

By the Committees on Community Affairs; and Transportation; and
Senator Gardiner

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 212.055, F.S.; including counties within a regional
4 transportation or transit authority with those
5 counties that are authorized to levy a discretionary
6 sales surtax for transportation systems under certain
7 conditions; amending s. 316.1001, F.S.; clarifying the
8 method to be used in providing notice following the
9 issuance of a citation for failure to pay a toll;
10 providing that receipt of the citation rather than its
11 mailing constitutes notification; authorizing any
12 governmental entity, including the clerk of court, to
13 provide specified data to the Department of Highway
14 Safety and Motor Vehicles regarding outstanding
15 violations for failure to pay tolls; amending s.
16 316.545, F.S.; providing for a reduction in the gross
17 weight of certain vehicles equipped with idle-
18 reduction technologies when calculating a penalty for
19 exceeding maximum weight limits; requiring that an
20 operator provide certification of the weight of the
21 idle-reduction technology and demonstrate or certify
22 that the idle-reduction technology is fully functional
23 at all times; amending s. 316.545, F.S.; authorizing
24 the Department of Transportation to issue permits for
25 certain vehicles to operate on certain routes;
26 providing restrictions on routes; providing conditions
27 when vehicles must be unloaded; amending s. 318.18,
28 F.S.; revising provisions for distribution of proceeds
29 collected by the clerk of the court for disposition of

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30 citations for failure to pay a toll; providing
31 alternative procedures for disposition of such
32 citations; providing for adjudication to be withheld
33 and no points assessed against the driver's license
34 unless adjudication is imposed by a court; authorizing
35 a court to direct the department to suspend a person's
36 driver's license for violations involving the failure
37 to pay tolls; amending s. 320.03, F.S.; clarifying
38 provisions requiring that the tax collector withhold
39 issuance of a license plate or revalidation sticker if
40 certain fines are outstanding; amending s. 322.27,
41 F.S.; providing for assessment of points against a
42 driver's license for specified violations of
43 requirements to pay a toll only when the points are
44 imposed by a court; amending s. 337.14, F.S.;
45 clarifying provisions relating to the submission of
46 interim financial statements to the department along
47 with applications for contractor qualification;
48 amending s. 337.401, F.S.; providing for the placement
49 of and access to transmission lines that are adjacent
50 to and within the right-of-way of any public road
51 controlled by the Department of Transportation;
52 amending s. 338.155, F.S.; authorizing the Department
53 of Transportation to adopt rules related to the
54 payment, collection, and enforcement of tolls;
55 amending ss. 341.051 and 341.3025, F.S.; requiring the
56 use of universal common contactless fare media on new
57 or upgraded public rail transit systems or public
58 transit systems connecting to such rail systems;

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59 amending s. 343.64, F.S.; authorizing the Central
60 Florida Regional Transportation Authority to borrow
61 funds under certain circumstances; amending s. 348.51,
62 F.S.; setting forth the limited nature of the
63 obligations issued by the Tampa-Hillsborough County
64 Expressway Authority; amending s. 348.545, F.S.;

65 clarifying authorization for the authority to issue
66 bonds to finance improvements; amending s. 348.56,
67 F.S.; prescribing additional authorization for the
68 authority to issue bonds by or on behalf of the
69 authority; authorizing the public or negotiated sale
70 of bonds by the authority; amending s. 348.565, F.S.;

71 revising revenue bond-issuance authority with respect
72 to specific legislatively approved projects; amending
73 s. 348.57, F.S.; prescribing additional authorization
74 for the authority to issue refunding bonds; amending
75 s. 348.70, F.S.; exempting the authority from certain
76 provisions relating to issuance of bonds by state
77 agencies; creating part XI of ch. 348, F.S.; creating
78 s. 348.9950, F.S.; providing a short title; creating
79 s. 348.9951, F.S.; providing that certain terms have
80 the same meaning as in the Florida Expressway
81 Authority Act for certain purposes; creating s.
82 348.9952, F.S.; creating the Osceola County Expressway
83 Authority as an agency of the state; providing for a
84 governing body of the authority; providing for
85 membership, terms, organization, personnel, and
86 administration; authorizing payment of travel and
87 other expenses; directing the authority to cooperate

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88 with and participate in any efforts to establish a
89 regional expressway authority; creating s. 348.9953,
90 F.S.; providing purposes and powers of the authority;
91 creating s. 348.9954, F.S.; authorizing the issuance
92 of bonds to pay or secure certain obligations;
93 creating s. 348.9955, F.S.; authorizing the authority
94 to enter into certain agreements; creating s.
95 348.9956, F.S.; authorizing the department to act as
96 the authority's appointed agent under certain
97 circumstances; creating s. 348.9957, F.S.; authorizing
98 the authority to acquire certain lands and property;
99 authorizing the authority to exercise eminent domain;
100 creating s. 348.9958, F.S.; authorizing certain
101 entities to enter into agreements with the authority;
102 creating s. 348.9959, F.S.; providing legislative
103 intent and a pledge of the state to bondholders;
104 creating s. 348.9960, F.S.; exempting the authority
105 from taxation; creating s. 348.9961, F.S.; providing
106 for dissolution of the authority under certain
107 circumstances; designating parts I and II of ch. 479,
108 F.S.; amending s. 479.01, F.S.; clarifying the
109 definition of "commercial or industrial zone";
110 defining the terms "allowable uses," "commercial use,"
111 "industrial use," and "zoning category" for specified
112 purposes; creating part III of ch. 479, F.S.; creating
113 s. 479.310, F.S.; providing legislative intent;
114 creating s. 479.311, F.S.; providing that the county
115 court and circuit court have concurrent jurisdiction;
116 creating ss. 479.312, 479.313, and 479.314, F.S.;

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117 requiring that all costs incurred by the department to
118 remove signs in certain locations on the interstate
119 highway system, the federal-aid primary highway
120 system, or the state highway system to be assessed and
121 collected from certain persons under certain
122 conditions; amending s. 705.18, F.S.; deleting
123 provisions relating to public-use airports or its
124 directors, as well as the required disposition of
125 moneys from sale of property abandoned at a public-use
126 airport; creating s. 705.182, F.S.; providing an
127 eligibility period for personal property found on
128 public-use airports to be claimed; providing options
129 for disposing of personal property; providing
130 procedures for selling abandoned personal property;
131 providing for the notice of sale; authorizing an
132 airport tenant to establish its own lost and found
133 procedures; providing that a purchaser of certain
134 property holds title to such property; creating s.
135 705.183, F.S.; creating procedures for the disposal of
136 derelict or abandoned aircraft on the premises of a
137 public-use airport; requiring that the director of an
138 airport or the director's designee keep a record of
139 such aircraft found at an airport; defining the terms
140 "derelict aircraft" and "abandoned aircraft";
141 requiring that the director of an airport or the
142 director's designee make a determination of the
143 identity of an aircraft owner and persons having legal
144 interest in the aircraft; requiring notification of
145 the aircraft owner and all persons having an equitable

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146 or legal interest in the aircraft; requiring that
147 certain items be included in the notice; providing an
148 exception; providing for notice if the owner of the
149 aircraft is unknown or cannot be found; providing the
150 form of such notice; providing for the placement of
151 the notice; providing procedures for failure to remove
152 an aircraft and pay fees; requiring that any sale of
153 aircraft be made at a public auction; providing notice
154 requirements for such public auction; providing
155 procedures for disposing of an aircraft; providing for
156 liability if the sale price is less than the charges
157 and costs related to the aircraft; providing that a
158 lien in favor of the airport exists under certain
159 circumstances; providing for the payment of fees and
160 charges related to the aircraft; requiring notice of
161 any such lien; requiring the filing of a claim of
162 lien; providing a form of the claim of lien; providing
163 for service of the claim of lien; providing that the
164 purchaser of the aircraft takes the property free of
165 rights of persons holding legal or equitable interest
166 in the aircraft; requiring that the purchaser or
167 recipient notify the Federal Aviation Administration
168 of the change in ownership; providing for the
169 deduction of costs if an aircraft is sold at a public
170 sale; requiring that the balance be deposited into an
171 interest-bearing account; providing a deadline for the
172 owner to claim the funds; authorizing the airport to
173 retain the balance under certain circumstances;
174 authorizing an airport to issue documents relating to

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175 the aircraft disposal; creating s. 705.184, F.S.;

176 creating procedures for the disposal of derelict or

177 abandoned motor vehicles on public-use airports;

178 defining the terms "derelict motor vehicle" and

179 "abandoned motor vehicle"; authorizing the removal of

180 such a vehicle from the airport premises; requiring

181 that the director of an airport or the director's

182 designee make a determination of the identity of the

183 owner of the motor vehicle and the insurance company

184 insuring the motor vehicle; requiring notification of

185 the owner, insurer, and lienholder; requiring that

186 certain information be included in the notice;

187 providing an exception; providing a form for the

188 notice; providing for the placement of such notice;

189 authorizing an airport to take certain action if the

190 owner or lienholder fails to remove the motor vehicle

191 and pay applicable fees; requiring that any sale of a

192 motor vehicle be made at a public auction; providing

193 notice requirements for such auction; providing

194 procedures for disposing of the motor vehicle;

195 providing for liability if the sale price is less than

196 the charges and costs related to the motor vehicle;

197 providing for a lien in favor of the airport for all

198 fees and charges related to the motor vehicle under

199 certain circumstances; providing for notice of such

200 lien; requiring the filing of a claim of lien;

201 providing a form for the claim of such lien;

202 specifying requirements for service of a claim of

203 lien; providing that a purchaser of a motor vehicle

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204 takes the property free of rights of persons holding
205 legal or equitable interest in the motor vehicle;
206 providing an effective date.
207

208 Be It Enacted by the Legislature of the State of Florida:
209

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

212 212.055 Discretionary sales surtaxes; legislative intent;
213 authorization and use of proceeds.—It is the legislative intent
214 that any authorization for imposition of a discretionary sales
215 surtax shall be published in the Florida Statutes as a
216 subsection of this section, irrespective of the duration of the
217 levy. Each enactment shall specify the types of counties
218 authorized to levy; the rate or rates which may be imposed; the
219 maximum length of time the surtax may be imposed, if any; the
220 procedure which must be followed to secure voter approval, if
221 required; the purpose for which the proceeds may be expended;
222 and such other requirements as the Legislature may provide.

223 Taxable transactions and administrative procedures shall be as
224 provided in s. 212.054.

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

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

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233 of the county or by a charter amendment approved by a majority
234 vote of the electorate of the county.

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

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

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

244 1. Deposited by the county in the trust fund and shall be
245 used for the purposes of development, construction, equipment,
246 maintenance, operation, supportive services, including a
247 countywide bus system, and related costs of a fixed guideway
248 rapid transit system;

249 2. Remitted by the governing body of the county to an
250 expressway, transit, or transportation authority created by law
251 to be used, at the discretion of such authority, for the
252 development, construction, operation, or maintenance of roads or
253 bridges in the county, for the operation and maintenance of a
254 bus system, for the payment of principal and interest on
255 existing bonds issued for the construction of such roads or
256 bridges, and, upon approval by the county commission, such
257 proceeds may be pledged for bonds issued to refinance existing
258 bonds or new bonds issued for the construction of such roads or
259 bridges;

260 3. Used by the ~~charter~~ county for the development,
261 construction, operation, and maintenance of roads and bridges in

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262 the county; for the expansion, operation, and maintenance of bus
263 and fixed guideway systems; and for the payment of principal and
264 interest on bonds issued for the construction of fixed guideway
265 rapid transit systems, bus systems, roads, or bridges; and such
266 proceeds may be pledged by the governing body of the county for
267 bonds issued to refinance existing bonds or new bonds issued for
268 the construction of such fixed guideway rapid transit systems,
269 bus systems, roads, or bridges and no more than 25 percent used
270 for nontransit uses; and

271 4. Used by the ~~charter~~ county for the planning,
272 development, construction, operation, and maintenance of roads
273 and bridges in the county; for the planning, development,
274 expansion, operation, and maintenance of bus and fixed guideway
275 systems; and for the payment of principal and interest on bonds
276 issued for the construction of fixed guideway rapid transit
277 systems, bus systems, roads, or bridges; and such proceeds may
278 be pledged by the governing body of the county for bonds issued
279 to refinance existing bonds or new bonds issued for the
280 construction of such fixed guideway rapid transit systems, bus
281 systems, roads, or bridges. Pursuant to an interlocal agreement
282 entered into pursuant to chapter 163, the governing body of the
283 ~~charter~~ county may distribute proceeds from the tax to a
284 municipality, or an expressway or transportation authority
285 created by law to be expended for the purpose authorized by this
286 paragraph. Any ~~charter~~ county that has entered into interlocal
287 agreements for distribution of proceeds to one or more
288 municipalities in the county shall revise such interlocal
289 agreements no less than every 5 years in order to include any
290 municipalities that have been created since the prior interlocal

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291 agreements were executed.

292 Section 2. Paragraph (b) of subsection (2) and subsection
293 (4) of section 316.1001, Florida Statutes, are amended to read:

294 316.1001 Payment of toll on toll facilities required;
295 penalties.—

296 (2)

297 (b) A citation issued under this subsection may be issued
298 by mailing the citation by first-class ~~first-class~~ mail, ~~or by~~
299 ~~certified mail~~, return receipt requested, to the address of the
300 registered owner of the motor vehicle involved in the violation.
301 Receipt of Mailing the citation to this address constitutes
302 notification. In the case of joint ownership of a motor vehicle,
303 the traffic citation must be mailed to the first name appearing
304 on the registration, unless the first name appearing on the
305 registration is a business organization, in which case the
306 second name appearing on the registration may be used. A
307 citation issued under this paragraph must be mailed to the
308 registered owner of the motor vehicle involved in the violation
309 within 14 days after the date of issuance of the citation
310 ~~violation~~. In addition to the citation, notification must be
311 sent to the registered owner of the motor vehicle involved in
312 the violation specifying remedies available under ss. 318.14(12)
313 and 318.18(7).

314 (4) Any governmental entity, including, without limitation,
315 a clerk of court, may provide ~~supply~~ the department with data
316 that is machine readable by the department's computer system,
317 listing persons who have one or more outstanding violations of
318 this section, with reference to the person's driver's license
319 number or vehicle registration number in the case of a business

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320 entity. Pursuant to s. 320.03(8), those persons may not be
321 issued a license plate or revalidation sticker for any motor
322 vehicle.

323 Section 3. Subsection (3) of section 316.545, Florida
324 Statutes, is amended to read:

325 316.545 Weight and load unlawful; special fuel and motor
326 fuel tax enforcement; inspection; penalty; review.—

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

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

333 (b) Five cents per pound for each pound of weight in excess
334 of the maximum herein provided when the excess weight exceeds
335 200 pounds. However, whenever the gross weight of the vehicle or
336 combination of vehicles does not exceed the maximum allowable
337 gross weight, the maximum fine for the first 600 pounds of
338 unlawful axle weight shall be \$10;

339 (c) For a vehicle equipped with fully functional idle-
340 reduction technology, any penalty shall be calculated by
341 reducing the actual gross vehicle weight or the internal bridge
342 weight by the certified weight of the idle-reduction technology
343 or by 400 pounds, whichever is less. The vehicle operator must
344 present written certification of the weight of the idle-
345 reduction technology and must demonstrate or certify that the
346 idle-reduction technology is fully functional at all times. Such
347 calculation may not be used for vehicles described in s.
348 316.535(6);

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349 (d)~~(e)~~ An apportioned motor vehicle, as defined in s.
350 320.01, operating on the highways of this state without being
351 properly licensed and registered shall be subject to the
352 penalties as herein provided; and

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

357 Section 4. Present subsections (4) through (10) of section
358 316.550, Florida Statutes, are renumbered as subsections (5)
359 through (11), respectively, and a new subsection (4) is added to
360 that section, to read:

361 316.550 Operations not in conformity with law; special
362 permits.—

363 (4) (a) The Department of Transportation or local authority
364 may issue permits that authorize commercial vehicles having
365 weights not exceeding the limits of s. 316.535(5), plus the
366 scale tolerance provided in s. 316.545(2), to operate off the
367 Interstate Highway System on a designated route specified in the
368 permit. Such permits shall be issued within 14 days after
369 receipt of the request.

370 (b) The designated route shall avoid any bridge that the
371 Department of Transportation determines cannot safely
372 accommodate vehicles having a gross vehicle weight authorized in
373 paragraph (a).

374 (c) Any vehicle, or combination of vehicles, which exceeds
375 the weight limits authorized in paragraph (a) shall be unloaded
376 and all material so unloaded shall be cared for by the owner or
377 operator.

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378 Section 5. Subsection (7) of section 318.18, Florida
379 Statutes, is amended to read:

380 318.18 Amount of penalties.—The penalties required for a
381 noncriminal disposition pursuant to s. 318.14 or a criminal
382 offense listed in s. 318.17 are as follows:

383 (7) Mandatory \$100 fine for each violation of s. 316.1001
384 plus the amount of the unpaid toll shown on the traffic citation
385 for each citation issued. The clerk of the court shall forward
386 \$25 of the \$100 fine received, plus the amount of the unpaid
387 toll that is shown on the citation, to the governmental entity
388 that issued the citation for citations issued by toll
389 enforcement officers or to the entity administering the tolls at
390 the facility where the violation occurred for citations issued
391 by law enforcement officers. However, a person may elect to pay
392 \$30 to the clerk of the court, plus the amount of the unpaid
393 toll which is shown on the citation, in which case adjudication
394 is withheld, and no points may be assessed under s. 322.27. Upon
395 receipt of the \$30 and unpaid toll amount, the clerk of the
396 court shall retain \$5 for administrative purposes and shall
397 forward the remaining \$25, plus the amount of the unpaid toll
398 shown on the citation, to the governmental entity that issued
399 the citation for citations issued by toll enforcement officers
400 or to the entity administering the tolls at the facility where
401 the violation occurred for citations issued by law enforcement
402 officers. Additionally, adjudication shall be withheld and no
403 points shall be assessed under s. 322.27, except when
404 adjudication is imposed by the court after a hearing pursuant to
405 s. 318.14(5), ~~or on whose behalf the citation was issued.~~ If a
406 plea arrangement is reached prior to the date set for a

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407 scheduled evidentiary hearing and, as a result of the plea,
408 adjudication is withheld, there shall be a mandatory fine
409 assessed per citation of not less than \$50 and not more than
410 \$100, plus the amount of the unpaid toll for each citation
411 issued. The clerk of the court shall forward \$25 of the fine
412 imposed plus the amount of the unpaid toll that is shown on the
413 citation to the governmental entity that issued the citation for
414 citations issued by toll enforcement officers or to the entity
415 administering the tolls at the facility where the violation
416 occurred for citations issued by law enforcement officers ~~or on~~
417 ~~whose behalf the citation was issued.~~ The court shall have
418 specific authority to consolidate issued citations for the same
419 defendant for the purpose of sentencing and aggregate
420 jurisdiction. In addition, the court may direct the department
421 to ~~shall~~ suspend for 60 days the driver's license of a person
422 who is convicted of 10 violations of s. 316.1001 within a 36-
423 month period. Any funds received by a governmental entity for
424 this violation may be used for any lawful purpose related to the
425 operation or maintenance of a toll facility.

426 Section 6. Subsection (8) of section 320.03, Florida
427 Statutes, is amended to read:

428 320.03 Registration; duties of tax collectors;
429 International Registration Plan.—

430 (8) If the applicant's name appears on the list referred to
431 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
432 plate or revalidation sticker may not be issued until that
433 person's name no longer appears on the list or until the person
434 presents a receipt from the governmental entity or the clerk of
435 court that provided the data showing that the fines outstanding

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436 have been paid. This subsection does not apply to the owner of a
437 leased vehicle if the vehicle is registered in the name of the
438 lessee of the vehicle. The tax collector and the clerk of the
439 court are each entitled to receive monthly, as costs for
440 implementing and administering this subsection, 10 percent of
441 the civil penalties and fines recovered from such persons. As
442 used in this subsection, the term "civil penalties and fines"
443 does not include a wrecker operator's lien as described in s.
444 713.78(13). If the tax collector has private tag agents, such
445 tag agents are entitled to receive a pro rata share of the
446 amount paid to the tax collector, based upon the percentage of
447 license plates and revalidation stickers issued by the tag agent
448 compared to the total issued within the county. The authority of
449 any private agent to issue license plates shall be revoked,
450 after notice and a hearing as provided in chapter 120, if he or
451 she issues any license plate or revalidation sticker contrary to
452 the provisions of this subsection. This section applies only to
453 the annual renewal in the owner's birth month of a motor vehicle
454 registration and does not apply to the transfer of a
455 registration of a motor vehicle sold by a motor vehicle dealer
456 licensed under this chapter, except for the transfer of
457 registrations which is inclusive of the annual renewals. This
458 section does not affect the issuance of the title to a motor
459 vehicle, notwithstanding s. 319.23(7)(b).

460 Section 7. Paragraph (d) of subsection (3) of section
461 322.27, Florida Statutes, is amended to read:

462 322.27 Authority of department to suspend or revoke
463 license.—

464 (3) There is established a point system for evaluation of

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465 convictions of violations of motor vehicle laws or ordinances,
466 and violations of applicable provisions of s. 403.413(6) (b) when
467 such violations involve the use of motor vehicles, for the
468 determination of the continuing qualification of any person to
469 operate a motor vehicle. The department is authorized to suspend
470 the license of any person upon showing of its records or other
471 good and sufficient evidence that the licensee has been
472 convicted of violation of motor vehicle laws or ordinances, or
473 applicable provisions of s. 403.413(6) (b), amounting to 12 or
474 more points as determined by the point system. The suspension
475 shall be for a period of not more than 1 year.

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

- 479 1. Reckless driving, willful and wanton—4 points.
- 480 2. Leaving the scene of a crash resulting in property
481 damage of more than \$50—6 points.
- 482 3. Unlawful speed resulting in a crash—6 points.
- 483 4. Passing a stopped school bus—4 points.
- 484 5. Unlawful speed:
 - 485 a. Not in excess of 15 miles per hour of lawful or posted
486 speed—3 points.
 - 487 b. In excess of 15 miles per hour of lawful or posted
488 speed—4 points.
- 489 6. A violation of a traffic control signal device as
490 provided in s. 316.074(1) or s. 316.075(1) (c)1.—4 points.
- 491 7. All other moving violations (including parking on a
492 highway outside the limits of a municipality)—3 points. However,
493 no points shall be imposed for a violation of s. 316.0741 or s.

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494 316.2065(12); and points shall be imposed for a violation of s.
495 316.1001 only when imposed by the court after a hearing pursuant
496 to s. 318.14(5).

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

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

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

501 Section 8. Subsection (1) of section 337.14, Florida
502 Statutes, is amended to read:

503 337.14 Application for qualification; certificate of
504 qualification; restrictions; request for hearing.-

505 (1) Any person desiring to bid for the performance of any
506 construction contract in excess of \$250,000 which the department
507 proposes to let must first be certified by the department as
508 qualified pursuant to this section and rules of the department.
509 The rules of the department shall address the qualification of
510 persons to bid on construction contracts in excess of \$250,000
511 and shall include requirements with respect to the equipment,
512 past record, experience, financial resources, and organizational
513 personnel of the applicant necessary to perform the specific
514 class of work for which the person seeks certification. The
515 department may ~~is authorized to~~ limit the dollar amount of any
516 contract upon which a person is qualified to bid or the
517 aggregate total dollar volume of contracts such person is
518 allowed to have under contract at any one time. Each applicant
519 seeking qualification to bid on construction contracts in excess
520 of \$250,000 shall furnish the department a statement under oath,
521 on such forms as the department may prescribe, setting forth
522 detailed information as required on the application. Each

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523 application for certification shall be accompanied by the latest
524 annual financial statement of the applicant completed within the
525 last 12 months. If the application or the annual financial
526 statement shows the financial condition of the applicant more
527 than 4 months before ~~prior to~~ the date on which the application
528 is received by the department, ~~then~~ an interim financial
529 statement must also be submitted and be accompanied by an
530 updated application. The interim financial statement must cover
531 the period from the end date of the annual statement and must
532 show the financial condition of the applicant no more than 4
533 months before ~~prior to~~ the date that the interim financial
534 statement ~~on which the application~~ is received by the
535 department. Each required annual or interim financial statement
536 must be audited and accompanied by the opinion of a certified
537 public accountant or a public accountant approved by the
538 department. The information required by this subsection is
539 confidential and exempt from the provisions of s. 119.07(1). The
540 department shall act upon the application for qualification
541 within 30 days after the department determines that the
542 application is complete. The department may waive the
543 requirements of this subsection for projects having a contract
544 price of \$500,000 or less if the department determines that the
545 project is of a noncritical nature and the waiver will not
546 endanger public health, safety, or property.

547 Section 9. Subsection (1) of section 337.401, Florida
548 Statutes, is amended to read:

549 337.401 Use of right-of-way for utilities subject to
550 regulation; permit; fees.—

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

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552 referred to in ss. 337.401-337.404 as the "authority," that have
553 jurisdiction and control of public roads or publicly owned rail
554 corridors are authorized to prescribe and enforce reasonable
555 rules or regulations with reference to the placing and
556 maintaining along, across, or on any road or publicly owned rail
557 corridors under their respective jurisdictions any electric
558 transmission, telephone, telegraph, or other communications
559 services lines; pole lines; poles; railways; ditches; sewers;
560 water, heat, or gas mains; pipelines; fences; gasoline tanks and
561 pumps; or other structures referred to in this section as the
562 "utility." ~~For aerial and underground electric utility~~
563 ~~transmission lines designed to operate at 69 or more kilovolts~~
564 ~~that are needed to accommodate the additional electrical~~
565 ~~transfer capacity on the transmission grid resulting from new~~
566 ~~base-load generating facilities, where there is no other~~
567 ~~practicable alternative available for placement of the electric~~
568 ~~utility transmission lines on the department's rights-of-way,~~
569 ~~the department's rules shall provide for placement of and access~~
570 ~~to such transmission lines adjacent to and within the right-of-~~
571 ~~way of any department-controlled public roads, including~~
572 ~~longitudinally within limited access facilities to the greatest~~
573 ~~extent allowed by federal law, if compliance with the standards~~
574 ~~established by such rules is achieved. Such rules may include,~~
575 ~~but need not be limited to, that the use of the right-of-way is~~
576 ~~reasonable based upon a consideration of economic and~~
577 ~~environmental factors, including, without limitation, other~~
578 ~~practicable alternative alignments, utility corridors and~~
579 ~~easements, impacts on adjacent property owners, and minimum~~
580 ~~clear zones and other safety standards, and further provide that~~

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581 ~~placement of the electric utility transmission lines within the~~
582 ~~department's right-of-way does not interfere with operational~~
583 ~~requirements of the transportation facility or planned or~~
584 ~~potential future expansion of such transportation facility. If~~
585 ~~the department approves longitudinal placement of electric~~
586 ~~utility transmission lines in limited access facilities,~~
587 ~~compensation for the use of the right-of-way is required. Such~~
588 ~~consideration or compensation paid by the electric utility in~~
589 ~~connection with the department's issuance of a permit does not~~
590 ~~create any property right in the department's property~~
591 ~~regardless of the amount of consideration paid or the~~
592 ~~improvements constructed on the property by the utility. Upon~~
593 ~~notice by the department that the property is needed for~~
594 ~~expansion or improvement of the transportation facility, the~~
595 ~~electric utility transmission line will relocate from the~~
596 ~~facility at the electric utility's sole expense. The electric~~
597 ~~utility shall pay to the department reasonable damages resulting~~
598 ~~from the utility's failure or refusal to timely relocate its~~
599 ~~transmission lines. The rules to be adopted by the department~~
600 ~~may also address the compensation methodology and relocation. As~~
601 ~~used in this subsection, the term "base-load generating~~
602 ~~facilities" means electric power plants that are certified under~~
603 ~~part II of chapter 403. The department may enter into a permit-~~
604 ~~delegation agreement with a governmental entity if issuance of a~~
605 ~~permit is based on requirements that the department finds will~~
606 ~~ensure the safety and integrity of facilities of the Department~~
607 ~~of Transportation; however, the permit-delegation agreement does~~
608 ~~not apply to facilities of electric utilities as defined in s.~~
609 ~~366.02(2).~~

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610 (b) For aerial and underground electric utility
611 transmission lines that are designed to operate at 69 or more
612 kilovolts and that are needed to accommodate the additional
613 electrical transfer capacity on the transmission grid resulting
614 from new base-load generating facilities, the department's rules
615 shall provide for placement of and access to such transmission
616 lines adjacent to and within the right-of-way of any department-
617 controlled public roads, including longitudinally within limited
618 access facilities where there is no other practicable
619 alternative available, to the greatest extent allowed by federal
620 law, if compliance with the standards established by such rules
621 is achieved. Such rules may include, but need not be limited to,
622 a requirement that the use of the limited access right-of-way
623 for longitudinal placement of electric utility transmission
624 lines be reasonably based upon a consideration of economic and
625 environmental factors, including, but not limited to, other
626 practicable alternative alignments, utility corridors and
627 easements, impacts on adjacent property owners, and minimum
628 clear zones and other safety standards. Such rules may also
629 require that placement of the electric utility transmission
630 lines within the department's right-of-way not interfere with
631 operational requirements of the transportation facility or
632 planned or potential future expansion of such transportation
633 facility. Compensation for the use of the right-of-way must be
634 provided if the department approves longitudinal placement of
635 electric utility transmission lines in limited access
636 facilities. Such consideration or compensation paid by the
637 electric utility in connection with the department's issuance of
638 a permit does not create any property right in the department's

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639 property regardless of the amount of consideration paid or the
640 improvements constructed on the property by the utility. Upon
641 notice by the department that the property is needed for
642 expansion or improvement of the transportation facility, the
643 electric utility transmission line shall be relocated at the
644 electric utility's sole expense. The electric utility shall pay
645 to the department reasonable damages resulting from the
646 utility's failure or refusal to timely relocate its transmission
647 lines. The rules adopted by the department may also address the
648 compensation methodology and relocation. As used in this
649 subsection, the term "base-load generating facilities" means
650 electric power plants that are certified under part II of
651 chapter 403.

652 Section 10. Subsection (1) of section 338.155, Florida
653 Statutes, is amended to read:

654 338.155 Payment of toll on toll facilities required;
655 exemptions.—

656 (1) No persons are permitted to use any toll facility
657 without payment of tolls, except employees of the agency
658 operating the toll project when using the toll facility on
659 official state business, state military personnel while on
660 official military business, handicapped persons as provided in
661 this section, persons exempt from toll payment by the
662 authorizing resolution for bonds issued to finance the facility,
663 and persons exempt on a temporary basis where use of such toll
664 facility is required as a detour route. Any law enforcement
665 officer operating a marked official vehicle is exempt from toll
666 payment when on official law enforcement business. Any person
667 operating a fire vehicle when on official business or a rescue

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668 vehicle when on official business is exempt from toll payment.
669 Any person participating in the funeral procession of a law
670 enforcement officer or firefighter killed in the line of duty is
671 exempt from toll payment. The secretary, or the secretary's
672 designee, may suspend the payment of tolls on a toll facility
673 when necessary to assist in emergency evacuation. The failure to
674 pay a prescribed toll constitutes a noncriminal traffic
675 infraction, punishable as a moving violation pursuant to s.
676 318.18. The department is authorized to adopt rules relating to
677 the payment, collection, and enforcement of tolls, including,
678 but not limited to, rules for the implementation of video or
679 other image billing and variable pricing ~~guaranteed toll~~
680 accounts.

681 Section 11. Subsection (7) is added to section 341.051,
682 Florida Statutes, to read:

683 341.051 Administration and financing of public transit and
684 intercity bus service programs and projects.—

685 (7) INTEROPERABLE FARE COLLECTION SYSTEMS.—

686 (a) The Legislature recognizes the importance of
687 encouraging the seamless use of local and regional public
688 transportation systems by residents of and visitors to the state
689 wherever possible. The paramount concern is to encourage the
690 implementation of fare collection systems that are interoperable
691 and compatible with multiple public transportation systems
692 throughout the state.

693 (b) Notwithstanding any other provision of law to the
694 contrary, in order to facilitate the ease of transfer from one
695 public transportation system to another, any public transit
696 system that connects directly with a new public rail system put

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697 into service on or after December 1, 2010, and that is adding a
698 new fare media system or is upgrading its existing fare media
699 system shall use a universal common contactless fare media that
700 is compatible with the American Public Transportation
701 Association's Contactless Fare Media System Standard and allows
702 users to purchase fares at a single point of sale with coin,
703 cash, or credit card. This paragraph does not require the use of
704 a universal common contactless fare media for the paratransit
705 element of any transit system or by any public transit system
706 that does not share one or more points of origin or destination
707 with a public rail system.

708
709 For purposes of this section, the term "net operating costs"
710 means all operating costs of a project less any federal funds,
711 fares, or other sources of income to the project.

712 Section 12. Present subsection (7) of section 341.3025,
713 Florida Statutes, is renumbered as subsection (8), and a new
714 subsection (7) is added to that section, to read:

715 341.3025 Multicounty public rail system fares and
716 enforcement.—

717 (7) (a) The Legislature recognizes the importance of
718 encouraging the seamless use of local and regional public
719 transportation systems by residents of and visitors to the state
720 wherever possible. The paramount concern is to encourage the
721 implementation of fare collection systems that are interoperable
722 and compatible with multiple public transportation systems
723 throughout the state.

724 (b) Notwithstanding any other provision of law to the
725 contrary, in order to facilitate the ease of transfer from one

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726 public transportation system to another, any new public rail
727 system that is constructed on or after December 1, 2010, by the
728 state, an agency of the state, a regional transportation
729 authority, or one or more counties or municipalities shall use a
730 universal common contactless fare media that is compatible with
731 the American Public Transportation Association's Contactless
732 Fare Media System Standard and allows users to purchase fares at
733 a single point of sale with coin, cash, or credit card.
734 Additionally, any existing public rail system that is adding a
735 new fare media system or is upgrading its existing fare media
736 system shall use a universal common contactless fare media that
737 is compatible with the American Public Transportation
738 Association's Contactless Fare Media System Standard and allows
739 users to purchase fares at a single point of sale with coin,
740 cash, or credit card.

741 Section 13. Paragraph (q) is added to subsection (2) of
742 section 343.64, Florida Statutes, to read:

743 343.64 Powers and duties.—

744 (2) The authority may exercise all powers necessary,
745 appurtenant, convenient, or incidental to the carrying out of
746 the aforesaid purposes, including, but not limited to, the
747 following rights and powers:

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

753 Section 14. Subsection (3) of section 348.51, Florida
754 Statutes, is amended to read:

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755 348.51 Definitions.—The following terms whenever used or
756 referred to in this part shall have the following meanings,
757 except in those instances where the context clearly indicates
758 otherwise:

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

763 Section 15. Section 348.545, Florida Statutes, is amended
764 to read:

765 348.545 Facility improvement; bond financing authority.—
766 Pursuant to s. 11(f), Art. VII of the State Constitution, the
767 Legislature hereby approves for bond financing by the Tampa-
768 Hillsborough County Expressway Authority improvements to toll
769 collection facilities, interchanges to the legislatively
770 approved expressway system, and any other facility appurtenant,
771 necessary, or incidental to the approved system. Subject to
772 terms and conditions of applicable revenue bond resolutions and
773 covenants, such costs ~~financing~~ may be financed in whole or in
774 part by revenue bonds issued under s. 348.56(1)(a) or (b)
775 whether currently issued or issued in the future, or by a
776 combination of such bonds.

777 Section 16. Subsections (1) and (2) of section 348.56,
778 Florida Statutes, are amended to read:

779 348.56 Bonds of the authority.—

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

782 (b) Alternatively, the authority shall have the power and
783 is hereby authorized from time to time to issue bonds in such

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784 principal amount as, in the opinion of the authority, shall be
785 necessary to provide sufficient moneys for achieving its
786 corporate purposes, including construction, reconstruction,
787 improvement, extension, repair, maintenance and operation of the
788 expressway system, the cost of acquisition of all real property,
789 interest on bonds during construction and for a reasonable
790 period thereafter, establishment of reserves to secure bonds,
791 and all other expenditures of the authority incident to and
792 necessary or convenient to carry out its corporate purposes and
793 powers.

794 (2) (a) Bonds issued by the authority under paragraph (1) (a)
795 or (b) shall be authorized by resolution of the members of the
796 authority and shall bear such date or dates, mature at such time
797 or times, not exceeding 40 years from their respective dates,
798 bear interest at such rate or rates, not exceeding the maximum
799 rate fixed by general law for authorities, be in such
800 denominations, be in such form, either coupon or fully
801 registered, carry such registration, exchangeability and
802 interchangeability privileges, be payable in such medium of
803 payment and at such place or places, be subject to such terms of
804 redemption and be entitled to such priorities of lien on the
805 revenues, other available moneys, and the Hillsborough County
806 gasoline tax funds as such resolution or any resolution
807 subsequent thereto may provide. The bonds shall be executed
808 either by manual or facsimile signature by such officers as the
809 authority shall determine, provided that such bonds shall bear
810 at least one signature which is manually executed thereon. The
811 coupons attached to such bonds shall bear the facsimile
812 signature or signatures of such officer or officers as shall be

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813 designated by the authority. Such bonds shall have the seal of
814 the authority affixed, imprinted, reproduced, or lithographed
815 thereon.

816 (b) The bonds issued under paragraph (1) (a) or (b) shall be
817 sold at public sale in the same manner provided by the State
818 Bond Act, ~~and the net interest cost to the authority on such~~
819 ~~bonds shall not exceed the maximum rate fixed by general law for~~
820 ~~authorities. However, if the authority, by official action at a~~
821 public meeting, determines that a negotiated sale of such bonds
822 is in the best interest of the authority, the authority may
823 negotiate the sale of such bonds with the underwriter or
824 underwriters designated by the authority and the Division of
825 Bond Finance of the State Board of Administration with respect
826 to bonds issued pursuant to paragraph (1) (a) or solely by the
827 authority with respect to bonds issued pursuant to paragraph
828 (1) (b). The authority's determination to negotiate the sale of
829 such bonds may be based, in part, upon the written advice of the
830 authority's financial adviser. ~~If all bids received on the~~
831 ~~public sale are rejected, the authority may then proceed to~~
832 ~~negotiate for the sale of the bonds at a net interest cost which~~
833 ~~shall be less than the lowest net interest cost stated in the~~
834 ~~bids rejected at the public sale.~~ Pending the preparation of
835 definitive bonds, temporary bonds or interim certificates may be
836 issued to the purchaser or purchasers of such bonds and may
837 contain such terms and conditions as the authority may
838 determine.

839 Section 17. Section 348.565, Florida Statutes, is amended
840 to read:

841 348.565 Revenue bonds for specified projects.—The existing

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842 facilities that constitute the Tampa-Hillsborough County
843 Expressway System are hereby approved to be refinanced by ~~the~~
844 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance
845 of the State Board of Administration pursuant to s. 11(f), Art.
846 VII of the State Constitution and the State Bond Act, or by
847 revenue bonds issued by the authority under s. 348.56(1)(b). In
848 addition, the following projects of the Tampa-Hillsborough
849 County Expressway Authority are approved to be financed or
850 refinanced by the issuance of revenue bonds in accordance with
851 this part under ~~pursuant to~~ s. 11(f), Art. VII of the State
852 Constitution:

853 (1) Brandon area feeder roads.

854 (2) Capital improvements to the expressway system,
855 including safety and operational improvements and toll
856 collection equipment.

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

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

860 Section 18. Subsection (1) of section 348.57, Florida
861 Statutes, is amended to read:

862 348.57 Refunding bonds.—

863 (1) Subject to public notice as provided in s. 348.54, the
864 authority is authorized to provide by resolution for the
865 issuance from time to time of bonds under s. 348.56(1)(b) for
866 the purpose of refunding any bonds then outstanding regardless
867 of whether the bonds being refunded were issued by the authority
868 under this chapter or on behalf of the authority under the State
869 Bond Act. The authority is further authorized to provide by
870 resolution for the issuance of bonds for the combined purpose

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871 of:

872 (a) Paying the cost of constructing, reconstructing,
873 improving, extending, repairing, maintaining and operating the
874 expressway system.

875 (b) Refunding bonds then outstanding. The authorization,
876 sale and issuance of such obligations, the maturities and other
877 details thereof, the rights and remedies of the holders thereof,
878 and the rights, powers, privileges, duties and obligations of
879 the authority with respect to the same shall be governed by the
880 foregoing provisions of this part insofar as the same may be
881 applicable.

882 Section 19. Section 348.70, Florida Statutes, is amended to
883 read:

884 348.70 This part complete and additional authority.-

885 (1) The powers conferred by this part shall be in addition
886 and supplemental to the existing respective powers of the
887 authority, the department, the county and the city, if any, and
888 this part shall not be construed as repealing any of the
889 provisions of any other law, general, special or local, but
890 shall be deemed to supersede such other law or laws in the
891 exercise of the powers provided in this part insofar as such
892 other law or laws are inconsistent with the provisions of this
893 part and to provide a complete method for the exercise of the
894 powers granted herein. The construction, reconstruction,
895 improvement, extension, repair, maintenance and operation of the
896 expressway system, and the issuance of bonds hereunder to
897 finance all or part of the cost thereof, may be accomplished
898 upon compliance with the provisions of this part without regard
899 to or necessity for compliance with the provisions, limitations,

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900 or restrictions contained in any other general, special or local
901 law, including, but not limited to, s. 215.821, and no approval
902 of any bonds issued under this part by the qualified electors or
903 qualified electors who are freeholders in the state or in the
904 county or in the city or in any other political subdivision of
905 the state shall be required for the issuance of such bonds.

906 (2) This part does not repeal, rescind, or modify any other
907 law or laws relating to the State Board of Administration, the
908 Department of Transportation, or the Division of Bond Finance of
909 the State Board of Administration, but supersedes any other law
910 or laws that are inconsistent with the provisions of this part,
911 including, but not limited to, s. 215.821.

912 Section 20. Part XI of chapter 348, Florida Statutes,
913 consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,
914 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,
915 348.9960, and 348.9961, is created to read:

916 348.9950 Short title.—This part may be cited as the
917 “Osceola County Expressway Authority Law.”

918 348.9951 Definitions.—Terms used in this part, except where
919 the context clearly indicates otherwise, shall have the same
920 meanings as those defined in the Florida Expressway Authority
921 Act.

922 348.9952 Osceola County Expressway Authority.—

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

926 (2) (a) The governing body of the authority shall consist of
927 six members. Five members must be residents of Osceola County,
928 three of whom shall be appointed by the governing body of the

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929 county and two of whom shall be appointed by the Governor. The
930 sixth member shall be the district secretary of the department
931 serving in the district that includes Osceola County, who shall
932 serve as an ex officio, nonvoting member. The term of each
933 appointed member shall be for 4 years, except that the first
934 term of the initial members appointed by the Governor shall be 2
935 years each. Each appointed member shall hold office until his or
936 her successor has been appointed and has qualified. A vacancy
937 occurring during a term shall be filled only for the balance of
938 the unexpired term. Each appointed member of the authority shall
939 be a person of outstanding reputation for integrity,
940 responsibility, and business ability, but a person who is an
941 officer or employee of any municipality or of Osceola County in
942 any other capacity may not be an appointed member of the
943 authority. A member of the authority is eligible for
944 reappointment.

945 (b) Members of the authority may be removed from office by
946 the Governor for misconduct, malfeasance, or nonfeasance in
947 office.

948 (3) (a) The authority shall elect one of its members as
949 chair. The authority shall also elect a secretary and a
950 treasurer, who may be members of the authority. The chair,
951 secretary, and treasurer shall hold such offices at the will of
952 the authority.

953 (b) Three members of the authority constitute a quorum, and
954 the vote of three members is necessary for any action taken by
955 the authority. A vacancy in the authority does not impair the
956 right of a quorum of the authority to exercise all of the rights
957 and perform all of the duties of the authority.

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958 (4) (a) The authority may employ an executive secretary, an
959 executive director, its own counsel and legal staff, technical
960 experts, engineers, and other employees, permanent or temporary,
961 as it may require, and may determine the qualifications and fix
962 the compensation of such persons, firms, or corporations.
963 Additionally, the authority may employ a fiscal agent or agents.
964 However, the authority shall solicit sealed proposals from at
965 least three persons, firms, or corporations for the performance
966 of any services as fiscal agents. The authority may delegate to
967 one or more of its agents or employees such of its power as it
968 deems necessary to carry out the purposes of this part, subject
969 always to the supervision and control of the authority.

970 (b) Members of the authority are entitled to receive from
971 the authority their travel and other necessary expenses incurred
972 in connection with the business of the authority as provided in
973 s. 112.061, but members shall not draw salaries or other
974 compensation.

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

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

980 348.9953 Purposes and powers.—The purposes and powers of
981 the authority shall be the same as those identified in the
982 Florida Expressway Authority Act. In implementing this act, the
983 authority shall institute procedures to encourage the awarding
984 of contracts for professional services and construction to
985 certified minority business enterprises as defined in s.
986 288.703. The authority shall develop and implement activities to

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987 encourage the participation of certified minority business
988 enterprises in the contracting process.

989 348.9954 Bonds.—Bonds may be issued on behalf of the
990 authority as provided by the State Bond Act and subject to the
991 provisions of the Florida Expressway Authority Act.

992 348.9955 Lease-purchase agreement.—The authority may enter
993 into lease-purchase agreements with the department as provided
994 in the Florida Expressway Authority Act.

995 348.9956 Department may be appointed agent of authority for
996 construction.—The authority may appoint the department as its
997 agent as provided in the Florida Expressway Authority Act.

998 348.9957 Acquisition of lands and property.—The authority
999 may acquire such rights, title, or interest in private or public
1000 property and such property rights, including easements, rights
1001 of access, air, view, and light by gift, devise, purchase, or
1002 condemnation by eminent domain proceedings as the authority may
1003 deem necessary for the purposes of this part and subject to the
1004 provisions of the Florida Expressway Authority Act.

1005 348.9958 Cooperation with other units, boards, agencies,
1006 and individuals.—Any county, municipality, drainage district,
1007 road and bridge district, school district, or other political
1008 subdivision, board, commission, or individual in or of the state
1009 may make and enter into any contract, lease, conveyance,
1010 partnership, or other agreement with the authority within the
1011 provisions and for purposes of this part. The authority may make
1012 and enter into any contract, lease, conveyance, partnership, or
1013 other agreement with any political subdivision, agency, or
1014 instrumentality of the state or any federal agency, corporation,
1015 or individual for the purpose of carrying out the provisions of

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1016 this part.

1017 348.9959 Legislative intent; covenant of the state.—It is
1018 the intent of the Legislature that the state pledge to and agree
1019 with any person, firm, corporation, or federal or state agency
1020 subscribing to or acquiring the bonds to be issued by the
1021 authority for the purposes of this part that the state will not
1022 limit or alter the rights hereby vested in the authority and the
1023 department until all bonds at any time issued together with the
1024 interest thereon are fully paid and discharged insofar as the
1025 same affects the rights of the holders of bonds issued
1026 hereunder. It is also the intent of the Legislature that the
1027 state further pledge to and agree with the United States that in
1028 the event any federal agency shall construct or contribute any
1029 funds for the completion, extension, or improvement of the
1030 Osceola County Expressway System, or any part or portion
1031 thereof, the state will not alter or limit the rights and powers
1032 of the authority and the department in any manner that would be
1033 inconsistent with the continued maintenance and operation of the
1034 Osceola County Expressway System, or the completion, extension,
1035 or improvement thereof, or that would be inconsistent with the
1036 due performance of any agreements between the authority and any
1037 such federal agency. The authority and the department shall
1038 continue to have and may exercise all powers herein granted so
1039 long as the same shall be necessary or desirable for the
1040 carrying out of the purposes of this part and the purposes of
1041 the United States in the completion, extension, or improvement
1042 of the Osceola County Expressway System or any part or portion
1043 thereof.

1044 348.9960 Exemption from taxation.—As provided under and

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1045 limited by the Florida Expressway Authority Act, the Osceola
1046 County Expressway authority is not required to pay taxes or
1047 assessments of any kind or nature whatsoever upon any property
1048 acquired by it or used by it for such purpose or upon revenues
1049 at any time received by it.

1050 348.9961 Automatic dissolution.—If, before January 1, 2020,
1051 the authority has not encumbered any funds to further its
1052 purposes and powers as authorized in s. 348.9953 to establish
1053 the system, or upon the inclusion of the geographic area served
1054 by the authority within any multicounty regional transportation
1055 authority statutorily created after July 1, 2010, the Osceola
1056 County Expressway Authority is dissolved.

1057 Section 21. Sections 479.01, 479.015, 479.02, 479.03,
1058 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,
1059 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,
1060 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,
1061 are designated as part I of chapter 479, Florida Statutes.

1062 Section 22. Subsection (3) of section 479.01, Florida
1063 Statutes, is amended, and subsections (28), (29), (30), and (31)
1064 are added to that section, to read:

1065 479.01 Definitions.—As used in this chapter, the term:

1066 (3) "Commercial or industrial zone" means a parcel of land
1067 designated for commercial or industrial use under both the
1068 future land use map of the comprehensive plan and the land use
1069 development regulations adopted pursuant to chapter 163. If a
1070 parcel is located in an area designated for multiple uses on the
1071 future land use map of a comprehensive plan and the zoning
1072 category of the land development regulations does ~~do~~ not
1073 specifically ~~clearly~~ designate that parcel for commercial or

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1074 industrial uses ~~a specific use~~, the area will be considered an
1075 unzoned commercial or industrial area if it meets the criteria
1076 of subsection (23).

1077 (28) "Allowable uses" means those uses that are authorized
1078 within a zoning category without the requirement to obtain a
1079 variance or waiver. The term includes conditional uses and those
1080 allowed by special exception, but does not include uses that are
1081 accessory, incidental to the allowable uses, or allowed only on
1082 a temporary basis.

1083 (29) "Commercial use" means activities associated with the
1084 sale, rental, or distribution of products or the performance of
1085 services. The term includes, but is not limited to, such uses or
1086 activities as retail sales, wholesale sales, rentals of
1087 equipment, goods, or products, offices, restaurants, food
1088 service vendors, sports arenas, theaters, and tourist
1089 attractions.

1090 (30) "Industrial use" means activities associated with the
1091 manufacture, assembly, processing, or storage of products, or
1092 the performance of services relating thereto. The term includes,
1093 but is not limited to, such uses or activities as automobile
1094 manufacturing or repair, boat manufacturing or repair, junk
1095 yards, meat packing facilities, citrus processing and packing
1096 facilities, produce processing and packing facilities,
1097 electrical generating plants, water treatment plants, sewage
1098 treatment plants, and solid waste disposal sites.

1099 (31) "Zoning category" means the designation under the Land
1100 Development Regulations or other similar ordinance enacted to
1101 regulate the use of land, as provided in s. 163.3202(2)(b),
1102 which sets forth the allowable uses, restrictions, and

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1103 limitations on use applicable to properties within the category.

1104 Section 23. Sections 479.261, 479.262, 479.27, 479.28, and
1105 479.30, Florida Statutes, are designated as part II of chapter
1106 479, Florida Statutes.

1107 Section 24. Part III of chapter 479, Florida Statutes,
1108 consisting of sections 479.310, 479.311, 479.312, 479.313, and
1109 479.314, is created to read:

1110 479.310 Legislative intent.—It is the intent of the
1111 Legislature that this part relieve the Department of
1112 Transportation from the financial burden incurred in the removal
1113 of unpermitted and illegal signs located within the controlled
1114 areas adjacent to the state highway system, interstate, or
1115 federal-aid primary system; to place the financial
1116 responsibility for the cost of such removal directly upon those
1117 benefiting from the location and operation of such unpermitted
1118 and illegal signs; and to provide clear authority to the
1119 department for the recovery of costs incurred by the department
1120 in the removal of such unpermitted and illegal signs.

1121 479.311 Jurisdiction; venue.—The county court shall have
1122 jurisdiction concurrent with the circuit court to consider
1123 claims filed by the department in amounts that are within their
1124 jurisdictional limitations. Venue shall be in Leon County for
1125 the purpose of a claim filed by the department to recover its
1126 costs as provided in this section.

1127 479.312 Unpermitted signs; cost of removal.—All costs
1128 incurred by the department in connection with the removal of a
1129 sign located within a controlled area adjacent to the interstate
1130 highway system, the federal-aid primary highway system, or the
1131 state highway system shall be assessed against and collected

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1132 from the following persons if they have not been issued a permit
1133 under part I of this chapter:

1134 (1) The owner of the sign;

1135 (2) The advertiser displayed on the sign; or

1136 (3) The owner of the property upon which the sign is
1137 located.

1138
1139 For the purpose of this subsection, a sign that does not display
1140 the name of the owner of the sign shall be presumed to be owned
1141 by the owner of the property upon which the sign is located.

1142 479.313 Permit revocation; cost of removal.—All costs
1143 incurred by the department in connection with the removal of a
1144 sign located within a controlled area adjacent to the interstate
1145 highway system, the federal-aid primary highway system, or the
1146 state highway system following the revocation of the permit for
1147 such sign shall be assessed against and collected from the
1148 permittee.

1149 479.314 Highway rights-of-way; cost of sign removal.—All
1150 costs incurred by the department in connection with the removal
1151 of a sign located within a right-of-way of the interstate
1152 highway system, the federal-aid primary highway system, or the
1153 state highway system shall be assessed against and collected
1154 from the owner of the sign or the advertiser displayed on the
1155 sign.

1156 Section 25. Section 705.18, Florida Statutes, is amended to
1157 read:

1158 705.18 Disposal of personal property lost or abandoned on
1159 university or community college campuses ~~or certain public-use~~
1160 ~~airports~~; disposition of proceeds from sale thereof.—

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1161 (1) Whenever any lost or abandoned personal property is
1162 ~~shall be~~ found on a campus of an institution in the State
1163 University System or a campus of a state-supported community
1164 college, ~~or on premises owned or controlled by the operator of a~~
1165 ~~public-use airport having regularly scheduled international~~
1166 ~~passenger service,~~ the president of the institution or the
1167 president's designee ~~or the director of the airport or the~~
1168 ~~director's designee~~ shall take charge thereof and make a record
1169 of the date such property was found. If, within 30 days after
1170 such property is found, or a longer period of time as may be
1171 deemed appropriate by the president ~~or the director~~ under the
1172 circumstances, the property ~~it~~ is not claimed by the owner, the
1173 president ~~or director~~ shall order it sold at public outcry after
1174 giving notice of the time and place of sale in a publication of
1175 general circulation on the campus of such institution ~~or within~~
1176 ~~the county where the airport is located~~ and written notice to
1177 the owner if known. The rightful owner of such property may
1178 reclaim the same at any time prior to sale.

1179 (2) All moneys realized from such institution's sale shall
1180 be placed in an appropriate fund and used solely for student
1181 scholarship and loan purposes. ~~All moneys realized from such~~
1182 ~~sale by an airport, less its costs of storage, transportation,~~
1183 ~~and publication of notice, shall, unless another use is required~~
1184 ~~by federal law, be deposited into the state school fund.~~

1185 Section 26. Section 705.182, Florida Statutes, is created
1186 to read:

1187 705.182 Disposal of personal property found on the premises
1188 of public-use airports.—

1189 (1) Whenever any personal property, other than aircraft or

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1190 motor vehicles, is found on premises owned or controlled by the
1191 operator of a public-use airport, the director of the airport or
1192 the director's designee shall take charge thereof and make a
1193 record of the date such property was found.

1194 (2) If within 30 calendar days after such property is
1195 found, or for such longer period of time as may be deemed
1196 appropriate by the director or the director's designee, under
1197 the circumstances, the property is not claimed by the owner, the
1198 director or the director's designee may:

1199 (a) Retain any or all of the property for the airport's own
1200 use or for use by the state or unit of local government owning
1201 or operating the airport;

1202 (b) Trade such property to another unit of local government
1203 or state agency;

1204 (c) Donate the property to a charitable organization;

1205 (d) Sell the property; or

1206 (e) Dispose of the property through an appropriate refuse
1207 removal company or a company that provides salvage services for
1208 the type of personal property found or located on the airport.

1209
1210 The airport shall notify the owner, if known, of property found
1211 on the airport and that the airport intends to dispose of the
1212 property in any of the manners permitted in this section.

1213 (3) If the airport elects to sell the property pursuant to
1214 paragraph (2) (d), the property must be sold at a public auction
1215 on the Internet or at a specified physical location after giving
1216 notice of the time and place of sale, at least 10 calendar days
1217 before the date of sale, in a publication of general circulation
1218 within the county where the airport is located and after written

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1219 notice via certified mail, return receipt requested, is provided
1220 to the owner, if known. Any such notice is deemed sufficient if
1221 the notice refers to the airport's intention to sell all then-
1222 accumulated found property, and the notice need not identify
1223 each item to be sold. The rightful owner of such property may
1224 reclaim the property at any time before sale by presenting to
1225 the airport director or the director's designee acceptable
1226 evidence of ownership. All proceeds from the sale of the
1227 property shall be retained by the airport for use by the airport
1228 in any lawfully authorized manner.

1229 (4) This section does not preclude the airport from
1230 allowing a domestic or international air carrier or other tenant
1231 on premises owned or controlled by the operator of a public-use
1232 airport from establishing its own lost and found procedures for
1233 personal property and from disposing of such personal property.

1234 (5) A purchaser or recipient in good faith of personal
1235 property sold or obtained under this section takes the property
1236 free of the rights of persons then holding any legal or
1237 equitable interest thereto, regardless of whether such interest
1238 is recorded.

1239 Section 27. Section 705.183, Florida Statutes, is created
1240 to read:

1241 705.183 Disposal of derelict or abandoned aircraft on the
1242 premises of public-use airports.-

1243 (1) Whenever any derelict or abandoned aircraft is found or
1244 located on premises owned or controlled by the operator of a
1245 public-use airport, whether such premises are under a lease or
1246 license to third parties, the director of the airport or the
1247 director's designee shall make a record of the date such

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1248 aircraft was found or determined to be present on the airport.
1249 The term "derelict aircraft" means any aircraft that is not in a
1250 flyable condition, does not have a current certificate of air
1251 worthiness issued by the Federal Aviation Administration, or is
1252 not in the process of actively being repaired. The term
1253 "abandoned aircraft" means an aircraft that has been disposed of
1254 on a public-use airport in a wrecked, inoperative, or partially
1255 dismantled condition, or an aircraft that has remained in an
1256 idle state on the premises owned or controlled by the operator
1257 of a public-use airport for 45 consecutive calendar days.

1258 (2) The director or the director's designee shall contact
1259 the Aircraft Registration Branch of the Federal Aviation
1260 Administration in order to determine the name and address of the
1261 last registered aircraft owner and make a diligent personal
1262 search of the appropriate records, or contact an aircraft title
1263 search company, in order to determine the name and address of
1264 any person having an equitable or legal interest in the
1265 aircraft. Within 10 business days after receipt of this
1266 information, the director or the director's designee shall
1267 notify the owner and all persons having an equitable or legal
1268 interest in the aircraft by certified mail, return receipt
1269 requested, advising them of the location of the derelict or
1270 abandoned aircraft on the airport; that fees and charges for the
1271 use of the airport by the aircraft have accrued and the amount
1272 thereof; that the aircraft is subject to a lien as provided in
1273 subsection (5) for the accrued fees and charges for the use of
1274 the airport and for the transportation, storage, and removal of
1275 the aircraft; that the lien is subject to enforcement pursuant
1276 to law; and that the airport may cause the use, trade, sale, or

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1277 removal of the aircraft as described in s. 705.182(2)(a), (b),
1278 (d), and (e) if, within 30 calendar days after the date of
1279 receipt of such notice, the aircraft has not been removed from
1280 the airport upon payment in full of all accrued fees and charges
1281 for the use of the airport and for the transportation, storage,
1282 and removal of the aircraft. Such notice may require removal of
1283 the aircraft in less than 30 calendar days if the aircraft poses
1284 a danger to the health or safety of users of the airport, as
1285 determined by the director or the director's designee.

1286 (3) If the owner of the aircraft is unknown or cannot be
1287 found, the director or the director's designee shall cause a
1288 laminated notice to be placed upon such aircraft in
1289 substantially the following form:

1291 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE
1292 ATTACHED PROPERTY. This property, to wit: ...(setting
1293 forth brief description)... is unlawfully upon public
1294 property known as ...(setting forth brief description
1295 of location)... and has accrued fees and charges for
1296 the use of the ...(same description of location as
1297 above)... and for the transportation, storage, and
1298 removal of the property. These accrued fees and
1299 charges must be paid in full and the property must be
1300 removed within 30 calendar days following the date of
1301 this notice; otherwise, the property will be removed
1302 and disposed of pursuant to chapter 705, Florida
1303 Statutes. The property is subject to a lien for all
1304 accrued fees and charges for the use of the public
1305 property known as ...(same description of location as

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1306 above)... by such property and for all fees and
1307 charges incurred by the public property known as
1308 ...(same description of location as above)... for the
1309 transportation, storage, and removal of the property.
1310 This lien is subject to enforcement pursuant to law.
1311 The owner will be liable for these fees and charges,
1312 as well as the cost for publication of this notice.
1313 Dated this: ...(setting forth the date of posting of
1314 notice)...., signed: ...(setting forth name, title,
1315 address, and telephone number of law enforcement
1316 officer)....

1317
1318 Such notice must be at least 8 inches by 10 inches and
1319 sufficiently weatherproof to withstand normal exposure to the
1320 elements. If, at the end of 30 calendar days after posting the
1321 notice, the owner or any person interested in the derelict or
1322 abandoned aircraft described has not removed the aircraft from
1323 the airport upon payment in full of all accrued fees and charges
1324 for the use of the airport and for the transportation, storage,
1325 and removal of the aircraft, or shown reasonable cause for
1326 failure to do so, the director or the director's designee may
1327 cause the use, trade, sale, or removal of the aircraft as
1328 described in s. 705.182(2)(a), (b), (d), and (e).

1329 (4) Such aircraft shall be removed within the time period
1330 specified in the notice provided under subsection (2) or (3).
1331 If, at the end of such period, the owner or any person
1332 interested in the derelict or abandoned aircraft has not removed
1333 the aircraft from the airport upon payment in full of all
1334 accrued fees and charges for the use of the airport and for the

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1335 transportation, storage, and removal of the aircraft, or shown
1336 reasonable cause for the failure to do so, the director or the
1337 director's designee may cause the use, trade, sale, or removal
1338 of the aircraft as described in s. 705.182(2)(a), (b), (d), and
1339 (e).

1340 (a) If the airport elects to sell the aircraft in
1341 accordance with s. 705.182(2)(d), the aircraft must be sold at
1342 public auction after giving notice of the time and place of sale
1343 at least 10 calendar days before the date of sale in a
1344 publication of general circulation within the county where the
1345 airport is located and after providing written notice of the
1346 intended sale to all parties known to have an interest in the
1347 aircraft.

1348 (b) If the airport elects to dispose of the aircraft in
1349 accordance with s. 705.182(2)(e), the airport may negotiate with
1350 the company for a price to be received from such company in
1351 payment for the aircraft, or, if circumstances warrant, a price
1352 to be paid to such company by the airport for the costs of
1353 disposing of the aircraft. All information pertaining to the
1354 establishment of such price and the justification for the amount
1355 of such price shall be prepared and maintained by the airport,
1356 and such negotiated price shall be deemed to be a commercially
1357 reasonable price.

1358 (c) If the sale price or the negotiated price is less than
1359 the airport's then-current charges and costs against the
1360 aircraft, or if the airport is required to pay the salvage
1361 company for its services, the owner of the aircraft remains
1362 liable to the airport for the airport's costs that are not
1363 offset by the sale price or negotiated price, in addition to the

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1364 owner's liability for payment to the airport of the price the
1365 airport was required to pay any salvage company. All costs
1366 incurred by the airport in the removal, storage, and sale of any
1367 aircraft are recoverable against the owner thereof.

1368 (5) The airport has a lien on derelict or abandoned
1369 aircraft for all fees and charges for the use of the airport by
1370 such aircraft and for all fees and charges incurred by the
1371 airport for the transportation, storage, and removal of the
1372 aircraft. As a prerequisite to perfecting a lien under this
1373 section, the airport director or the director's designee must
1374 serve a notice in accordance with subsection (2) on the last
1375 registered owner and all persons having an equitable or legal
1376 interest in the aircraft. The serving of the notice does not
1377 dispense with recording the claim of lien.

1378 (6) (a) For the purpose of perfecting its lien under this
1379 section, the airport shall record a claim of lien which must
1380 state:

- 1381 1. The name and address of the airport.
- 1382 2. The name of the last registered aircraft owner and all
1383 persons having a legal or equitable interest in the aircraft.
- 1384 3. The fees and charges incurred by the aircraft for the
1385 use of the airport, and the fees and charges for the
1386 transportation, storage, and removal of the aircraft.
- 1387 4. A description of the aircraft sufficient for
1388 identification.

1389 (b) The claim of lien shall be signed and sworn to or
1390 affirmed by the airport director or the director's designee.

1391 (c) The claim of lien shall be sufficient if it is in
1392 substantially the following form:

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CLAIM OF LIEN

State of

County of

Before me, the undersigned notary public, personally
appeared, who was duly sworn and says that he/she is
the of, whose address is; and that the
following described 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

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1422 registered aircraft owner and all persons having an equitable or
1423 legal interest in the aircraft. The claim of lien shall be
1424 served before recordation.

1425 (e) The claim of lien shall be recorded in the clerk's
1426 office. The recording of the claim of lien constitutes
1427 constructive notice to all persons of the contents and effect of
1428 such claim. The lien attaches at the time of recordation and
1429 takes priority as of that time.

1430 (7) A purchaser or recipient in good faith of an aircraft
1431 sold or obtained under this section takes the property free of
1432 the rights of persons then holding any legal or equitable
1433 interest thereto, whether recorded or not. The purchaser or
1434 recipient shall notify the appropriate Federal Aviation
1435 Administration office of such change in the registered owner of
1436 the aircraft.

1437 (8) If the aircraft is sold at public sale, the airport
1438 shall deduct from the proceeds of sale the costs of
1439 transportation, storage, and publication of notice and all other
1440 costs reasonably incurred by the airport, and any balance of the
1441 proceeds shall be deposited into an interest-bearing account
1442 within 30 calendar days after the airport's receipt of the
1443 proceeds and held there for 1 year. The rightful owner of the
1444 aircraft may claim the balance of the proceeds within 1 year
1445 after the date of the deposit by making application to the
1446 airport and presentation to the airport's director or the
1447 director's designee of acceptable written evidence of ownership.
1448 If no rightful owner comes forward with a claim to the proceeds
1449 within the 1-year period, the balance of the proceeds shall be
1450 retained by the airport to be used in any legally authorized

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1451 manner.

1452 (9) Any person acquiring a legal interest in an aircraft
1453 that is sold by an airport under the provisions of s. 705.182 or
1454 this section is the lawful owner of such aircraft and all other
1455 legal or equitable interests in such aircraft are divested and
1456 of no further force and effect if the holder of any such legal
1457 or equitable interest was notified of the intended disposal of
1458 the aircraft to the extent required in this section. The airport
1459 may issue documents of disposition to the purchaser or recipient
1460 of an aircraft disposed of under this section.

1461 Section 28. Section 705.184, Florida Statutes, is created
1462 to read:

1463 705.184 Derelict or abandoned motor vehicles on the
1464 premises of public-use airports.-

1465 (1) Whenever any derelict or abandoned motor vehicle is
1466 found on premises owned or controlled by the operator of a
1467 public-use airport, including airport premises leased to third
1468 parties, the director of the airport or the director's designee
1469 may take charge thereof and make a record of the date such motor
1470 vehicle was found. The term "derelict motor vehicle" means any
1471 motor vehicle that is not in a drivable condition. The term
1472 "abandoned motor vehicle" means a motor vehicle that has been
1473 disposed of on a public-use airport in a wrecked, inoperative,
1474 or partially dismantled condition, or a motor vehicle that has
1475 remained in an idle state on a public-use airport for 45
1476 consecutive calendar days. After the information relating to the
1477 derelict or abandoned motor vehicle is recorded in the airport's
1478 records, the director or the director's designee may cause the
1479 motor vehicle to be removed from airport premises by the

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1480 airport's own wrecker or by a licensed independent wrecking
1481 company and stored at a suitable location on or off the airport
1482 premises. If the director or the director's designee causes the
1483 motor vehicle to be removed from airport premises by the
1484 airport's own wrecker, the airport is subject to the procedures
1485 set forth in subsections (2)-(8). If the director or the
1486 director's designee causes the motor vehicle to be removed from
1487 the airport premises by a licensed independent wrecking company,
1488 the airport is not subject to the procedures set forth in
1489 subsections (2)-(8).

1490 (2) The airport director or the director's designee shall
1491 contact the Department of Highway Safety and Motor Vehicles in
1492 order to notify the department that the airport has possession
1493 of the subject motor vehicle and in order to determine the name
1494 and address of the owner of the motor vehicle, the insurance
1495 company insuring the motor vehicle notwithstanding the
1496 provisions of s. 627.736, and any person who has filed a lien on
1497 the motor vehicle. Within 7 business days after receipt of this
1498 information, the director or the director's designee shall send
1499 notice by certified mail, return receipt requested, to the owner
1500 of the motor vehicle, the insurance company insuring the motor
1501 vehicle notwithstanding the provisions of s. 627.736, and all
1502 persons of record claiming a lien against the motor vehicle. The
1503 notice must state the fact of possession of the motor vehicle;
1504 that charges for a reasonable tow fee, a reasonable storage fee,
1505 or accrued parking fees, if any, have accrued and the amount
1506 thereof; that a lien as provided in subsection (6) will be
1507 claimed; that the lien is subject to enforcement pursuant to
1508 law; that the owner or lienholder, if any, has the right to a

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1509 hearing as set forth in subsection (4); and that any motor
1510 vehicle which, at the end of 30 calendar days after receipt of
1511 the notice, has not been removed from the airport upon payment
1512 in full of all accrued charges for a reasonable tow fee, a
1513 reasonable storage fee, and parking fees, if any, may be
1514 disposed of in any of the manners set forth in s. 705.182(2)(a),
1515 (b), (d), and (e), including, but not limited to, the motor
1516 vehicle being sold free of all prior liens after 35 calendar
1517 days after the date on which the motor vehicle is stored if any
1518 prior liens on the motor vehicle are more than 5 years of age,
1519 or after 50 calendar days after the date on which the motor
1520 vehicle is stored if any prior liens on the motor vehicle are 5
1521 years of age or less.

1522 (3) If attempts to notify the owner or lienholder pursuant
1523 to subsection (2) prove unsuccessful, the requirement of notice
1524 by mail is deemed met and the director or the director's
1525 designee, in accordance with the requirements of subsection (5),
1526 may cause the motor vehicle to be disposed of in any of the
1527 manners set forth in s. 705.182(2)(a), (b), (d), and (e),
1528 including, but not limited to, the motor vehicle being sold free
1529 of all prior liens after 35 calendar days after the date on
1530 which the motor vehicle is stored if any prior liens on the
1531 motor vehicle are more than 5 years of age, or after 50 calendar
1532 days after the date on which the motor vehicle is stored if any
1533 prior liens on the motor vehicle are 5 years of age or less.

1534 (4)(a) The owner of, or any person with a lien on, a motor
1535 vehicle removed pursuant to subsection (1) within 10 calendar
1536 days after he or she obtains knowledge of the location of the
1537 motor vehicle, may file a complaint in the county court of the

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1538 county in which the motor vehicle is stored to determine if his
1539 or her property was wrongfully taken or withheld.

1540 (b) Upon filing a complaint, an owner or lienholder may
1541 have his or her motor vehicle released upon posting with the
1542 court a cash or surety bond or other adequate security equal to
1543 the amount of the fees for towing, storage, and accrued parking,
1544 if any, to ensure the payment of such fees in the event he or
1545 she does not prevail. Upon the posting of the bond or other
1546 adequate security and the payment of any applicable fee, the
1547 clerk of the court shall issue a certificate notifying the
1548 airport of the posting of the bond or other adequate security
1549 and directing the airport to release the motor vehicle. At the
1550 time of such release, after reasonable inspection, the owner or
1551 lienholder shall give a receipt to the airport reciting any
1552 claims he or she has for loss or damage to the motor vehicle or
1553 the contents thereof.

1554 (5) If, after 30 calendar days after receipt of the notice,
1555 the owner or any person claiming a lien has not removed the
1556 motor vehicle from its storage location upon payment in full of
1557 all accrued charges for a reasonable tow fee, a reasonable
1558 storage fee, and parking fees, if any, or shown reasonable cause
1559 for the failure to do so, the airport director or the director's
1560 designee may dispose of the motor vehicle by any of the manners
1561 set forth in s. 705.182(2)(a), (b), (d), and (e). If the airport
1562 elects to sell the motor vehicle pursuant to s. 705.182(2)(d),
1563 the motor vehicle may be sold free of all prior liens after 35
1564 calendar days after the date on which the motor vehicle is
1565 stored if any prior liens on the motor vehicle are more than 5
1566 years of age, or after 50 calendar days after the date on which

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1567 the motor vehicle is stored if any prior liens on the motor
1568 vehicle are 5 years of age or less. The sale shall be a public
1569 auction on the Internet or at a specified physical location. If
1570 the date of the sale was not included in the notice required in
1571 subsection (2), notice of the sale sent by certified mail,
1572 return receipt requested, shall be given to the owner of the
1573 motor vehicle and to all persons claiming a lien on the motor
1574 vehicle. Such notice shall be mailed at least 10 calendar days
1575 before the date of the sale. In addition to the notice by mail,
1576 public notice of the time and place of the sale at auction shall
1577 be made by publishing a notice thereof one time, at least 10
1578 calendar days before the date of sale, in a newspaper of general
1579 circulation in the county in which the sale is to be held. All
1580 costs incurred by the airport for the towing, storage, and sale
1581 of the motor vehicle, as well as all accrued parking fees, if
1582 any, shall be recovered by the airport from the proceeds of the
1583 sale, and any proceeds of the sale in excess of these costs
1584 shall be retained by the airport for use by the airport in any
1585 lawfully authorized manner.

1586 (6) Pursuant to this section, the airport or, if used, a
1587 licensed independent wrecking company pursuant to s. 713.78, has
1588 a lien on a derelict or abandoned motor vehicle for a reasonable
1589 tow fee, a reasonable storage fee, and all accrued parking fees,
1590 if any; except that a storage fee may not be charged if the
1591 vehicle is stored less than 6 hours. As a prerequisite to
1592 perfecting a lien under this section, the airport director or
1593 the director's designee must serve a notice in accordance with
1594 subsection (2) on the owner of the motor vehicle, the insurance
1595 company insuring the motor vehicle notwithstanding the

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1596 provisions of s. 627.736, and all persons of record claiming a
 1597 lien against the motor vehicle. If attempts to notify the owner,
 1598 the insurance company insuring the motor vehicle notwithstanding
 1599 the provisions of s. 627.736, or lienholders prove unsuccessful,
 1600 the requirement of notice by mail will be considered met. The
 1601 servicing of the notice does not dispense with recording the claim
 1602 of lien.

1603 (7) (a) For the purpose of perfecting its lien under this
 1604 section, the airport shall record a claim of lien, which must
 1605 state:

1606 1. The name and address of the airport.

1607 2. The name of the owner of the motor vehicle, the
 1608 insurance company insuring the motor vehicle notwithstanding the
 1609 provisions of s. 627.736, and all persons of record claiming a
 1610 lien against the motor vehicle.

1611 3. The fees incurred for a reasonable tow, reasonable
 1612 storage, and parking, if any.

1613 4. A description of the motor vehicle sufficient for
 1614 identification.

1615 (b) The claim of lien shall be signed and sworn to or
 1616 affirmed by the airport director or the director's designee.

1617 (c) The claim of lien is sufficient if it is in
 1618 substantially the following form:

1619
 1620 CLAIM OF LIEN

1621 State of

1622 County of

1623 Before me, the undersigned notary public, personally
 1624 appeared, who was duly sworn and says that he/she is

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1625 the of, whose address is; and that
 1626 the following described motor vehicle:

1627 ...(Description of motor vehicle)...
 1628 owned by, whose address is, has accrued
 1629 \$.... in fees for a reasonable tow, for storage, and for
 1630 parking, if applicable; that the lienor served its notice to the
 1631 owner, the insurance company insuring the motor vehicle
 1632 notwithstanding the provisions of s. 627.736, and all persons of
 1633 record claiming a lien against the motor vehicle on,
 1634 ...(year)..., by

1635 ...(Signature)...
 1636 Sworn to (or affirmed) and subscribed before me this
 1637 day of, ...(year)..., by ...(name of person making
 1638 statement)....

1639 ...(Signature of Notary Public)...(...Print, Type, or Stamp
 1640 Commissioned name of Notary Public)...
 1641 ...Personally Known or Produced as Identification....

1642
 1643 However, the negligent inclusion or omission of any information
 1644 in this claim of lien which does not prejudice the owner does
 1645 not constitute a default that operates to defeat an otherwise
 1646 valid lien.

1647 (d) The claim of lien shall be served on the owner of the
 1648 motor vehicle, the insurance company insuring the motor vehicle
 1649 notwithstanding the provisions of s. 627.736, and all persons of
 1650 record claiming a lien against the motor vehicle. If attempts to
 1651 notify the owner, the insurance company insuring the motor
 1652 vehicle notwithstanding the provisions of s. 627.736, or
 1653 lienholders prove unsuccessful, the requirement of notice by

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1654 mail will be deemed met. The claim of lien shall be served
1655 before recordation.

1656 (e) The claim of lien shall be recorded in the clerk's
1657 office. The recording of the claim of lien is constructive
1658 notice to all persons of the contents and effect of such claim.
1659 The lien attaches at the time of recordation and takes priority
1660 as of that time.

1661 (8) A purchaser or recipient in good faith of a motor
1662 vehicle sold or obtained under this section takes the property
1663 free of the rights of persons then holding any legal or
1664 equitable interest thereto, regardless of whether such interest
1665 is recorded.

1666 Section 29. This act shall take effect July 1, 2010.