds collected for this fee reaches the amount of the actual  
 1991 moneys necessary to design and construct the water treatment  
 1992 plant upgrade, as determined in an open, public solicitation  
 1993 process. Any limerock or sand that is used within the mine from  
 1994 which the limerock or sand is extracted is exempt from the fees.  
 1995 The amount of the mitigation fee and the water treatment plant  
 1996 upgrade fee imposed under this section must be stated separately  
 1997 on the invoice provided to the purchaser of the limerock or sand  
 1998 product from the limerock or sand miner, or its subsidiary or  
 1999 affiliate, for which the fee or fees apply. The limerock or sand  
 2000 miner, or its subsidiary or affiliate, who sells the limerock or  
 2001 sand product shall collect the mitigation fee and the water  
 2002 treatment plant upgrade fee and forward the proceeds of the fees  
 2003 to the Department of Revenue on or before the 20th day of the  
 2004 month following the calendar month in which the sale occurs.

2005 (5) Each January 1, beginning January 1, 2010, through  
 2006 December 31, 2011 ~~and each January 1 thereafter~~, the per-ton  
 2007 mitigation fee shall be increased by 2.1 percentage points, plus  
 2008 a cost growth index. The cost growth index shall be the  
 2009 percentage change in the weighted average of the Employment Cost  
 2010 Index for All Civilian Workers (ecu 10001I), issued by the  
 2011 United States Department of Labor for the most recent 12-month  
 2012 period ending on September 30, and the percentage change in the  
 2013 Producer Price Index for All Commodities (WPU 00000000), issued  
 2014 by the United States Department of Labor for the most recent 12-  
 2015 month period ending on September 30, compared to the weighted



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2016 average of these indices for the previous year. The weighted  
 2017 average shall be calculated as 0.6 times the percentage change  
 2018 in the Employment Cost Index for All Civilian Workers (ecu  
 2019 10001I), plus 0.4 times the percentage change in the Producer  
 2020 Price Index for All Commodities (WPU 00000000). If either index  
 2021 is discontinued, it shall be replaced by its successor index, as  
 2022 identified by the United States Department of Labor.

2023 (9)

2024 (b) No sooner than January 31, 2010, and no more  
 2025 frequently than every 2 ~~5~~ years thereafter, the interagency  
 2026 committee shall submit to the Legislature a report recommending  
 2027 any needed adjustments to the mitigation fee, including the  
 2028 annual escalator provided for in subsection (5), to ensure that  
 2029 the revenue generated reflects the actual costs of the  
 2030 mitigation.

2031 Section 30. Subsection (1) of section 403.4131, Florida  
 2032 Statutes, is amended to read:

2033 403.4131 Litter control.—

2034 (1) The Department of Transportation shall establish an  
 2035 "adopt-a-highway" program to allow local organizations to be  
 2036 identified with specific highway cleanup and highway  
 2037 beautification projects authorized under s. 339.2405. ~~The~~  
 2038 ~~department shall report to the Governor and the Legislature on~~  
 2039 ~~the progress achieved and the savings incurred by the "adopt-a-~~  
 2040 ~~highway" program.~~ The department shall also monitor and report  
 2041 ~~on~~ compliance with the provisions of the adopt-a-highway program  
 2042 to ensure that organizations participating ~~that participate~~ in  
 2043 the program comply with the goals identified by the department.

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2044 Section 31. Section 479.01, Florida Statutes, is amended  
 2045 to read:

2046 479.01 Definitions.—As used in this chapter, the term:

2047 (1) "Allowable uses" means those uses that are authorized  
 2048 within a zoning category without the requirement to obtain a  
 2049 variance or waiver. The term includes conditional uses and those  
 2050 allowed by special exception, but does not include uses that are  
 2051 accessory, incidental to the allowable uses, or allowed only on  
 2052 a temporary basis.

2053 (2)~~(1)~~ "Automatic changeable facing" means a facing that  
 2054 is capable of delivering two or more advertising messages  
 2055 through an automated or remotely controlled process.

2056 (3)~~(2)~~ "Business of outdoor advertising" means the  
 2057 business of constructing, erecting, operating, using,  
 2058 maintaining, leasing, or selling outdoor advertising structures,  
 2059 outdoor advertising signs, or outdoor advertisements.

2060 (4)~~(3)~~ "Commercial or industrial zone" means a parcel of  
 2061 land designated for commercial or industrial use under both the  
 2062 future land use map of the comprehensive plan and the land use  
 2063 development regulations adopted pursuant to chapter 163. If a  
 2064 parcel is located in an area designated for multiple uses on the  
 2065 future land use map of a comprehensive plan and the zoning  
 2066 category of the land development regulations does ~~de~~ not  
 2067 specifically ~~clearly~~ designate that parcel for commercial or  
 2068 industrial uses ~~a specific use~~, the area will be considered an  
 2069 unzoned commercial or industrial area if it meets the criteria  
 2070 of subsection (26) ~~(23)~~.

2071 (5) "Commercial use" means activities associated with the

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2072 sale, rental, or distribution of products or the performance of  
 2073 services. The term includes, without limitation, such uses or  
 2074 activities as retail sales; wholesale sales; rentals of  
 2075 equipment, goods, or products; offices; restaurants; food  
 2076 service vendors; sports arenas; theaters; and tourist  
 2077 attractions.

2078 (6)~~(4)~~ "Controlled area" means ~~shall mean~~ 660 feet or less  
 2079 from the nearest edge of the right-of-way of any portion of the  
 2080 State Highway System, interstate, or federal-aid primary system  
 2081 and beyond 660 feet of the nearest edge of the right-of-way of  
 2082 any portion of the State Highway System, interstate, or federal-  
 2083 aid primary system outside an urban area.

2084 (7)~~(5)~~ "Department" means the Department of  
 2085 Transportation.

2086 (8)~~(6)~~ "Erect" means to construct, build, raise, assemble,  
 2087 place, affix, attach, create, paint, draw, or in any other way  
 2088 bring into being or establish; but it does not include any of  
 2089 the foregoing activities when performed as an incident to the  
 2090 change of advertising message or customary maintenance or repair  
 2091 of a sign.

2092 (9)~~(7)~~ "Federal-aid primary highway system" means the  
 2093 existing, unbuilt, or unopened system of highways or portions  
 2094 thereof, which shall include the National Highway System,  
 2095 designated as the federal-aid primary highway system by the  
 2096 department.

2097 (10)~~(8)~~ "Highway" means any road, street, or other way  
 2098 open or intended to be opened to the public for travel by motor  
 2099 vehicles.

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2100           (11) "Industrial use" means activities associated with the  
 2101 manufacture, assembly, processing, or storage of products or the  
 2102 performance of services relating thereto. The term includes,  
 2103 without limitation, such uses or activities as automobile  
 2104 manufacturing or repair, boat manufacturing or repair, junk  
 2105 yards, meat packing facilities, citrus processing and packing  
 2106 facilities, produce processing and packing facilities,  
 2107 electrical generating plants, water treatment plants, sewage  
 2108 treatment plants, and solid waste disposal sites.

2109           ~~(12)-(9)~~ "Interstate highway system" means the existing,  
 2110 unbuilt, or unopened system of highways or portions thereof  
 2111 designated as the national system of interstate and defense  
 2112 highways by the department.

2113           ~~(13)-(10)~~ "Main-traveled way" means the traveled way of a  
 2114 highway on which through traffic is carried. In the case of a  
 2115 divided highway, the traveled way of each of the separate  
 2116 roadways for traffic in opposite directions is a main-traveled  
 2117 way. It does not include such facilities as frontage roads,  
 2118 turning roadways, or parking areas.

2119           ~~(14)-(11)~~ "Maintain" means to allow to exist.

2120           ~~(15)-(12)~~ "Motorist services directional signs" means signs  
 2121 providing directional information about goods and services in  
 2122 the interest of the traveling public where such signs were  
 2123 lawfully erected and in existence on or before May 6, 1976, and  
 2124 continue to provide directional information to goods and  
 2125 services in a defined area.

2126           ~~(16)-(13)~~ "New highway" means the construction of any road,  
 2127 paved or unpaved, where no road previously existed or the act of

2128 paving any previously unpaved road.

2129 (17)~~(14)~~ "Nonconforming sign" means a sign which was  
 2130 lawfully erected but which does not comply with the land use,  
 2131 setback, size, spacing, and lighting provisions of state or  
 2132 local law, rule, regulation, or ordinance passed at a later date  
 2133 or a sign which was lawfully erected but which later fails to  
 2134 comply with state or local law, rule, regulation, or ordinance  
 2135 due to changed conditions.

2136 (18)~~(15)~~ "Premises" means all the land areas under  
 2137 ownership or lease arrangement to the sign owner which are  
 2138 contiguous to the business conducted on the land except for  
 2139 instances where such land is a narrow strip contiguous to the  
 2140 advertised activity or is connected by such narrow strip, the  
 2141 only viable use of such land is to erect or maintain an  
 2142 advertising sign. When the sign owner is a municipality or  
 2143 county, "premises" shall mean all lands owned or leased by such  
 2144 municipality or county within its jurisdictional boundaries as  
 2145 set forth by law.

2146 (19)~~(16)~~ "Remove" means to disassemble, transport from the  
 2147 site, and dispose of sign materials by sale or destruction.

2148 (20)~~(17)~~ "Sign" means any combination of structure and  
 2149 message in the form of an outdoor sign, display, device, figure,  
 2150 painting, drawing, message, placard, poster, billboard,  
 2151 advertising structure, advertisement, logo, symbol, or other  
 2152 form, whether placed individually or on a V-type, back-to-back,  
 2153 side-to-side, stacked, or double-faced display or automatic  
 2154 changeable facing, designed, intended, or used to advertise or  
 2155 inform, any part of the advertising message or informative

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2156 contents of which is visible from any place on the main-traveled  
 2157 way. The term does not include an official traffic control sign,  
 2158 official marker, or specific information panel erected, caused  
 2159 to be erected, or approved by the department.

2160 (21)~~(18)~~ "Sign direction" means that direction from which  
 2161 the message or informative contents are most visible to oncoming  
 2162 traffic on the main-traveled way.

2163 (22)~~(19)~~ "Sign face" means the part of the sign, including  
 2164 trim and background, which contains the message or informative  
 2165 contents.

2166 (23)~~(20)~~ "Sign facing" includes all sign faces and  
 2167 automatic changeable faces displayed at the same location and  
 2168 facing the same direction.

2169 (24)~~(21)~~ "Sign structure" means all the interrelated parts  
 2170 and material, such as beams, poles, and stringers, which are  
 2171 constructed for the purpose of supporting or displaying a  
 2172 message or informative contents.

2173 (25)~~(22)~~ "State Highway System" means the existing,  
 2174 unbuilt, or unopened system of highways or portions thereof  
 2175 designated as the State Highway System by the department.

2176 (26)~~(23)~~ "Unzoned commercial or industrial area" means a  
 2177 parcel of land designated by the future land use map of the  
 2178 comprehensive plan for multiple uses that include commercial or  
 2179 industrial uses but are not specifically designated for  
 2180 commercial or industrial uses under the land development  
 2181 regulations, in which three or more separate and distinct  
 2182 conforming industrial or commercial activities are located.

2183 (a) These activities must satisfy the following criteria:

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2184 1. At least one of the commercial or industrial activities  
 2185 must be located on the same side of the highway and within 800  
 2186 feet of the sign location;

2187 2. The commercial or industrial activities must be within  
 2188 660 feet from the nearest edge of the right-of-way; and

2189 3. The commercial industrial activities must be within  
 2190 1,600 feet of each other.

2191  
 2192 Distances specified in this paragraph must be measured from the  
 2193 nearest outer edge of the primary building or primary building  
 2194 complex when the individual units of the complex are connected  
 2195 by covered walkways.

2196 (b) Certain activities, including, but not limited to, the  
 2197 following, may not be so recognized as commercial or industrial  
 2198 activities:

2199 1. Signs.

2200 2. Agricultural, forestry, ranching, grazing, farming, and  
 2201 related activities, including, but not limited to, wayside fresh  
 2202 produce stands.

2203 3. Transient or temporary activities.

2204 4. Activities not visible from the main-traveled way.

2205 5. Activities conducted more than 660 feet from the  
 2206 nearest edge of the right-of-way.

2207 6. Activities conducted in a building principally used as  
 2208 a residence.

2209 7. Railroad tracks and minor sidings.

2210 8. Communication towers.

2211 (27)~~(24)~~ "Urban area" has the same meaning as defined in

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2212 s. 334.03 (29) ~~(32)~~.

2213 ~~(28)~~ ~~(25)~~ "Visible commercial or industrial activity" means  
 2214 a commercial or industrial activity that is capable of being  
 2215 seen without visual aid by a person of normal visual acuity from  
 2216 the main-traveled way and that is generally recognizable as  
 2217 commercial or industrial.

2218 ~~(29)~~ ~~(26)~~ "Visible sign" means that the advertising message  
 2219 or informative contents of a sign, whether or not legible, is  
 2220 capable of being seen without visual aid by a person of normal  
 2221 visual acuity.

2222 ~~(30)~~ ~~(27)~~ "Wall mural" means a sign that is a painting or  
 2223 an artistic work composed of photographs or arrangements of  
 2224 color and that displays a commercial or noncommercial message,  
 2225 relies solely on the side of the building for rigid structural  
 2226 support, and is painted on the building or depicted on vinyl,  
 2227 fabric, or other similarly flexible material that is held in  
 2228 place flush or flat against the surface of the building. The  
 2229 term excludes a painting or work placed on a structure that is  
 2230 erected for the sole or primary purpose of signage.

2231 (31) "Zoning category" means the designation under the  
 2232 Land Development Regulations (LDR) or other similar ordinance  
 2233 enacted to regulate the use of land as provided in s.  
 2234 163.3202(2)(b), which designation sets forth the allowable uses,  
 2235 restrictions, and limitations on use applicable to properties  
 2236 within the category.

2237 Section 32. Sections 479.01, 479.015, 479.02, 479.03,  
 2238 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,  
 2239 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,



2240 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,  
 2241 are designated as part I of chapter 479, Florida Statutes, and  
 2242 entitled "General Provisions."

2243 Section 33. Sections 479.261, 479.262, 479.27, 479.28, and  
 2244 479.30, Florida Statutes, are designated as part II of chapter  
 2245 479, Florida Statutes, and entitled "Special Programs."

2246 Section 34. Part III of chapter 479, Florida Statutes,  
 2247 consisting of sections 479.310, 479.311, 479.312, 479.313, and  
 2248 479.315, is created to read:

2249 PART III

2250 SIGN REMOVAL

2251 479.310 Unpermitted and illegal signs; intent.—It is the  
 2252 intent of this part to relieve the department from the financial  
 2253 burden incurred in the removal of unpermitted and illegal signs  
 2254 located within the right-of-way of and controlled areas adjacent  
 2255 to the State Highway System, interstate highway system, and  
 2256 federal-aid primary highway system; to place the financial  
 2257 responsibility for the cost of such removal directly upon those  
 2258 benefiting from the location and operation of such unpermitted  
 2259 and illegal signs; and to provide clear authority to the  
 2260 department for the recovery of cost incurred by the department  
 2261 in the removal of such unpermitted and illegal signs.

2262 479.311 Jurisdiction; venue.—The county court shall have  
 2263 jurisdiction concurrent with the circuit court to consider  
 2264 claims filed by the department in amounts which are within their  
 2265 jurisdictional limitations. For the purposes of a claim filed by  
 2266 the department to recover its cost as provided in this section,  
 2267 venue shall be Leon County.

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2268           479.312 Unpermitted signs; cost of removal.-All costs  
 2269 incurred by the department in connection with the removal of a  
 2270 sign located within a controlled area adjacent to the State  
 2271 Highway System, interstate highway system, or federal-aid  
 2272 primary highway system which has not been issued a permit under  
 2273 part I shall be assessed against and collected from the owner of  
 2274 the sign, the advertiser displayed on the sign, or the owner of  
 2275 the property upon which the sign is located. For the purposes of  
 2276 this section, a sign that does not display the name of the sign  
 2277 owner shall be presumed to be owned by the owner of the property  
 2278 upon which the sign is located.

2279           479.313 Permit revocation; cost of removal.-All costs  
 2280 incurred by the department in connection with the removal of a  
 2281 sign located within a controlled area adjacent to the State  
 2282 Highway System, interstate highway system, or federal-aid  
 2283 primary highway system following the revocation of the permit  
 2284 for such sign shall be assessed against and collected from the  
 2285 permittee.

2286           479.315 Highway rights-of way; cost of sign removal.-All  
 2287 cost incurred by the department in connection with the removal  
 2288 of a sign located within the right-of-way of the State Highway  
 2289 System, interstate highway system, or federal-aid primary  
 2290 highway system shall be assessed against and collected from the  
 2291 owner of the sign or the advertiser displayed on the sign.

2292           Section 35. Section 705.18, Florida Statutes, is amended  
 2293 to read:

2294           705.18 Disposal of personal property lost or abandoned on  
 2295 university or community college campuses ~~or certain public-use~~

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2296 ~~airports;~~ disposition of proceeds from sale ~~thereof.~~-

2297 (1) Whenever any lost or abandoned personal property shall  
 2298 be found on a campus of an institution in the State University  
 2299 System or a campus of a state-supported community college, ~~or on~~  
 2300 ~~premises owned or controlled by the operator of a public-use~~  
 2301 ~~airport having regularly scheduled international passenger~~  
 2302 ~~service,~~ the president of the institution or the president's  
 2303 designee ~~or the director of the airport or the director's~~  
 2304 ~~designee~~ shall take charge of the property ~~thereof~~ and make a  
 2305 record of the date such property was found. If, within 30 days  
 2306 after such property is found, or a longer period of time as may  
 2307 be deemed appropriate by the president ~~or the director~~ under the  
 2308 circumstances, the property ~~it~~ is not claimed by the owner, the  
 2309 president ~~or director~~ shall order it sold at public outcry after  
 2310 giving notice of the time and place of sale in a publication of  
 2311 general circulation on the campus of such institution ~~or within~~  
 2312 ~~the county where the airport is located~~ and written notice to  
 2313 the owner if known. The rightful owner of such property may  
 2314 reclaim the same at any time prior to sale.

2315 (2) All moneys realized from such institution's sale shall  
 2316 be placed in an appropriate fund and used solely for student  
 2317 scholarship and loan purposes. ~~All moneys realized from such~~  
 2318 ~~sale by an airport, less its costs of storage, transportation,~~  
 2319 ~~and publication of notice, shall, unless another use is required~~  
 2320 ~~by federal law, be deposited into the state school fund.~~

2321 Section 36. Section 705.182, Florida Statutes, is created  
 2322 to read:

2323 705.182 Disposal of personal property found on the

2324 premises of public-use airports.-

2325 (1) Whenever any personal property, other than an aircraft  
 2326 or motor vehicle, is found on premises owned or controlled by  
 2327 the operator of a public-use airport, the director of the  
 2328 airport or the director's designee shall take charge of the  
 2329 property and make a record of the date such property was found.

2330 (2) If, within 30 calendar days after such property is  
 2331 found or for a longer period of time as may be deemed  
 2332 appropriate by the director or the director's designee under the  
 2333 circumstances, the property is not claimed by the owner, the  
 2334 director or the director's designee may:

2335 (a) Retain any or all of the property for use by the  
 2336 airport or for use by the state or the unit of local government  
 2337 owning or operating the airport;

2338 (b) Trade such property to another unit of local  
 2339 government or a state agency;

2340 (c) Donate the property to a charitable organization;

2341 (d) Sell the property; or

2342 (e) Dispose of the property through an appropriate refuse  
 2343 removal company or a company that provides salvage services for  
 2344 the type of personal property found or located on the airport  
 2345 premises.

2346 (3) The airport shall notify the owner, if known, of the  
 2347 property found on the airport premises and that the airport  
 2348 intends to dispose of the property as provided in subsection  
 2349 (2).

2350 (4) If the airport elects to sell the property under  
 2351 paragraph (2) (d), the property must be sold at a public auction

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2352 either on the Internet or at a specified physical location after  
 2353 giving notice of the time and place of sale, at least 10  
 2354 calendar days prior to the date of sale, in a publication of  
 2355 general circulation within the county where the airport is  
 2356 located and after written notice, via certified mail, return  
 2357 receipt requested, is provided to the owner, if known. Any such  
 2358 notice shall be sufficient if the notice refers to the airport's  
 2359 intention to sell all then-accumulated found property, and there  
 2360 is no requirement that the notice identify each item to be sold.  
 2361 The rightful owner of such property may reclaim the property at  
 2362 any time prior to sale by presenting acceptable evidence of  
 2363 ownership to the airport director or the director's designee.  
 2364 All proceeds from the sale of the property shall be retained by  
 2365 the airport for use by the airport in any lawfully authorized  
 2366 manner.

2367 (5) Nothing in this section shall preclude the airport  
 2368 from allowing a domestic or international air carrier or other  
 2369 tenant, on premises owned or controlled by the operator of a  
 2370 public-use airport, to establish its own lost and found  
 2371 procedures for personal property and to dispose of such personal  
 2372 property.

2373 (6) A purchaser or recipient in good faith of personal  
 2374 property sold or obtained under this section shall take the  
 2375 property free of the rights of persons then holding any legal or  
 2376 equitable interest thereto, whether or not recorded.

2377 Section 37. Section 705.183, Florida Statutes, is created  
 2378 to read:

2379 705.183 Disposal of derelict or abandoned aircraft on the

2380 premises of public-use airports.-

2381 (1) (a) Whenever any derelict or abandoned aircraft is  
 2382 found or located on premises owned or controlled by the operator  
 2383 of a public-use airport, whether or not such premises are under  
 2384 a lease or license to a third party, the director of the airport  
 2385 or the director's designee shall make a record of the date the  
 2386 aircraft was found or determined to be present on the airport  
 2387 premises.

2388 (b) For purposes of this section, the term:

2389 1. "Abandoned aircraft" means an aircraft that has been  
 2390 disposed of on a public-use airport in a wrecked, inoperative,  
 2391 or partially dismantled condition or an aircraft that has  
 2392 remained in an idle state on premises owned or controlled by the  
 2393 operator of a public-use airport for 45 consecutive calendar  
 2394 days.

2395 2. "Derelict aircraft" means any aircraft that is not in a  
 2396 flyable condition, does not have a current certificate of air  
 2397 worthiness issued by the Federal Aviation Administration, and is  
 2398 not in the process of actively being repaired.

2399 (2) The director or the director's designee shall contact  
 2400 the Federal Aviation Administration, Aircraft Registration  
 2401 Branch, to determine the name and address of the last registered  
 2402 owner of the aircraft and shall make a diligent personal search  
 2403 of the appropriate records, or contact an aircraft title search  
 2404 company, to determine the name and address of any person having  
 2405 an equitable or legal interest in the aircraft. Within 10  
 2406 business days after receipt of the information, the director or  
 2407 the director's designee shall notify the owner and all persons

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2408 having an equitable or legal interest in the aircraft by  
 2409 certified mail, return receipt requested, of the location of the  
 2410 derelict or abandoned aircraft on the airport premises, that  
 2411 fees and charges for the use of the airport by the aircraft have  
 2412 accrued and the amount thereof, that the aircraft is subject to  
 2413 a lien under subsection (5) for the accrued fees and charges for  
 2414 the use of the airport and for the transportation, storage, and  
 2415 removal of the aircraft, that the lien is subject to enforcement  
 2416 pursuant to law, and that the airport may cause the use, trade,  
 2417 sale, or removal of the aircraft as described in s.  
 2418 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days  
 2419 after the date of receipt of such notice, the aircraft has not  
 2420 been removed from the airport upon payment in full of all  
 2421 accrued fees and charges for the use of the airport and for the  
 2422 transportation, storage, and removal of the aircraft. Such  
 2423 notice may require removal of the aircraft in less than 30  
 2424 calendar days if the aircraft poses a danger to the health or  
 2425 safety of users of the airport, as determined by the director or  
 2426 the director's designee.

2427 (3) If the owner of the aircraft is unknown or cannot be  
 2428 found, the director or the director's designee shall cause a  
 2429 laminated notice to be placed upon such aircraft in  
 2430 substantially the following form:

2431  
 2432 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
 2433 PROPERTY. This property, to wit: ...(setting forth brief  
 2434 description)... is unlawfully upon public property known as  
 2435 ...(setting forth brief description of location)... and has

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2436 accrued fees and charges for the use of the ... (same description  
 2437 of location as above) ... and for the transportation, storage,  
 2438 and removal of the property. These accrued fees and charges must  
 2439 be paid in full and the property must be removed within 30  
 2440 calendar days after the date of this notice; otherwise, the  
 2441 property will be removed and disposed of pursuant to chapter  
 2442 705, Florida Statutes. The property is subject to a lien for all  
 2443 accrued fees and charges for the use of the public property  
 2444 known as ... (same description of location as above) ... by such  
 2445 property and for all fees and charges incurred by the public  
 2446 property known as ... (same description of location as above) ...  
 2447 for the transportation, storage, and removal of the property.  
 2448 This lien is subject to enforcement pursuant to law. The owner  
 2449 will be liable for such fees and charges, as well as the cost  
 2450 for publication of this notice. Dated this: ... (setting forth  
 2451 the date of posting of notice) ..., signed: ... (setting forth  
 2452 name, title, address, and telephone number of law enforcement  
 2453 officer) ....

2454  
 2455 Such notice shall be not less than 8 inches by 10 inches and  
 2456 shall be sufficiently weatherproof to withstand normal exposure  
 2457 to the weather. If, at the end of 30 calendar days after posting  
 2458 the notice, the owner or any person interested in the described  
 2459 derelict or abandoned aircraft has not removed the aircraft from  
 2460 the airport upon payment in full of all accrued fees and charges  
 2461 for the use of the airport and for the transportation, storage,  
 2462 and removal of the aircraft, or shown reasonable cause for  
 2463 failure to do so, the director or the director's designee may



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2464 cause the use, trade, sale, or removal of the aircraft as  
2465 described in s. 705.182(2) (a), (b), (d), or (e).

2466 (4) Such aircraft shall be removed within the time period  
2467 specified in the notice provided under subsection (2) or  
2468 subsection (3). If, at the end of such period of time, the owner  
2469 or any person interested in the described derelict or abandoned  
2470 aircraft has not removed the aircraft from the airport upon  
2471 payment in full of all accrued fees and charges for the use of  
2472 the airport and for the transportation, storage, and removal of  
2473 the aircraft, or shown reasonable cause for the failure to do  
2474 so, the director or the director's designee may cause the use,  
2475 trade, sale, or removal of the aircraft as described in s.  
2476 705.182(2) (a), (b), (d), or (e).

2477 (a) If the airport elects to sell the aircraft in  
2478 accordance with s. 705.182(2) (d), the aircraft must be sold at  
2479 public auction after giving notice of the time and place of  
2480 sale, at least 10 calendar days prior to the date of sale, in a  
2481 publication of general circulation within the county where the  
2482 airport is located and after providing written notice of the  
2483 intended sale to all parties known to have an interest in the  
2484 aircraft.

2485 (b) If the airport elects to dispose of the aircraft in  
2486 accordance with s. 705.182(2) (e), the airport shall be entitled  
2487 to negotiate with the company for a price to be received from  
2488 such company in payment for the aircraft, or, if circumstances  
2489 so warrant, a price to be paid to such company by the airport  
2490 for the costs of disposing of the aircraft. All information  
2491 pertaining to the establishment of such price and the

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2492 justification for the amount of such price shall be prepared and  
 2493 maintained by the airport, and such negotiated price shall be  
 2494 deemed to be a commercially reasonable price.

2495 (c) If the sale price or the negotiated price is less than  
 2496 the airport's then current charges and costs against the  
 2497 aircraft, or if the airport is required to pay the salvage  
 2498 company for its services, the owner of the aircraft shall remain  
 2499 liable to the airport for the airport's costs that are not  
 2500 offset by the sale price or negotiated price, in addition to the  
 2501 owner's liability for payment to the airport of the price the  
 2502 airport was required to pay any salvage company. All costs  
 2503 incurred by the airport in the removal, storage, and sale of any  
 2504 aircraft shall be recoverable against the owner of the aircraft.

2505 (5) The airport shall have a lien on a derelict or  
 2506 abandoned aircraft for all fees and charges for the use of the  
 2507 airport by such aircraft and for all fees and charges incurred  
 2508 by the airport for the transportation, storage, and removal of  
 2509 the aircraft. As a prerequisite to perfecting a lien under this  
 2510 section, the airport director or the director's designee must  
 2511 serve a notice in accordance with subsection (2) on the last  
 2512 registered owner and all persons having an equitable or legal  
 2513 interest in the aircraft. Serving the notice does not dispense  
 2514 with recording the claim of lien.

2515 (6) (a) For the purpose of perfecting its lien under this  
 2516 section, the airport shall record a claim of lien which shall  
 2517 state:

- 2518 1. The name and address of the airport.
- 2519 2. The name of the last registered owner of the aircraft

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2520 and all persons having a legal or equitable interest in the  
 2521 aircraft.

2522 3. The fees and charges incurred by the aircraft for the  
 2523 use of the airport and the fees and charges for the  
 2524 transportation, storage, and removal of the aircraft.

2525 4. A description of the aircraft sufficient for  
 2526 identification.

2527 (b) The claim of lien shall be signed and sworn to or  
 2528 affirmed by the airport director or the director's designee.

2529 (c) The claim of lien shall be sufficient if it is in  
 2530 substantially the following form:

2531  
 2532 CLAIM OF LIEN

2533 State of \_\_\_\_\_

2534 County of \_\_\_\_\_

2535 Before me, the undersigned notary public, personally appeared

2536 \_\_\_\_\_, who was duly sworn and says that he/she is the

2537 \_\_\_\_\_ of \_\_\_\_\_, whose address is \_\_\_\_\_; and that the

2538 following described aircraft:

2539 ...(Description of aircraft)...

2540 owned by \_\_\_\_\_, whose address is \_\_\_\_\_, has accrued

2541 \$ \_\_\_\_\_ in fees and charges for the use by the aircraft of

2542 \_\_\_\_\_ and for the transportation, storage, and removal

2543 of the aircraft from \_\_\_\_\_; that the lienor served its

2544 notice to the last registered owner and all persons having a

2545 legal or equitable interest in the aircraft on \_\_\_\_\_,

2546 ...(year)..., by \_\_\_\_\_.

2547 ...(Signature)...

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2548 Sworn to (or affirmed) and subscribed before me this day  
 2549 of , ...(year)..., by ...(name of person making statement)....  
 2550 ...(Signature of Notary Public)... ...(Print, Type, or Stamp  
 2551 Commissioned name of Notary Public)...  
 2552 Personally Known OR Produced as identification.

2553  
 2554 However, the negligent inclusion or omission of any information  
 2555 in this claim of lien which does not prejudice the last  
 2556 registered owner does not constitute a default that operates to  
 2557 defeat an otherwise valid lien.

2558 (d) The claim of lien shall be served on the last  
 2559 registered owner of the aircraft and all persons having an  
 2560 equitable or legal interest in the aircraft. The claim of lien  
 2561 shall be so served before recordation.

2562 (e) The claim of lien shall be recorded with the clerk of  
 2563 court in the county where the airport is located. The recording  
 2564 of the claim of lien shall be constructive notice to all persons  
 2565 of the contents and effect of such claim. The lien shall attach  
 2566 at the time of recordation and shall take priority as of that  
 2567 time.

2568 (7) A purchaser or recipient in good faith of an aircraft  
 2569 sold or obtained under this section takes the property free of  
 2570 the rights of persons then holding any legal or equitable  
 2571 interest to the aircraft, whether or not recorded. The purchaser  
 2572 or recipient is required to notify the appropriate Federal  
 2573 Aviation Administration office of such change in the registered  
 2574 owner of the aircraft.

2575 (8) If the aircraft is sold at public sale, the airport

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2576 shall deduct from the proceeds of sale the costs of  
 2577 transportation, storage, publication of notice, and all other  
 2578 costs reasonably incurred by the airport, and any balance of the  
 2579 proceeds shall be deposited into an interest-bearing account not  
 2580 later than 30 calendar days after the airport's receipt of the  
 2581 proceeds and held there for 1 year. The rightful owner of the  
 2582 aircraft may claim the balance of the proceeds within 1 year  
 2583 after the date of the deposit by making application to the  
 2584 airport and presenting acceptable written evidence of ownership  
 2585 to the airport's director or the director's designee. If no  
 2586 rightful owner claims the proceeds within the 1-year period, the  
 2587 balance of the proceeds shall be retained by the airport to be  
 2588 used in any manner authorized by law.

2589 (9) Any person acquiring a legal interest in an aircraft  
 2590 that is sold by an airport under this section or s. 705.182  
 2591 shall be the lawful owner of such aircraft and all other legal  
 2592 or equitable interests in such aircraft shall be divested and of  
 2593 no further force and effect, provided that the holder of any  
 2594 such legal or equitable interests was notified of the intended  
 2595 disposal of the aircraft to the extent required in this section.  
 2596 The airport may issue documents of disposition to the purchaser  
 2597 or recipient of an aircraft disposed of under this section.

2598 Section 38. Section 705.184, Florida Statutes, is created  
 2599 to read:

2600 705.184 Derelict or abandoned motor vehicles on the  
 2601 premises of public-use airports.-

2602 (1) (a) Whenever any derelict or abandoned motor vehicle is  
 2603 found on premises owned or controlled by the operator of a

2604 public-use airport, including airport premises leased to a third  
 2605 party, the director of the airport or the director's designee  
 2606 may take charge of the motor vehicle and make a record of the  
 2607 date such motor vehicle was found.

2608 (b) For purposes of this section, the term:

2609 1. "Abandoned motor vehicle" means a motor vehicle that  
 2610 has been disposed of on a public-use airport in a wrecked,  
 2611 inoperative, or partially dismantled condition or a motor  
 2612 vehicle that has remained in an idle state on the premises of a  
 2613 public-use airport for 45 consecutive calendar days.

2614 2. "Derelict motor vehicle" means any motor vehicle that  
 2615 is not in a drivable condition.

2616 (c) After the information relating to the abandoned or  
 2617 derelict motor vehicle is recorded in the airport's records, the  
 2618 director or the director's designee may cause the motor vehicle  
 2619 to be removed from airport premises by the airport's wrecker or  
 2620 by a licensed independent wrecker company to be stored at a  
 2621 suitable location on or off the airport premises. If the motor  
 2622 vehicle is to be removed from airport premises by the airport's  
 2623 wrecker, the airport must follow the procedures in subsections  
 2624 (2)-(8). The procedures in subsections (2)-(8) do not apply if  
 2625 the motor vehicle is removed from the airport premises by a  
 2626 licensed independent wrecker company.

2627 (2) The airport director or the director's designee shall  
 2628 contact the Department of Highway Safety and Motor Vehicles to  
 2629 notify that department that the airport has possession of the  
 2630 abandoned or derelict motor vehicle and to determine the name  
 2631 and address of the owner of the motor vehicle, the insurance

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2632 company insuring the motor vehicle, notwithstanding the  
2633 provisions of s. 627.736, and any person who has filed a lien on  
2634 the motor vehicle. Within 7 business days after receipt of the  
2635 information, the director or the director's designee shall send  
2636 notice by certified mail, return receipt requested, to the owner  
2637 of the motor vehicle, the insurance company insuring the motor  
2638 vehicle, notwithstanding the provisions of s. 627.736, and all  
2639 persons of record claiming a lien against the motor vehicle. The  
2640 notice shall state the fact of possession of the motor vehicle,  
2641 that charges for reasonable towing, storage, and parking fees,  
2642 if any, have accrued and the amount thereof, that a lien as  
2643 provided in subsection (6) will be claimed, that the lien is  
2644 subject to enforcement pursuant to law, that the owner or  
2645 lienholder, if any, has the right to a hearing as set forth in  
2646 subsection (4), and that any motor vehicle which, at the end of  
2647 30 calendar days after receipt of the notice, has not been  
2648 removed from the airport upon payment in full of all accrued  
2649 charges for reasonable towing, storage, and parking fees, if  
2650 any, may be disposed of as provided in s. 705.182(2) (a), (b),  
2651 (d), or (e), including, but not limited to, the motor vehicle  
2652 being sold free of all prior liens after 35 calendar days after  
2653 the time the motor vehicle is stored if any prior liens on the  
2654 motor vehicle are more than 5 years of age or after 50 calendar  
2655 days after the time the motor vehicle is stored if any prior  
2656 liens on the motor vehicle are 5 years of age or less.

2657 (3) If attempts to notify the owner or lienholder pursuant  
2658 to subsection (2) are not successful, the requirement of notice  
2659 by mail shall be considered met and the director or the

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2660 director's designee, in accordance with subsection (5), may  
 2661 cause the motor vehicle to be disposed of as provided in s.  
 2662 705.182(2)(a), (b), (d), or (e), including, but not limited to,  
 2663 the motor vehicle being sold free of all prior liens after 35  
 2664 calendar days after the time the motor vehicle is stored if any  
 2665 prior liens on the motor vehicle are more than 5 years of age or  
 2666 after 50 calendar days after the time the motor vehicle is  
 2667 stored if any prior liens on the motor vehicle are 5 years of  
 2668 age or less.

2669 (4)(a) The owner of, or any person with a lien on, a motor  
 2670 vehicle removed pursuant to subsection (1), may, within 10  
 2671 calendar days after the time he or she has knowledge of the  
 2672 location of the motor vehicle, file a complaint in the county  
 2673 court of the county in which the motor vehicle is stored to  
 2674 determine if his or her property was wrongfully taken or  
 2675 withheld.

2676 (b) Upon filing a complaint, an owner or lienholder may  
 2677 have his or her motor vehicle released upon posting with the  
 2678 court a cash or surety bond or other adequate security equal to  
 2679 the amount of the fees for towing, storage, and accrued parking,  
 2680 if any, to ensure the payment of such fees in the event he or  
 2681 she does not prevail. Upon the posting of the bond or other  
 2682 adequate security and the payment of any applicable fee, the  
 2683 clerk of the court shall issue a certificate notifying the  
 2684 airport of the posting of the bond or other adequate security  
 2685 and directing the airport to release the motor vehicle. At the  
 2686 time of such release, after reasonable inspection, the owner or  
 2687 lienholder shall give a receipt to the airport reciting any



2688 claims he or she has for loss or damage to the motor vehicle or  
 2689 the contents of the motor vehicle.

2690 (5) If, after 30 calendar days after receipt of the  
 2691 notice, the owner or any person claiming a lien has not removed  
 2692 the motor vehicle from its storage location upon payment in full  
 2693 of all accrued charges for reasonable towing, storage, and  
 2694 parking fees, if any, or shown reasonable cause for the failure  
 2695 to do so, the airport director or the director's designee may  
 2696 dispose of the motor vehicle as provided in s. 705.182(2) (a),  
 2697 (b), (d), or (e). If the airport elects to sell the motor  
 2698 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be  
 2699 sold free of all prior liens after 35 calendar days after the  
 2700 time the motor vehicle is stored if any prior liens on the motor  
 2701 vehicle are more than 5 years of age or after 50 calendar days  
 2702 after the time the motor vehicle is stored if any prior liens on  
 2703 the motor vehicle are 5 years of age or less. The sale shall be  
 2704 a public auction either on the Internet or at a specified  
 2705 physical location. If the date of the sale was not included in  
 2706 the notice required in subsection (2), notice of the sale, sent  
 2707 by certified mail, return receipt requested, shall be given to  
 2708 the owner of the motor vehicle and to all persons claiming a  
 2709 lien on the motor vehicle. Such notice shall be mailed not less  
 2710 than 10 calendar days before the date of the sale. In addition  
 2711 to the notice by mail, public notice of the time and place of  
 2712 the sale at auction shall be made by publishing a notice of the  
 2713 sale at auction one time, at least 10 calendar days prior to the  
 2714 date of sale, in a newspaper of general circulation in the  
 2715 county in which the sale is to be held. All costs incurred by

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2716 the airport for the towing, storage, and sale of the motor  
 2717 vehicle, as well as all accrued parking fees, if any, shall be  
 2718 recovered by the airport from the proceeds of the sale, and any  
 2719 proceeds of the sale in excess of such costs shall be retained  
 2720 by the airport for use by the airport in any manner authorized  
 2721 by law.

2722 (6) The airport pursuant to this section or, if used, a  
 2723 licensed independent wrecker company pursuant to s. 713.78 shall  
 2724 have a lien on an abandoned or derelict motor vehicle for all  
 2725 reasonable towing, storage, and accrued parking fees, if any,  
 2726 except that no storage fee shall be charged if the motor vehicle  
 2727 is stored less than 6 hours. As a prerequisite to perfecting a  
 2728 lien under this section, the airport director or the director's  
 2729 designee must serve a notice in accordance with subsection (2)  
 2730 on the owner of the motor vehicle, the insurance company  
 2731 insuring the motor vehicle, notwithstanding the provisions of s.  
 2732 627.736, and all persons of record claiming a lien against the  
 2733 motor vehicle. If attempts to notify the owner, the insurance  
 2734 company insuring the motor vehicle, notwithstanding the  
 2735 provisions of s. 627.736, or lienholders are not successful, the  
 2736 requirement of notice by mail shall be considered met. Serving  
 2737 of the notice does not dispense with recording the claim of  
 2738 lien.

2739 (7) (a) For the purpose of perfecting its lien under this  
 2740 section, the airport shall record a claim of lien which shall  
 2741 state:

- 2742 1. The name and address of the airport.
- 2743 2. The name of the owner of the motor vehicle, the

2744 insurance company insuring the motor vehicle, notwithstanding  
 2745 the provisions of s. 627.736, and all persons of record claiming  
 2746 a lien against the motor vehicle.

2747 3. The costs incurred from reasonable towing, storage, and  
 2748 parking fees, if any.

2749 4. A description of the motor vehicle sufficient for  
 2750 identification.

2751 (b) The claim of lien shall be signed and sworn to or  
 2752 affirmed by the airport director or the director's designee.

2753 (c) The claim of lien shall be sufficient if it is in  
 2754 substantially the following form:

2755  
 2756 CLAIM OF LIEN

2757 State of \_\_\_\_\_

2758 County of \_\_\_\_\_

2759 Before me, the undersigned notary public, personally appeared

2760 \_\_\_\_\_, who was duly sworn and says that he/she is the

2761 \_\_\_\_\_ of \_\_\_\_\_, whose address is \_\_\_\_\_; and that the

2762 following described motor vehicle:

2763 ...(Description of motor vehicle)...

2764 owned by \_\_\_\_\_, whose address is \_\_\_\_\_, has accrued

2765 \$ \_\_\_\_\_ in fees for a reasonable tow, for storage, and for

2766 parking, if applicable; that the lienor served its notice to the

2767 owner, the insurance company insuring the motor vehicle

2768 notwithstanding the provisions of s. 627.736, Florida Statutes,

2769 and all persons of record claiming a lien against the motor

2770 vehicle on \_\_\_\_\_, ...(year)..., by \_\_\_\_\_.

2771 ...(Signature)...

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2772 Sworn to (or affirmed) and subscribed before me this day  
 2773 of , ...(year)..., by ...(name of person making statement)....  
 2774 ...(Signature of Notary Public)... ...(Print, Type, or Stamp  
 2775 Commissioned name of Notary Public)...  
 2776 Personally Known OR Produced as identification.

2777  
 2778 However, the negligent inclusion or omission of any information  
 2779 in this claim of lien which does not prejudice the owner does  
 2780 not constitute a default that operates to defeat an otherwise  
 2781 valid lien.

2782 (d) The claim of lien shall be served on the owner of the  
 2783 motor vehicle, the insurance company insuring the motor vehicle,  
 2784 notwithstanding the provisions of s. 627.736, and all persons of  
 2785 record claiming a lien against the motor vehicle. If attempts to  
 2786 notify the owner, the insurance company insuring the motor  
 2787 vehicle notwithstanding the provisions of s. 627.736, or  
 2788 lienholders are not successful, the requirement of notice by  
 2789 mail shall be considered met. The claim of lien shall be so  
 2790 served before recordation.

2791 (e) The claim of lien shall be recorded with the clerk of  
 2792 court in the county where the airport is located. The recording  
 2793 of the claim of lien shall be constructive notice to all persons  
 2794 of the contents and effect of such claim. The lien shall attach  
 2795 at the time of recordation and shall take priority as of that  
 2796 time.

2797 (8) A purchaser or recipient in good faith of a motor  
 2798 vehicle sold or obtained under this section takes the property  
 2799 free of the rights of persons then holding any legal or

2800 equitable interest thereto, whether or not recorded.

2801 Section 39. Paragraph (a) of subsection (12) of section  
2802 163.3180, Florida Statutes, is amended to read:

2803 163.3180 Concurrency.—

2804 (12) (a) A development of regional impact may satisfy the  
2805 transportation concurrency requirements of the local  
2806 comprehensive plan, the local government's concurrency  
2807 management system, and s. 380.06 by payment of a proportionate-  
2808 share contribution for local and regionally significant traffic  
2809 impacts, if:

2810 1. The development of regional impact which, based on its  
2811 location or mix of land uses, is designed to encourage  
2812 pedestrian or other nonautomotive modes of transportation;

2813 2. The proportionate-share contribution for local and  
2814 regionally significant traffic impacts is sufficient to pay for  
2815 one or more required mobility improvements that will benefit a  
2816 regionally significant transportation facility;

2817 3. The owner and developer of the development of regional  
2818 impact pays or assures payment of the proportionate-share  
2819 contribution; and

2820 4. If the regionally significant transportation facility  
2821 to be constructed or improved is under the maintenance authority  
2822 of a governmental entity, as defined by s. 334.03 (10) ~~(12)~~, other  
2823 than the local government with jurisdiction over the development  
2824 of regional impact, the developer is required to enter into a  
2825 binding and legally enforceable commitment to transfer funds to  
2826 the governmental entity having maintenance authority or to  
2827 otherwise assure construction or improvement of the facility.

2828  
2829 The proportionate-share contribution may be applied to any  
2830 transportation facility to satisfy the provisions of this  
2831 subsection and the local comprehensive plan, but, for the  
2832 purposes of this subsection, the amount of the proportionate-  
2833 share contribution shall be calculated based upon the cumulative  
2834 number of trips from the proposed development expected to reach  
2835 roadways during the peak hour from the complete buildout of a  
2836 stage or phase being approved, divided by the change in the peak  
2837 hour maximum service volume of roadways resulting from  
2838 construction of an improvement necessary to maintain the adopted  
2839 level of service, multiplied by the construction cost, at the  
2840 time of developer payment, of the improvement necessary to  
2841 maintain the adopted level of service. For purposes of this  
2842 subsection, "construction cost" includes all associated costs of  
2843 the improvement. Proportionate-share mitigation shall be limited  
2844 to ensure that a development of regional impact meeting the  
2845 requirements of this subsection mitigates its impact on the  
2846 transportation system but is not responsible for the additional  
2847 cost of reducing or eliminating backlogs. This subsection also  
2848 applies to Florida Quality Developments pursuant to s. 380.061  
2849 and to detailed specific area plans implementing optional sector  
2850 plans pursuant to s. 163.3245.

2851 Section 40. Subsection (3) of section 288.063, Florida  
2852 Statutes, is amended to read:

2853 288.063 Contracts for transportation projects.-

2854 (3) With respect to any contract executed pursuant to this  
2855 section, the term "transportation project" means a

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2856 transportation facility as defined in s. 334.03 (28) ~~(31)~~ which is  
2857 necessary in the judgment of the Office of Tourism, Trade, and  
2858 Economic Development to facilitate the economic development and  
2859 growth of the state. Except for applications received prior to  
2860 July 1, 1996, such transportation projects shall be approved  
2861 only as a consideration to attract new employment opportunities  
2862 to the state or expand or retain employment in existing  
2863 companies operating within the state, or to allow for the  
2864 construction or expansion of a state or federal correctional  
2865 facility in a county with a population of 75,000 or less that  
2866 creates new employment opportunities or expands or retains  
2867 employment in the county. The Office of Tourism, Trade, and  
2868 Economic Development shall institute procedures to ensure that  
2869 small and minority businesses have equal access to funding  
2870 provided under this section. Funding for approved transportation  
2871 projects may include any expenses, other than administrative  
2872 costs and equipment purchases specified in the contract,  
2873 necessary for new, or improvement to existing, transportation  
2874 facilities. Funds made available pursuant to this section may  
2875 not be expended in connection with the relocation of a business  
2876 from one community to another community in this state unless the  
2877 Office of Tourism, Trade, and Economic Development determines  
2878 that without such relocation the business will move outside this  
2879 state or determines that the business has a compelling economic  
2880 rationale for the relocation which creates additional jobs.  
2881 Subject to appropriation for projects under this section, any  
2882 appropriation greater than \$10 million shall be allocated to  
2883 each of the districts of the Department of Transportation to

2884 ensure equitable geographical distribution. Such allocated funds  
 2885 that remain uncommitted by the third quarter of the fiscal year  
 2886 shall be reallocated among the districts based on pending  
 2887 project requests.

2888 Section 41. Paragraph (b) of subsection (3) of section  
 2889 311.07, Florida Statutes, is amended to read:

2890 311.07 Florida seaport transportation and economic  
 2891 development funding.—

2892 (3)

2893 (b) Projects eligible for funding by grants under the  
 2894 program are limited to the following port facilities or port  
 2895 transportation projects:

2896 1. Transportation facilities within the jurisdiction of  
 2897 the port.

2898 2. The dredging or deepening of channels, turning basins,  
 2899 or harbors.

2900 3. The construction or rehabilitation of wharves, docks,  
 2901 structures, jetties, piers, storage facilities, cruise  
 2902 terminals, automated people mover systems, or any facilities  
 2903 necessary or useful in connection with any of the foregoing.

2904 4. The acquisition of vessel tracking systems, container  
 2905 cranes, or other mechanized equipment used in the movement of  
 2906 cargo or passengers in international commerce.

2907 5. The acquisition of land to be used for port purposes.

2908 6. The acquisition, improvement, enlargement, or extension  
 2909 of existing port facilities.

2910 7. Environmental protection projects which are necessary  
 2911 because of requirements imposed by a state agency as a condition



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2912 of a permit or other form of state approval; which are necessary  
 2913 for environmental mitigation required as a condition of a state,  
 2914 federal, or local environmental permit; which are necessary for  
 2915 the acquisition of spoil disposal sites and improvements to  
 2916 existing and future spoil sites; or which result from the  
 2917 funding of eligible projects listed in this paragraph.

2918 8. Transportation facilities as defined in s.  
 2919 334.03 (28) ~~(31)~~ which are not otherwise part of the Department of  
 2920 Transportation's adopted work program.

2921 9. Seaport intermodal access projects identified in the 5-  
 2922 year Florida Seaport Mission Plan as provided in s. 311.09(3).

2923 10. Construction or rehabilitation of port facilities as  
 2924 defined in s. 315.02, excluding any park or recreational  
 2925 facilities, in ports listed in s. 311.09(1) with operating  
 2926 revenues of \$5 million or less, provided that such projects  
 2927 create economic development opportunities, capital improvements,  
 2928 and positive financial returns to such ports.

2929 Section 42. Subsection (7) of section 311.09, Florida  
 2930 Statutes, is amended to read:

2931 311.09 Florida Seaport Transportation and Economic  
 2932 Development Council.—

2933 (7) The Department of Transportation shall review the list  
 2934 of projects approved by the council for consistency with the  
 2935 Florida Transportation Plan and the department's adopted work  
 2936 program. In evaluating the consistency of a project, the  
 2937 department shall determine whether the transportation impact of  
 2938 the proposed project is adequately handled by existing state-  
 2939 owned transportation facilities or by the construction of

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2940 additional state-owned transportation facilities as identified  
 2941 in the Florida Transportation Plan and the department's adopted  
 2942 work program. In reviewing for consistency a transportation  
 2943 facility project as defined in s. 334.03 (28) ~~(31)~~ which is not  
 2944 otherwise part of the department's work program, the department  
 2945 shall evaluate whether the project is needed to provide for  
 2946 projected movement of cargo or passengers from the port to a  
 2947 state transportation facility or local road. If the project is  
 2948 needed to provide for projected movement of cargo or passengers,  
 2949 the project shall be approved for consistency as a consideration  
 2950 to facilitate the economic development and growth of the state  
 2951 in a timely manner. The Department of Transportation shall  
 2952 identify those projects which are inconsistent with the Florida  
 2953 Transportation Plan and the adopted work program and shall  
 2954 notify the council of projects found to be inconsistent.

2955 Section 43. Paragraph (c) of subsection (5) and paragraph  
 2956 (c) of subsection (8) of section 316.515, Florida Statutes, are  
 2957 amended to read:

2958 316.515 Maximum width, height, length.—

2959 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;  
 2960 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

2961 (c) The width and height limitations of this section do  
 2962 not apply to farming or agricultural equipment, whether self-  
 2963 propelled, pulled, or hauled, when temporarily operated during  
 2964 daylight hours upon a public road that is not a limited access  
 2965 facility as defined in s. 334.03 (11) ~~(13)~~, and the width and  
 2966 height limitations may be exceeded by such equipment without a  
 2967 permit. To be eligible for this exemption, the equipment shall

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2968 | be operated within a radius of 50 miles of the real property  
 2969 | owned, rented, or leased by the equipment owner. However,  
 2970 | equipment being delivered by a dealer to a purchaser is not  
 2971 | subject to the 50-mile limitation. Farming or agricultural  
 2972 | equipment greater than 174 inches in width must have one warning  
 2973 | lamp mounted on each side of the equipment to denote the width  
 2974 | and must have a slow-moving vehicle sign. Warning lamps required  
 2975 | by this paragraph must be visible from the front and rear of the  
 2976 | vehicle and must be visible from a distance of at least 1,000  
 2977 | feet.

2978 |         (8) WRECKERS.—The limitations imposed by this section do  
 2979 | not apply to a combination of motor vehicles consisting of a  
 2980 | wrecker licensed in accordance with s. 320.08(5)(d) or (e) and a  
 2981 | disabled motor vehicle, trailer, semitrailer, or tractor-trailer  
 2982 | combination, or a replacement motor vehicle, which is under tow  
 2983 | by the wrecker, if the size and weight of the towed vehicle is  
 2984 | consistent with statutory requirements and the requirements of  
 2985 | this subsection.

2986 |         (c) Where the combined weight of the wrecker and the towed  
 2987 | vehicle exceeds the maximum weight limits as established by s.  
 2988 | 316.535, the wrecker must be operating under a current wrecker  
 2989 | special use permit or permits as provided in s. 316.550(5)~~(4)~~ or  
 2990 | in accordance with paragraph (b).

2991 |         Section 44. Section 336.01, Florida Statutes, is amended  
 2992 | to read:

2993 |         336.01 Designation of county road system.—The county road  
 2994 | system shall be as defined in s. 334.03(6)~~(8)~~.

2995 |         Section 45. Subsection (2) of section 338.222, Florida

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2996 Statutes, is amended to read:

2997       338.222 Department of Transportation sole governmental  
2998 entity to acquire, construct, or operate turnpike projects;  
2999 exception.—

3000       (2) The department may contract with any local  
3001 governmental entity as defined in s. 334.03(12)~~(14)~~ for the  
3002 design, right-of-way acquisition, or construction of any  
3003 turnpike project which the Legislature has approved. Local  
3004 governmental entities may negotiate with the department for the  
3005 design, right-of-way acquisition, and construction of any  
3006 section of the turnpike project within areas of their respective  
3007 jurisdictions or within counties with which they have interlocal  
3008 agreements.

3009       Section 46. Subsection (2) of section 341.8225, Florida  
3010 Statutes, is amended to read:

3011       341.8225 Department of Transportation sole governmental  
3012 entity to acquire, construct, or operate high-speed rail  
3013 projects; exception.—

3014       (2) Local governmental entities, as defined in s.  
3015 334.03(12)~~(14)~~, may negotiate with the department for the  
3016 design, right-of-way acquisition, and construction of any  
3017 component of the high-speed rail system within areas of their  
3018 respective jurisdictions or within counties with which they have  
3019 interlocal agreements.

3020       Section 47. Subsection (1) of section 479.07, Florida  
3021 Statutes, is amended to read:

3022       479.07 Sign permits.—

3023       (1) Except as provided in ss. 479.105(1)(e) and 479.16, a

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3024 person may not erect, operate, use, or maintain, or cause to be  
 3025 erected, operated, used, or maintained, any sign on the State  
 3026 Highway System outside an urban area, as defined in s.  
 3027 334.03(29) ~~(32)~~, or on any portion of the interstate or federal-  
 3028 aid primary highway system without first obtaining a permit for  
 3029 the sign from the department and paying the annual fee as  
 3030 provided in this section. As used in this section, the term "on  
 3031 any portion of the State Highway System, interstate, or federal-  
 3032 aid primary system" means a sign located within the controlled  
 3033 area which is visible from any portion of the main-traveled way  
 3034 of such system.

3035 Section 48. Section 479.156, Florida Statutes, is amended  
 3036 to read:

3037 479.156 Wall murals.—Notwithstanding any other provision  
 3038 of this chapter, a municipality or county may permit and  
 3039 regulate wall murals within areas designated by such government.  
 3040 If a municipality or county permits wall murals, a wall mural  
 3041 that displays a commercial message and is within 660 feet of the  
 3042 nearest edge of the right-of-way within an area adjacent to the  
 3043 interstate highway system or the federal-aid primary highway  
 3044 system shall be located in an area that is zoned for industrial  
 3045 or commercial use and the municipality or county shall establish  
 3046 and enforce regulations for such areas that, at a minimum, set  
 3047 forth criteria governing the size, lighting, and spacing of wall  
 3048 murals consistent with the intent of the Highway Beautification  
 3049 Act of 1965 and with customary use. Whenever a municipality or  
 3050 county exercises such control and makes a determination of  
 3051 customary use pursuant to 23 U.S.C. s. 131(d), such

3052 determination shall be accepted in lieu of controls in the  
 3053 agreement between the state and the United States Department of  
 3054 Transportation, and the department shall notify the Federal  
 3055 Highway Administration pursuant to the agreement, 23 U.S.C. s.  
 3056 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is  
 3057 subject to municipal or county regulation and the Highway  
 3058 Beautification Act of 1965 must be approved by the Department of  
 3059 Transportation and the Federal Highway Administration when  
 3060 required by federal law and federal regulation under the  
 3061 agreement between the state and the United States Department of  
 3062 Transportation and federal regulations enforced by the  
 3063 Department of Transportation under s. 479.02(1). The existence  
 3064 of a wall mural as defined in s. 479.01~~(30)~~~~(27)~~ shall not be  
 3065 considered in determining whether a sign as defined in s.  
 3066 479.01~~(20)~~~~(17)~~, either existing or new, is in compliance with s.  
 3067 479.07(9) (a).

3068 Section 49. Subsection (5) of section 479.261, Florida  
 3069 Statutes, is amended to read:

3070 479.261 Logo sign program.—

3071 (5) At a minimum, permit fees for businesses that  
 3072 participate in the program must be established in an amount  
 3073 sufficient to offset the total cost to the department for the  
 3074 program, including contract costs. The department shall provide  
 3075 the services in the most efficient and cost-effective manner  
 3076 through department staff or by contracting for some or all of  
 3077 the services. The department shall adopt rules that set  
 3078 reasonable rates based upon factors such as population, traffic  
 3079 volume, market demand, and costs for annual permit fees.

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3080 | However, annual permit fees for sign locations inside an urban  
3081 | area, as defined in s. 334.03 (29) ~~(32)~~, may not exceed \$5,000,  
3082 | and annual permit fees for sign locations outside an urban area,  
3083 | as defined in s. 334.03 (29) ~~(32)~~, may not exceed \$2,500. After  
3084 | recovering program costs, the proceeds from the annual permit  
3085 | fees shall be deposited into the State Transportation Trust Fund  
3086 | and used for transportation purposes.

3087 |       Section 50. This act shall take effect July 1, 2010.