

By the Committee on Transportation; and Senator Gardiner

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1                   A bill to be entitled  
2           An act relating to transportation; amending s.  
3           316.1001, F.S.; clarifying the method to be used in  
4           providing notice following the issuance of a citation  
5           for failure to pay a toll; providing that receipt of  
6           the citation rather than its mailing constitutes  
7           notification; authorizing any governmental entity,  
8           including the clerk of court, to provide specified  
9           data to the Department of Highway Safety and Motor  
10          Vehicles regarding outstanding violations for failure  
11          to pay tolls; amending s. 316.545, F.S.; providing for  
12          a reduction in the gross weight of certain vehicles  
13          equipped with idle-reduction technologies when  
14          calculating a penalty for exceeding maximum weight  
15          limits; requiring that an operator provide  
16          certification of the weight of the idle-reduction  
17          technology and demonstrate or certify that the idle-  
18          reduction technology is fully functional at all times;  
19          amending s. 318.18, F.S.; authorizing a court to  
20          direct the department to suspend a person's driver's  
21          license for violations involving the failure to pay  
22          tolls; amending s. 320.03, F.S.; clarifying provisions  
23          requiring that the tax collector withhold issuance of  
24          a license plate or revalidation sticker if certain  
25          fines are outstanding; amending s. 322.27, F.S.;  
26          providing that failure to pay a toll does not result  
27          in the assessment of points against a person's driving  
28          record; amending s. 337.14, F.S.; clarifying  
29          provisions relating to the submission of interim

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30 financial statements to the department along with  
31 applications for contractor qualification; amending s.  
32 337.401, F.S.; providing for the placement of and  
33 access to transmission lines that are adjacent to and  
34 within the right-of-way of any public road controlled  
35 by the Department of Transportation; amending s.  
36 338.155, F.S.; authorizing the Department of  
37 Transportation to adopt rules related to the payment,  
38 collection, and enforcement of tolls; amending s.  
39 343.64, F.S.; authorizing the Central Florida Regional  
40 Transportation Authority to borrow funds under certain  
41 circumstances; amending s. 348.51, F.S.; setting forth  
42 the limited nature of the obligations issued by the  
43 Tampa-Hillsborough County Expressway Authority;  
44 amending s. 348.545, F.S.; clarifying authorization  
45 for the authority to issue bonds to finance  
46 improvements; amending s. 348.56, F.S.; prescribing  
47 additional authorization for the authority to issue  
48 bonds by or on behalf of the authority; authorizing  
49 the public or negotiated sale of bonds by the  
50 authority; amending s. 348.565, F.S.; revising revenue  
51 bond-issuance authority with respect to specific  
52 legislatively approved projects; amending s. 348.57,  
53 F.S.; prescribing additional authorization for the  
54 authority to issue refunding bonds; amending s.  
55 348.70, F.S.; exempting the authority from certain  
56 provisions relating to issuance of bonds by state  
57 agencies; creating part XI of ch. 348, F.S.; creating  
58 s. 348.9950, F.S.; providing a short title; creating

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59 s. 348.9951, F.S.; providing that certain terms have  
60 the same meaning as in the Florida Expressway  
61 Authority Act for certain purposes; creating s.  
62 348.9952, F.S.; creating the Osceola County Expressway  
63 Authority as an agency of the state; providing for a  
64 governing body of the authority; providing for  
65 membership, terms, organization, personnel, and  
66 administration; authorizing payment of travel and  
67 other expenses; directing the authority to cooperate  
68 with and participate in any efforts to establish a  
69 regional expressway authority; creating s. 348.9953,  
70 F.S.; providing purposes and powers of the authority;  
71 creating s. 348.9954, F.S.; authorizing the issuance  
72 of bonds to pay or secure certain obligations;  
73 creating s. 348.9955, F.S.; authorizing the authority  
74 to enter into certain agreements; creating s.  
75 348.9956, F.S.; authorizing the department to act as  
76 the authority's appointed agent under certain  
77 circumstances; creating s. 348.9957, F.S.; authorizing  
78 the authority to acquire certain lands and property;  
79 authorizing the authority to exercise eminent domain;  
80 creating s. 348.9958, F.S.; authorizing certain  
81 entities to enter into agreements with the authority;  
82 creating s. 348.9959, F.S.; providing legislative  
83 intent and a pledge of the state to bondholders;  
84 creating s. 348.9960, F.S.; exempting the authority  
85 from taxation; creating s. 348.9961, F.S.; providing  
86 for dissolution of the authority under certain  
87 circumstances; designating parts I and II of ch. 479,

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88 F.S.; amending s. 479.01, F.S.; clarifying the  
89 definition of "commercial or industrial zone";  
90 defining the terms "allowable uses," "commercial use,"  
91 "industrial use," and "zoning category" for specified  
92 purposes; creating part III of ch. 479, F.S.; creating  
93 s. 479.310, F.S.; providing legislative intent;  
94 creating s. 479.311, F.S.; providing that the county  
95 court and circuit court have concurrent jurisdiction;  
96 creating ss. 479.312, 479.313, and 479.314, F.S.;  
97 requiring that all costs incurred by the department to  
98 remove signs in certain locations on the interstate  
99 highway system, the federal-aid primary highway  
100 system, or the state highway system to be assessed and  
101 collected from certain persons under certain  
102 conditions; amending s. 705.18, F.S.; deleting  
103 provisions relating to public-use airports or its  
104 directors, as well as the required disposition of  
105 moneys from sale of property abandoned at a public-use  
106 airport; creating s. 705.182, F.S.; providing an  
107 eligibility period for personal property found on  
108 public-use airports to be claimed; providing options  
109 for disposing of personal property; providing  
110 procedures for selling abandoned personal property;  
111 providing for the notice of sale; authorizing an  
112 airport tenant to establish its own lost and found  
113 procedures; providing that a purchaser of certain  
114 property holds title to such property; creating s.  
115 705.183, F.S.; creating procedures for the disposal of  
116 derelict or abandoned aircraft on the premises of a

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117 public-use airport; requiring that the director of an  
118 airport or the director's designee keep a record of  
119 such aircraft found at an airport; defining the terms  
120 "derelict aircraft" and "abandoned aircraft";  
121 requiring that the director of an airport or the  
122 director's designee make a determination of the  
123 identity of an aircraft owner and persons having legal  
124 interest in the aircraft; requiring notification of  
125 the aircraft owner and all persons having an equitable  
126 or legal interest in the aircraft; requiring that  
127 certain items be included in the notice; providing an  
128 exception; providing for notice if the owner of the  
129 aircraft is unknown or cannot be found; providing the  
130 form of such notice; providing for the placement of  
131 the notice; providing procedures for failure to remove  
132 an aircraft and pay fees; requiring that any sale of  
133 aircraft be made at a public auction; providing notice  
134 requirements for such public auction; providing  
135 procedures for disposing of an aircraft; providing for  
136 liability if the sale price is less than the charges  
137 and costs related to the aircraft; providing that a  
138 lien in favor of the airport exists under certain  
139 circumstances; providing for the payment of fees and  
140 charges related to the aircraft; requiring notice of  
141 any such lien; requiring the filing of a claim of  
142 lien; providing a form of the claim of lien; providing  
143 for service of the claim of lien; providing that the  
144 purchaser of the aircraft takes the property free of  
145 rights of persons holding legal or equitable interest

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146 in the aircraft; requiring that the purchaser or  
147 recipient notify the Federal Aviation Administration  
148 of the change in ownership; providing for the  
149 deduction of costs if an aircraft is sold at a public  
150 sale; requiring that the balance be deposited into an  
151 interest-bearing account; providing a deadline for the  
152 owner to claim the funds; authorizing the airport to  
153 retain the balance under certain circumstances;  
154 authorizing an airport to issue documents relating to  
155 the aircraft disposal; creating s. 705.184, F.S.;  
156 creating procedures for the disposal of derelict or  
157 abandoned motor vehicles on public-use airports;  
158 defining the terms "derelict motor vehicle" and  
159 "abandoned motor vehicle"; authorizing the removal of  
160 such a vehicle from the airport premises; requiring  
161 that the director of an airport or the director's  
162 designee make a determination of the identity of the  
163 owner of the motor vehicle and the insurance company  
164 insuring the motor vehicle; requiring notification of  
165 the owner, insurer, and lienholder; requiring that  
166 certain information be included in the notice;  
167 providing an exception; providing a form for the  
168 notice; providing for the placement of such notice;  
169 authorizing an airport to take certain action if the  
170 owner or lienholder fails to remove the motor vehicle  
171 and pay applicable fees; requiring that any sale of a  
172 motor vehicle be made at a public auction; providing  
173 notice requirements for such auction; providing  
174 procedures for disposing of the motor vehicle;

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175 providing for liability if the sale price is less than  
176 the charges and costs related to the motor vehicle;  
177 providing for a lien in favor of the airport for all  
178 fees and charges related to the motor vehicle under  
179 certain circumstances; providing for notice of such  
180 lien; requiring the filing of a claim of lien;  
181 providing a form for the claim of such lien;  
182 specifying requirements for service of a claim of  
183 lien; providing that a purchaser of a motor vehicle  
184 takes the property free of rights of persons holding  
185 legal or equitable interest in the motor vehicle;  
186 providing an effective date.

187

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

189

190 Section 1. Paragraph (b) of subsection (2) and subsection  
191 (4) of section 316.1001, Florida Statutes, are amended to read:  
192 316.1001 Payment of toll on toll facilities required;  
193 penalties.—

194 (2)

195 (b) A citation issued under this subsection may be issued  
196 by mailing the citation by first-class ~~first-class~~ mail, ~~or by~~  
197 ~~certified mail~~, return receipt requested, to the address of the  
198 registered owner of the motor vehicle involved in the violation.  
199 Receipt of Mailing the citation ~~to this address~~ constitutes  
200 notification. In the case of joint ownership of a motor vehicle,  
201 the traffic citation must be mailed to the first name appearing  
202 on the registration, unless the first name appearing on the  
203 registration is a business organization, in which case the

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204 second name appearing on the registration may be used. A  
205 citation issued under this paragraph must be mailed to the  
206 registered owner of the motor vehicle involved in the violation  
207 within 14 days after the date of issuance of the citation  
208 ~~violation~~. In addition to the citation, notification must be  
209 sent to the registered owner of the motor vehicle involved in  
210 the violation specifying remedies available under ss. 318.14(12)  
211 and 318.18(7).

212 (4) Any governmental entity, including, without limitation,  
213 a clerk of court, may provide ~~supply~~ the department with data  
214 that is machine readable by the department's computer system,  
215 listing persons who have one or more outstanding violations of  
216 this section, with reference to the person's driver's license  
217 number or vehicle registration number in the case of a business  
218 entity. Pursuant to s. 320.03(8), those persons may not be  
219 issued a license plate or revalidation sticker for any motor  
220 vehicle.

221 Section 2. Subsection (3) of section 316.545, Florida  
222 Statutes, is amended to read:

223 316.545 Weight and load unlawful; special fuel and motor  
224 fuel tax enforcement; inspection; penalty; review.—

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

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

231 (b) Five cents per pound for each pound of weight in excess  
232 of the maximum herein provided when the excess weight exceeds



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233 200 pounds. However, whenever the gross weight of the vehicle or  
234 combination of vehicles does not exceed the maximum allowable  
235 gross weight, the maximum fine for the first 600 pounds of  
236 unlawful axle weight shall be \$10;

237 (c) For a vehicle equipped with fully functional idle-  
238 reduction technology, any penalty shall be calculated by  
239 reducing the actual gross vehicle weight or the internal bridge  
240 weight by the certified weight of the idle-reduction technology  
241 or by 400 pounds, whichever is less. The vehicle operator must  
242 present written certification of the weight of the idle-  
243 reduction technology and must demonstrate or certify that the  
244 idle-reduction technology is fully functional at all times. Such  
245 calculation may not be used for vehicles described in s.  
246 316.535(6);

247 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.  
248 320.01, operating on the highways of this state without being  
249 properly licensed and registered shall be subject to the  
250 penalties as herein provided; and

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

255 Section 3. Subsection (7) of section 318.18, Florida  
256 Statutes, is amended to read:

257 318.18 Amount of penalties.—The penalties required for a  
258 noncriminal disposition pursuant to s. 318.14 or a criminal  
259 offense listed in s. 318.17 are as follows:

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

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262 for each citation issued. The clerk of the court shall forward  
263 \$25 of the \$100 fine received, plus the amount of the unpaid  
264 toll that is shown on the citation, to the governmental entity  
265 that issued the citation, or on whose behalf the citation was  
266 issued. If a plea arrangement is reached prior to the date set  
267 for a scheduled evidentiary hearing and adjudication is  
268 withheld, there shall be a mandatory fine assessed per citation  
269 of not less than \$50 and not more than \$100, plus the amount of  
270 the unpaid toll for each citation issued. The clerk of the court  
271 shall forward \$25 of the fine imposed plus the amount of the  
272 unpaid toll that is shown on the citation to the governmental  
273 entity that issued the citation or on whose behalf the citation  
274 was issued. The court shall have specific authority to  
275 consolidate issued citations for the same defendant for the  
276 purpose of sentencing and aggregate jurisdiction. In addition,  
277 the court may direct the department to ~~shall~~ suspend for 60 days  
278 the driver's license of a person who is convicted of 10  
279 violations of s. 316.1001 within a 36-month period. Any funds  
280 received by a governmental entity for this violation may be used  
281 for any lawful purpose related to the operation or maintenance  
282 of a toll facility.

283 Section 4. Subsection (8) of section 320.03, Florida  
284 Statutes, is amended to read:

285 320.03 Registration; duties of tax collectors;  
286 International Registration Plan.—

287 (8) If the applicant's name appears on the list referred to  
288 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license  
289 plate or revalidation sticker may not be issued until that  
290 person's name no longer appears on the list or until the person

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291 presents a receipt from the governmental entity or the clerk of  
292 court that provided the data showing that the fines outstanding  
293 have been paid. This subsection does not apply to the owner of a  
294 leased vehicle if the vehicle is registered in the name of the  
295 lessee of the vehicle. The tax collector and the clerk of the  
296 court are each entitled to receive monthly, as costs for  
297 implementing and administering this subsection, 10 percent of  
298 the civil penalties and fines recovered from such persons. As  
299 used in this subsection, the term "civil penalties and fines"  
300 does not include a wrecker operator's lien as described in s.  
301 713.78(13). If the tax collector has private tag agents, such  
302 tag agents are entitled to receive a pro rata share of the  
303 amount paid to the tax collector, based upon the percentage of  
304 license plates and revalidation stickers issued by the tag agent  
305 compared to the total issued within the county. The authority of  
306 any private agent to issue license plates shall be revoked,  
307 after notice and a hearing as provided in chapter 120, if he or  
308 she issues any license plate or revalidation sticker contrary to  
309 the provisions of this subsection. This section applies only to  
310 the annual renewal in the owner's birth month of a motor vehicle  
311 registration and does not apply to the transfer of a  
312 registration of a motor vehicle sold by a motor vehicle dealer  
313 licensed under this chapter, except for the transfer of  
314 registrations which is inclusive of the annual renewals. This  
315 section does not affect the issuance of the title to a motor  
316 vehicle, notwithstanding s. 319.23(7)(b).

317 Section 5. Paragraph (d) of subsection (3) of section  
318 322.27, Florida Statutes, is amended to read:

319 322.27 Authority of department to suspend or revoke

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320 license.-

321 (3) There is established a point system for evaluation of  
322 convictions of violations of motor vehicle laws or ordinances,  
323 and violations of applicable provisions of s. 403.413(6) (b) when  
324 such violations involve the use of motor vehicles, for the  
325 determination of the continuing qualification of any person to  
326 operate a motor vehicle. The department is authorized to suspend  
327 the license of any person upon showing of its records or other  
328 good and sufficient evidence that the licensee has been  
329 convicted of violation of motor vehicle laws or ordinances, or  
330 applicable provisions of s. 403.413(6) (b), amounting to 12 or  
331 more points as determined by the point system. The suspension  
332 shall be for a period of not more than 1 year.

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

- 336 1. Reckless driving, willful and wanton-4 points.  
337 2. Leaving the scene of a crash resulting in property  
338 damage of more than \$50-6 points.  
339 3. Unlawful speed resulting in a crash-6 points.  
340 4. Passing a stopped school bus-4 points.  
341 5. Unlawful speed:  
342 a. Not in excess of 15 miles per hour of lawful or posted  
343 speed-3 points.  
344 b. In excess of 15 miles per hour of lawful or posted  
345 speed-4 points.  
346 6. A violation of a traffic control signal device as  
347 provided in s. 316.074(1) or s. 316.075(1) (c)1.-4 points.  
348 7. All other moving violations (including parking on a

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349 highway outside the limits of a municipality)-3 points. However,  
350 no points shall be imposed for a violation of s. 316.0741, s.  
351 316.1001, or s. 316.2065(12).

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

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

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

356 Section 6. Subsection (1) of section 337.14, Florida  
357 Statutes, is amended to read:

358 337.14 Application for qualification; certificate of  
359 qualification; restrictions; request for hearing.-

360 (1) Any person desiring to bid for the performance of any  
361 construction contract in excess of \$250,000 which the department  
362 proposes to let must first be certified by the department as  
363 qualified pursuant to this section and rules of the department.  
364 The rules of the department shall address the qualification of  
365 persons to bid on construction contracts in excess of \$250,000  
366 and shall include requirements with respect to the equipment,  
367 past record, experience, financial resources, and organizational  
368 personnel of the applicant necessary to perform the specific  
369 class of work for which the person seeks certification. The  
370 department may ~~is authorized to~~ limit the dollar amount of any  
371 contract upon which a person is qualified to bid or the  
372 aggregate total dollar volume of contracts such person is  
373 allowed to have under contract at any one time. Each applicant  
374 seeking qualification to bid on construction contracts in excess  
375 of \$250,000 shall furnish the department a statement under oath,  
376 on such forms as the department may prescribe, setting forth  
377 detailed information as required on the application. Each

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378 application for certification shall be accompanied by the latest  
379 annual financial statement of the applicant completed within the  
380 last 12 months. If the application or the annual financial  
381 statement shows the financial condition of the applicant more  
382 than 4 months before ~~prior to~~ the date on which the application  
383 is received by the department, ~~then~~ an interim financial  
384 statement must also be submitted and be accompanied by an  
385 updated application. The interim financial statement must cover  
386 the period from the end date of the annual statement and must  
387 show the financial condition of the applicant no more than 4  
388 months before ~~prior to~~ the date that the interim financial  
389 statement ~~on which the application~~ is received by the  
390 department. Each required annual or interim financial statement  
391 must be audited and accompanied by the opinion of a certified  
392 public accountant or a public accountant approved by the  
393 department. The information required by this subsection is  
394 confidential and exempt from the provisions of s. 119.07(1). The  
395 department shall act upon the application for qualification  
396 within 30 days after the department determines that the  
397 application is complete. The department may waive the  
398 requirements of this subsection for projects having a contract  
399 price of \$500,000 or less if the department determines that the  
400 project is of a noncritical nature and the waiver will not  
401 endanger public health, safety, or property.

402 Section 7. Subsection (1) of section 337.401, Florida  
403 Statutes, is amended to read:

404 337.401 Use of right-of-way for utilities subject to  
405 regulation; permit; fees.—

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

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407 referred to in ss. 337.401-337.404 as the "authority," that have  
408 jurisdiction and control of public roads or publicly owned rail  
409 corridors are authorized to prescribe and enforce reasonable  
410 rules or regulations with reference to the placing and  
411 maintaining along, across, or on any road or publicly owned rail  
412 corridors under their respective jurisdictions any electric  
413 transmission, telephone, telegraph, or other communications  
414 services lines; pole lines; poles; railways; ditches; sewers;  
415 water, heat, or gas mains; pipelines; fences; gasoline tanks and  
416 pumps; or other structures referred to in this section as the  
417 "utility." ~~For aerial and underground electric utility~~  
418 ~~transmission lines designed to operate at 69 or more kilovolts~~  
419 ~~that are needed to accommodate the additional electrical~~  
420 ~~transfer capacity on the transmission grid resulting from new~~  
421 ~~base-load generating facilities, where there is no other~~  
422 ~~practicable alternative available for placement of the electric~~  
423 ~~utility transmission lines on the department's rights-of-way,~~  
424 ~~the department's rules shall provide for placement of and access~~  
425 ~~to such transmission lines adjacent to and within the right-of-~~  
426 ~~way of any department-controlled public roads, including~~  
427 ~~longitudinally within limited access facilities to the greatest~~  
428 ~~extent allowed by federal law, if compliance with the standards~~  
429 ~~established by such rules is achieved. Such rules may include,~~  
430 ~~but need not be limited to, that the use of the right-of-way is~~  
431 ~~reasonable based upon a consideration of economic and~~  
432 ~~environmental factors, including, without limitation, other~~  
433 ~~practicable alternative alignments, utility corridors and~~  
434 ~~easements, impacts on adjacent property owners, and minimum~~  
435 ~~clear zones and other safety standards, and further provide that~~

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436 ~~placement of the electric utility transmission lines within the~~  
437 ~~department's right-of-way does not interfere with operational~~  
438 ~~requirements of the transportation facility or planned or~~  
439 ~~potential future expansion of such transportation facility. If~~  
440 ~~the department approves longitudinal placement of electric~~  
441 ~~utility transmission lines in limited access facilities,~~  
442 ~~compensation for the use of the right-of-way is required. Such~~  
443 ~~consideration or compensation paid by the electric utility in~~  
444 ~~connection with the department's issuance of a permit does not~~  
445 ~~create any property right in the department's property~~  
446 ~~regardless of the amount of consideration paid or the~~  
447 ~~improvements constructed on the property by the utility. Upon~~  
448 ~~notice by the department that the property is needed for~~  
449 ~~expansion or improvement of the transportation facility, the~~  
450 ~~electric utility transmission line will relocate from the~~  
451 ~~facility at the electric utility's sole expense. The electric~~  
452 ~~utility shall pay to the department reasonable damages resulting~~  
453 ~~from the utility's failure or refusal to timely relocate its~~  
454 ~~transmission lines. The rules to be adopted by the department~~  
455 ~~may also address the compensation methodology and relocation. As~~  
456 ~~used in this subsection, the term "base-load generating~~  
457 ~~facilities" means electric power plants that are certified under~~  
458 ~~part II of chapter 403. The department may enter into a permit-~~  
459 ~~delegation agreement with a governmental entity if issuance of a~~  
460 ~~permit is based on requirements that the department finds will~~  
461 ~~ensure the safety and integrity of facilities of the Department~~  
462 ~~of Transportation; however, the permit-delegation agreement does~~  
463 ~~not apply to facilities of electric utilities as defined in s.~~  
464 ~~366.02(2).~~



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465       (b) For aerial and underground electric utility  
466 transmission lines that are designed to operate at 69 or more  
467 kilovolts and that are needed to accommodate the additional  
468 electrical transfer capacity on the transmission grid resulting  
469 from new base-load generating facilities, the department's rules  
470 shall provide for placement of and access to such transmission  
471 lines adjacent to and within the right-of-way of any department-  
472 controlled public roads, including longitudinally within limited  
473 access facilities where there is no other practicable  
474 alternative available, to the greatest extent allowed by federal  
475 law, if compliance with the standards established by such rules  
476 is achieved. Such rules may include, but need not be limited to,  
477 a requirement that the use of the limited access right-of-way  
478 for longitudinal placement of electric utility transmission  
479 lines be reasonably based upon a consideration of economic and  
480 environmental factors, including, but not limited to, other  
481 practicable alternative alignments, utility corridors and  
482 easements, impacts on adjacent property owners, and minimum  
483 clear zones and other safety standards. Such rules may also  
484 require that placement of the electric utility transmission  
485 lines within the department's right-of-way not interfere with  
486 operational requirements of the transportation facility or  
487 planned or potential future expansion of such transportation  
488 facility. Compensation for the use of the right-of-way must be  
489 provided if the department approves longitudinal placement of  
490 electric utility transmission lines in limited access  
491 facilities. Such consideration or compensation paid by the  
492 electric utility in connection with the department's issuance of  
493 a permit does not create any property right in the department's

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494 property regardless of the amount of consideration paid or the  
495 improvements constructed on the property by the utility. Upon  
496 notice by the department that the property is needed for  
497 expansion or improvement of the transportation facility, the  
498 electric utility transmission line shall be relocated at the  
499 electric utility's sole expense. The electric utility shall pay  
500 to the department reasonable damages resulting from the  
501 utility's failure or refusal to timely relocate its transmission  
502 lines. The rules adopted by the department may also address the  
503 compensation methodology and relocation. As used in this  
504 subsection, the term "base-load generating facilities" means  
505 electric power plants that are certified under part II of  
506 chapter 403.

507 Section 8. Subsection (1) of section 338.155, Florida  
508 Statutes, is amended to read:

509 338.155 Payment of toll on toll facilities required;  
510 exemptions.—

511 (1) No persons are permitted to use any toll facility  
512 without payment of tolls, except employees of the agency  
513 operating the toll project when using the toll facility on  
514 official state business, state military personnel while on  
515 official military business, handicapped persons as provided in  
516 this section, persons exempt from toll payment by the  
517 authorizing resolution for bonds issued to finance the facility,  
518 and persons exempt on a temporary basis where use of such toll  
519 facility is required as a detour route. Any law enforcement  
520 officer operating a marked official vehicle is exempt from toll  
521 payment when on official law enforcement business. Any person  
522 operating a fire vehicle when on official business or a rescue

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523 vehicle when on official business is exempt from toll payment.  
524 Any person participating in the funeral procession of a law  
525 enforcement officer or firefighter killed in the line of duty is  
526 exempt from toll payment. The secretary, or the secretary's  
527 designee, may suspend the payment of tolls on a toll facility  
528 when necessary to assist in emergency evacuation. The failure to  
529 pay a prescribed toll constitutes a noncriminal traffic  
530 infraction, punishable as a moving violation pursuant to s.  
531 318.18. The department is authorized to adopt rules relating to  
532 the payment, collection, and enforcement of tolls, including,  
533 but not limited to, rules for the implementation of video or  
534 other image billing and variable pricing ~~guaranteed toll~~  
535 ~~accounts.~~

536 Section 9. Paragraph (q) is added to subsection (2) of  
537 section 343.64, Florida Statutes, to read:

538 343.64 Powers and duties.—

539 (2) The authority may exercise all powers necessary,  
540 appurtenant, convenient, or incidental to the carrying out of  
541 the aforesaid purposes, including, but not limited to, the  
542 following rights and powers:

543 (q) Notwithstanding the provisions of s. 343.65, to borrow  
544 money in a principal amount not to exceed \$10 million in any  
545 calendar year to refinance all or part of the costs or  
546 obligations of the authority, including, but not limited to,  
547 obligations of the authority as a lessee under a lease.

548 Section 10. Subsection (3) of section 348.51, Florida  
549 Statutes, is amended to read:

550 348.51 Definitions.—The following terms whenever used or  
551 referred to in this part shall have the following meanings,

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552 except in those instances where the context clearly indicates  
553 otherwise:

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

558 Section 11. Section 348.545, Florida Statutes, is amended  
559 to read:

560 348.545 Facility improvement; bond financing authority.—  
561 Pursuant to s. 11(f), Art. VII of the State Constitution, the  
562 Legislature hereby approves for bond financing by the Tampa-  
563 Hillsborough County Expressway Authority improvements to toll  
564 collection facilities, interchanges to the legislatively  
565 approved expressway system, and any other facility appurtenant,  
566 necessary, or incidental to the approved system. Subject to  
567 terms and conditions of applicable revenue bond resolutions and  
568 covenants, such costs ~~financing~~ may be financed in whole or in  
569 part by revenue bonds issued under s. 348.56(1)(a) or (b)  
570 whether currently issued or issued in the future, or by a  
571 combination of such bonds.

572 Section 12. Subsections (1) and (2) of section 348.56,  
573 Florida Statutes, are amended to read:

574 348.56 Bonds of the authority.—

575 (1) (a) Bonds may be issued on behalf of the authority under  
576 the State Bond Act.

577 (b) Alternatively, the authority shall have the power and  
578 is hereby authorized from time to time to issue bonds in such  
579 principal amount as, in the opinion of the authority, shall be  
580 necessary to provide sufficient moneys for achieving its

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581 corporate purposes, including construction, reconstruction,  
582 improvement, extension, repair, maintenance and operation of the  
583 expressway system, the cost of acquisition of all real property,  
584 interest on bonds during construction and for a reasonable  
585 period thereafter, establishment of reserves to secure bonds,  
586 and all other expenditures of the authority incident to and  
587 necessary or convenient to carry out its corporate purposes and  
588 powers.

589 (2) (a) Bonds issued by the authority under paragraph (1) (a)  
590 or (b) shall be authorized by resolution of the members of the  
591 authority and shall bear such date or dates, mature at such time  
592 or times, not exceeding 40 years from their respective dates,  
593 bear interest at such rate or rates, not exceeding the maximum  
594 rate fixed by general law for authorities, be in such  
595 denominations, be in such form, either coupon or fully  
596 registered, carry such registration, exchangeability and  
597 interchangeability privileges, be payable in such medium of  
598 payment and at such place or places, be subject to such terms of  
599 redemption and be entitled to such priorities of lien on the  
600 revenues, other available moneys, and the Hillsborough County  
601 gasoline tax funds as such resolution or any resolution  
602 subsequent thereto may provide. The bonds shall be executed  
603 either by manual or facsimile signature by such officers as the  
604 authority shall determine, provided that such bonds shall bear  
605 at least one signature which is manually executed thereon. The  
606 coupons attached to such bonds shall bear the facsimile  
607 signature or signatures of such officer or officers as shall be  
608 designated by the authority. Such bonds shall have the seal of  
609 the authority affixed, imprinted, reproduced, or lithographed

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610 thereon.

611 (b) The bonds issued under paragraph (1) (a) or (b) shall be  
612 sold at public sale in the same manner provided by the State  
613 Bond Act, and ~~the net interest cost to the authority on such~~  
614 ~~bonds shall not exceed the maximum rate fixed by general law for~~  
615 ~~authorities.~~ However, if the authority, by official action at a  
616 public meeting, determines that a negotiated sale of such bonds  
617 is in the best interest of the authority, the authority may  
618 negotiate the sale of such bonds with the underwriter or  
619 underwriters designated by the authority and the Division of  
620 Bond Finance of the State Board of Administration with respect  
621 to bonds issued pursuant to paragraph (1) (a) or solely by the  
622 authority with respect to bonds issued pursuant to paragraph  
623 (1) (b). The authority's determination to negotiate the sale of  
624 such bonds may be based, in part, upon the written advice of the  
625 authority's financial adviser. ~~If all bids received on the~~  
626 ~~public sale are rejected, the authority may then proceed to~~  
627 ~~negotiate for the sale of the bonds at a net interest cost which~~  
628 ~~shall be less than the lowest net interest cost stated in the~~  
629 ~~bids rejected at the public sale.~~ Pending the preparation of  
630 definitive bonds, temporary bonds or interim certificates may be  
631 issued to the purchaser or purchasers of such bonds and may  
632 contain such terms and conditions as the authority may  
633 determine.

634 Section 13. Section 348.565, Florida Statutes, is amended  
635 to read:

636 348.565 Revenue bonds for specified projects.—The existing  
637 facilities that constitute the Tampa-Hillsborough County  
638 Expressway System are hereby approved to be refinanced by ~~the~~

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639 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance  
640 of the State Board of Administration pursuant to s. 11(f), Art.  
641 VII of the State Constitution and the State Bond Act, or by  
642 revenue bonds issued by the authority under s. 348.56(1)(b). In  
643 addition, the following projects of the Tampa-Hillsborough  
644 County Expressway Authority are approved to be financed or  
645 refinanced by the issuance of revenue bonds in accordance with  
646 this part under ~~pursuant to~~ s. 11(f), Art. VII of the State  
647 Constitution:

648 (1) Brandon area feeder roads.

649 (2) Capital improvements to the expressway system,  
650 including safety and operational improvements and toll  
651 collection equipment.

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

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

655 Section 14. Subsection (1) of section 348.57, Florida  
656 Statutes, is amended to read:

657 348.57 Refunding bonds.—

658 (1) Subject to public notice as provided in s. 348.54, the  
659 authority is authorized to provide by resolution for the  
660 issuance from time to time of bonds under s. 348.56(1)(b) for  
661 the purpose of refunding any bonds then outstanding regardless  
662 of whether the bonds being refunded were issued by the authority  
663 under this chapter or on behalf of the authority under the State  
664 Bond Act. The authority is further authorized to provide by  
665 resolution for the issuance of bonds for the combined purpose  
666 of:

667 (a) Paying the cost of constructing, reconstructing,

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668 improving, extending, repairing, maintaining and operating the  
669 expressway system.

670 (b) Refunding bonds then outstanding. The authorization,  
671 sale and issuance of such obligations, the maturities and other  
672 details thereof, the rights and remedies of the holders thereof,  
673 and the rights, powers, privileges, duties and obligations of  
674 the authority with respect to the same shall be governed by the  
675 foregoing provisions of this part insofar as the same may be  
676 applicable.

677 Section 15. Section 348.70, Florida Statutes, is amended to  
678 read:

679 348.70 This part complete and additional authority.—

680 (1) The powers conferred by this part shall be in addition  
681 and supplemental to the existing respective powers of the  
682 authority, the department, the county and the city, if any, and  
683 this part shall not be construed as repealing any of the  
684 provisions of any other law, general, special or local, but  
685 shall be deemed to supersede such other law or laws in the  
686 exercise of the powers provided in this part insofar as such  
687 other law or laws are inconsistent with the provisions of this  
688 part and to provide a complete method for the exercise of the  
689 powers granted herein. The construction, reconstruction,  
690 improvement, extension, repair, maintenance and operation of the  
691 expressway system, and the issuance of bonds hereunder to  
692 finance all or part of the cost thereof, may be accomplished  
693 upon compliance with the provisions of this part without regard  
694 to or necessity for compliance with the provisions, limitations,  
695 or restrictions contained in any other general, special or local  
696 law, including, but not limited to, s. 215.821, and no approval



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697 of any bonds issued under this part by the qualified electors or  
698 qualified electors who are freeholders in the state or in the  
699 county or in the city or in any other political subdivision of  
700 the state shall be required for the issuance of such bonds.

701 (2) This part does not repeal, rescind, or modify any other  
702 law or laws relating to the State Board of Administration, the  
703 Department of Transportation, or the Division of Bond Finance of  
704 the State Board of Administration, but supersedes any other law  
705 or laws that are inconsistent with the provisions of this part,  
706 including, but not limited to, s. 215.821.

707 Section 16. Part XI of chapter 348, Florida Statutes,  
708 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,  
709 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,  
710 348.9960, and 348.9961, is created to read:

711 348.9950 Short title.—This part may be cited as the  
712 “Osceola County Expressway Authority Law.”

713 348.9951 Definitions.—Terms used in this part, except where  
714 the context clearly indicates otherwise, shall have the same  
715 meanings as those defined in the Florida Expressway Authority  
716 Act.

717 348.9952 Osceola County Expressway Authority.—

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

721 (2) (a) The governing body of the authority shall consist of  
722 six members. Five members must be residents of Osceola County,  
723 three of whom shall be appointed by the governing body of the  
724 county and two of whom shall be appointed by the Governor. The  
725 sixth member shall be the district secretary of the department

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726 serving in the district that includes Osceola County, who shall  
727 serve as an ex officio, nonvoting member. The term of each  
728 appointed member shall be for 4 years, except that the first  
729 term of the initial members appointed by the Governor shall be 2  
730 years each. Each appointed member shall hold office until his or  
731 her successor has been appointed and has qualified. A vacancy  
732 occurring during a term shall be filled only for the balance of  
733 the unexpired term. Each appointed member of the authority shall  
734 be a person of outstanding reputation for integrity,  
735 responsibility, and business ability, but a person who is an  
736 officer or employee of any municipality or of Osceola County in  
737 any other capacity may not be an appointed member of the  
738 authority. A member of the authority is eligible for  
739 reappointment.

740 (b) Members of the authority may be removed from office by  
741 the Governor for misconduct, malfeasance, or nonfeasance in  
742 office.

743 (3) (a) The authority shall elect one of its members as  
744 chair. The authority shall also elect a secretary and a  
745 treasurer, who may be members of the authority. The chair,  
746 secretary, and treasurer shall hold such offices at the will of  
747 the authority.

748 (b) Three members of the authority constitute a quorum, and  
749 the vote of three members is necessary for any action taken by  
750 the authority. A vacancy in the authority does not impair the  
751 right of a quorum of the authority to exercise all of the rights  
752 and perform all of the duties of the authority.

753 (4) (a) The authority may employ an executive secretary, an  
754 executive director, its own counsel and legal staff, technical

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755 experts, engineers, and other employees, permanent or temporary,  
756 as it may require, and may determine the qualifications and fix  
757 the compensation of such persons, firms, or corporations.  
758 Additionally, the authority may employ a fiscal agent or agents.  
759 However, the authority shall solicit sealed proposals from at  
760 least three persons, firms, or corporations for the performance  
761 of any services as fiscal agents. The authority may delegate to  
762 one or more of its agents or employees such of its power as it  
763 deems necessary to carry out the purposes of this part, subject  
764 always to the supervision and control of the authority.

765 (b) Members of the authority are entitled to receive from  
766 the authority their travel and other necessary expenses incurred  
767 in connection with the business of the authority as provided in  
768 s. 112.061, but members shall not draw salaries or other  
769 compensation.

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

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

775 348.9953 Purposes and powers.—The purposes and powers of  
776 the authority shall be the same as those identified in the  
777 Florida Expressway Authority Act. In implementing this act, the  
778 authority shall institute procedures to encourage the awarding  
779 of contracts for professional services and construction to  
780 certified minority business enterprises as defined in s.  
781 288.703. The authority shall develop and implement activities to  
782 encourage the participation of certified minority business  
783 enterprises in the contracting process.

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784 348.9954 Bonds.—Bonds may be issued on behalf of the  
785 authority as provided by the State Bond Act and subject to the  
786 provisions of the Florida Expressway Authority Act.

787 348.9955 Lease-purchase agreement.—The authority may enter  
788 into lease-purchase agreements with the department as provided  
789 in the Florida Expressway Authority Act.

790 348.9956 Department may be appointed agent of authority for  
791 construction.—The authority may appoint the department as its  
792 agent as provided in the Florida Expressway Authority Act.

793 348.9957 Acquisition of lands and property.—The authority  
794 may acquire such rights, title, or interest in private or public  
795 property and such property rights, including easements, rights  
796 of access, air, view, and light by gift, devise, purchase, or  
797 condemnation by eminent domain proceedings as the authority may  
798 deem necessary for the purposes of this part and subject to the  
799 provisions of the Florida Expressway Authority Act.

800 348.9958 Cooperation with other units, boards, agencies,  
801 and individuals.—Any county, municipality, drainage district,  
802 road and bridge district, school district, or other political  
803 subdivision, board, commission, or individual in or of the state  
804 may make and enter into any contract, lease, conveyance,  
805 partnership, or other agreement with the authority within the  
806 provisions and for purposes of this part. The authority may make  
807 and enter into any contract, lease, conveyance, partnership, or  
808 other agreement with any political subdivision, agency, or  
809 instrumentality of the state or any federal agency, corporation,  
810 or individual for the purpose of carrying out the provisions of  
811 this part.

812 348.9959 Legislative intent; covenant of the state.—It is

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813 the intent of the Legislature that the state pledge to and agree  
814 with any person, firm, corporation, or federal or state agency  
815 subscribing to or acquiring the bonds to be issued by the  
816 authority for the purposes of this part that the state will not  
817 limit or alter the rights hereby vested in the authority and the  
818 department until all bonds at any time issued together with the  
819 interest thereon are fully paid and discharged insofar as the  
820 same affects the rights of the holders of bonds issued  
821 hereunder. It is also the intent of the Legislature that the  
822 state further pledge to and agree with the United States that in  
823 the event any federal agency shall construct or contribute any  
824 funds for the completion, extension, or improvement of the  
825 Osceola County Expressway System, or any part or portion  
826 thereof, the state will not alter or limit the rights and powers  
827 of the authority and the department in any manner that would be  
828 inconsistent with the continued maintenance and operation of the  
829 Osceola County Expressway System, or the completion, extension,  
830 or improvement thereof, or that would be inconsistent with the  
831 due performance of any agreements between the authority and any  
832 such federal agency. The authority and the department shall  
833 continue to have and may exercise all powers herein granted so  
834 long as the same shall be necessary or desirable for the  
835 carrying out of the purposes of this part and the purposes of  
836 the United States in the completion, extension, or improvement  
837 of the Osceola County Expressway System or any part or portion  
838 thereof.

839 348.9960 Exemption from taxation.—As provided under and  
840 limited by the Florida Expressway Authority Act, the Osceola  
841 County Expressway authority is not required to pay taxes or

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842 assessments of any kind or nature whatsoever upon any property  
843 acquired by it or used by it for such purpose or upon revenues  
844 at any time received by it.

845 348.9961 Automatic dissolution.—If, before January 1, 2020,  
846 the authority has not encumbered any funds to further its  
847 purposes and powers as authorized in s. 348.9953 to establish  
848 the system, or upon the inclusion of the geographic area served  
849 by the authority within any multicounty regional transportation  
850 authority statutorily created after July 1, 2010, the Osceola  
851 County Expressway Authority is dissolved.

852 Section 17. Sections 479.01, 479.015, 479.02, 479.03,  
853 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,  
854 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,  
855 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,  
856 are designated as part I of chapter 479, Florida Statutes.

857 Section 18. Subsection (3) of section 479.01, Florida  
858 Statutes, is amended, and subsections (28), (29), (30), and (31)  
859 are added to that section, to read:

860 479.01 Definitions.—As used in this chapter, the term:

861 (3) "Commercial or industrial zone" means a parcel of land  
862 designated for commercial or industrial use under both the  
863 future land use map of the comprehensive plan and the land use  
864 development regulations adopted pursuant to chapter 163. If a  
865 parcel is located in an area designated for multiple uses on the  
866 future land use map of a comprehensive plan and the zoning  
867 category of the land development regulations does ~~do~~ not  
868 specifically ~~clearly~~ designate that parcel for commercial or  
869 industrial uses ~~a specific use~~, the area will be considered an  
870 unzoned commercial or industrial area if it meets the criteria

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871 of subsection (23).

872 (28) "Allowable uses" means those uses that are authorized  
873 within a zoning category without the requirement to obtain a  
874 variance or waiver. The term includes conditional uses and those  
875 allowed by special exception, but does not include uses that are  
876 accessory, incidental to the allowable uses, or allowed only on  
877 a temporary basis.

878 (29) "Commercial use" means activities associated with the  
879 sale, rental, or distribution of products or the performance of  
880 services. The term includes, but is not limited to, such uses or  
881 activities as retail sales, wholesale sales, rentals of  
882 equipment, goods, or products, offices, restaurants, food  
883 service vendors, sports arenas, theaters, and tourist  
884 attractions.

885 (30) "Industrial use" means activities associated with the  
886 manufacture, assembly, processing, or storage of products, or  
887 the performance of services relating thereto. The term includes,  
888 but is not limited to, such uses or activities as automobile  
889 manufacturing or repair, boat manufacturing or repair, junk  
890 yards, meat packing facilities, citrus processing and packing  
891 facilities, produce processing and packing facilities,  
892 electrical generating plants, water treatment plants, sewage  
893 treatment plants, and solid waste disposal sites.

894 (31) "Zoning category" means the designation under the Land  
895 Development Regulations or other similar ordinance enacted to  
896 regulate the use of land, as provided in s. 163.3202(2)(b),  
897 which sets forth the allowable uses, restrictions, and  
898 limitations on use applicable to properties within the category.

899 Section 19. Sections 479.261, 479.262, 479.27, 479.28, and

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900 479.30, Florida Statutes, are designated as part II of chapter  
901 479, Florida Statutes.

902 Section 20. Part III of chapter 479, Florida Statutes,  
903 consisting of sections 479.310, 479.311, 479.312, 479.313, and  
904 479.314, is created to read:

905 479.310 Legislative intent.—It is the intent of the  
906 Legislature that this part relieve the Department of  
907 Transportation from the financial burden incurred in the removal  
908 of unpermitted and illegal signs located within the controlled  
909 areas adjacent to the state highway system, interstate, or  
910 federal-aid primary system; to place the financial  
911 responsibility for the cost of such removal directly upon those  
912 benefiting from the location and operation of such unpermitted  
913 and illegal signs; and to provide clear authority to the  
914 department for the recovery of costs incurred by the department  
915 in the removal of such unpermitted and illegal signs.

916 479.311 Jurisdiction; venue.—The county court shall have  
917 jurisdiction concurrent with the circuit court to consider  
918 claims filed by the department in amounts that are within their  
919 jurisdictional limitations. Venue shall be in Leon County for  
920 the purpose of a claim filed by the department to recover its  
921 costs as provided in this section.

922 479.312 Unpermitted signs; cost of removal.—All costs  
923 incurred by the department in connection with the removal of a  
924 sign located within a controlled area adjacent to the interstate  
925 highway system, the federal-aid primary highway system, or the  
926 state highway system shall be assessed against and collected  
927 from the following persons if they have not been issued a permit  
928 under part I of this chapter:



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- 929       (1) The owner of the sign;
- 930       (2) The advertiser displayed on the sign; or
- 931       (3) The owner of the property upon which the sign is
- 932 located.

933

934 For the purpose of this subsection, a sign that does not display

935 the name of the owner of the sign shall be presumed to be owned

936 by the owner of the property upon which the sign is located.

937       479.313 Permit revocation; cost of removal.—All costs

938 incurred by the department in connection with the removal of a

939 sign located within a controlled area adjacent to the interstate

940 highway system, the federal-aid primary highway system, or the

941 state highway system following the revocation of the permit for

942 such sign shall be assessed against and collected from the

943 permittee.

944       479.314 Highway rights-of-way; cost of sign removal.—All

945 costs incurred by the department in connection with the removal

946 of a sign located within a right-of-way of the interstate

947 highway system, the federal-aid primary highway system, or the

948 state highway system shall be assessed against and collected

949 from the owner of the sign or the advertiser displayed on the

950 sign.

951       Section 21. Section 705.18, Florida Statutes, is amended to

952 read:

953       705.18 Disposal of personal property lost or abandoned on

954 university or community college campuses ~~or certain public-use~~

955 ~~airports~~; disposition of proceeds from sale thereof.—

- 956       (1) Whenever any lost or abandoned personal property is
- 957 ~~shall be~~ found on a campus of an institution in the State

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958 University System or a campus of a state-supported community  
959 college, ~~or on premises owned or controlled by the operator of a~~  
960 ~~public-use airport having regularly scheduled international~~  
961 ~~passenger service~~, the president of the institution or the  
962 president's designee ~~or the director of the airport or the~~  
963 ~~director's designee~~ shall take charge thereof and make a record  
964 of the date such property was found. If, within 30 days after  
965 such property is found, or a longer period of time as may be  
966 deemed appropriate by the president ~~or the director~~ under the  
967 circumstances, the property ~~it~~ is not claimed by the owner, the  
968 president ~~or director~~ shall order it sold at public outcry after  
969 giving notice of the time and place of sale in a publication of  
970 general circulation on the campus of such institution ~~or within~~  
971 ~~the county where the airport is located~~ and written notice to  
972 the owner if known. The rightful owner of such property may  
973 reclaim the same at any time prior to sale.

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

980 Section 22. Section 705.182, Florida Statutes, is created  
981 to read:

982 705.182 Disposal of personal property found on the premises  
983 of public-use airports.-

984 (1) Whenever any personal property, other than aircraft or  
985 motor vehicles, is found on premises owned or controlled by the  
986 operator of a public-use airport, the director of the airport or

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987 the director's designee shall take charge thereof and make a  
988 record of the date such property was found.

989 (2) If within 30 calendar days after such property is  
990 found, or for such longer period of time as may be deemed  
991 appropriate by the director or the director's designee, under  
992 the circumstances, the property is not claimed by the owner, the  
993 director or the director's designee may:

994 (a) Retain any or all of the property for the airport's own  
995 use or for use by the state or unit of local government owning  
996 or operating the airport;

997 (b) Trade such property to another unit of local government  
998 or state agency;

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

1000 (d) Sell the property; or

1001 (e) Dispose of the property through an appropriate refuse  
1002 removal company or a company that provides salvage services for  
1003 the type of personal property found or located on the airport.

1004  
1005 The airport shall notify the owner, if known, of property found  
1006 on the airport and that the airport intends to dispose of the  
1007 property in any of the manners permitted in this section.

1008 (3) If the airport elects to sell the property pursuant to  
1009 paragraph (2) (d), the property must be sold at a public auction  
1010 on the Internet or at a specified physical location after giving  
1011 notice of the time and place of sale, at least 10 calendar days  
1012 before the date of sale, in a publication of general circulation  
1013 within the county where the airport is located and after written  
1014 notice via certified mail, return receipt requested, is provided  
1015 to the owner, if known. Any such notice is deemed sufficient if

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1016 the notice refers to the airport's intention to sell all then-  
1017 accumulated found property, and the notice need not identify  
1018 each item to be sold. The rightful owner of such property may  
1019 reclaim the property at any time before sale by presenting to  
1020 the airport director or the director's designee acceptable  
1021 evidence of ownership. All proceeds from the sale of the  
1022 property shall be retained by the airport for use by the airport  
1023 in any lawfully authorized manner.

1024 (4) This section does not preclude the airport from  
1025 allowing a domestic or international air carrier or other tenant  
1026 on premises owned or controlled by the operator of a public-use  
1027 airport from establishing its own lost and found procedures for  
1028 personal property and from disposing of such personal property.

1029 (5) A purchaser or recipient in good faith of personal  
1030 property sold or obtained under this section takes the property  
1031 free of the rights of persons then holding any legal or  
1032 equitable interest thereto, regardless of whether such interest  
1033 is recorded.

1034 Section 23. Section 705.183, Florida Statutes, is created  
1035 to read:

1036 705.183 Disposal of derelict or abandoned aircraft on the  
1037 premises of public-use airports.-

1038 (1) Whenever any derelict or abandoned aircraft is found or  
1039 located on premises owned or controlled by the operator of a  
1040 public-use airport, whether such premises are under a lease or  
1041 license to third parties, the director of the airport or the  
1042 director's designee shall make a record of the date such  
1043 aircraft was found or determined to be present on the airport.  
1044 The term "derelict aircraft" means any aircraft that is not in a

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1045 flyable condition, does not have a current certificate of air  
1046 worthiness issued by the Federal Aviation Administration, or is  
1047 not in the process of actively being repaired. The term  
1048 "abandoned aircraft" means an aircraft that has been disposed of  
1049 on a public-use airport in a wrecked, inoperative, or partially  
1050 dismantled condition, or an aircraft that has remained in an  
1051 idle state on the premises owned or controlled by the operator  
1052 of a public-use airport for 45 consecutive calendar days.

1053 (2) The director or the director's designee shall contact  
1054 the Aircraft Registration Branch of the Federal Aviation  
1055 Administration in order to determine the name and address of the  
1056 last registered aircraft owner and make a diligent personal  
1057 search of the appropriate records, or contact an aircraft title  
1058 search company, in order to determine the name and address of  
1059 any person having an equitable or legal interest in the  
1060 aircraft. Within 10 business days after receipt of this  
1061 information, the director or the director's designee shall  
1062 notify the owner and all persons having an equitable or legal  
1063 interest in the aircraft by certified mail, return receipt  
1064 requested, advising them of the location of the derelict or  
1065 abandoned aircraft on the airport; that fees and charges for the  
1066 use of the airport by the aircraft have accrued and the amount  
1067 thereof; that the aircraft is subject to a lien as provided in  
1068 subsection (5) for the accrued fees and charges for the use of  
1069 the airport and for the transportation, storage, and removal of  
1070 the aircraft; that the lien is subject to enforcement pursuant  
1071 to law; and that the airport may cause the use, trade, sale, or  
1072 removal of the aircraft as described in s. 705.182(2) (a), (b),  
1073 (d), and (e) if, within 30 calendar days after the date of

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1074 receipt of such notice, the aircraft has not been removed from  
1075 the airport upon payment in full of all accrued fees and charges  
1076 for the use of the airport and for the transportation, storage,  
1077 and removal of the aircraft. Such notice may require removal of  
1078 the aircraft in less than 30 calendar days if the aircraft poses  
1079 a danger to the health or safety of users of the airport, as  
1080 determined by the director or the director's designee.

1081 (3) If the owner of the aircraft is unknown or cannot be  
1082 found, the director or the director's designee shall cause a  
1083 laminated notice to be placed upon such aircraft in  
1084 substantially the following form:

1085  
1086 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE  
1087 ATTACHED PROPERTY. This property, to wit: ...(setting  
1088 forth brief description)... is unlawfully upon public  
1089 property known as ...(setting forth brief description  
1090 of location)... and has accrued fees and charges for  
1091 the use of the ...(same description of location as  
1092 above)... and for the transportation, storage, and  
1093 removal of the property. These accrued fees and  
1094 charges must be paid in full and the property must be  
1095 removed within 30 calendar days following the date of  
1096 this notice; otherwise, the property will be removed  
1097 and disposed of pursuant to chapter 705, Florida  
1098 Statutes. The property is subject to a lien for all  
1099 accrued fees and charges for the use of the public  
1100 property known as ...(same description of location as  
1101 above)... by such property and for all fees and  
1102 charges incurred by the public property known as

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1103 ...(same description of location as above)... for the  
1104 transportation, storage, and removal of the property.  
1105 This lien is subject to enforcement pursuant to law.  
1106 The owner will be liable for these fees and charges,  
1107 as well as the cost for publication of this notice.  
1108 Dated this: ...(setting forth the date of posting of  
1109 notice)...., signed: ...(setting forth name, title,  
1110 address, and telephone number of law enforcement  
1111 officer)....

1112  
1113 Such notice must be at least 8 inches by 10 inches and  
1114 sufficiently weatherproof to withstand normal exposure to the  
1115 elements. If, at the end of 30 calendar days after posting the  
1116 notice, the owner or any person interested in the derelict or  
1117 abandoned aircraft described has not removed the aircraft from  
1118 the airport upon payment in full of all accrued fees and charges  
1119 for the use of the airport and for the transportation, storage,  
1120 and removal of the aircraft, or shown reasonable cause for  
1121 failure to do so, the director or the director's designee may  
1122 cause the use, trade, sale, or removal of the aircraft as  
1123 described in s. 705.182(2)(a), (b), (d), and (e).

1124 (4) Such aircraft shall be removed within the time period  
1125 specified in the notice provided under subsection (2) or (3).  
1126 If, at the end of such period, the owner or any person  
1127 interested in the derelict or abandoned aircraft has not removed  
1128 the aircraft from the airport upon payment in full of all  
1129 accrued fees and charges for the use of the airport and for the  
1130 transportation, storage, and removal of the aircraft, or shown  
1131 reasonable cause for the failure to do so, the director or the

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1132 director's designee may cause the use, trade, sale, or removal  
1133 of the aircraft as described in s. 705.182(2)(a), (b), (d), and  
1134 (e).

1135 (a) If the airport elects to sell the aircraft in  
1136 accordance with s. 705.182(2)(d), the aircraft must be sold at  
1137 public auction after giving notice of the time and place of sale  
1138 at least 10 calendar days before the date of sale in a  
1139 publication of general circulation within the county where the  
1140 airport is located and after providing written notice of the  
1141 intended sale to all parties known to have an interest in the  
1142 aircraft.

1143 (b) If the airport elects to dispose of the aircraft in  
1144 accordance with s. 705.182(2)(e), the airport may negotiate with  
1145 the company for a price to be received from such company in  
1146 payment for the aircraft, or, if circumstances warrant, a price  
1147 to be paid to such company by the airport for the costs of  
1148 disposing of the aircraft. All information pertaining to the  
1149 establishment of such price and the justification for the amount  
1150 of such price shall be prepared and maintained by the airport,  
1151 and such negotiated price shall be deemed to be a commercially  
1152 reasonable price.

1153 (c) If the sale price or the negotiated price is less than  
1154 the airport's then-current charges and costs against the  
1155 aircraft, or if the airport is required to pay the salvage  
1156 company for its services, the owner of the aircraft remains  
1157 liable to the airport for the airport's costs that are not  
1158 offset by the sale price or negotiated price, in addition to the  
1159 owner's liability for payment to the airport of the price the  
1160 airport was required to pay any salvage company. All costs



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1161 incurred by the airport in the removal, storage, and sale of any  
1162 aircraft are recoverable against the owner thereof.

1163 (5) The airport has a lien on derelict or abandoned  
1164 aircraft for all fees and charges for the use of the airport by  
1165 such aircraft and for all fees and charges incurred by the  
1166 airport for the transportation, storage, and removal of the  
1167 aircraft. As a prerequisite to perfecting a lien under this  
1168 section, the airport director or the director's designee must  
1169 serve a notice in accordance with subsection (2) on the last  
1170 registered owner and all persons having an equitable or legal  
1171 interest in the aircraft. The serving of the notice does not  
1172 dispense with recording the claim of lien.

1173 (6) (a) For the purpose of perfecting its lien under this  
1174 section, the airport shall record a claim of lien which must  
1175 state:

1176 1. The name and address of the airport.

1177 2. The name of the last registered aircraft owner and all  
1178 persons having a legal or equitable interest in the aircraft.

1179 3. The fees and charges incurred by the aircraft for the  
1180 use of the airport, and the fees and charges for the  
1181 transportation, storage, and removal of the aircraft.

1182 4. A description of the aircraft sufficient for  
1183 identification.

1184 (b) The claim of lien shall be signed and sworn to or  
1185 affirmed by the airport director or the director's designee.

1186 (c) The claim of lien shall be sufficient if it is in  
1187 substantially the following form:

1188  
1189 CLAIM OF LIEN

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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 aircraft:

(Description of aircraft)  
owned by ....., whose address is ....., has  
accrued \$.... in fees and charges for the use by the aircraft of  
..... and for the transportation, storage, and removal of the  
aircraft from .....; that the lienor served its notice to the  
last registered owner and all persons having a legal or  
equitable interest in the aircraft 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 last  
registered owner does not constitute a default that operates to  
defeat an otherwise valid lien.

(d) The claim of lien shall be served on the last  
registered aircraft owner and all persons having an equitable or  
legal interest in the aircraft. The claim of lien shall be

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1219 served before recordation.

1220 (e) The claim of lien shall be recorded in the clerk's  
1221 office. The recording of the claim of lien constitutes  
1222 constructive notice to all persons of the contents and effect of  
1223 such claim. The lien attaches at the time of recordation and  
1224 takes priority as of that time.

1225 (7) A purchaser or recipient in good faith of an aircraft  
1226 sold or obtained under this section takes the property free of  
1227 the rights of persons then holding any legal or equitable  
1228 interest thereto, whether recorded or not. The purchaser or  
1229 recipient shall notify the appropriate Federal Aviation  
1230 Administration office of such change in the registered owner of  
1231 the aircraft.

1232 (8) If the aircraft is sold at public sale, the airport  
1233 shall deduct from the proceeds of sale the costs of  
1234 transportation, storage, and publication of notice and all other  
1235 costs reasonably incurred by the airport, and any balance of the  
1236 proceeds shall be deposited into an interest-bearing account  
1237 within 30 calendar days after the airport's receipt of the  
1238 proceeds and held there for 1 year. The rightful owner of the  
1239 aircraft may claim the balance of the proceeds within 1 year  
1240 after the date of the deposit by making application to the  
1241 airport and presentation to the airport's director or the  
1242 director's designee of acceptable written evidence of ownership.  
1243 If no rightful owner comes forward with a claim to the proceeds  
1244 within the 1-year period, the balance of the proceeds shall be  
1245 retained by the airport to be used in any legally authorized  
1246 manner.

1247 (9) Any person acquiring a legal interest in an aircraft

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1248 that is sold by an airport under the provisions of s. 705.182 or  
1249 this section is the lawful owner of such aircraft and all other  
1250 legal or equitable interests in such aircraft are divested and  
1251 of no further force and effect if the holder of any such legal  
1252 or equitable interest was notified of the intended disposal of  
1253 the aircraft to the extent required in this section. The airport  
1254 may issue documents of disposition to the purchaser or recipient  
1255 of an aircraft disposed of under this section.

1256 Section 24. Section 705.184, Florida Statutes, is created  
1257 to read:

1258 705.184 Derelict or abandoned motor vehicles on the  
1259 premises of public-use airports.-

1260 (1) Whenever any derelict or abandoned motor vehicle is  
1261 found on premises owned or controlled by the operator of a  
1262 public-use airport, including airport premises leased to third  
1263 parties, the director of the airport or the director's designee  
1264 may take charge thereof and make a record of the date such motor  
1265 vehicle was found. The term "derelict motor vehicle" means any  
1266 motor vehicle that is not in a drivable condition. The term  
1267 "abandoned motor vehicle" means a motor vehicle that has been  
1268 disposed of on a public-use airport in a wrecked, inoperative,  
1269 or partially dismantled condition, or a motor vehicle that has  
1270 remained in an idle state on a public-use airport for 45  
1271 consecutive calendar days. After the information relating to the  
1272 derelict or abandoned motor vehicle is recorded in the airport's  
1273 records, the director or the director's designee may cause the  
1274 motor vehicle to be removed from airport premises by the  
1275 airport's own wrecker or by a licensed independent wrecking  
1276 company and stored at a suitable location on or off the airport

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1277 premises. If the director or the director's designee causes the  
1278 motor vehicle to be removed from airport premises by the  
1279 airport's own wrecker, the airport is subject to the procedures  
1280 set forth in subsections (2)-(8). If the director or the  
1281 director's designee causes the motor vehicle to be removed from  
1282 the airport premises by a licensed independent wrecking company,  
1283 the airport is not subject to the procedures set forth in  
1284 subsections (2)-(8).

1285 (2) The airport director or the director's designee shall  
1286 contact the Department of Highway Safety and Motor Vehicles in  
1287 order to notify the department that the airport has possession  
1288 of the subject motor vehicle and in order to determine the name  
1289 and address of the owner of the motor vehicle, the insurance  
1290 company insuring the motor vehicle notwithstanding the  
1291 provisions of s. 627.736, and any person who has filed a lien on  
1292 the motor vehicle. Within 7 business days after receipt of this  
1293 information, the director or the director's designee shall send  
1294 notice by certified mail, return receipt requested, to the owner  
1295 of the motor vehicle, the insurance company insuring the motor  
1296 vehicle notwithstanding the provisions of s. 627.736, and all  
1297 persons of record claiming a lien against the motor vehicle. The  
1298 notice must state the fact of possession of the motor vehicle;  
1299 that charges for a reasonable tow fee, a reasonable storage fee,  
1300 or accrued parking fees, if any, have accrued and the amount  
1301 thereof; that a lien as provided in subsection (6) will be  
1302 claimed; that the lien is subject to enforcement pursuant to  
1303 law; that the owner or lienholder, if any, has the right to a  
1304 hearing as set forth in subsection (4); and that any motor  
1305 vehicle which, at the end of 30 calendar days after receipt of

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1306 the notice, has not been removed from the airport upon payment  
1307 in full of all accrued charges for a reasonable tow fee, a  
1308 reasonable storage fee, and parking fees, if any, may be  
1309 disposed of in any of the manners set forth in s. 705.182(2)(a),  
1310 (b), (d), and (e), including, but not limited to, the motor  
1311 vehicle being sold free of all prior liens after 35 calendar  
1312 days after the date on which the motor vehicle is stored if any  
1313 prior liens on the motor vehicle are more than 5 years of age,  
1314 or after 50 calendar days after the date on which the motor  
1315 vehicle is stored if any prior liens on the motor vehicle are 5  
1316 years of age or less.

1317 (3) If attempts to notify the owner or lienholder pursuant  
1318 to subsection (2) prove unsuccessful, the requirement of notice  
1319 by mail is deemed met and the director or the director's  
1320 designee, in accordance with the requirements of subsection (5),  
1321 may cause the motor vehicle to be disposed of in any of the  
1322 manners set forth in s. 705.182(2)(a), (b), (d), and (e),  
1323 including, but not limited to, the motor vehicle being sold free  
1324 of all prior liens after 35 calendar days after the date on  
1325 which the motor vehicle is stored if any prior liens on the  
1326 motor vehicle are more than 5 years of age, or after 50 calendar  
1327 days after the date on which the motor vehicle is stored if any  
1328 prior liens on the motor vehicle are 5 years of age or less.

1329 (4)(a) The owner of, or any person with a lien on, a motor  
1330 vehicle removed pursuant to subsection (1) within 10 calendar  
1331 days after he or she obtains knowledge of the location of the  
1332 motor vehicle, may file a complaint in the county court of the  
1333 county in which the motor vehicle is stored to determine if his  
1334 or her property was wrongfully taken or withheld.

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1335       (b) Upon filing a complaint, an owner or lienholder may  
1336 have his or her motor vehicle released upon posting with the  
1337 court a cash or surety bond or other adequate security equal to  
1338 the amount of the fees for towing, storage, and accrued parking,  
1339 if any, to ensure the payment of such fees in the event he or  
1340 she does not prevail. Upon the posting of the bond or other  
1341 adequate security and the payment of any applicable fee, the  
1342 clerk of the court shall issue a certificate notifying the  
1343 airport of the posting of the bond or other adequate security  
1344 and directing the airport to release the motor vehicle. At the  
1345 time of such release, after reasonable inspection, the owner or  
1346 lienholder shall give a receipt to the airport reciting any  
1347 claims he or she has for loss or damage to the motor vehicle or  
1348 the contents thereof.

1349       (5) If, after 30 calendar days after receipt of the notice,  
1350 the owner or any person claiming a lien has not removed the  
1351 motor vehicle from its storage location upon payment in full of  
1352 all accrued charges for a reasonable tow fee, a reasonable  
1353 storage fee, and parking fees, if any, or shown reasonable cause  
1354 for the failure to do so, the airport director or the director's  
1355 designee may dispose of the motor vehicle by any of the manners  
1356 set forth in s. 705.182(2)(a), (b), (d), and (e). If the airport  
1357 elects to sell the motor vehicle pursuant to s. 705.182(2)(d),  
1358 the motor vehicle may be sold free of all prior liens after 35  
1359 calendar days after the date on which the motor vehicle is  
1360 stored if any prior liens on the motor vehicle are more than 5  
1361 years of age, or after 50 calendar days after the date on which  
1362 the motor vehicle is stored if any prior liens on the motor  
1363 vehicle are 5 years of age or less. The sale shall be a public

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1364 auction on the Internet or at a specified physical location. If  
1365 the date of the sale was not included in the notice required in  
1366 subsection (2), notice of the sale sent by certified mail,  
1367 return receipt requested, shall be given to the owner of the  
1368 motor vehicle and to all persons claiming a lien on the motor  
1369 vehicle. Such notice shall be mailed at least 10 calendar days  
1370 before the date of the sale. In addition to the notice by mail,  
1371 public notice of the time and place of the sale at auction shall  
1372 be made by publishing a notice thereof one time, at least 10  
1373 calendar days before the date of sale, in a newspaper of general  
1374 circulation in the county in which the sale is to be held. All  
1375 costs incurred by the airport for the towing, storage, and sale  
1376 of the motor vehicle, as well as all accrued parking fees, if  
1377 any, shall be recovered by the airport from the proceeds of the  
1378 sale, and any proceeds of the sale in excess of these costs  
1379 shall be retained by the airport for use by the airport in any  
1380 lawfully authorized manner.

1381 (6) Pursuant to this section, the airport or, if used, a  
1382 licensed independent wrecking company pursuant to s. 713.78, has  
1383 a lien on a derelict or abandoned motor vehicle for a reasonable  
1384 tow fee, a reasonable storage fee, and all accrued parking fees,  
1385 if any; except that a storage fee may not be charged if the  
1386 vehicle is stored less than 6 hours. As a prerequisite to  
1387 perfecting a lien under this section, the airport director or  
1388 the director's designee must serve a notice in accordance with  
1389 subsection (2) on the owner of the motor vehicle, the insurance  
1390 company insuring the motor vehicle notwithstanding the  
1391 provisions of s. 627.736, and all persons of record claiming a  
1392 lien against the motor vehicle. If attempts to notify the owner,



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1393 the insurance company insuring the motor vehicle notwithstanding  
 1394 the provisions of s. 627.736, or lienholders prove unsuccessful,  
 1395 the requirement of notice by mail will be considered met. The  
 1396 servicing of the notice does not dispense with recording the claim  
 1397 of lien.

1398 (7) (a) For the purpose of perfecting its lien under this  
 1399 section, the airport shall record a claim of lien, which must  
 1400 state:

1401 1. The name and address of the airport.

1402 2. The name of the owner of the motor vehicle, the  
 1403 insurance company insuring the motor vehicle notwithstanding the  
 1404 provisions of s. 627.736, and all persons of record claiming a  
 1405 lien against the motor vehicle.

1406 3. The fees incurred for a reasonable tow, reasonable  
 1407 storage, and parking, if any.

1408 4. A description of the motor vehicle sufficient for  
 1409 identification.

1410 (b) The claim of lien shall be signed and sworn to or  
 1411 affirmed by the airport director or the director's designee.

1412 (c) The claim of lien is sufficient if it is in  
 1413 substantially the following form:

1414  
 1415 CLAIM OF LIEN

1416 State of ....

1417 County of ....

1418 Before me, the undersigned notary public, personally  
 1419 appeared ....., who was duly sworn and says that he/she is  
 1420 the ..... of ....., whose address is .....; and that  
 1421 the following described motor vehicle:

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1422 ...(Description of motor vehicle)...  
 1423 owned by ....., whose address is ....., has accrued  
 1424 \$.... in fees for a reasonable tow, for storage, and for  
 1425 parking, if applicable; that the lienor served its notice to the  
 1426 owner, the insurance company insuring the motor vehicle  
 1427 notwithstanding the provisions of s. 627.736, and all persons of  
 1428 record claiming a lien against the motor vehicle on .....,  
 1429 ...(year)..., by .....

1430 ...(Signature)...  
 1431 Sworn to (or affirmed) and subscribed before me this ....  
 1432 day of ....., ...(year)..., by ...(name of person making  
 1433 statement)....

1434 ...(Signature of Notary Public)...(...Print, Type, or Stamp  
 1435 Commissioned name of Notary Public)...  
 1436 ...Personally Known or Produced as Identification....

1437  
 1438 However, the negligent inclusion or omission of any information  
 1439 in this claim of lien which does not prejudice the owner does  
 1440 not constitute a default that operates to defeat an otherwise  
 1441 valid lien.

1442 (d) The claim of lien shall be served on the owner of the  
 1443 motor vehicle, the insurance company insuring the motor vehicle  
 1444 notwithstanding the provisions of s. 627.736, and all persons of  
 1445 record claiming a lien against the motor vehicle. If attempts to  
 1446 notify the owner, the insurance company insuring the motor  
 1447 vehicle notwithstanding the provisions of s. 627.736, or  
 1448 lienholders prove unsuccessful, the requirement of notice by  
 1449 mail will be deemed met. The claim of lien shall be served  
 1450 before recordation.

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1451       (e) The claim of lien shall be recorded in the clerk's  
1452 office. The recording of the claim of lien is constructive  
1453 notice to all persons of the contents and effect of such claim.  
1454 The lien attaches at the time of recordation and takes priority  
1455 as of that time.

1456       (8) A purchaser or recipient in good faith of a motor  
1457 vehicle sold or obtained under this section takes the property  
1458 free of the rights of persons then holding any legal or  
1459 equitable interest thereto, regardless of whether such interest  
1460 is recorded.

1461       Section 25. This act shall take effect July 1, 2010.