

1 A bill to be entitled
2 An act relating to transportation; amending s. 212.055,
3 F.S.; authorizing counties within or under an interlocal
4 agreement with a regional transportation or transit
5 authority to levy a discretionary sales surtax for
6 transportation systems under certain conditions; providing
7 that the county commission may apply the proceeds from the
8 charter county transportation system surtax to the
9 planning, development, construction, expansion, operation,
10 and maintenance of on-demand transportation services;
11 defining the term "on-demand transportation services";
12 amending s. 310.0015, F.S., relating to pilotage rates;
13 providing for such rates to be set by the Pilotage Rate
14 Review Committee to conform to changes made by the act;
15 amending s. 310.002, F.S.; revising the definition of the
16 term "pilotage" to conform to changes made by the act;
17 amending s. 310.011, F.S.; revising the membership of the
18 Board of Pilot Commissioners; amending s. 310.151, F.S.;
19 redesignating the "Pilotage Rate Review Board" as the
20 "Pilotage Rate Review Committee"; providing that the
21 committee is part of the Board of Pilot Commissioners;
22 revising membership and providing for appointment of
23 members from among the commissioners; requiring members to
24 comply with specified disclosure requirements; providing
25 that decisions of the committee regarding rates are not
26 appealable to the board; directing the Governor to make
27 certain appointments to the Board of Pilot Commissioners
28 before a certain date; providing requirements for the

29 | transfer of pending matters; repealing s. 315.03(12)(c),
30 | F.S., relating to legislative review of a loan program of
31 | the Florida Seaport Transportation and Economic
32 | Development Council; amending s. 316.003, F.S.; defining
33 | the term "motor carrier transportation contract" for
34 | purposes of the Florida Uniform Traffic Control Law;
35 | amending s. 316.1001, F.S.; revising the method to be used
36 | to provide notice following the issuance of a citation for
37 | failure to pay a toll; providing that receipt of the
38 | citation rather than its mailing constitutes notification;
39 | authorizing any governmental entity, including the clerk
40 | of court, to provide certain data to the Department of
41 | Highway Safety and Motor Vehicles regarding outstanding
42 | violations for failure to pay tolls; amending s. 316.302,
43 | F.S.; revising reference to specified federal rules and
44 | regulations applicable to owners and drivers of commercial
45 | motor vehicles engaged in intrastate commerce; providing
46 | that certain indemnification provisions in motor carrier
47 | transportation contracts are against public policy and are
48 | void and unenforceable; defining the term "promisee," as
49 | used in motor carrier transportation contracts; provides
50 | an exception to such definition; providing for application
51 | to certain contracts; amending s. 316.515, F.S.;
52 | conforming a cross-reference; amending s. 316.545, F.S.;
53 | providing for a reduction in the gross weight of certain
54 | vehicles equipped with idle-reduction technologies when
55 | calculating a penalty for exceeding maximum weight limits;
56 | requiring the operator to provide certification of the

57 | weight of the idle-reduction technology and to demonstrate
58 | or certify that the idle-reduction technology is fully
59 | functional at all times; amending s. 316.550, F.S.;
60 | authorizing the department or local authority to issue
61 | permits for certain vehicles to operate on certain routes;
62 | requiring issuance of permits within a specified period
63 | after a request; providing restrictions on routes;
64 | providing conditions when vehicles must be unloaded;
65 | conforming a cross-reference; amending s. 318.18, F.S.;
66 | revising provisions for distribution of proceeds collected
67 | by the clerk of the court for disposition of citations for
68 | failure to pay a toll; providing alternative procedures
69 | for disposition of such citation; providing for
70 | adjudication to be withheld and no points assessed against
71 | the driver's license unless adjudication is imposed by a
72 | court; authorizing a court to direct the department to
73 | suspend a person's driver's license for violations
74 | involving the failure to pay tolls; amending s. 320.03,
75 | F.S.; clarifying provisions requiring that the tax
76 | collector withhold issuance of a license plate or
77 | revalidation sticker if certain fines are outstanding;
78 | amending s. 320.08, F.S.; providing that specified license
79 | tax provisions apply to wreckers used for certain
80 | purposes; amending s. 320.08058, F.S.; revising authorized
81 | uses of revenue received from the sale of United We Stand
82 | license plates; amending s. 322.27, F.S.; providing for
83 | assessment of points against a driver's license for
84 | specified violations of requirements to pay a toll only

85 | when the points are imposed by a court; repealing s.
86 | 332.14, F.S., relating to the Secure Airports for
87 | Florida's Economy Council; providing for the use of funds
88 | accrued by the Secure Airports for Florida's Economy
89 | Council; amending s. 337.14, F.S.; revising application
90 | procedures for the qualification of contractors; requiring
91 | any required interim financial statement to be accompanied
92 | by an updated application; amending s. 337.401, F.S.;
93 | revising provisions for rules of the department that
94 | provide for the placement of and access to certain
95 | electrical transmission lines on the right-of-way of
96 | department-controlled roads; authorizing the rules to
97 | include that the use of the limited access right-of-way
98 | for longitudinal placement of such transmission lines is
99 | reasonable based upon consideration of certain economic
100 | and environmental factors; providing that removal or
101 | relocation of a transmission line shall be at the expense
102 | of the utility; amending s. 337.406, F.S.; prohibiting
103 | camping on certain parts of the right-of-way of the State
104 | Highway System; amending s. 338.155, F.S.; authorizing the
105 | department to adopt rules relating to the payment,
106 | collection, and enforcement of tolls; amending ss. 341.051
107 | and 341.3025, F.S.; requiring the use of universally
108 | accepted contactless fare media on new or upgraded public
109 | rail transit systems or public transit systems connecting
110 | to such rail systems; amending s. 343.64, F.S.;
111 | authorizing the Central Florida Regional Transportation
112 | Authority to borrow funds under certain circumstances;

113 | amending s. 348.51, F.S.; revising the definition for the
114 | term "bonds" when used in the Tampa-Hillsborough County
115 | Expressway Authority Law; amending s. 348.545, F.S.;
116 | authorizing certain costs to be financed by bonds issued
117 | on behalf of the Tampa-Hillsborough County Expressway
118 | Authority pursuant to the State Bond Act or bonds issued
119 | by the authority under specified provisions; amending s.
120 | 348.56, F.S.; authorizing bonds to be issued on behalf of
121 | the authority pursuant to the State Bond Act or issued by
122 | the authority under specified provisions; revising
123 | requirements for such bonds; requiring the bonds to be
124 | sold at public sale; authorizing the authority to
125 | negotiate the sale of bonds with underwriters under
126 | certain circumstances; amending s. 348.565, F.S.;
127 | providing that facilities of the expressway system are
128 | approved to be refinanced by the revenue bonds issued by
129 | the Division of Bond Finance of the State Board of
130 | Administration and the State Bond Act or by revenue bonds
131 | issued by the authority; providing that certain projects
132 | of the authority are approved for financing or refinancing
133 | by revenue bonds; amending s. 348.57, F.S.; authorizing
134 | the authority to provide for the issuance of certain bonds
135 | for the refunding of bonds outstanding regardless of
136 | whether the bonds being refunded were issued by the
137 | authority or on behalf of the authority; amending s.
138 | 348.70, F.S.; providing that the Tampa-Hillsborough County
139 | Expressway Authority Law does not repeal, rescind, or
140 | modify any other laws; providing that such law supersedes

141 laws that are inconsistent with the provisions of that
 142 law; creating part XI of ch. 348, F.S.; creating s.
 143 348.9950, F.S.; providing a short title; creating s.
 144 348.9951, F.S.; providing that certain terms have the same
 145 meaning as in the Florida Expressway Authority Act for
 146 certain purposes; creating s. 348.9952, F.S.; creating the
 147 Osceola County Expressway Authority as an agency of the
 148 state; providing for a governing body of the authority;
 149 providing for membership, terms, organization, personnel,
 150 and administration; authorizing payment of travel and
 151 other expenses; directing the authority to cooperate with
 152 and participate in any efforts to establish a regional
 153 expressway authority; declaring that the authority is not
 154 eligible for voting membership in certain metropolitan
 155 planning organizations; creating s. 348.9953, F.S.;
 156 providing purposes and powers of the authority; creating
 157 s. 348.9954, F.S.; authorizing the issuance of bonds to
 158 pay or secure certain obligations; creating s. 348.9955,
 159 F.S.; authorizing the authority to enter into certain
 160 agreements; creating s. 348.9956, F.S.; authorizing the
 161 department to act as the authority's appointed agent under
 162 certain circumstances; creating s. 348.9957, F.S.;
 163 authorizing the authority to acquire certain lands and
 164 property; authorizing the authority to exercise eminent
 165 domain; creating s. 348.9958, F.S.; authorizing certain
 166 entities to enter into agreements with the authority;
 167 creating s. 348.9959, F.S.; providing legislative intent
 168 and a pledge of the state to bondholders; creating s.

169 348.9960, F.S.; exempting the authority from taxation;
170 creating s. 348.9961, F.S.; providing for dissolution of
171 the authority under certain circumstances; amending s.
172 369.317, F.S.; providing that certain activity relating to
173 mitigation of certain environmental impacts in the Wekiva
174 Study Area or the Wekiva parkway alignment corridor meet
175 specified impact requirements under certain conditions;
176 amending s. 373.41492, F.S.; increasing the mitigation fee
177 for mining activities in the Miami-Dade County Lake Belt;
178 suspending an annual increase in the mitigation fee;
179 revising the frequency of an interagency committee report;
180 amending s. 403.4131, F.S.; removing provisions relating
181 to a report on the adopt-a-highway program; amending s.
182 479.01, F.S.; defining the terms "allowable uses,"
183 "commercial use," "industrial use," and "zoning category"
184 and revising the definition of the terms "commercial or
185 industrial zone" and "main-traveled way" for purposes of
186 provisions relating to outdoor advertising; conforming
187 cross-references; amending s. 479.07, F.S.; providing for
188 the placement of new or replacement signs erected on an
189 interstate highway in certain areas; requiring such sign
190 to be located on land designated for commercial or
191 industrial use under the future land use map and land use
192 development regulations; exempting such location from
193 specified evaluation criteria; amending s. 479.261, F.S.;
194 removing a provision authorizing the Department of
195 Transportation to rotate certain logo signs relating to
196 gas, food, and lodging services on the rights-of-way of

197 the interstate highway system during a specified period;
198 reducing the annual permit fees for businesses
199 participating in the interstate highway logo sign program;
200 designating pts. I and II of ch. 479, F.S., entitled
201 "General Provisions" and "Special Programs," respectively;
202 creating pt. III of ch. 479, F.S., entitled "Sign
203 Removal"; creating s. 479.310, F.S.; providing intent
204 relating to unpermitted and illegal signs; placing
205 financial responsibility for the removal of such signs;
206 providing the department authority to recover costs of
207 removal of such signs; creating s. 479.311, F.S.,
208 providing jurisdiction to consider claims to recover
209 costs; defining the term "venue" for the purposes of a
210 claim filed by the department; creating s. 479.312, F.S.;
211 providing that costs incurred by the department in
212 removing certain signs shall be assessed against certain
213 individuals; providing presumption of a ownership;
214 creating s. 479.313, F.S.; providing for the assessment of
215 the cost of removal for signs following the revocation of
216 a sign permit; creating s. 479.315, F.S.; providing for
217 the assessment of the cost of removal of signs located
218 within a highway right-of-way; amending s. 705.18, F.S.;
219 removing provisions for disposal of personal property lost
220 or abandoned at certain public-use airports; creating s.
221 705.182, F.S.; providing for disposal of personal property
222 found on premises owned or controlled by the operator of a
223 public-use airport; providing a timeframe for the property
224 to be claimed; providing options for disposing of such

225 personal property; providing procedures for selling
226 abandoned personal property; providing for notice of sale;
227 providing that the rightful owner of such property may
228 reclaim the property at any time prior to sale; permitting
229 airport tenants to establish lost and found procedures;
230 providing that purchaser holds title to the property free
231 of the rights of persons then holding any legal or
232 equitable interest thereto; creating s. 705.183, F.S.;
233 providing for disposition of derelict or abandoned
234 aircraft on the premises of public-use airports; providing
235 procedures for such disposition; requiring a record of
236 when the aircraft is found; defining the terms "derelict
237 aircraft" and "abandoned aircraft"; providing for
238 notification of aircraft owner and all persons having an
239 equitable or legal interest in the aircraft; providing for
240 notice if the owner of the aircraft is unknown or cannot
241 be found; providing for disposition if the aircraft is not
242 removed upon payment of required fees; requiring any sale
243 of the aircraft to be at a public auction; providing
244 notice requirements for such public auction; providing
245 procedures for disposal of the aircraft; providing for
246 liability if charges and costs related to the disposition
247 are more than that obtained from the sale; providing for a
248 lien by the airport for fees and charges; providing for
249 notice of lien; requiring recording of a claim of lien;
250 providing for the form of the claim of lien; providing for
251 service of the claim of lien; providing that the purchaser
252 of the aircraft takes the property free of rights of

253 persons holding legal or equitable interest in the
254 aircraft; requiring purchaser or recipient to notify the
255 Federal Aviation Administration of change in ownership;
256 providing for disposition of moneys received for an
257 aircraft sold at public sale; authorizing the airport to
258 issue documents relating to the aircraft's disposal;
259 creating s. 705.184, F.S.; providing for disposition of
260 derelict or abandoned motor vehicles on the premises of
261 public-use airports; providing procedures; requiring
262 recording of the abandoned motor vehicle; defining the
263 terms "derelict motor vehicle" and "abandoned motor
264 vehicle"; providing for removal of such motor vehicle from
265 airport premises; providing for notice to the owner, the
266 company insuring the motor vehicle, and any lienholder;
267 providing for disposition if the motor vehicle is not
268 removed upon payment of required fees; requiring any sale
269 of the motor vehicle to be at a public auction; providing
270 notice requirements for such public auction; providing
271 procedures for disposal of the motor vehicle; providing
272 for a lien by the airport or a licensed independent
273 wrecker for fees and charges; providing for notice of
274 lien; requiring recording of a claim of lien; providing
275 for the form of the claim of lien; providing for service
276 of claim of lien; providing that the purchaser of the
277 motor vehicle takes the property free of the rights of
278 persons holding legal or equitable interest in the motor
279 vehicle; amending s. 479.156, F.S.; conforming cross-
280 references; providing an effective date.

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

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

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

(1) CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.—

(a) Each charter county that has adopted a charter, ~~and~~ each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the

309 county.

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

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

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

319 1. Deposited by the county in the trust fund and shall be
 320 used for the purposes of development, construction, equipment,
 321 maintenance, operation, supportive services, including a
 322 countywide bus system, on-demand transportation services, and
 323 related costs of a fixed guideway rapid transit system;

324 2. Remitted by the governing body of the county to an
 325 expressway, transit, or transportation authority created by law
 326 to be used, at the discretion of such authority, for the
 327 development, construction, operation, or maintenance of roads or
 328 bridges in the county, for the operation and maintenance of a
 329 bus system, for the operation and maintenance of on-demand
 330 transportation services, for the payment of principal and
 331 interest on existing bonds issued for the construction of such
 332 roads or bridges, and, upon approval by the county commission,
 333 such proceeds may be pledged for bonds issued to refinance
 334 existing bonds or new bonds issued for the construction of such
 335 roads or bridges;

336 3. Used by the ~~charter~~ county for the development,

337 construction, operation, and maintenance of roads and bridges in
 338 the county; for the expansion, operation, and maintenance of bus
 339 and fixed guideway systems; for the expansion, operation, and
 340 maintenance of on-demand transportation services; and for the
 341 payment of principal and interest on bonds issued for the
 342 construction of fixed guideway rapid transit systems, bus
 343 systems, roads, or bridges; and such proceeds may be pledged by
 344 the governing body of the county for bonds issued to refinance
 345 existing bonds or new bonds issued for the construction of such
 346 fixed guideway rapid transit systems, bus systems, roads, or
 347 bridges and no more than 25 percent used for nontransit uses;
 348 and

349 4. Used by the ~~charter~~ county for the planning,
 350 development, construction, operation, and maintenance of roads
 351 and bridges in the county; for the planning, development,
 352 expansion, operation, and maintenance of bus and fixed guideway
 353 systems; for the planning, development, construction, operation,
 354 and maintenance of on-demand transportation services; and for
 355 the payment of principal and interest on bonds issued for the
 356 construction of fixed guideway rapid transit systems, bus
 357 systems, roads, or bridges; and such proceeds may be pledged by
 358 the governing body of the county for bonds issued to refinance
 359 existing bonds or new bonds issued for the construction of such
 360 fixed guideway rapid transit systems, bus systems, roads, or
 361 bridges. Pursuant to an interlocal agreement entered into
 362 pursuant to chapter 163, the governing body of the ~~charter~~
 363 county may distribute proceeds from the tax to a municipality,
 364 or an expressway or transportation authority created by law to

365 be expended for the purpose authorized by this paragraph. Any
 366 ~~charter~~ county that has entered into interlocal agreements for
 367 distribution of proceeds to one or more municipalities in the
 368 county shall revise such interlocal agreements no less than
 369 every 5 years in order to include any municipalities that have
 370 been created since the prior interlocal agreements were
 371 executed.

372 (e) As used in this subsection, the term "on-demand
 373 transportation services" means transportation provided between
 374 flexible points of origin and destination selected by individual
 375 users with such service being provided at a time that is agreed
 376 upon by the user and the provider of the service and that is not
 377 fixed-schedule or fixed-route in nature.

378 Section 2. Paragraph (b) of subsection (3) of section
 379 310.0015, Florida Statutes, is amended to read:

380 310.0015 Piloting regulation; general provisions.—

381 (3) The rate-setting process, the issuance of licenses
 382 only in numbers deemed necessary or prudent by the board, and
 383 other aspects of the economic regulation of piloting established
 384 in this chapter are intended to protect the public from the
 385 adverse effects of unrestricted competition which would result
 386 from an unlimited number of licensed pilots being allowed to
 387 market their services on the basis of lower prices rather than
 388 safety concerns. This system of regulation benefits and protects
 389 the public interest by maximizing safety, avoiding uneconomic
 390 duplication of capital expenses and facilities, and enhancing
 391 state regulatory oversight. The system seeks to provide pilots
 392 with reasonable revenues, taking into consideration the normal

393 | uncertainties of vessel traffic and port usage, sufficient to
 394 | maintain reliable, stable piloting operations. Pilots have
 395 | certain restrictions and obligations under this system,
 396 | including, but not limited to, the following:

397 | (b) Pilots may not unilaterally determine the pilotage
 398 | rates they charge. Such pilotage rates shall instead be
 399 | determined by the Pilotage Rate Review Committee ~~Board~~, in the
 400 | public interest, as set forth in s. 310.151.

401 | Section 3. Subsection (7) of section 310.002, Florida
 402 | Statutes, is amended to read:

403 | 310.002 Definitions.—As used in this chapter, except where
 404 | the context clearly indicates otherwise:

405 | (7) "Pilotage" means the compensation fixed by the
 406 | Pilotage Rate Review Committee ~~Board~~ which is payable by a
 407 | vessel, its owners, agents, charterers, or consignees to one or
 408 | more pilots in the port where piloting is performed. The word
 409 | "pilotage" also means the compensation of all types and sources
 410 | derived by one or more pilots or deputy pilots for the
 411 | performance of piloting at that port by licensed pilots or by
 412 | certificated deputy pilots, whether such piloting is performed
 413 | pursuant to this chapter or is performed by state-licensed
 414 | pilots or state-certificated deputy pilots when acting as a
 415 | federal pilot for vessels not required by this chapter to use a
 416 | state-licensed pilot or state-certificated deputy pilot.

417 | Section 4. Section 310.011, Florida Statutes, is amended
 418 | to read:

419 | 310.011 Board of Pilot Commissioners.—

420 | (1) A board is established within the Division of

421 Professions of the Department of Business and Professional
 422 Regulation to be known as the Board of Pilot Commissioners. The
 423 board shall be composed of 10 members, to be appointed by the
 424 Governor, as follows: five members ~~5 of whom~~ shall be licensed
 425 state pilots actively practicing their profession; two members
 426 shall be actively involved in a professional or business
 427 capacity in the maritime industry, marine shipping industry, or
 428 commercial passenger cruise industry; one member shall be a
 429 certified public accountant with at least 5 years of experience
 430 in financial management; and two members shall be citizens of
 431 the state. The latter three board members shall not be involved
 432 in, or have any financial interest in, the piloting profession,
 433 the maritime industry, the marine shipping industry, or the
 434 commercial passenger cruise industry. The board shall perform
 435 such duties and possess and exercise such powers relative to the
 436 protection of the waters, harbors, and ports of this state as
 437 are prescribed and conferred on it in this chapter.

438 (2) ~~In accordance with the requirements of subsection (1),~~
 439 ~~the Governor shall appoint five licensed state pilots who are~~
 440 ~~actively practicing their profession and five citizens of the~~
 441 ~~state who are not pilots, one of whom shall be actively involved~~
 442 ~~in a professional or business capacity in maritime or marine~~
 443 ~~shipping, one of whom shall be a user of piloting services, and~~
 444 ~~three of whom shall not be involved or monetarily interested in~~
 445 ~~the piloting profession or in the maritime industry or marine~~
 446 ~~shipping, to constitute the members of the board. For purposes~~
 447 ~~of this subsection, a "user of piloting services" may include~~
 448 ~~any person with an ownership interest in a business that~~

449 ~~regularly employs licensed state pilots or certificated deputy~~
450 ~~pilots for the purpose of delivering piloting services, or any~~
451 ~~person who is a direct employee of, and who is employed in a~~
452 ~~management position for, that business.~~ Each member shall be
453 appointed for a term of 4 years. The Governor shall have power
454 to remove members of the board from office for neglect of duty
455 required by this chapter, for incompetency, or for
456 unprofessional conduct. Any vacancy which may occur in the board
457 in consequence of death, resignation, removal from the state, or
458 other cause shall be filled for the unexpired term by the
459 Governor in the same manner. A majority of those serving on the
460 board shall constitute a quorum.

461 (3) In appointing members to the board who are pilots, the
462 Governor shall appoint one member from the state at large; one
463 member from any of the following ports: Pensacola, Panama City,
464 or Port St. Joe; one member from any of the following ports:
465 Tampa Bay, Boca Grande, Punta Gorda, Charlotte Harbor, or Key
466 West; one member from any of the following ports: Fernandina,
467 Jacksonville, or Port Canaveral; and one member from any of the
468 following ports: Ft. Pierce, Miami, Port Everglades, or Palm
469 Beach.

470 Section 5. Section 310.151, Florida Statutes, is amended
471 to read:

472 310.151 Rates of pilotage; Pilotage Rate Review Committee
473 Board.—

474 (1) (a) As used in ~~For the purposes of~~ this section, the
475 term:

476 1. "Committee" ~~"board"~~ means the Pilotage Rate Review

477 Committee established under this section as part of the Board of
 478 Pilot Commissioners.

479 2. "Board" means the Board of Pilot Commissioners.

480 (b)~~1.~~ To carry out the provisions of this section, the
 481 Pilotage Rate Review Committee Board is established as part of
 482 the Board of Pilot Commissioners ~~created~~ within the Department
 483 of Business and Professional Regulation. ~~Members shall be~~
 484 ~~appointed by the Governor, subject to confirmation by the~~
 485 ~~Senate. Members shall be appointed for 4-year terms, except as~~
 486 ~~otherwise specified in this paragraph. No member may serve more~~
 487 ~~than two consecutive 4-year terms or more than 11 years on the~~
 488 ~~board.~~ The committee board shall consist of the following seven
 489 members of the board: two board members who are licensed state
 490 pilots actively practicing their profession, who shall be
 491 appointed by majority vote of the licensed state pilots serving
 492 on the board; two board members who are actively involved in a
 493 professional or business capacity in the maritime industry,
 494 marine shipping industry, or commercial passenger cruise
 495 industry; one board member who is a certified public accountant
 496 with at least 5 years of experience in financial management; and
 497 two board members who are citizens of the state. ~~No member may~~
 498 ~~have ever served as a state pilot or deputy pilot, and no member~~
 499 ~~may currently serve or have served as a direct employee,~~
 500 ~~contract employee, partner, corporate officer, sole proprietor,~~
 501 ~~or representative of any vessel operator, shipping agent, or~~
 502 ~~pilot association or organization, except that one member shall~~
 503 ~~be or have been a person licensed by the United States Coast~~
 504 ~~Guard as an unlimited master, without a first class pilot's~~

505 ~~endorsement, initially appointed to a 2-year term. One member~~
506 ~~shall be a certified public accountant with at least 5 years'~~
507 ~~experience in financial management, initially appointed to a 3-~~
508 ~~year term. One member shall be a former hearing officer or~~
509 ~~administrative law judge of the Division of Administrative~~
510 ~~Hearings, as defined in s. 120.65, or a former judge who has~~
511 ~~served on the Supreme Court or any district court of appeal,~~
512 ~~circuit court, or county court, initially appointed to a 4-year~~
513 ~~term. Except as otherwise provided in subparagraph 2., the~~
514 ~~remaining members shall be appointed by the Governor from among~~
515 ~~persons not prohibited pursuant to this paragraph. Members of~~
516 ~~the board shall be appointed so as to be geographically~~
517 ~~distributed, with the southern, central, northeastern, and~~
518 ~~northwestern regions of the state having at least one member~~
519 ~~each.~~

520 ~~2. Three members shall be the consumer members of the~~
521 ~~Board of Pilot Commissioners serving on that board as of January~~
522 ~~1, 1994. Of those members, one shall be appointed to a 1-year~~
523 ~~term, one shall be appointed to a 2-year term, and one shall be~~
524 ~~appointed to a 3-year term. Each of those members shall be~~
525 ~~eligible for reappointment in the same fashion as other members~~
526 ~~of the board, but, thereafter, no member of the board shall be a~~
527 ~~current or former member of the Board of Pilot Commissioners.~~
528 ~~The service of the consumer members of the Board of Pilot~~
529 ~~Commissioners on this board, while they are maintaining~~
530 ~~concurrent membership with the Board of Pilot Commissioners,~~
531 ~~shall be considered duties in addition to and related to their~~
532 ~~duties on the Board of Pilot Commissioners. In the event that~~

533 ~~any of the three board members stipulated according to this~~
534 ~~subparagraph are unable to serve, the Governor shall fill the~~
535 ~~position or positions by appointment from among persons not~~
536 ~~prohibited pursuant to this paragraph.~~

537 (c) Committee members shall comply with the disclosure
538 requirements of s. 112.3143(4) if participating in any matter
539 that would result in special private gain or loss as described
540 in that subsection.

541 (d)~~(e)~~ The committee board has authority to adopt rules
542 pursuant to ss. 120.536(1) and 120.54 to implement provisions of
543 this section conferring duties upon it. The department shall
544 provide the staff required by the committee board to carry out
545 its duties under this section.

546 (e)~~(d)~~ All funds received pursuant to this section shall
547 be placed in the account of the Board of Pilot Commissioners,
548 and the Board of Pilot Commissioners shall pay for all expenses
549 incurred pursuant to this section.

550 (2) Any pilot, group of pilots, or other person or group
551 of persons whose substantial interests are directly affected by
552 the rates established by the committee board may apply to the
553 committee board for a change in rates. However, an application
554 for a change in rates shall not be considered for any port for
555 which rates have been changed by this committee board in the 18
556 months preceding the filing of the application. All applications
557 for changes in rates shall be made to the committee board, in
558 writing, pursuant to rules prescribed by the committee board. In
559 the case of an application for a rate change on behalf of a
560 pilot or group of pilots, the application shall be accompanied

561 by a consolidated financial statement, statement of profit or
562 loss, and balance sheet prepared by a certified public
563 accountant of the pilot or group of pilots and all relevant
564 information, fiscal and otherwise, on the piloting activities
565 within the affected port area, including financial information
566 on all entities owned or partially owned by the pilot or group
567 of pilots which provide pilot-related services in the affected
568 port area. In the case of an application for a rate change filed
569 on behalf of persons other than a pilot or group of pilots,
570 information regarding the financial state of interested parties
571 other than pilots shall be required only to the extent that such
572 financial information is made relevant by the application or
573 subsequent argument before the committee board. The committee
574 ~~board~~ shall have the authority to set, by rule, a rate review
575 application fee of up to \$1,000, which must be submitted to the
576 committee board upon the filing of the application for a rate
577 change.

578 (3) The committee board shall investigate and determine
579 whether the requested rate change will result in fair, just, and
580 reasonable rates of pilotage pursuant to rules prescribed by the
581 committee board. In addition to publication as required by law,
582 notice of a hearing to determine rates shall be mailed to each
583 person who has formally requested notice of any rate change in
584 the affected port area. The notice shall advise all interested
585 parties that they may file an answer, an additional or
586 alternative petition, or any other applicable pleading or
587 response, within 30 days after the date of publication of the
588 notice, and the notice shall specify the last date by which any

589 such pleading must be filed. The committee ~~board~~ may, for good
590 cause, extend the period for responses to a petition. Multiple
591 petitions filed in this manner do not warrant separate hearings,
592 and these petitions shall be consolidated to the extent that it
593 shall not be necessary to hold a separate hearing on each
594 petition. The committee ~~board~~ shall conclude its investigation,
595 conduct a public hearing, and determine whether to modify the
596 existing rates of pilotage in that port within 60 days after the
597 filing of the completed application, except that the committee
598 ~~board~~ may not be required to complete a hearing for more than
599 one port within any 60-day period. Hearings shall be held in the
600 affected port area, unless a different location is agreed upon
601 by all parties to the proceeding.

602 (4) (a) The applicant shall be given written notice, either
603 in person or by certified mail, that the committee ~~board~~ intends
604 to modify the pilotage rates in that port and that the applicant
605 may, within 21 days after receipt of the notice, request a
606 hearing pursuant to the Administrative Procedure Act. Notice of
607 the intent to modify the pilotage rates in that port shall also
608 be published in the Florida Administrative Weekly and in a
609 newspaper of general circulation in the affected port area and
610 shall be mailed to any person who has formally requested notice
611 of any rate change in the affected port area. Within 21 days
612 after receipt or publication of notice, any person whose
613 substantial interests will be affected by the intended committee
614 ~~board~~ action may request a hearing pursuant to the
615 Administrative Procedure Act. If the committee ~~board~~ concludes
616 that the petitioner has raised a disputed issue of material

617 fact, the committee ~~board~~ shall designate a hearing, which shall
618 be conducted by formal proceeding before an administrative law
619 judge assigned by the Division of Administrative Hearings
620 pursuant to ss. 120.569 and 120.57(1), unless waived by all
621 parties. If the committee ~~board~~ concludes that the petitioner
622 has not raised a disputed issue of material fact and does not
623 designate the petition for hearing, that decision shall be
624 considered final agency action for purposes of s. 120.68. The
625 failure to request a hearing within 21 days after receipt or
626 publication of notice shall constitute a waiver of any right to
627 an administrative hearing and shall cause the order modifying
628 the pilotage rates in that port to be entered. If an
629 administrative hearing is requested pursuant to this subsection,
630 notice of the time, date, and location of the hearing shall be
631 published in the Florida Administrative Weekly and in a
632 newspaper of general circulation in the affected port area and
633 shall be mailed to the applicant and to any person who has
634 formally requested notice of any rate change for the affected
635 port area.

636 (b) In any administrative proceeding pursuant to this
637 section, the committee's ~~board's~~ proposed rate determination
638 shall be immediately effective and shall not be stayed during
639 the administrative proceeding, provided that, pending rendition
640 of the committee's ~~board's~~ final order, the pilot or pilots in
641 the subject port deposit in an interest-bearing account all
642 amounts received which represent the difference between the
643 previous rates and the proposed rates. The pilot or pilots in
644 the subject port shall keep an accurate accounting of all

645 amounts deposited, specifying by whom or on whose behalf such
 646 amounts were paid, and shall produce such an accounting upon
 647 request of the committee ~~board~~. Upon rendition of the
 648 committee's ~~board's~~ final order:

649 1. Any amounts deposited in the interest-bearing account
 650 which are sustained by the final order shall be paid over to the
 651 pilot or pilots in the subject port, including all interest
 652 accrued on such funds; and

653 2. Any amounts deposited which exceed the rates sustained
 654 in the committee's ~~board's~~ final order shall be refunded, with
 655 the accrued interest, to those customers from whom the funds
 656 were collected. Any funds that are not refunded after diligent
 657 effort of the pilot or pilots to do so shall be disbursed by the
 658 pilot or pilots as the committee ~~board~~ shall direct.

659 (5) (a) In determining whether the requested rate change
 660 will result in fair, just, and reasonable rates, the committee
 661 ~~board~~ shall give primary consideration to the public interest in
 662 promoting and maintaining efficient, reliable, and safe piloting
 663 services.

664 (b) The committee ~~board~~ shall also give consideration to
 665 the following factors:

666 1. The public interest in having qualified pilots
 667 available to respond promptly to vessels needing their service.

668 2. A determination of the average net income of pilots in
 669 the port, including the value of all benefits derived from
 670 service as a pilot. For the purposes of this subparagraph, "net
 671 income of pilots" refers to total pilotage fees collected in the
 672 port, minus reasonable operating expenses, divided by the number

673 of licensed and active state pilots within the ports.

674 3. Reasonable operating expenses of pilots.

675 4. Pilotage rates in other ports.

676 5. The amount of time each pilot spends on actual piloting
677 duty and the amount of time spent on other essential support
678 services.

679 6. The prevailing compensation available to individuals in
680 other maritime services of comparable professional skill and
681 standing as that sought in pilots, it being recognized that in
682 order to attract to the profession of piloting, and to hold the
683 best and most qualified individuals as pilots, the overall
684 compensation accorded pilots should be equal to or greater than
685 that available to such individuals in comparable maritime
686 employment.

687 7. The impact rate change may have in individual pilot
688 compensation and whether such change will lead to a shortage of
689 licensed state pilots, certificated deputy pilots, or qualified
690 pilot applicants.

691 8. Projected changes in vessel traffic.

692 9. Cost of retirement and medical plans.

693 10. Physical risks inherent in piloting.

694 11. Special characteristics, dangers, and risks of the
695 particular port.

696 12. Any other factors the committee ~~board~~ deems relevant
697 in determining a just and reasonable rate.

698 (c) The committee ~~board~~ may take into consideration the
699 consumer price index or any other comparable economic indicator
700 when fixing rates of pilotage; however, because the consumer

701 price index or such other comparable economic indicator is
 702 primarily related to net income rather than rates, the committee
 703 ~~board~~ shall not use it as the sole factor in fixing rates of
 704 pilotage.

705 (6) The committee ~~board~~ shall fix rates of pilotage
 706 pursuant to this section based upon the following vessel
 707 characteristics:

- 708 (a) Length.
- 709 (b) Beam.
- 710 (c) Net tonnage, gross tonnage, or dead weight tonnage.
- 711 (d) Freeboard or height above the waterline.
- 712 (e) Draft or molded depth.

713 (f) Any combination of the vessel characteristics listed
 714 in this subsection or any other relevant vessel characteristic
 715 or characteristics.

716 (7) The decisions of the committee regarding rates are not
 717 appealable to the board.

718 Section 6. By October 31, 2010, the Governor shall appoint
 719 to the Board of Pilot Commissioners: two members actively
 720 involved in a professional or business capacity in the maritime
 721 industry, marine shipping industry, or commercial passenger
 722 cruise industry; one member who is a certified public accountant
 723 with at least 5 years of experience in financial management; and
 724 two members who are citizens of the state. Notwithstanding any
 725 other provision of this act, the nonpilot members of the board
 726 as of the effective date of this act shall continue to serve
 727 until the Governor makes the appointments required in this
 728 section. The terms of the pilot members of the board shall not

729 be affected by this section. Any pending matters before the
730 Pilotage Rate Review Board as of the effective date of this act
731 shall be transferred for further action to the Pilotage Rate
732 Review Committee.

733 Section 7. Paragraph (c) of subsection (12) of section
734 315.03, Florida Statutes, is repealed.

735 Section 8. Subsection (86) is added to section 316.003,
736 Florida Statutes, to read:

737 316.003 Definitions.—The following words and phrases, when
738 used in this chapter, shall have the meanings respectively
739 ascribed to them in this section, except where the context
740 otherwise requires:

741 (86) MOTOR CARRIER TRANSPORTATION CONTRACT.—

742 (a) A contract, agreement, or understanding covering:

743 1. The transportation of property for compensation or hire
744 by the motor carrier;

745 2. Entrance on property by the motor carrier for the
746 purpose of loading, unloading, or transporting property for
747 compensation or hire; or

748 3. A service incidental to activity described in
749 subparagraph 1. or subparagraph 2., including, but not limited
750 to, storage of property.

751 (b) "Motor carrier transportation contract" does not
752 include the Uniform Intermodal Interchange and Facilities Access
753 Agreement administered by the Intermodal Association of North
754 America or other agreements providing for the interchange, use,
755 or possession of intermodal chassis, containers, or other
756 intermodal equipment.

757 Section 9. Paragraph (b) of subsection (2) and subsection
 758 (4) of section 316.1001, Florida Statutes, are amended to read:
 759 316.1001 Payment of toll on toll facilities required;
 760 penalties.—

761 (2)

762 (b) A citation issued under this subsection may be issued
 763 by mailing the citation by first-class ~~first class~~ mail, ~~or by~~
 764 ~~certified mail~~, return receipt requested, to the address of the
 765 registered owner of the motor vehicle involved in the violation.
 766 Receipt of Mailing the citation ~~to this address~~ constitutes
 767 notification. In the case of joint ownership of a motor vehicle,
 768 the traffic citation must be mailed to the first name appearing
 769 on the registration, unless the first name appearing on the
 770 registration is a business organization, in which case the
 771 second name appearing on the registration may be used. A
 772 citation issued under this paragraph must be mailed to the
 773 registered owner of the motor vehicle involved in the violation
 774 within 14 days after the date of issuance of the citation
 775 ~~violation~~. In addition to the citation, notification must be
 776 sent to the registered owner of the motor vehicle involved in
 777 the violation specifying remedies available under ss. 318.14(12)
 778 and 318.18(7).

779 (4) Any governmental entity, including, without
 780 limitation, a clerk of court, may provide ~~supply~~ the department
 781 with data that is machine readable by the department's computer
 782 system, listing persons who have one or more outstanding
 783 violations of this section, with reference to the person's
 784 driver's license number or vehicle registration number in the

785 case of a business entity. Pursuant to s. 320.03(8), those
 786 persons may not be issued a license plate or revalidation
 787 sticker for any motor vehicle.

788 Section 10. Paragraph (b) of subsection (1) of section
 789 316.302, Florida Statutes, is amended, and subsection (12) is
 790 added to that section, to read:

791 316.302 Commercial motor vehicles; safety regulations;
 792 transporters and shippers of hazardous materials; enforcement.-

793 (1)

794 (b) Except as otherwise provided in this section, all
 795 owners or drivers of commercial motor vehicles that are engaged
 796 in intrastate commerce are subject to the rules and regulations
 797 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 798 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 799 of bus, as such rules and regulations existed on October 1, 2009
 800 2007.

801 (12) (a) Notwithstanding any provision of law to the
 802 contrary, a provision, clause, covenant, or agreement contained
 803 in, collateral to, or affecting a motor carrier transportation
 804 contract that purports to indemnify, defend, or hold harmless,
 805 or has the effect of indemnifying, defending, or holding
 806 harmless, the promisee from or against any liability for loss or
 807 damage resulting from the negligence or intentional acts or
 808 omissions of the promisee is against the public policy of this
 809 state and is void and unenforceable.

810 (b) As used in this subsection, the term "promisee" means
 811 the contract's promisee and any agents, employees, servants, or
 812 independent contractors who are directly responsible to the

813 contract's promisee, except that the term does not include motor
 814 carriers which are party to a motor carrier transportation
 815 contract with the contract's promisee, including such motor
 816 carrier's agents, employees, servants, or independent
 817 contractors directly responsible to such motor carrier.

818 (c) This subsection only applies to motor carrier
 819 transportation contracts entered into or renewed on or after
 820 July 1, 2010.

821 Section 11. Paragraph (c) of subsection (8) of section
 822 316.515, Florida Statutes, is amended to read:

823 316.515 Maximum width, height, length.—

824 (8) WRECKERS.—The limitations imposed by this section do
 825 not apply to a combination of motor vehicles consisting of a
 826 wrecker licensed in accordance with s. 320.08(5)(d) or (e) and a
 827 disabled motor vehicle, trailer, semitrailer, or tractor-trailer
 828 combination, or a replacement motor vehicle, which is under tow
 829 by the wrecker, if the size and weight of the towed vehicle is
 830 consistent with statutory requirements and the requirements of
 831 this subsection.

832 (c) Where the combined weight of the wrecker and the towed
 833 vehicle exceeds the maximum weight limits as established by s.
 834 316.535, the wrecker must be operating under a current wrecker
 835 special use permit or permits as provided in s. 316.550~~(5)(4)~~ or
 836 in accordance with paragraph (b).

837 Section 12. Paragraphs (c) and (d) of subsection (3) of
 838 section 316.545, Florida Statutes, are redesignated as
 839 paragraphs (d) and (e), respectively, and a new paragraph (c) is
 840 added to that subsection to read:

841 316.545 Weight and load unlawful; special fuel and motor
 842 fuel tax enforcement; inspection; penalty; review.—

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

847 (c) For a vehicle equipped with fully functional idle-
 848 reduction technology, any penalty shall be calculated by
 849 reducing the actual gross vehicle weight or the internal bridge
 850 weight by the certified weight of the idle-reduction technology
 851 or by 400 pounds, whichever is less. The vehicle operator must
 852 present written certification of the weight of the idle-
 853 reduction technology and must demonstrate or certify that the
 854 idle-reduction technology is fully functional at all times. This
 855 calculation is not allowed for vehicles described in s.
 856 316.535(6);

857 Section 13. Subsections (4) through (10) of section
 858 316.550, Florida Statutes, are renumbered as subsections (5)
 859 through (11), respectively, present subsection (7) is amended,
 860 and a new subsection (4) is added to that section, to read:

861 316.550 Operations not in conformity with law; special
 862 permits.—

863 (4) (a) The Department of Transportation or local authority
 864 may issue permits that authorize commercial vehicles having
 865 weights not exceeding the limits of s. 316.535(5), plus the
 866 scale tolerance provided in s. 316.545(2), to operate off the
 867 interstate highway system on a designated route specified in the
 868 permit. Such permits shall be issued within 14 days after

869 receipt of the request.

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

873 (c) Any vehicle or combination of vehicles which exceeds
 874 the weight limits authorized in paragraph (a) shall be unloaded
 875 and all material so unloaded shall be cared for by the owner or
 876 operator.

877 ~~(8)(7)~~ The Department of Transportation may impose fines
 878 for the operation of a vehicle in violation of this section, as
 879 provided in subsection (10) ~~(9)~~.

880 Section 14. Subsection (7) of section 318.18, Florida
 881 Statutes, is amended to read:

882 318.18 Amount of penalties.—The penalties required for a
 883 noncriminal disposition pursuant to s. 318.14 or a criminal
 884 offense listed in s. 318.17 are as follows:

885 (7) Mandatory \$100 fine for each violation of s. 316.1001
 886 plus the amount of the unpaid toll shown on the traffic citation
 887 for each citation issued. The clerk of the court shall forward
 888 \$25 of the \$100 fine received, plus the amount of the unpaid
 889 toll that is shown on the citation, to the governmental entity
 890 that issued the citation for citations issued by toll
 891 enforcement officers or to the entity administering the tolls at
 892 the facility where the violation occurred for citations issued
 893 by law enforcement officers. However, a person may elect to pay
 894 \$30 to the clerk of the court, plus the amount of the unpaid
 895 toll that is shown on the citation, in which case adjudication
 896 is withheld, and no points may be assessed under s. 322.27. Upon

897 receipt of the \$30 and unpaid toll amount, the clerk of the
 898 court shall retain \$5 for administrative purposes and shall
 899 forward the remaining \$25, plus the amount of the unpaid toll
 900 shown on the citation, to the governmental entity that issued
 901 the citation for citations issued by toll enforcement officers
 902 or to the entity administering the tolls at the facility where
 903 the violation occurred for citations issued by law enforcement
 904 officers. Additionally, adjudication shall be withheld and no
 905 points shall be assessed under s. 322.27, except when
 906 adjudication is imposed by the court after a hearing pursuant to
 907 s. 318.14(5), ~~or on whose behalf the citation was issued.~~ If a
 908 plea arrangement is reached prior to the date set for a
 909 scheduled evidentiary hearing and, as a result of the plea,
 910 adjudication is withheld, there shall be a mandatory fine
 911 assessed per citation of not less than \$50 and not more than
 912 \$100, plus the amount of the unpaid toll for each citation
 913 issued. The clerk of the court shall forward \$25 of the fine
 914 imposed plus the amount of the unpaid toll that is shown on the
 915 citation to the governmental entity that issued the citation for
 916 citations issued by toll enforcement officers or to the entity
 917 administering the tolls at the facility where the violation
 918 occurred for citations issued by law enforcement officers ~~or on~~
 919 ~~whose behalf the citation was issued.~~ The court shall have
 920 specific authority to consolidate issued citations for the same
 921 defendant for the purpose of sentencing and aggregate
 922 jurisdiction. In addition, the court may direct the department
 923 to ~~shall~~ suspend for 60 days the driver's license of a person
 924 who is convicted of 10 violations of s. 316.1001 within a 36-

925 month period. Any funds received by a governmental entity for
 926 this violation may be used for any lawful purpose related to the
 927 operation or maintenance of a toll facility.

928 Section 15. Subsection (8) of section 320.03, Florida
 929 Statutes, is amended to read:

930 320.03 Registration; duties of tax collectors;
 931 International Registration Plan.—

932 (8) If the applicant's name appears on the list referred
 933 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 934 license plate or revalidation sticker may not be issued until
 935 that person's name no longer appears on the list or until the
 936 person presents a receipt from the governmental entity or the
 937 clerk of court that provided the data showing that the fines
 938 outstanding have been paid. This subsection does not apply to
 939 the owner of a leased vehicle if the vehicle is registered in
 940 the name of the lessee of the vehicle. The tax collector and the
 941 clerk of the court are each entitled to receive monthly, as
 942 costs for implementing and administering this subsection, 10
 943 percent of the civil penalties and fines recovered from such
 944 persons. As used in this subsection, the term "civil penalties
 945 and fines" does not include a wrecker operator's lien as
 946 described in s. 713.78(13). If the tax collector has private tag
 947 agents, such tag agents are entitled to receive a pro rata share
 948 of the amount paid to the tax collector, based upon the
 949 percentage of license plates and revalidation stickers issued by
 950 the tag agent compared to the total issued within the county.
 951 The authority of any private agent to issue license plates shall
 952 be revoked, after notice and a hearing as provided in chapter

953 120, if he or she issues any license plate or revalidation
 954 sticker contrary to the provisions of this subsection. This
 955 section applies only to the annual renewal in the owner's birth
 956 month of a motor vehicle registration and does not apply to the
 957 transfer of a registration of a motor vehicle sold by a motor
 958 vehicle dealer licensed under this chapter, except for the
 959 transfer of registrations which is inclusive of the annual
 960 renewals. This section does not affect the issuance of the title
 961 to a motor vehicle, notwithstanding s. 319.23(7)(b).

962 Section 16. Paragraph (e) of subsection (5) of section
 963 320.08, Florida Statutes, is amended to read:

964 320.08 License taxes.—Except as otherwise provided herein,
 965 there are hereby levied and imposed annual license taxes for the
 966 operation of motor vehicles, mopeds, motorized bicycles as
 967 defined in s. 316.003(2), and mobile homes, as defined in s.
 968 320.01, which shall be paid to and collected by the department
 969 or its agent upon the registration or renewal of registration of
 970 the following:

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

973 (d) A wrecker, as defined in s. 320.01(40), which is used
 974 to tow a vessel as defined in s. 327.02(39), a disabled,
 975 abandoned, stolen-recovered, or impounded motor vehicle as
 976 defined in s. 320.01(38), or a replacement motor vehicle as
 977 defined in s. 320.01(39): \$41 flat, of which \$11 shall be
 978 deposited into the General Revenue Fund.

979 (e) A wrecker that is used to tow any nondisabled motor
 980 vehicle, ~~regardless of whether such motor vehicle is a disabled~~

981 ~~motor vehicle, a replacement motor vehicle,~~ a vessel, or any
 982 other cargo unless used as defined in paragraph (d), as follows:

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

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

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

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

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

998 6. Gross vehicle weight of 44,000 pounds or more, but less
 999 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 1000 into the General Revenue Fund.

1001 7. Gross vehicle weight of 55,000 pounds or more, but less
 1002 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 1003 into the General Revenue Fund.

1004 8. Gross vehicle weight of 62,000 pounds or more, but less
 1005 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 1006 deposited into the General Revenue Fund.

1007 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 1008 flat, of which \$343 shall be deposited into the General Revenue

1009 Fund.

1010 Section 17. Paragraph (b) of subsection (32) of section
1011 320.08058, Florida Statutes, is amended to read:

1012 320.08058 Specialty license plates.—

1013 (32) UNITED WE STAND LICENSE PLATES.—

1014 (b) The department shall retain all revenues from the sale
1015 of such plates until all startup costs for developing and
1016 issuing the plates have been recovered. Thereafter, 100 percent
1017 of the annual use fee shall be distributed to the Department of
1018 Transportation to fund security-related aviation projects
1019 pursuant to chapter 332 ~~SAFE Council to fund a grant program to~~
1020 ~~enhance security at airports throughout the state, pursuant to~~
1021 ~~s. 332.14.~~

1022 Section 18. Paragraph (d) of subsection (3) of section
1023 322.27, Florida Statutes, is amended to read:

1024 322.27 Authority of department to suspend or revoke
1025 license.—

1026 (3) There is established a point system for evaluation of
1027 convictions of violations of motor vehicle laws or ordinances,
1028 and violations of applicable provisions of s. 403.413(6) (b) when
1029 such violations involve the use of motor vehicles, for the
1030 determination of the continuing qualification of any person to
1031 operate a motor vehicle. The department is authorized to suspend
1032 the license of any person upon showing of its records or other
1033 good and sufficient evidence that the licensee has been
1034 convicted of violation of motor vehicle laws or ordinances, or
1035 applicable provisions of s. 403.413(6) (b), amounting to 12 or
1036 more points as determined by the point system. The suspension

1037 shall be for a period of not more than 1 year.

1038 (d) The point system shall have as its basic element a

1039 graduated scale of points assigning relative values to

1040 convictions of the following violations:

1041 1. Reckless driving, willful and wanton—4 points.

1042 2. Leaving the scene of a crash resulting in property

1043 damage of more than \$50—6 points.

1044 3. Unlawful speed resulting in a crash—6 points.

1045 4. Passing a stopped school bus—4 points.

1046 5. Unlawful speed:

1047 a. Not in excess of 15 miles per hour of lawful or posted

1048 speed—3 points.

1049 b. In excess of 15 miles per hour of lawful or posted

1050 speed—4 points.

1051 6. A violation of a traffic control signal device as

1052 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

1053 7. All other moving violations (including parking on a

1054 highway outside the limits of a municipality)—3 points. However,

1055 no points shall be imposed for a violation of s. 316.0741 or s.

1056 316.2065(12); and points shall be imposed for a violation of s.

1057 316.1001 only when imposed by the court after a hearing pursuant

1058 to s. 318.14(5).

1059 8. Any moving violation covered above, excluding unlawful

1060 speed, resulting in a crash—4 points.

1061 9. Any conviction under s. 403.413(6)(b)—3 points.

1062 10. Any conviction under s. 316.0775(2)—4 points.

1063 Section 19. Section 332.14, Florida Statutes, is repealed.

1064 Section 20. All funds accrued by the Secure Airports for

1065 Florida's Economy Council prior to July 1, 2010, shall be
1066 retained by the Department of Transportation. The Department of
1067 Transportation is authorized to use these funds for statewide
1068 training purposes relating to airport security and management.
1069 The Department of Transportation is further authorized to use
1070 these funds for security-related aviation projects pursuant to
1071 chapter 332, Florida Statutes.

1072 Section 21. Subsection (1) of section 337.14, Florida
1073 Statutes, is amended to read:

1074 337.14 Application for qualification; certificate of
1075 qualification; restrictions; request for hearing.—

1076 (1) Any person desiring to bid for the performance of any
1077 construction contract in excess of \$250,000 which the department
1078 proposes to let must first be certified by the department as
1079 qualified pursuant to this section and rules of the department.
1080 The rules of the department shall address the qualification of
1081 persons to bid on construction contracts in excess of \$250,000
1082 and shall include requirements with respect to the equipment,
1083 past record, experience, financial resources, and organizational
1084 personnel of the applicant necessary to perform the specific
1085 class of work for which the person seeks certification. The
1086 department is authorized to limit the dollar amount of any
1087 contract upon which a person is qualified to bid or the
1088 aggregate total dollar volume of contracts such person is
1089 allowed to have under contract at any one time. Each applicant
1090 seeking qualification to bid on construction contracts in excess
1091 of \$250,000 shall furnish the department a statement under oath,
1092 on such forms as the department may prescribe, setting forth

1093 detailed information as required on the application. Each
 1094 application for certification shall be accompanied by the latest
 1095 annual financial statement of the applicant completed within the
 1096 last 12 months. If the application or the annual financial
 1097 statement shows the financial condition of the applicant more
 1098 than 4 months prior to the date on which the application is
 1099 received by the department, then an interim financial statement
 1100 must ~~also~~ be submitted and be accompanied by an updated
 1101 application. The interim financial statement must cover the
 1102 period from the end date of the annual statement and must show
 1103 the financial condition of the applicant no more than 4 months
 1104 prior to the date the interim financial statement ~~on which the~~
 1105 ~~application~~ is received by the department. Each required annual
 1106 or interim financial statement must be audited and accompanied
 1107 by the opinion of a certified public accountant or a public
 1108 accountant approved by the department. The information required
 1109 by this subsection is confidential and exempt from the
 1110 provisions of s. 119.07(1). The department shall act upon the
 1111 application for qualification within 30 days after the
 1112 department determines that the application is complete. The
 1113 department may waive the requirements of this subsection for
 1114 projects having a contract price of \$500,000 or less if the
 1115 department determines that the project is of a noncritical
 1116 nature and the waiver will not endanger public health, safety,
 1117 or property.

1118 Section 22. Subsection (1) of section 337.401, Florida
 1119 Statutes, is amended to read:

1120 337.401 Use of right-of-way for utilities subject to

1121 regulation; permit; fees.—

1122 (1) (a) The department and local governmental entities,

1123 referred to in ss. 337.401-337.404 as the "authority," that have

1124 jurisdiction and control of public roads or publicly owned rail

1125 corridors are authorized to prescribe and enforce reasonable

1126 rules or regulations with reference to the placing and

1127 maintaining along, across, or on any road or publicly owned rail

1128 corridors under their respective jurisdictions any electric

1129 transmission, telephone, telegraph, or other communications

1130 services lines; pole lines; poles; railways; ditches; sewers;

1131 water, heat, or gas mains; pipelines; fences; gasoline tanks and

1132 pumps; or other structures referred to in this section as the

1133 "utility." ~~For aerial and underground electric utility~~

1134 ~~transmission lines designed to operate at 69 or more kilovolts~~

1135 ~~that are needed to accommodate the additional electrical~~

1136 ~~transfer capacity on the transmission grid resulting from new~~

1137 ~~base load generating facilities, where there is no other~~

1138 ~~practicable alternative available for placement of the electric~~

1139 ~~utility transmission lines on the department's rights-of-way,~~

1140 ~~the department's rules shall provide for placement of and access~~

1141 ~~to such transmission lines adjacent to and within the right-of-~~

1142 ~~way of any department-controlled public roads, including~~

1143 ~~longitudinally within limited access facilities to the greatest~~

1144 ~~extent allowed by federal law, if compliance with the standards~~

1145 ~~established by such rules is achieved. Such rules may include,~~

1146 ~~but need not be limited to, that the use of the right-of-way is~~

1147 ~~reasonable based upon a consideration of economic and~~

1148 ~~environmental factors, including, without limitation, other~~

1149 ~~practicable alternative alignments, utility corridors and~~
1150 ~~easements, impacts on adjacent property owners, and minimum~~
1151 ~~clear zones and other safety standards, and further provide that~~
1152 ~~placement of the electric utility transmission lines within the~~
1153 ~~department's right-of-way does not interfere with operational~~
1154 ~~requirements of the transportation facility or planned or~~
1155 ~~potential future expansion of such transportation facility. If~~
1156 ~~the department approves longitudinal placement of electric~~
1157 ~~utility transmission lines in limited access facilities,~~
1158 ~~compensation for the use of the right-of-way is required. Such~~
1159 ~~consideration or compensation paid by the electric utility in~~
1160 ~~connection with the department's issuance of a permit does not~~
1161 ~~create any property right in the department's property~~
1162 ~~regardless of the amount of consideration paid or the~~
1163 ~~improvements constructed on the property by the utility. Upon~~
1164 ~~notice by the department that the property is needed for~~
1165 ~~expansion or improvement of the transportation facility, the~~
1166 ~~electric utility transmission line will relocate from the~~
1167 ~~facility at the electric utility's sole expense. The electric~~
1168 ~~utility shall pay to the department reasonable damages resulting~~
1169 ~~from the utility's failure or refusal to timely relocate its~~
1170 ~~transmission lines. The rules to be adopted by the department~~
1171 ~~may also address the compensation methodology and relocation. As~~
1172 ~~used in this subsection, the term "base-load generating~~
1173 ~~facilities" means electric power plants that are certified under~~
1174 ~~part II of chapter 403. The department may enter into a permit-~~
1175 ~~delegation agreement with a governmental entity if issuance of a~~
1176 ~~permit is based on requirements that the department finds will~~

1177 ensure the safety and integrity of facilities of the Department
1178 of Transportation; however, the permit-delegation agreement does
1179 not apply to facilities of electric utilities as defined in s.
1180 366.02(2).

1181 (b) For aerial and underground electric utility
1182 transmission lines designed to operate at 69 or more kilovolts
1183 that are needed to accommodate the additional electrical
1184 transfer capacity on the transmission grid resulting from new
1185 base-load generating facilities, the department's rules shall
1186 provide for placement of and access to such transmission lines
1187 adjacent to and within the right-of-way of any department-
1188 controlled public roads, including longitudinally within limited
1189 access facilities where there is no other practicable
1190 alternative available, to the greatest extent allowed by federal
1191 law, if compliance with the standards established by such rules
1192 is achieved. Without limiting or conditioning the department's
1193 jurisdiction or authority described in paragraph (a), with
1194 respect to limited access right-of-way, such rules may include,
1195 but need not be limited to, that the use of the right-of-way for
1196 longitudinal placement of electric utility transmission lines is
1197 reasonable based upon a consideration of economic and
1198 environmental factors, including, without limitation, other
1199 practicable alternative alignments, utility corridors and
1200 easements, impacts on adjacent property owners, and minimum
1201 clear zones and other safety standards, and further provide that
1202 placement of the electric utility transmission lines within the
1203 department's right-of-way does not interfere with operational
1204 requirements of the transportation facility or planned or

1205 potential future expansion of such transportation facility. If
 1206 the department approves longitudinal placement of electric
 1207 utility transmission lines in limited access facilities,
 1208 compensation for the use of the right-of-way is required. Such
 1209 consideration or compensation paid by the electric utility in
 1210 connection with the department's issuance of a permit does not
 1211 create any property right in the department's property
 1212 regardless of the amount of consideration paid or the
 1213 improvements constructed on the property by the utility. Upon
 1214 notice by the department that the property is needed for
 1215 expansion or improvement of the transportation facility, the
 1216 electric utility transmission line will be removed or relocated
 1217 at the electric utility's sole expense. The electric utility
 1218 shall pay to the department reasonable damages resulting from
 1219 the utility's failure or refusal to timely remove or relocate
 1220 its transmission lines. The rules to be adopted by the
 1221 department may also address the compensation methodology and
 1222 removal or relocation. As used in this subsection, the term
 1223 "base-load generating facilities" means electric power plants
 1224 that are certified under part II of chapter 403.

1225 Section 23. Subsection (4) of section 337.406, Florida
 1226 Statutes, is renumbered as subsection (5), and a new subsection
 1227 (4) is added to that section to read:

1228 337.406 Unlawful use of state transportation facility
 1229 right-of-way; penalties.—

1230 (4) Camping is prohibited on any portion of the right-of-
 1231 way of the State Highway System that is within 100 feet of a
 1232 bridge, causeway, overpass, or ramp.

1233 Section 24. Subsection (1) of section 338.155, Florida
 1234 Statutes, is amended to read:

1235 338.155 Payment of toll on toll facilities required;
 1236 exemptions.—

1237 (1) No persons are permitted to use any toll facility
 1238 without payment of tolls, except employees of the agency
 1239 operating the toll project when using the toll facility on
 1240 official state business, state military personnel while on
 1241 official military business, handicapped persons as provided in
 1242 this section, persons exempt from toll payment by the
 1243 authorizing resolution for bonds issued to finance the facility,
 1244 and persons exempt on a temporary basis where use of such toll
 1245 facility is required as a detour route. Any law enforcement
 1246 officer operating a marked official vehicle is exempt from toll
 1247 payment when on official law enforcement business. Any person
 1248 operating a fire vehicle when on official business or a rescue
 1249 vehicle when on official business is exempt from toll payment.
 1250 Any person participating in the funeral procession of a law
 1251 enforcement officer or firefighter killed in the line of duty is
 1252 exempt from toll payment. The secretary, or the secretary's
 1253 designee, may suspend the payment of tolls on a toll facility
 1254 when necessary to assist in emergency evacuation. The failure to
 1255 pay a prescribed toll constitutes a noncriminal traffic
 1256 infraction, punishable as a moving violation pursuant to s.
 1257 318.18. The department is authorized to adopt rules relating to
 1258 the payment, collection, and enforcement of tolls, as authorized
 1259 in chapters 316, 318, 320, 322, and 338, including, but not
 1260 limited to, rules for the implementation of video or other image

1261 billing and variable pricing ~~guaranteed toll accounts.~~

1262 Section 25. Subsection (7) is added to section 341.051,
1263 Florida Statutes, to read:

1264 341.051 Administration and financing of public transit and
1265 intercity bus service programs and projects.—

1266 (7) INTEROPERABLE FARE COLLECTION SYSTEMS.—

1267 (a) The Legislature recognizes the importance of
1268 encouraging the seamless use of local and regional public
1269 transportation systems by residents of and visitors to the state
1270 wherever possible. The paramount concern is to encourage the
1271 implementation of fare collection systems that are interoperable
1272 and compatible with multiple public transportation systems
1273 throughout the state.

1274 (b) Notwithstanding any other provision of law to the
1275 contrary, in order to facilitate the ease of transfer from one
1276 public transportation system to another, any public transit
1277 system which connects directly with a new public rail system put
1278 into service after December 1, 2010, and which is adding a new
1279 fare media system or is upgrading its existing fare media system
1280 shall use a universally accepted contactless fare media that is
1281 compatible with the American Public Transportation Association's
1282 Contactless Fare Media System Standard or the applicable
1283 bankcard contactless media standards and allows users to
1284 purchase fares at a single point of sale with coin, cash, or
1285 credit card. This paragraph does not require the use of a
1286 universally accepted contactless fare media for the paratransit
1287 element of any transit system or by any public transit system
1288 that does not share one or more points of origin or destination

1289 with a public rail system.

1290

1291 For purposes of this section, the term "net operating costs"
 1292 means all operating costs of a project less any federal funds,
 1293 fares, or other sources of income to the project.

1294 Section 26. Subsection (7) of section 341.3025, Florida
 1295 Statutes, is renumbered as subsection (8), and a new subsection
 1296 (7) is added to that section to read:

1297 341.3025 Multicounty public rail system fares and
 1298 enforcement.—

1299 (7) (a) The Legislature recognizes the importance of
 1300 encouraging the seamless use of local and regional public
 1301 transportation systems by residents of and visitors to the state
 1302 wherever possible. The paramount concern is to encourage the
 1303 implementation of fare collection systems that are interoperable
 1304 and compatible with multiple public transportation systems
 1305 throughout the state.

1306 (b) Notwithstanding any other provision of law to the
 1307 contrary, in order to facilitate the ease of transfer from one
 1308 public transportation system to another, any new public rail
 1309 system that is constructed after December 1, 2010, by the state,
 1310 an agency of the state, a regional transportation authority, or
 1311 one or more counties or municipalities shall use a universally
 1312 accepted contactless fare media that is compatible with the
 1313 American Public Transportation Association's Contactless Fare
 1314 Media System Standard or the applicable bankcard contactless
 1315 media standards and allows users to purchase fares at a single
 1316 point of sale with coin, cash, or credit card. Additionally, any

1317 existing public rail system that is adding a new fare media
1318 system or is upgrading its existing fare media system shall use
1319 a universally accepted contactless fare media that is compatible
1320 with the American Public Transportation Association's
1321 Contactless Fare Media System Standard or the applicable
1322 bankcard contactless media standards and allows users to
1323 purchase fares at a single point of sale with coin, cash, or
1324 credit card.

1325 Section 27. Paragraph (q) is added to subsection (2) of
1326 section 343.64, Florida Statutes, to read:

1327 343.64 Powers and duties.—

1328 (2) The authority may exercise all powers necessary,
1329 appurtenant, convenient, or incidental to the carrying out of
1330 the aforesaid purposes, including, but not limited to, the
1331 following rights and powers:

1332 (q) Notwithstanding s. 343.65, to borrow money in a
1333 principal amount not to exceed \$10 million in any calendar year
1334 to refinance all or part of the costs or obligations of the
1335 authority, including, but not limited to, obligations of the
1336 authority as a lessee under a lease.

1337 Section 28. Subsection (3) of section 348.51, Florida
1338 Statutes, is amended to read:

1339 348.51 Definitions.—The following terms whenever used or
1340 referred to in this part shall have the following meanings,
1341 except in those instances where the context clearly indicates
1342 otherwise:

1343 (3) "Bonds" means and includes the notes, bonds, refunding
1344 bonds, or other evidences of indebtedness or obligations, in

1345 either temporary or definitive form, which ~~of~~ the authority is
 1346 authorized to issue ~~issued~~ pursuant to this part.

1347 Section 29. Section 348.545, Florida Statutes, is amended
 1348 to read:

1349 348.545 Facility improvement; bond financing authority.—
 1350 Pursuant to s. 11(f), Art. VII of the State Constitution, the
 1351 Legislature hereby approves for bond financing by the Tampa-
 1352 Hillsborough County Expressway Authority improvements to toll
 1353 collection facilities, interchanges to the legislatively
 1354 approved expressway system, and any other facility appurtenant,
 1355 necessary, or incidental to the approved system. Subject to
 1356 terms and conditions of applicable revenue bond resolutions and
 1357 covenants, such costs ~~financing~~ may be financed in whole or in
 1358 part by revenue bonds issued pursuant to s. 348.56(1) (a) or (b),
 1359 whether currently issued or issued in the future, or by a
 1360 combination of such bonds.

1361 Section 30. Subsections (1) and (2) of section 348.56,
 1362 Florida Statutes, are amended to read:

1363 348.56 Bonds of the authority.—

1364 (1) (a) Bonds may be issued on behalf of the authority
 1365 pursuant to the State Bond Act.

1366 (b) Alternatively, the authority shall have the power and
 1367 is hereby authorized from time to time to issue bonds in such
 1368 principal amount as, in the opinion of the authority, shall be
 1369 necessary to provide sufficient moneys for achieving its
 1370 corporate purposes, including construction, reconstruction,
 1371 improvement, extension, repair, maintenance and operation of the
 1372 expressway system, the cost of acquisition of all real property,

1373 interest on bonds during construction and for a reasonable
1374 period thereafter, establishment of reserves to secure bonds,
1375 and all other expenditures of the authority incident to and
1376 necessary or convenient to carry out its corporate purposes and
1377 powers.

1378 (2) (a) Bonds issued by the authority pursuant to paragraph
1379 (1) (a) or paragraph (1) (b) shall be authorized by resolution of
1380 the members of the authority and shall bear such date or dates,
1381 mature at such time or times, not exceeding 40 years from their
1382 respective dates, bear interest at such rate or rates, not
1383 exceeding the maximum rate fixed by general law for authorities,
1384 be in such denominations, be in such form, either coupon or
1385 fully registered, carry such registration, exchangeability and
1386 interchangeability privileges, be payable in such medium of
1387 payment and at such place or places, be subject to such terms of
1388 redemption and be entitled to such priorities of lien on the
1389 revenues, other available moneys, and the Hillsborough County
1390 gasoline tax funds as such resolution or any resolution
1391 subsequent thereto may provide. The bonds shall be executed
1392 either by manual or facsimile signature by such officers as the
1393 authority shall determine, provided that such bonds shall bear
1394 at least one signature which is manually executed thereon. The
1395 coupons attached to such bonds shall bear the facsimile
1396 signature or signatures of such officer or officers as shall be
1397 designated by the authority. Such bonds shall have the seal of
1398 the authority affixed, imprinted, reproduced, or lithographed
1399 thereon.

1400 (b) The bonds issued pursuant to paragraph (1) (a) or

1401 paragraph (1) (b) shall be sold at public sale in the same manner
 1402 provided in the State Bond Act, ~~and the net interest cost to the~~
 1403 ~~authority on such bonds shall not exceed the maximum rate fixed~~
 1404 ~~by general law for authorities. If all bids received on the~~
 1405 ~~public sale are rejected, the authority may then proceed to~~
 1406 ~~negotiate for the sale of the bonds at a net interest cost which~~
 1407 ~~shall be less than the lowest net interest cost stated in the~~
 1408 ~~bids rejected at the public sale. However, if the authority~~
 1409 determines, by official action at a public meeting, that a
 1410 negotiated sale of such bonds is in the best interest of the
 1411 authority, the authority may negotiate the sale of such bonds
 1412 with the underwriter or underwriters designated by the authority
 1413 and the Division of Bond Finance within the State Board of
 1414 Administration with respect to bonds issued pursuant to
 1415 paragraph (1) (a) or solely by the authority with respect to
 1416 bonds issued pursuant to paragraph (1) (b). The authority's
 1417 determination to negotiate the sale of such bonds may be based,
 1418 in part, upon the written advice of the authority's financial
 1419 adviser. Pending the preparation of definitive bonds, temporary
 1420 bonds or interim certificates may be issued to the purchaser or
 1421 purchasers of such bonds and may contain such terms and
 1422 conditions as the authority may determine.

1423 Section 31. Section 348.565, Florida Statutes, is amended
 1424 to read:

1425 348.565 Revenue bonds for specified projects.—The existing
 1426 facilities that constitute the Tampa-Hillsborough County
 1427 Expressway System are hereby approved to be refinanced by ~~the~~
 1428 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance

1429 of the State Board of Administration pursuant to s. 11(f), Art.
 1430 VII of the State Constitution and the State Bond Act or by
 1431 revenue bonds issued by the authority pursuant to s.
 1432 348.56(1)(b). In addition, the following projects of the Tampa-
 1433 Hillsborough County Expressway Authority are approved to be
 1434 financed or refinanced by the issuance of revenue bonds in
 1435 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of
 1436 the State Constitution:

- 1437 (1) Brandon area feeder roads.
- 1438 (2) Capital improvements to the expressway system,
 1439 including safety and operational improvements and toll
 1440 collection equipment.
- 1441 (3) Lee Roy Selmon Crosstown Expressway System widening.
- 1442 (4) The connector highway linking the Lee Roy Selmon
 1443 Crosstown Expressway to Interstate 4.

1444 Section 32. Subsection (1) of section 348.57, Florida
 1445 Statutes, is amended to read:

1446 348.57 Refunding bonds.—

- 1447 (1) Subject to public notice as provided in s. 348.54, the
 1448 authority is authorized to provide by resolution for the
 1449 issuance from time to time of bonds pursuant to s. 348.56(1)(b)
 1450 for the purpose of refunding any bonds then outstanding
 1451 regardless of whether the bonds being refunded were issued by
 1452 the authority pursuant to this chapter or on behalf of the
 1453 authority pursuant to the State Bond Act. The authority is
 1454 further authorized to provide by resolution for the issuance of
 1455 bonds for the combined purpose of:

- 1456 (a) Paying the cost of constructing, reconstructing,

1457 improving, extending, repairing, maintaining and operating the
 1458 expressway system.

1459 (b) Refunding bonds then outstanding. The authorization,
 1460 sale and issuance of such obligations, the maturities and other
 1461 details thereof, the rights and remedies of the holders thereof,
 1462 and the rights, powers, privileges, duties and obligations of
 1463 the authority with respect to the same shall be governed by the
 1464 foregoing provisions of this part insofar as the same may be
 1465 applicable.

1466 Section 33. Section 348.70, Florida Statutes, is amended
 1467 to read:

1468 348.70 This part complete and additional authority.—

1469 (1) The powers conferred by this part shall be in addition
 1470 and supplemental to the existing respective powers of the
 1471 authority, the department, the county, and the city, if any, and
 1472 this part shall not be construed as repealing any of the
 1473 provisions of any other law, general, special, or local, but
 1474 shall be deemed to supersede such other law or laws in the
 1475 exercise of the powers provided in this part insofar as such
 1476 other law or laws are inconsistent with the provisions of this
 1477 part and to provide a complete method for the exercise of the
 1478 powers granted herein. The construction, reconstruction,
 1479 improvement, extension, repair, maintenance, and operation of
 1480 the expressway system, and the issuance of bonds hereunder to
 1481 finance all or part of the cost thereof, may be accomplished
 1482 upon compliance with the provisions of this part without regard
 1483 to or necessity for compliance with the provisions, limitations,
 1484 or restrictions contained in any other general, special, or

1485 local law, including, but not limited to, s. 215.821, and no
 1486 approval of any bonds issued under this part by the qualified
 1487 electors or qualified electors who are freeholders in the state
 1488 or in the county or in the city or in any other political
 1489 subdivision of the state shall be required for the issuance of
 1490 such bonds.

1491 (2) This part does not repeal, rescind, or modify any
 1492 other law or laws relating to the State Board of Administration,
 1493 the Department of Transportation, or the Division of Bond
 1494 Finance of the State Board of Administration, but shall
 1495 supersede such other law or laws as are inconsistent with the
 1496 provisions of this part, including, but not limited to, s.
 1497 215.821.

1498 Section 34. Part XI of chapter 348, Florida Statutes,
 1499 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
 1500 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,
 1501 348.9960, and 348.9961, is created to read:

1502 348.9950 Short title.—This part may be cited as the
 1503 "Osceola County Expressway Authority Law."

1504 348.9951 Definitions.—Terms used in this part, except
 1505 where the context clearly indicates otherwise, shall have the
 1506 same meanings as those defined in the Florida Expressway
 1507 Authority Act.

1508 348.9952 Osceola County Expressway Authority.—

1509 (1) There is created a body politic and corporate, an
 1510 agency of the state, to be known as the Osceola County
 1511 Expressway Authority.

1512 (2) (a) The governing body of the authority shall consist

1513 of six members. Five members, at least one of whom must be a
1514 member of a racial or ethnic minority group, must be residents
1515 of Osceola County, three of whom shall be appointed by the
1516 governing body of the county and two of whom shall be appointed
1517 by the Governor. The sixth member shall be the district
1518 secretary of the department serving in the district that
1519 includes Osceola County, who shall serve as an ex officio,
1520 nonvoting member. The term of each appointed member shall be for
1521 4 years, except that the first term of the initial members
1522 appointed by the Governor shall be 2 years each. Each appointed
1523 member shall hold office until his or her successor has been
1524 appointed and has qualified. A vacancy occurring during a term
1525 shall be filled only for the balance of the unexpired term. Each
1526 appointed member of the authority shall be a person of
1527 outstanding reputation for integrity, responsibility, and
1528 business ability, but a person who is an officer or employee of
1529 any municipality or of Osceola County in any other capacity may
1530 not be an appointed member of the authority. A member of the
1531 authority is eligible for reappointment.

1532 (b) Members of the authority may be removed from office by
1533 the Governor for misconduct, malfeasance, or nonfeasance in
1534 office.

1535 (3) (a) The authority shall elect one of its members as
1536 chair. The authority shall also elect a secretary and a
1537 treasurer, who may be members of the authority. The chair,
1538 secretary, and treasurer shall hold such offices at the will of
1539 the authority.

1540 (b) Three members of the authority constitute a quorum,

1541 and the vote of three members is necessary for any action taken
 1542 by the authority. A vacancy in the authority does not impair the
 1543 right of a quorum of the authority to exercise all of the rights
 1544 and perform all of the duties of the authority.

1545 (4) (a) The authority may employ an executive secretary, an
 1546 executive director, its own counsel and legal staff, technical
 1547 experts, engineers, and other employees, permanent or temporary,
 1548 as it may require, and may determine the qualifications and fix
 1549 the compensation of such persons, firms, or corporations.
 1550 Additionally, the authority may employ a fiscal agent or agents.
 1551 However, the authority shall solicit sealed proposals from at
 1552 least three persons, firms, or corporations for the performance
 1553 of any services as fiscal agents. The authority may delegate to
 1554 one or more of its agents or employees such of its power as it
 1555 deems necessary to carry out the purposes of this part, subject
 1556 always to the supervision and control of the authority.

1557 (b) Members of the authority are entitled to receive from
 1558 the authority their travel and other necessary expenses incurred
 1559 in connection with the business of the authority as provided in
 1560 s. 112.061, but members shall not draw salaries or other
 1561 compensation.

1562 (c) The department is not required to grant funds for
 1563 startup costs to the authority. However, the governing body of
 1564 the county may provide funds for such startup costs.

1565 (d) The authority shall cooperate with and participate in
 1566 any efforts to establish a regional expressway authority.

1567 (e) Notwithstanding any other provision of law, including
 1568 s. 339.175(3), the authority is not entitled to voting

1569 membership in a metropolitan planning organization in which
 1570 Osceola County, or any of the municipalities therein, are also
 1571 voting members.

1572 348.9953 Purposes and powers.—The purposes and powers of
 1573 the authority shall be the same as those identified in the
 1574 Florida Expressway Authority Act. In implementing this act, the
 1575 authority shall institute procedures to encourage the awarding
 1576 of contracts for professional services and construction to
 1577 certified minority business enterprises as defined in s.
 1578 288.703. The authority shall develop and implement activities to
 1579 encourage the participation of certified minority business
 1580 enterprises in the contracting process.

1581 348.9954 Bonds.—Bonds may be issued on behalf of the
 1582 authority as provided by the State Bond Act and subject to the
 1583 provisions of the Florida Expressway Authority Act.

1584 348.9955 Lease-purchase agreement.—The authority may enter
 1585 into lease-purchase agreements with the department as provided
 1586 in the Florida Expressway Authority Act.

1587 348.9956 Department may be appointed agent of authority
 1588 for construction.—The authority may appoint the department as
 1589 its agent as provided in the Florida Expressway Authority Act.

1590 348.9957 Acquisition of lands and property.—The authority
 1591 may acquire such rights, title, or interest in private or public
 1592 property and such property rights, including easements, rights
 1593 of access, air, view, and light by gift, devise, purchase, or
 1594 condemnation by eminent domain proceedings, as the authority may
 1595 deem necessary for the purposes of this part and subject to the
 1596 provisions of the Florida Expressway Authority Act.

1597 348.9958 Cooperation with other units, boards, agencies,
 1598 and individuals.—Any county, municipality, drainage district,
 1599 road and bridge district, school district, or other political
 1600 subdivision, board, commission, or individual in or of the state
 1601 may make and enter into any contract, lease, conveyance,
 1602 partnership, or other agreement with the authority within the
 1603 provisions and for purposes of this part. The authority may make
 1604 and enter into any contract, lease, conveyance, partnership, or
 1605 other agreement with any political subdivision, agency, or
 1606 instrumentality of the state or any federal agency, corporation,
 1607 or individual for the purpose of carrying out the provisions of
 1608 this part.

1609 348.9959 Legislative intent; covenant of the state.—It is
 1610 the intent of the Legislature that the state pledge to and agree
 1611 with any person, firm, corporation, or federal or state agency
 1612 subscribing to or acquiring the bonds to be issued by the
 1613 authority for the purposes of this part that the state will not
 1614 limit or alter the rights hereby vested in the authority and the
 1615 department until all bonds at any time issued together with the
 1616 interest thereon are fully paid and discharged insofar as the
 1617 same affects the rights of the holders of bonds issued
 1618 hereunder. It is also the intent of the Legislature that the
 1619 state further pledge to and agree with the United States that in
 1620 the event any federal agency shall construct or contribute any
 1621 funds for the completion, extension, or improvement of the
 1622 Osceola County Expressway System, or any part or portion
 1623 thereof, the state will not alter or limit the rights and powers
 1624 of the authority and the department in any manner that would be

1625 inconsistent with the continued maintenance and operation of the
1626 Osceola County Expressway System, or the completion, extension,
1627 or improvement thereof, or that would be inconsistent with the
1628 due performance of any agreements between the authority and any
1629 such federal agency. The authority and the department shall
1630 continue to have and may exercise all powers herein granted so
1631 long as the same shall be necessary or desirable for the
1632 carrying out of the purposes of this part and the purposes of
1633 the United States in the completion, extension, or improvement
1634 of the Osceola County Expressway System or any part or portion
1635 thereof.

1636 348.9960 Exemption from taxation.—As provided under and
1637 limited by the Florida Expressway Authority Act, the Osceola
1638 County Expressway authority is not required to pay taxes or
1639 assessments of any kind or nature whatsoever upon any property
1640 acquired by it or used by it for such purpose or upon revenues
1641 at any time received by it.

1642 348.9961 Automatic dissolution.—If, before January 1,
1643 2020, the authority has not encumbered any funds to further its
1644 purposes and powers as authorized in s. 348.9953 to establish
1645 the system, the Osceola County Expressway Authority is
1646 dissolved.

1647 Section 35. Subsection (6) of section 369.317, Florida
1648 Statutes, is amended to read:

1649 369.317 Wekiva Parkway.—

1650 (6) The Orlando-Orange County Expressway Authority is
1651 hereby granted the authority to act as a third-party acquisition
1652 agent, pursuant to s. 259.041 on behalf of the Board of Trustees

1653 or chapter 373 on behalf of the governing board of the St. Johns
 1654 River Water Management District, for the acquisition of all
 1655 necessary lands, property and all interests in property
 1656 identified herein, including fee simple or less-than-fee simple
 1657 interests. The lands subject to this authority are identified in
 1658 paragraph 10.a., State of Florida, Office of the Governor,
 1659 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
 1660 of the Wekiva Basin Area Task Force created by Executive Order
 1661 2002-259, such lands otherwise known as Neighborhood Lakes, a
 1662 1,587+/-acre parcel located in Orange and Lake Counties within
 1663 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
 1664 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
 1665 Seminole Woods/Swamp, a 5,353+/-acre parcel located in Lake
 1666 County within Section 37, Township 19 South, Range 28 East; New
 1667 Garden Coal; a 1,605+/-acre parcel in Lake County within
 1668 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
 1669 East; Pine Plantation, a 617+/-acre tract consisting of eight
 1670 individual parcels within the Apopka City limits. The Department
 1671 of Transportation, the Department of Environmental Protection,
 1672 the St. Johns River Water Management District, and other land
 1673 acquisition entities shall participate and cooperate in
 1674 providing information and support to the third-party acquisition
 1675 agent. The land acquisition process authorized by this paragraph
 1676 shall begin no later than December 31, 2004. Acquisition of the
 1677 properties identified as Neighborhood Lakes, Pine Plantation,
 1678 and New Garden Coal, or approval as a mitigation bank shall be
 1679 concluded no later than December 31, 2010. Department of
 1680 Transportation and Orlando-Orange County Expressway Authority

1681 funds expended to purchase an interest in those lands identified
1682 in this subsection shall be eligible as environmental mitigation
1683 for road construction related impacts in the Wekiva Study Area.
1684 If any of the lands identified in this subsection are used as
1685 environmental mitigation for road-construction-related impacts
1686 incurred by the Department of Transportation or Orlando-Orange
1687 County Expressway Authority, or for other impacts incurred by
1688 other entities, within the Wekiva Study Area or within the
1689 Wekiva parkway alignment corridor and, if the mitigation offsets
1690 these impacts, the St. Johns River Water Management District and
1691 the Department of Environmental Protection shall consider the
1692 activity regulated under part IV of chapter 373 to meet the
1693 cumulative impact requirements of s. 373.414(8) (a).

1694 Section 36. Subsections (2) and (5) and paragraph (b) of
1695 subsection (9) of section 373.41492, Florida Statutes, are
1696 amended to read:

1697 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
1698 mitigation for mining activities within the Miami-Dade County
1699 Lake Belt.—

1700 (2) To provide for the mitigation of wetland resources
1701 lost to mining activities within the Miami-Dade County Lake Belt
1702 Plan, effective October 1, 1999, a mitigation fee is imposed on
1703 each ton of limerock and sand extracted by any person who
1704 engages in the business of extracting limerock or sand from
1705 within the Miami-Dade County Lake Belt Area and the east one-
1706 half of sections 24 and 25 and all of sections 35 and 36,
1707 Township 53 South, Range 39 East. The mitigation fee is imposed
1708 for each ton of limerock and sand sold from within the

1709 | properties where the fee applies in raw, processed, or
1710 | manufactured form, including, but not limited to, sized
1711 | aggregate, asphalt, cement, concrete, and other limerock and
1712 | concrete products. The mitigation fee imposed by this subsection
1713 | for each ton of limerock and sand sold shall be 12 cents per ton
1714 | beginning January 1, 2007; 18 cents per ton beginning January 1,
1715 | 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45
1716 | cents per ton beginning January 1, 2011. To upgrade a water
1717 | treatment plant that treats water coming from the Northwest
1718 | Wellfield in Miami-Dade County, a water treatment plant upgrade
1719 | fee is imposed within the same Lake Belt Area subject to the
1720 | mitigation fee and upon the same kind of mined limerock and sand
1721 | subject to the mitigation fee. The water treatment plant upgrade
1722 | fee imposed by this subsection for each ton of limerock and sand
1723 | sold shall be 15 cents per ton beginning on January 1, 2007, and
1724 | the collection of this fee shall cease once the total amount of
1725 | proceeds collected for this fee reaches the amount of the actual
1726 | moneys necessary to design and construct the water treatment
1727 | plant upgrade, as determined in an open, public solicitation
1728 | process. Any limerock or sand that is used within the mine from
1729 | which the limerock or sand is extracted is exempt from the fees.
1730 | The amount of the mitigation fee and the water treatment plant
1731 | upgrade fee imposed under this section must be stated separately
1732 | on the invoice provided to the purchaser of the limerock or sand
1733 | product from the limerock or sand miner, or its subsidiary or
1734 | affiliate, for which the fee or fees apply. The limerock or sand
1735 | miner, or its subsidiary or affiliate, who sells the limerock or
1736 | sand product shall collect the mitigation fee and the water

1737 treatment plant upgrade fee and forward the proceeds of the fees
 1738 to the Department of Revenue on or before the 20th day of the
 1739 month following the calendar month in which the sale occurs.

1740 (5) Each January 1, beginning January 1, 2010, through
 1741 December 31, 2011 and ~~each January 1 thereafter~~, the per-ton
 1742 mitigation fee shall be increased by 2.1 percentage points, plus
 1743 a cost growth index. The cost growth index shall be the
 1744 percentage change in the weighted average of the Employment Cost
 1745 Index for All Civilian Workers (ecu 10001I), issued by the
 1746 United States Department of Labor for the most recent 12-month
 1747 period ending on September 30, and the percentage change in the
 1748 Producer Price Index for All Commodities (WPU 00000000), issued
 1749 by the United States Department of Labor for the most recent 12-
 1750 month period ending on September 30, compared to the weighted
 1751 average of these indices for the previous year. The weighted
 1752 average shall be calculated as 0.6 times the percentage change
 1753 in the Employment Cost Index for All Civilian Workers (ecu
 1754 10001I), plus 0.4 times the percentage change in the Producer
 1755 Price Index for All Commodities (WPU 00000000). If either index
 1756 is discontinued, it shall be replaced by its successor index, as
 1757 identified by the United States Department of Labor.

1758 (9)

1759 (b) No sooner than January 31, 2010, and no more
 1760 frequently than every 2 ~~5~~ years thereafter, the interagency
 1761 committee shall submit to the Legislature a report recommending
 1762 any needed adjustments to the mitigation fee, including the
 1763 annual escalator provided for in subsection (5), to ensure that
 1764 the revenue generated reflects the actual costs of the

1765 mitigation.

1766 Section 37. Subsection (1) of section 403.4131, Florida
1767 Statutes, is amended to read:

1768 403.4131 Litter control.—

1769 (1) The Department of Transportation shall establish an
1770 "adopt-a-highway" program to allow local organizations to be
1771 identified with specific highway cleanup and highway
1772 beautification projects authorized under s. 339.2405. ~~The~~
1773 ~~department shall report to the Governor and the Legislature on~~
1774 ~~the progress achieved and the savings incurred by the "adopt a-~~
1775 ~~highway" program.~~ The department shall ~~also~~ monitor ~~and report~~
1776 ~~on~~ compliance with the provisions of the adopt-a-highway program
1777 to ensure that organizations participating ~~that participate~~ in
1778 the program comply with the goals identified by the department.

1779 Section 38. Section 479.01, Florida Statutes, is amended
1780 to read:

1781 479.01 Definitions.—As used in this chapter, the term:

1782 (1) "Allowable uses" means those uses that are authorized
1783 within a zoning category without the requirement to obtain a
1784 variance or waiver. The term includes conditional uses and those
1785 allowed by special exception, but does not include uses that are
1786 accessory, incidental to the allowable uses, or allowed only on
1787 a temporary basis.

1788 (2) ~~(1)~~ "Automatic changeable facing" means a facing that
1789 is capable of delivering two or more advertising messages
1790 through an automated or remotely controlled process.

1791 (3) ~~(2)~~ "Business of outdoor advertising" means the
1792 business of constructing, erecting, operating, using,

1793 maintaining, leasing, or selling outdoor advertising structures,
 1794 outdoor advertising signs, or outdoor advertisements.

1795 (4)~~(3)~~ "Commercial or industrial zone" means a parcel of
 1796 land designated for commercial or industrial uses ~~use~~ under both
 1797 the future land use map of the comprehensive plan and the land
 1798 use development regulations adopted pursuant to chapter 163. If
 1799 a parcel is located in an area designated for multiple uses on
 1800 the future land use map of a comprehensive plan and the zoning
 1801 category of the land development regulations does ~~do~~ not clearly
 1802 designate that parcel for a specific use, the area will be
 1803 considered an unzoned commercial or industrial area if it meets
 1804 the criteria of subsection (26) ~~(23)~~.

1805 (5) "Commercial use" means activities associated with the
 1806 sale, rental, or distribution of products or the performance of
 1807 services. The term includes, without limitation, such uses or
 1808 activities as retail sales; wholesale sales; rentals of
 1809 equipment, goods, or products; offices; restaurants; food
 1810 service vendors; sports arenas; theaters; and tourist
 1811 attractions.

1812 (6)~~(4)~~ "Controlled area" means ~~shall mean~~ 660 feet or less
 1813 from the nearest edge of the right-of-way of any portion of the
 1814 State Highway System, interstate, or federal-aid primary system
 1815 and beyond 660 feet of the nearest edge of the right-of-way of
 1816 any portion of the State Highway System, interstate, or federal-
 1817 aid primary system outside an urban area.

1818 (7)~~(5)~~ "Department" means the Department of
 1819 Transportation.

1820 (8)~~(6)~~ "Erect" means to construct, build, raise, assemble,

1821 place, affix, attach, create, paint, draw, or in any other way
 1822 bring into being or establish; but it does not include any of
 1823 the foregoing activities when performed as an incident to the
 1824 change of advertising message or customary maintenance or repair
 1825 of a sign.

1826 (9)~~(7)~~ "Federal-aid primary highway system" means the
 1827 existing, unbuilt, or unopened system of highways or portions
 1828 thereof, which shall include the National Highway System,
 1829 designated as the federal-aid primary highway system by the
 1830 department.

1831 (10)~~(8)~~ "Highway" means any road, street, or other way
 1832 open or intended to be opened to the public for travel by motor
 1833 vehicles.

1834 (11) "Industrial use" means activities associated with the
 1835 manufacture, assembly, processing, or storage of products or the
 1836 performance of services relating thereto. The term includes,
 1837 without limitation, such uses or activities as automobile
 1838 manufacturing or repair, boat manufacturing or repair, junk
 1839 yards, meat packing facilities, citrus processing and packing
 1840 facilities, produce processing and packing facilities,
 1841 electrical generating plants, water treatment plants, sewage
 1842 treatment plants, and solid waste disposal sites.

1843 (12)~~(9)~~ "Interstate highway system" means the existing,
 1844 unbuilt, or unopened system of highways or portions thereof
 1845 designated as the national system of interstate and defense
 1846 highways by the department.

1847 (13)~~(10)~~ "Main-traveled way" means the traveled way of a
 1848 highway on which through traffic is carried. In the case of a

1849 divided highway, the traveled way of each of the separate
1850 roadways for traffic in opposite directions is a main-traveled
1851 way. It does not include such facilities as frontage roads,
1852 turning roadways which specifically include on-ramps or off-
1853 ramps to the interstate highway system, or parking areas.

1854 (14)~~(11)~~ "Maintain" means to allow to exist.

1855 (15)~~(12)~~ "Motorist services directional signs" means signs
1856 providing directional information about goods and services in
1857 the interest of the traveling public where such signs were
1858 lawfully erected and in existence on or before May 6, 1976, and
1859 continue to provide directional information to goods and
1860 services in a defined area.

1861 (16)~~(13)~~ "New highway" means the construction of any road,
1862 paved or unpaved, where no road previously existed or the act of
1863 paving any previously unpaved road.

1864 (17)~~(14)~~ "Nonconforming sign" means a sign which was
1865 lawfully erected but which does not comply with the land use,
1866 setback, size, spacing, and lighting provisions of state or
1867 local law, rule, regulation, or ordinance passed at a later date
1868 or a sign which was lawfully erected but which later fails to
1869 comply with state or local law, rule, regulation, or ordinance
1870 due to changed conditions.

1871 (18)~~(15)~~ "Premises" means all the land areas under
1872 ownership or lease arrangement to the sign owner which are
1873 contiguous to the business conducted on the land except for
1874 instances where such land is a narrow strip contiguous to the
1875 advertised activity or is connected by such narrow strip, the
1876 only viable use of such land is to erect or maintain an

1877 advertising sign. When the sign owner is a municipality or
1878 county, "premises" shall mean all lands owned or leased by such
1879 municipality or county within its jurisdictional boundaries as
1880 set forth by law.

1881 (19)~~(16)~~ "Remove" means to disassemble, transport from the
1882 site, and dispose of sign materials by sale or destruction.

1883 (20)~~(17)~~ "Sign" means any combination of structure and
1884 message in the form of an outdoor sign, display, device, figure,
1885 painting, drawing, message, placard, poster, billboard,
1886 advertising structure, advertisement, logo, symbol, or other
1887 form, whether placed individually or on a V-type, back-to-back,
1888 side-to-side, stacked, or double-faced display or automatic
1889 changeable facing, designed, intended, or used to advertise or
1890 inform, any part of the advertising message or informative
1891 contents of which is visible from any place on the main-traveled
1892 way. The term does not include an official traffic control sign,
1893 official marker, or specific information panel erected, caused
1894 to be erected, or approved by the department.

1895 (21)~~(18)~~ "Sign direction" means that direction from which
1896 the message or informative contents are most visible to oncoming
1897 traffic on the main-traveled way.

1898 (22)~~(19)~~ "Sign face" means the part of the sign, including
1899 trim and background, which contains the message or informative
1900 contents.

1901 (23)~~(20)~~ "Sign facing" includes all sign faces and
1902 automatic changeable faces displayed at the same location and
1903 facing the same direction.

1904 (24)~~(21)~~ "Sign structure" means all the interrelated parts

1905 and material, such as beams, poles, and stringers, which are
 1906 constructed for the purpose of supporting or displaying a
 1907 message or informative contents.

1908 (25)~~(22)~~ "State Highway System" means the existing,
 1909 unbuilt, or unopened system of highways or portions thereof
 1910 designated as the State Highway System by the department.

1911 (26)~~(23)~~ "Unzoned commercial or industrial area" means a
 1912 parcel of land designated by the future land use map of the
 1913 comprehensive plan for multiple uses that include commercial or
 1914 industrial uses but are not specifically designated for
 1915 commercial or industrial uses under the land development
 1916 regulations, in which three or more separate and distinct
 1917 conforming industrial or commercial activities are located.

1918 (a) These activities must satisfy the following criteria:

1919 1. At least one of the commercial or industrial activities
 1920 must be located on the same side of the highway and within 800
 1921 feet of the sign location;

1922 2. The commercial or industrial activities must be within
 1923 660 feet from the nearest edge of the right-of-way; and

1924 3. The commercial industrial activities must be within
 1925 1,600 feet of each other.

1926
 1927 Distances specified in this paragraph must be measured from the
 1928 nearest outer edge of the primary building or primary building
 1929 complex when the individual units of the complex are connected
 1930 by covered walkways.

1931 (b) Certain activities, including, but not limited to, the
 1932 following, may not be so recognized as commercial or industrial

- 1933 activities:
- 1934 1. Signs.
- 1935 2. Agricultural, forestry, ranching, grazing, farming, and
- 1936 related activities, including, but not limited to, wayside fresh
- 1937 produce stands.
- 1938 3. Transient or temporary activities.
- 1939 4. Activities not visible from the main-traveled way.
- 1940 5. Activities conducted more than 660 feet from the
- 1941 nearest edge of the right-of-way.
- 1942 6. Activities conducted in a building principally used as
- 1943 a residence.
- 1944 7. Railroad tracks and minor sidings.
- 1945 8. Communication towers.
- 1946 ~~(27)-(24)~~ "Urban area" has the same meaning as defined in
- 1947 s. 334.03 ~~(29)-(32)~~.
- 1948 ~~(28)-(25)~~ "Visible commercial or industrial activity" means
- 1949 a commercial or industrial activity that is capable of being
- 1950 seen without visual aid by a person of normal visual acuity from
- 1951 the main-traveled way and that is generally recognizable as
- 1952 commercial or industrial.
- 1953 ~~(29)-(26)~~ "Visible sign" means that the advertising message
- 1954 or informative contents of a sign, whether or not legible, is
- 1955 capable of being seen without visual aid by a person of normal
- 1956 visual acuity.
- 1957 ~~(30)-(27)~~ "Wall mural" means a sign that is a painting or
- 1958 an artistic work composed of photographs or arrangements of
- 1959 color and that displays a commercial or noncommercial message,
- 1960 relies solely on the side of the building for rigid structural

1961 support, and is painted on the building or depicted on vinyl,
 1962 fabric, or other similarly flexible material that is held in
 1963 place flush or flat against the surface of the building. The
 1964 term excludes a painting or work placed on a structure that is
 1965 erected for the sole or primary purpose of signage.

1966 (31) "Zoning category" means the designation under the
 1967 land development regulations or other similar ordinance enacted
 1968 to regulate the use of land as provided in s. 163.3202(2)(b),
 1969 which designation sets forth the allowable uses, restrictions,
 1970 and limitations on use applicable to properties within the
 1971 category.

1972 Section 39. Paragraph (c) of subsection (9) of section
 1973 479.07, Florida Statutes, is amended to read:

1974 479.07 Sign permits.—

1975 (9)

1976 (c) Notwithstanding subparagraph (a)1., there is
 1977 established a pilot program in Orange, Hillsborough, and Osceola
 1978 Counties, and within the boundaries of the City of Miami, under
 1979 which the distance between permitted signs on the same side of
 1980 an interstate highway may be reduced to 1,000 feet if all other
 1981 requirements of this chapter are met and if:

1982 1. The local government has adopted a plan, program,
 1983 resolution, ordinance, or other policy encouraging the voluntary
 1984 removal of signs in a downtown, historic, redevelopment, infill,
 1985 or other designated area which also provides for a new or
 1986 replacement sign to be erected on an interstate highway within
 1987 that jurisdiction if a sign in the designated area is removed;

1988 2. The sign owner and the local government mutually agree

1989 to the terms of the removal and replacement; and

1990 3. The local government notifies the department of its
 1991 intention to allow such removal and replacement as agreed upon
 1992 pursuant to subparagraph 2.

1993 4. The new or replacement sign to be erected on an
 1994 interstate highway within that jurisdiction is to be located on
 1995 a parcel of land specifically designated for commercial or
 1996 industrial use under both the future land use map of the
 1997 comprehensive plan and the land use development regulations
 1998 adopted pursuant to chapter 163 and such parcel shall not be
 1999 subject to an evaluation in accordance with the criteria set
 2000 forth in the s. 479.01(26) to determine if the parcel can be
 2001 considered an unzoned commercial or industrial area.

2002
 2003 The department shall maintain statistics tracking the use of the
 2004 provisions of this pilot program based on the notifications
 2005 received by the department from local governments under this
 2006 paragraph.

2007 Section 40. Subsections (1) and (5) of section 479.261,
 2008 Florida Statutes, are amended to read:

2009 479.261 Logo sign program.—

2010 (1) The department shall establish a logo sign program for
 2011 the rights-of-way of the interstate highway system to provide
 2012 information to motorists about available gas, food, lodging,
 2013 camping, attractions, and other services, as approved by the
 2014 Federal Highway Administration, at interchanges through the use
 2015 of business logos and may include additional interchanges under
 2016 the program.

2017 (a) As used in this chapter, the term "attraction" means
 2018 an establishment, site, facility, or landmark that is open a
 2019 minimum of 5 days a week for 52 weeks a year; that has as its
 2020 principal focus family-oriented entertainment, cultural,
 2021 educational, recreational, scientific, or historical activities;
 2022 and that is publicly recognized as a bona fide tourist
 2023 attraction.

2024 (b) The department shall incorporate the use of RV-
 2025 friendly markers on specific information logo signs for
 2026 establishments that cater to the needs of persons driving
 2027 recreational vehicles. Establishments that qualify for
 2028 participation in the specific information logo program and that
 2029 also qualify as "RV-friendly" may request the RV-friendly marker
 2030 on their specific information logo sign. An RV-friendly marker
 2031 must consist of a design approved by the Federal Highway
 2032 Administration. The department shall adopt rules in accordance
 2033 with chapter 120 to administer this paragraph, including rules
 2034 setting forth the minimum requirements that establishments must
 2035 meet in order to qualify as RV-friendly. These requirements
 2036 shall include large parking spaces, entrances, and exits that
 2037 can easily accommodate recreational vehicles and facilities
 2038 having appropriate overhead clearances, if applicable.

2039 ~~(c) The department may implement a 3-year, rotation-based~~
 2040 ~~logo program providing for the removal and addition of~~
 2041 ~~participating businesses in the program.~~

2042 (5) At a minimum, permit fees for businesses that
 2043 participate in the program must be established in an amount
 2044 sufficient to offset the total cost to the department for the

2045 program, including contract costs. The department shall provide
 2046 the services in the most efficient and cost-effective manner
 2047 through department staff or by contracting for some or all of
 2048 the services. The department shall adopt rules that set
 2049 reasonable rates based upon factors such as population, traffic
 2050 volume, market demand, and costs for annual permit fees.
 2051 However, annual permit fees for sign locations inside an urban
 2052 area, as defined in s. 334.03(32), may not exceed \$3,500 ~~\$5,000~~,
 2053 and annual permit fees for sign locations outside an urban area,
 2054 as defined in s. 334.03(32), may not exceed \$2,000 ~~\$2,500~~. After
 2055 recovering program costs, the proceeds from the annual permit
 2056 fees shall be deposited into the State Transportation Trust Fund
 2057 and used for transportation purposes.

2058 Section 41. Sections 479.01, 479.015, 479.02, 479.03,
 2059 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,
 2060 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
 2061 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
 2062 are designated as part I of chapter 479, Florida Statutes, and
 2063 entitled "General Provisions."

2064 Section 42. Sections 479.261, 479.262, 479.27, 479.28, and
 2065 479.30, Florida Statutes, are designated as part II of chapter
 2066 479, Florida Statutes, and entitled "Special Programs."

2067 Section 43. Part III of chapter 479, Florida Statutes,
 2068 consisting of sections 479.310, 479.311, 479.312, 479.313, and
 2069 479.315, is created to read:

2070 PART III

2071 SIGN REMOVAL

2072 479.310 Unpermitted and illegal signs; intent.—It is the

2073 intent of this part to relieve the department from the financial
 2074 burden incurred in the removal of unpermitted and illegal signs
 2075 located within the right-of-way of and controlled areas adjacent
 2076 to the State Highway System, interstate highway system, and
 2077 federal-aid primary highway system; to place the financial
 2078 responsibility for the cost of such removal directly upon those
 2079 benefiting from the location and operation of such unpermitted
 2080 and illegal signs; and to provide clear authority to the
 2081 department for the recovery of cost incurred by the department
 2082 in the removal of such unpermitted and illegal signs.

2083 479.311 Jurisdiction; venue.—The county court shall have
 2084 jurisdiction concurrent with the circuit court to consider
 2085 claims filed by the department in amounts which are within their
 2086 jurisdictional limitations. For the purposes of a claim filed by
 2087 the department to recover its cost as provided in this section,
 2088 venue shall be Leon County.

2089 479.312 Unpermitted signs; cost of removal.—All costs
 2090 incurred by the department in connection with the removal of a
 2091 sign located within a controlled area adjacent to the State
 2092 Highway System, interstate highway system, or federal-aid
 2093 primary highway system which has not been issued a permit under
 2094 part I shall be assessed against and collected from the owner of
 2095 the sign, the advertiser displayed on the sign, or the owner of
 2096 the property upon which the sign is located. For the purposes of
 2097 this section, a sign that does not display the name of the sign
 2098 owner shall be presumed to be owned by the owner of the property
 2099 upon which the sign is located.

2100 479.313 Permit revocation; cost of removal.—All costs

2101 incurred by the department in connection with the removal of a
 2102 sign located within a controlled area adjacent to the State
 2103 Highway System, interstate highway system, or federal-aid
 2104 primary highway system following the revocation of the permit
 2105 for such sign shall be assessed against and collected from the
 2106 permittee.

2107 479.315 Highway rights-of way; cost of sign removal.-All
 2108 cost incurred by the department in connection with the removal
 2109 of a sign located within the right-of-way of the State Highway
 2110 System, interstate highway system, or federal-aid primary
 2111 highway system shall be assessed against and collected from the
 2112 owner of the sign or the advertiser displayed on the sign.

2113 Section 44. Section 705.18, Florida Statutes, is amended
 2114 to read:

2115 705.18 Disposal of personal property lost or abandoned on
 2116 university or community college campuses ~~or certain public-use~~
 2117 ~~airports~~; disposition of proceeds from sale thereof.-

2118 (1) Whenever any lost or abandoned personal property shall
 2119 be found on a campus of an institution in the State University
 2120 System or a campus of a state-supported community college, ~~or on~~
 2121 ~~premises owned or controlled by the operator of a public-use~~
 2122 ~~airport having regularly scheduled international passenger~~
 2123 ~~service~~, the president of the institution or the president's
 2124 designee ~~or the director of the airport or the director's~~
 2125 designee shall take charge of the property thereof and make a
 2126 record of the date such property was found. If, within 30 days
 2127 after such property is found, or a longer period of time as may
 2128 be deemed appropriate by the president ~~or the director~~ under the

2129 | circumstances, the property ~~it~~ is not claimed by the owner, the
 2130 | president ~~or director~~ shall order it sold at public outcry after
 2131 | giving notice of the time and place of sale in a publication of
 2132 | general circulation on the campus of such institution ~~or within~~
 2133 | ~~the county where the airport is located~~ and written notice to
 2134 | the owner if known. The rightful owner of such property may
 2135 | reclaim the same at any time prior to sale.

2136 | (2) All moneys realized from such institution's sale shall
 2137 | be placed in an appropriate fund and used solely for student
 2138 | scholarship and loan purposes. ~~All moneys realized from such~~
 2139 | ~~sale by an airport, less its costs of storage, transportation,~~
 2140 | ~~and publication of notice, shall, unless another use is required~~
 2141 | ~~by federal law, be deposited into the state school fund.~~

2142 | Section 45. Section 705.182, Florida Statutes, is created
 2143 | to read:

2144 | 705.182 Disposal of personal property found on the
 2145 | premises of public-use airports.-

2146 | (1) Whenever any personal property, other than an aircraft
 2147 | or motor vehicle, is found on premises owned or controlled by
 2148 | the operator of a public-use airport, the director of the
 2149 | airport or the director's designee shall take charge of the
 2150 | property and make a record of the date such property was found.

2151 | (2) If, within 30 calendar days after such property is
 2152 | found or for a longer period of time as may be deemed
 2153 | appropriate by the director or the director's designee under the
 2154 | circumstances, the property is not claimed by the owner, the
 2155 | director or the director's designee may:

2156 | (a) Retain any or all of the property for use by the

2157 airport or for use by the state or the unit of local government
2158 owning or operating the airport;

2159 (b) Trade such property to another unit of local
2160 government or a state agency;

2161 (c) Donate the property to a charitable organization;

2162 (d) Sell the property; or

2163 (e) Dispose of the property through an appropriate refuse
2164 removal company or a company that provides salvage services for
2165 the type of personal property found or located on the airport
2166 premises.

2167 (3) The airport shall notify the owner, if known, of the
2168 property found on the airport premises and that the airport
2169 intends to dispose of the property as provided in subsection
2170 (2).

2171 (4) If the airport elects to sell the property under
2172 paragraph (2) (d), the property must be sold at a public auction
2173 either on the Internet or at a specified physical location after
2174 giving notice of the time and place of sale, at least 10
2175 calendar days prior to the date of sale, in a publication of
2176 general circulation within the county where the airport is
2177 located and after written notice, via certified mail, return
2178 receipt requested, is provided to the owner, if known. Any such
2179 notice shall be sufficient if the notice refers to the airport's
2180 intention to sell all then-accumulated found property, and there
2181 is no requirement that the notice identify each item to be sold.
2182 The rightful owner of such property may reclaim the property at
2183 any time prior to sale by presenting acceptable evidence of
2184 ownership to the airport director or the director's designee.

2185 All proceeds from the sale of the property shall be retained by
 2186 the airport for use by the airport in any lawfully authorized
 2187 manner.

2188 (5) Nothing in this section shall preclude the airport
 2189 from allowing a domestic or international air carrier or other
 2190 tenant, on premises owned or controlled by the operator of a
 2191 public-use airport, to establish its own lost and found
 2192 procedures for personal property and to dispose of such personal
 2193 property.

2194 (6) A purchaser or recipient in good faith of personal
 2195 property sold or obtained under this section shall take the
 2196 property free of the rights of persons then holding any legal or
 2197 equitable interest thereto, whether or not recorded.

2198 Section 46. Section 705.183, Florida Statutes, is created
 2199 to read:

2200 705.183 Disposal of derelict or abandoned aircraft on the
 2201 premises of public-use airports.-

2202 (1) (a) Whenever any derelict or abandoned aircraft is
 2203 found or located on premises owned or controlled by the operator
 2204 of a public-use airport, whether or not such premises are under
 2205 a lease or license to a third party, the director of the airport
 2206 or the director's designee shall make a record of the date the
 2207 aircraft was found or determined to be present on the airport
 2208 premises.

2209 (b) For purposes of this section, the term:

2210 1. "Abandoned aircraft" means an aircraft that has been
 2211 disposed of on a public-use airport in a wrecked, inoperative,
 2212 or partially dismantled condition or an aircraft that has

2213 remained in an idle state on premises owned or controlled by the
2214 operator of a public-use airport for 45 consecutive calendar
2215 days.

2216 2. "Derelict aircraft" means any aircraft that is not in a
2217 flyable condition, does not have a current certificate of air
2218 worthiness issued by the Federal Aviation Administration, and is
2219 not in the process of actively being repaired.

2220 (2) The director or the director's designee shall contact
2221 the Federal Aviation Administration, Aircraft Registration
2222 Branch, to determine the name and address of the last registered
2223 owner of the aircraft and shall make a diligent personal search
2224 of the appropriate records, or contact an aircraft title search
2225 company, to determine the name and address of any person having
2226 an equitable or legal interest in the aircraft. Within 10
2227 business days after receipt of the information, the director or
2228 the director's designee shall notify the owner and all persons
2229 having an equitable or legal interest in the aircraft by
2230 certified mail, return receipt requested, of the location of the
2231 derelict or abandoned aircraft on the airport premises, that
2232 fees and charges for the use of the airport by the aircraft have
2233 accrued and the amount thereof, that the aircraft is subject to
2234 a lien under subsection (5) for the accrued fees and charges for
2235 the use of the airport and for the transportation, storage, and
2236 removal of the aircraft, that the lien is subject to enforcement
2237 pursuant to law, and that the airport may cause the use, trade,
2238 sale, or removal of the aircraft as described in s.
2239 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days
2240 after the date of receipt of such notice, the aircraft has not

2241 been removed from the airport upon payment in full of all
 2242 accrued fees and charges for the use of the airport and for the
 2243 transportation, storage, and removal of the aircraft. Such
 2244 notice may require removal of the aircraft in less than 30
 2245 calendar days if the aircraft poses a danger to the health or
 2246 safety of users of the airport, as determined by the director or
 2247 the director's designee.

2248 (3) If the owner of the aircraft is unknown or cannot be
 2249 found, the director or the director's designee shall cause a
 2250 laminated notice to be placed upon such aircraft in
 2251 substantially the following form:

2252
 2253 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED
 2254 PROPERTY. This property, to wit: ...(setting forth brief
 2255 description)... is unlawfully upon public property known as
 2256 ...(setting forth brief description of location)... and has
 2257 accrued fees and charges for the use of the ...(same description
 2258 of location as above)... and for the transportation, storage,
 2259 and removal of the property. These accrued fees and charges must
 2260 be paid in full and the property must be removed within 30
 2261 calendar days after the date of this notice; otherwise, the
 2262 property will be removed and disposed of pursuant to chapter
 2263 705, Florida Statutes. The property is subject to a lien for all
 2264 accrued fees and charges for the use of the public property
 2265 known as ...(same description of location as above)... by such
 2266 property and for all fees and charges incurred by the public
 2267 property known as ...(same description of location as above)...
 2268 for the transportation, storage, and removal of the property.

2269 This lien is subject to enforcement pursuant to law. The owner
2270 will be liable for such fees and charges, as well as the cost
2271 for publication of this notice. Dated this: ... (setting forth
2272 the date of posting of notice) ..., signed: ... (setting forth
2273 name, title, address, and telephone number of law enforcement
2274 officer)

2275
2276 Such notice shall be not less than 8 inches by 10 inches and
2277 shall be sufficiently weatherproof to withstand normal exposure
2278 to the weather. If, at the end of 30 calendar days after posting
2279 the notice, the owner or any person interested in the described
2280 derelict or abandoned aircraft has not removed the aircraft from
2281 the airport upon payment in full of all accrued fees and charges
2282 for the use of the airport and for the transportation, storage,
2283 and removal of the aircraft, or shown reasonable cause for
2284 failure to do so, the director or the director's designee may
2285 cause the use, trade, sale, or removal of the aircraft as
2286 described in s. 705.182(2)(a), (b), (d), or (e).

2287 (4) Such aircraft shall be removed within the time period
2288 specified in the notice provided under subsection (2) or
2289 subsection (3). If, at the end of such period of time, the owner
2290 or any person interested in the described derelict or abandoned
2291 aircraft has not removed the aircraft from the airport upon
2292 payment in full of all accrued fees and charges for the use of
2293 the airport and for the transportation, storage, and removal of
2294 the aircraft, or shown reasonable cause for the failure to do
2295 so, the director or the director's designee may cause the use,
2296 trade, sale, or removal of the aircraft as described in s.

2297 705.182(2)(a), (b), (d), or (e).

2298 (a) If the airport elects to sell the aircraft in
 2299 accordance with s. 705.182(2)(d), the aircraft must be sold at
 2300 public auction after giving notice of the time and place of
 2301 sale, at least 10 calendar days prior to the date of sale, in a
 2302 publication of general circulation within the county where the
 2303 airport is located and after providing written notice of the
 2304 intended sale to all parties known to have an interest in the
 2305 aircraft.

2306 (b) If the airport elects to dispose of the aircraft in
 2307 accordance with s. 705.182(2)(e), the airport shall be entitled
 2308 to negotiate with the company for a price to be received from
 2309 such company in payment for the aircraft, or, if circumstances
 2310 so warrant, a price to be paid to such company by the airport
 2311 for the costs of disposing of the aircraft. All information
 2312 pertaining to the establishment of such price and the
 2313 justification for the amount of such price shall be prepared and
 2314 maintained by the airport, and such negotiated price shall be
 2315 deemed to be a commercially reasonable price.

2316 (c) If the sale price or the negotiated price is less than
 2317 the airport's then current charges and costs against the
 2318 aircraft, or if the airport is required to pay the salvage
 2319 company for its services, the owner of the aircraft shall remain
 2320 liable to the airport for the airport's costs that are not
 2321 offset by the sale price or negotiated price, in addition to the
 2322 owner's liability for payment to the airport of the price the
 2323 airport was required to pay any salvage company. All costs
 2324 incurred by the airport in the removal, storage, and sale of any

2325 aircraft shall be recoverable against the owner of the aircraft.

2326 (5) The airport shall have a lien on a derelict or
 2327 abandoned aircraft for all fees and charges for the use of the
 2328 airport by such aircraft and for all fees and charges incurred
 2329 by the airport for the transportation, storage, and removal of
 2330 the aircraft. As a prerequisite to perfecting a lien under this
 2331 section, the airport director or the director's designee must
 2332 serve a notice in accordance with subsection (2) on the last
 2333 registered owner and all persons having an equitable or legal
 2334 interest in the aircraft. Serving the notice does not dispense
 2335 with recording the claim of lien.

2336 (6) (a) For the purpose of perfecting its lien under this
 2337 section, the airport shall record a claim of lien which shall
 2338 state:

2339 1. The name and address of the airport.
 2340 2. The name of the last registered owner of the aircraft
 2341 and all persons having a legal or equitable interest in the
 2342 aircraft.

2343 3. The fees and charges incurred by the aircraft for the
 2344 use of the airport and the fees and charges for the
 2345 transportation, storage, and removal of the aircraft.

2346 4. A description of the aircraft sufficient for
 2347 identification.

2348 (b) The claim of lien shall be signed and sworn to or
 2349 affirmed by the airport director or the director's designee.

2350 (c) The claim of lien shall be sufficient if it is in
 2351 substantially the following form:

2352

2353 CLAIM OF LIEN

2354 State of _____

2355 County of _____

2356 Before me, the undersigned notary public, personally appeared

2357 _____, who was duly sworn and says that he/she is the

2358 _____ of _____, whose address is _____; and that the

2359 following described aircraft:

2360 ...(Description of aircraft)...

2361 owned by _____, whose address is _____, has accrued

2362 \$ _____ in fees and charges for the use by the aircraft of

2363 _____ and for the transportation, storage, and removal

2364 of the aircraft from _____; that the lienor served its

2365 notice to the last registered owner and all persons having a

2366 legal or equitable interest in the aircraft on _____,

2367 ...(year)..., by _____.

2368 ...(Signature)...

2369 Sworn to (or affirmed) and subscribed before me this _____ day

2370 of _____, ...(year)..., by ...(name of person making statement)....

2371 ...(Signature of Notary Public)... ...(Print, Type, or Stamp

2372 Commissioned name of Notary Public)...

2373 Personally Known OR Produced _____ as identification.

2374

2375 However, the negligent inclusion or omission of any information

2376 in this claim of lien which does not prejudice the last

2377 registered owner does not constitute a default that operates to

2378 defeat an otherwise valid lien.

2379 (d) The claim of lien shall be served on the last

2380 registered owner of the aircraft and all persons having an

2381 equitable or legal interest in the aircraft. The claim of lien
2382 shall be so served before recordation.

2383 (e) The claim of lien shall be recorded with the clerk of
2384 court in the county where the airport is located. The recording
2385 of the claim of lien shall be constructive notice to all persons
2386 of the contents and effect of such claim. The lien shall attach
2387 at the time of recordation and shall take priority as of that
2388 time.

2389 (7) A purchaser or recipient in good faith of an aircraft
2390 sold or obtained under this section takes the property free of
2391 the rights of persons then holding any legal or equitable
2392 interest to the aircraft, whether or not recorded. The purchaser
2393 or recipient is required to notify the appropriate Federal
2394 Aviation Administration office of such change in the registered
2395 owner of the aircraft.

2396 (8) If the aircraft is sold at public sale, the airport
2397 shall deduct from the proceeds of sale the costs of
2398 transportation, storage, publication of notice, and all other
2399 costs reasonably incurred by the airport, and any balance of the
2400 proceeds shall be deposited into an interest-bearing account not
2401 later than 30 calendar days after the airport's receipt of the
2402 proceeds and held there for 1 year. The rightful owner of the
2403 aircraft may claim the balance of the proceeds within 1 year
2404 after the date of the deposit by making application to the
2405 airport and presenting acceptable written evidence of ownership
2406 to the airport's director or the director's designee. If no
2407 rightful owner claims the proceeds within the 1-year period, the
2408 balance of the proceeds shall be retained by the airport to be

2409 used in any manner authorized by law.

2410 (9) Any person acquiring a legal interest in an aircraft
 2411 that is sold by an airport under this section or s. 705.182
 2412 shall be the lawful owner of such aircraft and all other legal
 2413 or equitable interests in such aircraft shall be divested and of
 2414 no further force and effect, provided that the holder of any
 2415 such legal or equitable interests was notified of the intended
 2416 disposal of the aircraft to the extent required in this section.
 2417 The airport may issue documents of disposition to the purchaser
 2418 or recipient of an aircraft disposed of under this section.

2419 Section 47. Section 705.184, Florida Statutes, is created
 2420 to read:

2421 705.184 Derelict or abandoned motor vehicles on the
 2422 premises of public-use airports.—

2423 (1) (a) Whenever any derelict or abandoned motor vehicle is
 2424 found on premises owned or controlled by the operator of a
 2425 public-use airport, including airport premises leased to a third
 2426 party, the director of the airport or the director's designee
 2427 may take charge of the motor vehicle and make a record of the
 2428 date such motor vehicle was found.

2429 (b) For purposes of this section, the term:

2430 1. "Abandoned motor vehicle" means a motor vehicle that
 2431 has been disposed of on a public-use airport in a wrecked,
 2432 inoperative, or partially dismantled condition or a motor
 2433 vehicle that has remained in an idle state on the premises of a
 2434 public-use airport for 45 consecutive calendar days.

2435 2. "Derelict motor vehicle" means any motor vehicle that
 2436 is not in a drivable condition.

2437 (c) After the information relating to the abandoned or
2438 derelict motor vehicle is recorded in the airport's records, the
2439 director or the director's designee may cause the motor vehicle
2440 to be removed from airport premises by the airport's wrecker or
2441 by a licensed independent wrecker company to be stored at a
2442 suitable location on or off the airport premises. If the motor
2443 vehicle is to be removed from airport premises by the airport's
2444 wrecker, the airport must follow the procedures in subsections
2445 (2)-(8). The procedures in subsections (2)-(8) do not apply if
2446 the motor vehicle is removed from the airport premises by a
2447 licensed independent wrecker company, and the licensed wrecking
2448 company shall comply with s. 713.78.

2449 (2) The airport director or the director's designee shall
2450 contact the Department of Highway Safety and Motor Vehicles to
2451 notify that department that the airport has possession of the
2452 abandoned or derelict motor vehicle and to determine the name
2453 and address of the owner of the motor vehicle, the insurance
2454 company insuring the motor vehicle, notwithstanding the
2455 provisions of s. 627.736, and any person who has filed a lien on
2456 the motor vehicle. Within 7 business days after receipt of the
2457 information, the director or the director's designee shall send
2458 notice by certified mail, return receipt requested, to the owner
2459 of the motor vehicle, the insurance company insuring the motor
2460 vehicle, notwithstanding the provisions of s. 627.736, and all
2461 persons of record claiming a lien against the motor vehicle. The
2462 notice shall state the fact of possession of the motor vehicle,
2463 that charges for reasonable towing, storage, and parking fees,
2464 if any, have accrued and the amount thereof, that a lien as

2465 provided in subsection (6) will be claimed, that the lien is
2466 subject to enforcement pursuant to law, that the owner or
2467 lienholder, if any, has the right to a hearing as set forth in
2468 subsection (4), and that any motor vehicle which, at the end of
2469 30 calendar days after receipt of the notice, has not been
2470 removed from the airport upon payment in full of all accrued
2471 charges for reasonable towing, storage, and parking fees, if
2472 any, may be disposed of as provided in s. 705.182(2) (a), (b),
2473 (d), or (e), including, but not limited to, the motor vehicle
2474 being sold free of all prior liens after 35 calendar days after
2475 the time the motor vehicle is stored if any prior liens on the
2476 motor vehicle are more than 5 years of age or after 50 calendar
2477 days after the time the motor vehicle is stored if any prior
2478 liens on the motor vehicle are 5 years of age or less.

2479 (3) If attempts to notify the owner or lienholder pursuant
2480 to subsection (2) are not successful, the requirement of notice
2481 by mail shall be considered met and the director or the
2482 director's designee, in accordance with subsection (5), may
2483 cause the motor vehicle to be disposed of as provided in s.
2484 705.182(2) (a), (b), (d), or (e), including, but not limited to,
2485 the motor vehicle being sold free of all prior liens after 35
2486 calendar days after the time the motor vehicle is stored if any
2487 prior liens on the motor vehicle are more than 5 years of age or
2488 after 50 calendar days after the time the motor vehicle is
2489 stored if any prior liens on the motor vehicle are 5 years of
2490 age or less.

2491 (4) (a) The owner of, or any person with a lien on, a motor
2492 vehicle removed pursuant to subsection (1), may, within 10

2493 calendar days after the time he or she has knowledge of the
 2494 location of the motor vehicle, file a complaint in the county
 2495 court of the county in which the motor vehicle is stored to
 2496 determine if his or her property was wrongfully taken or
 2497 withheld.

2498 (b) Upon filing a complaint, an owner or lienholder may
 2499 have his or her motor vehicle released upon posting with the
 2500 court a cash or surety bond or other adequate security equal to
 2501 the amount of the fees for towing, storage, and accrued parking,
 2502 if any, to ensure the payment of such fees in the event he or
 2503 she does not prevail. Upon the posting of the bond or other
 2504 adequate security and the payment of any applicable fee, the
 2505 clerk of the court shall issue a certificate notifying the
 2506 airport of the posting of the bond or other adequate security
 2507 and directing the airport to release the motor vehicle. At the
 2508 time of such release, after reasonable inspection, the owner or
 2509 lienholder shall give a receipt to the airport reciting any
 2510 claims he or she has for loss or damage to the motor vehicle or
 2511 the contents of the motor vehicle.

2512 (5) If, after 30 calendar days after receipt of the
 2513 notice, the owner or any person claiming a lien has not removed
 2514 the motor vehicle from its storage location upon payment in full
 2515 of all accrued charges for reasonable towing, storage, and
 2516 parking fees, if any, or shown reasonable cause for the failure
 2517 to do so, the airport director or the director's designee may
 2518 dispose of the motor vehicle as provided in s. 705.182(2) (a),
 2519 (b), (d), or (e). If the airport elects to sell the motor
 2520 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be

2521 sold free of all prior liens after 35 calendar days after the
2522 time the motor vehicle is stored if any prior liens on the motor
2523 vehicle are more than 5 years of age or after 50 calendar days
2524 after the time the motor vehicle is stored if any prior liens on
2525 the motor vehicle are 5 years of age or less. The sale shall be
2526 a public auction either on the Internet or at a specified
2527 physical location. If the date of the sale was not included in
2528 the notice required in subsection (2), notice of the sale, sent
2529 by certified mail, return receipt requested, shall be given to
2530 the owner of the motor vehicle and to all persons claiming a
2531 lien on the motor vehicle. Such notice shall be mailed not less
2532 than 10 calendar days before the date of the sale. In addition
2533 to the notice by mail, public notice of the time and place of
2534 the sale at auction shall be made by publishing a notice of the
2535 sale at auction one time, at least 10 calendar days prior to the
2536 date of sale, in a newspaper of general circulation in the
2537 county in which the sale is to be held. All costs incurred by
2538 the airport for the towing, storage, and sale of the motor
2539 vehicle, as well as all accrued parking fees, if any, shall be
2540 recovered by the airport from the proceeds of the sale, and any
2541 proceeds of the sale in excess of such costs shall be retained
2542 by the airport for use by the airport in any manner authorized
2543 by law.

2544 (6) The airport pursuant to this section or, if used, a
2545 licensed independent wrecker company pursuant to s. 713.78 shall
2546 have a lien on an abandoned or derelict motor vehicle for all
2547 reasonable towing, storage, and accrued parking fees, if any,
2548 except that no storage fee shall be charged if the motor vehicle

2549 is stored less than 6 hours. As a prerequisite to perfecting a
2550 lien under this section, the airport director or the director's
2551 designee must serve a notice in accordance with subsection (2)
2552 on the owner of the motor vehicle, the insurance company
2553 insuring the motor vehicle, notwithstanding the provisions of s.
2554 627.736, and all persons of record claiming a lien against the
2555 motor vehicle. If attempts to notify the owner, the insurance
2556 company insuring the motor vehicle, notwithstanding the
2557 provisions of s. 627.736, or lienholders are not successful, the
2558 requirement of notice by mail shall be considered met. Serving
2559 of the notice does not dispense with recording the claim of
2560 lien.

2561 (7) (a) For the purpose of perfecting its lien under this
2562 section, the airport shall record a claim of lien which shall
2563 state:

2564 1. The name and address of the airport.

2565 2. The name of the owner of the motor vehicle, the
2566 insurance company insuring the motor vehicle, notwithstanding
2567 the provisions of s. 627.736, and all persons of record claiming
2568 a lien against the motor vehicle.

2569 3. The costs incurred from reasonable towing, storage, and
2570 parking fees, if any.

2571 4. A description of the motor vehicle sufficient for
2572 identification.

2573 (b) The claim of lien shall be signed and sworn to or
2574 affirmed by the airport director or the director's designee.

2575 (c) The claim of lien shall be sufficient if it is in
2576 substantially the following form:

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CLAIM OF LIEN

State of _____

County of _____

Before me, the undersigned notary public, personally appeared

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

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

following described motor vehicle:

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

owned by _____, whose address is _____, has accrued

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

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

owner, the insurance company insuring the motor vehicle

notwithstanding the provisions of s. 627.736, Florida Statutes,

and all persons of record claiming a lien against the motor

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

...(Signature)...

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

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

...(Signature of Notary Public)... ...(Print, Type, or Stamp

Commissioned name of Notary Public)...

Personally Known OR Produced _____ as identification.

However, the negligent inclusion or omission of any information

in this claim of lien which does not prejudice the owner does

not constitute a default that operates to defeat an otherwise

valid lien.

(d) The claim of lien shall be served on the owner of the

2605 motor vehicle, the insurance company insuring the motor vehicle,
 2606 notwithstanding the provisions of s. 627.736, and all persons of
 2607 record claiming a lien against the motor vehicle. If attempts to
 2608 notify the owner, the insurance company insuring the motor
 2609 vehicle notwithstanding the provisions of s. 627.736, or
 2610 lienholders are not successful, the requirement of notice by
 2611 mail shall be considered met. The claim of lien shall be so
 2612 served before recordation.

2613 (e) The claim of lien shall be recorded with the clerk of
 2614 court in the county where the airport is located. The recording
 2615 of the claim of lien shall be constructive notice to all persons
 2616 of the contents and effect of such claim. The lien shall attach
 2617 at the time of recordation and shall take priority as of that
 2618 time.

2619 (8) A purchaser or recipient in good faith of a motor
 2620 vehicle sold or obtained under this section takes the property
 2621 free of the rights of persons then holding any legal or
 2622 equitable interest thereto, whether or not recorded.

2623 Section 48. Section 479.156, Florida Statutes, is amended
 2624 to read:

2625 479.156 Wall murals.—Notwithstanding any other provision
 2626 of this chapter, a municipality or county may permit and
 2627 regulate wall murals within areas designated by such government.
 2628 If a municipality or county permits wall murals, a wall mural
 2629 that displays a commercial message and is within 660 feet of the
 2630 nearest edge of the right-of-way within an area adjacent to the
 2631 interstate highway system or the federal-aid primary highway
 2632 system shall be located in an area that is zoned for industrial

2633 or commercial use and the municipality or county shall establish
 2634 and enforce regulations for such areas that, at a minimum, set
 2635 forth criteria governing the size, lighting, and spacing of wall
 2636 murals consistent with the intent of the Highway Beautification
 2637 Act of 1965 and with customary use. Whenever a municipality or
 2638 county exercises such control and makes a determination of
 2639 customary use pursuant to 23 U.S.C. s. 131(d), such
 2640 determination shall be accepted in lieu of controls in the
 2641 agreement between the state and the United States Department of
 2642 Transportation, and the department shall notify the Federal
 2643 Highway Administration pursuant to the agreement, 23 U.S.C. s.
 2644 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
 2645 subject to municipal or county regulation and the Highway
 2646 Beautification Act of 1965 must be approved by the Department of
 2647 Transportation and the Federal Highway Administration when
 2648 required by federal law and federal regulation under the
 2649 agreement between the state and the United States Department of
 2650 Transportation and federal regulations enforced by the
 2651 Department of Transportation under s. 479.02(1). The existence
 2652 of a wall mural as defined in s. 479.01(30)~~(27)~~ shall not be
 2653 considered in determining whether a sign as defined in s.
 2654 479.01(20)~~(17)~~, either existing or new, is in compliance with s.
 2655 479.07(9) (a).

2656 Section 49. This act shall take effect July 1, 2010.