



Transportation & Economic Development Appropriations Committee

**Friday, March 26, 2010
8:30 a.m. – 11:00 a.m.
Morris Hall
17 House Office Building**

MEETING PACKET

**Larry Cretul
Speaker**

**Richard Glorioso
Chair**



The Florida House of Representatives
Transportation & Economic Development Appropriations Committee

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MEETING AGENDA

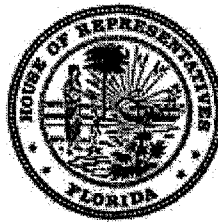
Friday, March 26 2010

8:30 a.m. to 11:00 a.m.

Morris Hall

17 House Office Building

- I. Call to Order
- II. Roll Call
- III. HB 0009 – Relief/Stephen Hall/DOT by Bernard
- IV. CS/HB 0631 Motor Vehicles by Roads, Bridges & Ports Policy Committee and Burgin
- V. CS/HB 1331 – Transportation Projects by Roads, Bridges & Ports Policy Committee and Abruzzo and Workman
- VI. CS/HB 1297 – Northeast Florida Regional Transportation by Roads, Bridges & Ports Policy Committee and Gibson
- VII. CS/HB 1271 – Department of Transportation by Roads, Bridges & Ports Policy Committee and Horner
- VIII. Adjournment



STORAGE NAME: h0009.TED.doc
DATE: 3/23/2010

March 18, 2010

SPECIAL MASTER'S FINAL REPORT

The Honorable Larry Cretul
Speaker, The Florida House of Representatives
Suite 420, The Capitol
Tallahassee, Florida 32399-1300

Re: HB 9 - Representative Bernard and others
Relief of Stephen Hall/DOT

THIS IS AN EQUITABLE CLAIM BASED ON A SETTLEMENT AGREEMENT, WHEREIN THE DEPARTMENT OF TRANSPORTATION HAS AGREED TO PAY \$500,000 TO STEPHEN HALL FOR DAMAGES HE RECEIVED AS A RESULT OF A MOTOR VEHICLE ACCIDENT WITH A VEHICLE DRIVEN BY AN EMPLOYEE OF THE DEPARTMENT. THE DEPARTMENT HAS PAID \$112,000 PURSUANT TO THE STATUTORY CAP, LEAVING \$388,000 TO BE PAID PURSUANT TO THIS CLAIM BILL.

FINDING OF FACT:

On June 30, 1997, Stephen Hall, a belted 12 year-old passenger in his father's 1954 Chevy pick-up truck, was traveling westbound on S.R. 500 in Brevard County. A Department of Transportation (DOT) vehicle being driven by David Eacker in the course and scope of his employment, was stopped on the north shoulder of S.R. 500. Just as the Hall vehicle was approaching, the DOT vehicle (a Suburban) attempted a U-turn, pulling in front of and violating Mr. Hall's right-of-way and causing the collision. The Florida Highway Patrol cited Eacker for failure to yield, a violation of s. 316.085(2), F.S.

Upon impact, Stephen's face hit the dashboard. He was subsequently transported via ambulance to Holmes Regional Medical Center Emergency Room and was diagnosed with two general areas of injury: his jaws and his knees. Both his right and left jaw were fractured, including a fracture at the point where the two sides of the jaw meet in the middle. Additionally,

he suffered lacerations on his face and inside his mouth. He lost two teeth in the accident, and had one removed as part of the surgery to repair his jaws. Several teeth have since died. He has lost all feeling in his lower left lip. Surgery was required to repair his jaws, and he had hardware surgically implanted on both the right and left jaws. He was hospitalized for a week.

Two months after the initial surgery, the arch bars in his jaws were surgically removed. It was further discovered that Stephen's jaw moved 5-6 mm leftward from the midline. Stephen's jaw has continued to shift to the left, causing pain and facial asymmetry and restricted jaw movements. Currently Stephen finds it difficult to chew. In an effort to improve the alignment of his jaws, Stephen was placed in full braces. Several experts agreed that further surgery was needed to align Stephen's jaws, but that such surgery should not take place until after he stops growing, and another year of orthodontics.

Stephen also experienced occasional buckling of the knees, and was diagnosed with anterior cruciate ligament tears. Again, the medical experts agreed that surgery to correct the tears should not be conducted until he stops growing. Stephen was additionally diagnosed with orthopedic injuries to his right arm, elbow, shoulder, neck, and back. Stephen was prescribed both non-drug and drug treatment for post traumatic cervical, thoracic, and lumbar sprains. Stephen testified that while he experiences significant pain, he prefers not to take the medication due to the negative side effects.

Past medical expenses totaled \$51,965.81. Future medical treatment for his jaw includes a full course of orthodontics, extraction of 9 teeth; removal of the bone plate; corrective jaw surgery which will require hospitalization; bone grafts, 7 implants; and crowns for the implants. It was estimated by Dr. Hardemann, DDS, MD, that future medical treatment to repair his jaw will cost \$51,950. Future medical treatment for his headaches, neck pain, and back pain include a neuropsychological consultation and MRI's of his brain and cervical spine, as well as physical therapy and medicines. It was estimated by Dr. Sharfman at the Headache and Neurological Treatment Institute that future medical treatment for his neck and back pain will range between \$29,160 and \$64,800. Future medical treatment to repair the cruciate ligament injury in his left knee will require surgery, and was estimated by Dr. Madison at the Madison-Mackey-Rogers-Murrah Orthopedic Association, to cost \$30,000 to repair. Thus, total medical expenses are expected to cost between \$111,110 - \$257,860.

At the time of the accident, Stephen had just completed the 6th grade. As a result of the injuries suffered in this accident, including his mouth being wired shut, he was unable to attend school and missed his entire 7th grade year. Stephen

attempted to return to school with his class for 8th grade, but was unable to complete a full school day due to fatigue and numerous medical appointments. For the 9th grade, Stephen was placed in a partial homebound program where he attended school for half a day and then had a homebound teacher come to his home to complete the other half of his schoolwork. Stephen completed credits through the equivalent of the 11th grade. He is now working and was enrolled in community college.

Stephen is now 25 years-old and sensitive about his physical appearance, specifically the asymmetry of his jaw. He has completed his growth process and is now at the point where he is physically ready to undergo the recommended surgical procedures. He continues to suffer pain and depression, and is very fearful about the future surgeries required. Stephen has no health or dental insurance.

LITIGATION HISTORY:

A complaint was filed by Stephen's parents in the Eighteenth Judicial Circuit in Brevard County, alleging negligence on the part of DOT's employee in causing the accident. Upon Stephen reaching the age of majority, he was substituted as the plaintiff. The DOT admitted liability. The parties agreed to a settlement as a result of mediation. The settlement agreement, which was affirmed by a Consent Final Judgment, calls for a total settlement amount of \$500,000. A total of \$88,000 was initially paid by the DOT to settle the individual claims of Stephen's parents and for property damage to their automobile, leaving \$112,000 to be paid from the \$200,000 statutory cap. The \$112,000 has been paid to Stephen, in return for which he signed a release, leaving \$388,000 to be paid by way of this claim bill. The DOT has agreed to support the claim bill and affirmatively state that the claim bill is a fair settlement for the State of Florida, an appropriate resolution of the action, and in the state's best interest.

COLLATERAL SOURCES:

Stephen's family was covered by health insurance under United Healthcare, which has failed to respond to the Hall's request to determine how much United Healthcare paid in benefits and whether they are claiming a lien. However, pursuant to s. 768.76(7), F.S., failure of a provider of collateral sources to provide a statement asserting its payment of benefits and right of subrogation or reimbursement within 30 days of receipt of the claimant's notification, shall result in waiver of any claim to subrogation. Over three years has elapsed since the claimant notified United Healthcare.

Stephen has also received \$100,000 from State Farm for uninsured motorist coverage, \$10,000 in PIP benefits, and \$5,000 in Med Pay benefits.

CONCLUSION OF LAW:

I find that the DOT employee was in the course and scope of his employment, and had a duty to yield the right of way to the Hall vehicle. This duty was breached, and was the proximate cause of the injuries suffered by Stephen Hall. I find the damages to be appropriate, and based on competent substantial evidence. Because settlement agreements are sometimes entered into for reasons that may have very little to do with the merits of a claim or the validity of a defense, stipulations or settlement agreements between the parties to a claim bill are not necessarily binding on the Legislature or its committees, or on the Special Master. However, all such agreements must be evaluated. If found to be reasonable and based on equity, then they can be given effect, at least at the Special Master's level of consideration. I find that the settlement agreement in this case is reasonable and equitable, and recommend that it be given effect by the Legislature.

RESPONDENT'S ABILITY TO PAY:

It is the intent of the DOT to pay the amount provided for in the settlement agreement from unappropriated trust fund balances in the Department. To this extent, the DOT reports that they do not anticipate this claim bill affecting any existing or planned construction projects.

ATTORNEY'S/
LOBBYING FEES:

The attorney in this case testified that his fee would not exceed 25% of the award as provided in s. 768.28, F.S. An affidavit of costs was submitted showing costs to be \$2,497.98. The claimant has hired a lobbyist and agreed to pay lobbying fees of 6% of the claim bill, to be paid in addition to the attorney's fees. However, the terms of the bill limit the total award of costs, attorney's fees, and lobbying fees to no more than 25 percent of the total amount awarded by the bill.

LEGISLATIVE HISTORY:

This claim was filed by Representative Johnson as HB 793 (2004). The bill passed with an approved amendment by the Judiciary Committee, as recommended by the Claims Subcommittee. The amendment reflected the respondent's intention to pay from an unappropriated trust fund balance. The bill died in the Committee on Transportation & Economic Developments Appropriations.

The Senate companion bill, SB 34, was introduced by Senator Campbell. The bill was referred to the Rules & Calendar Committee and died in that committee.

HB 1405 (2005) was filed by Rep. Poppell, and died in the Claims Committee. SB 10 (2005) by Sen. Campbell died in the Senate Committee on Rules and Calendar,

HB 677 (2006) was filed by Rep. Machek and died in the Claims Committee. SB 40 (2006) was filed by Sen. Campbell

and died in the Rules and Calendar committee.

HB 181 (2007) by Rep. Machek died in the Committee on Infrastructure. SB 22 (2007) by Sen. Hill was never heard in any Senate Committee.

HB 469 (2008) by Rep. Machek died in the Committee on Infrastructure. SB 20 (2008) by Sen. Hill was never heard in any Senate Committee.

HB 667 (2009) by Rep. Workman died in Civil Justice & Courts Policy Committee. SB 36 (2009) by Sen. Haridopolos was postponed and withdrawn.

In preparation for the 2010 session, both parties have been given the opportunity to supplement the record for this claim. The attorney for the claimant stated that Stephen's health has not changed and that he is still in need of surgery. The attorney for the respondent stated that the Department's position remains the same.

RECOMMENDATIONS:

I recommend that HB 9 be reported FAVORABLY.

Respectfully submitted,

TOM THOMAS
House Special Master
Florida House of Representatives

cc: Representative Bernard, House Sponsor
Senator Haridopolos, Senate Sponsor
Judge Bram D. E. Canter, Senate Special Master

1 A bill to be entitled
 2 An act for the relief of Stephen Hall; providing an
 3 appropriation to compensate Stephen Hall for injuries
 4 sustained as a result of the negligence of an employee of
 5 the Department of Transportation; providing a limitation
 6 of the payment of fees and costs; providing an effective
 7 date.

8
 9 WHEREAS, on June 30, 1997, Stephen Hall was a passenger in
 10 a vehicle driven by his father, Edward Hall, traveling westbound
 11 on State Road 500 in Brevard County, Florida, and

12 WHEREAS, David Eaker, an employee of the Department of
 13 Transportation, was stopped on the north shoulder of State Road
 14 500, headed in the same direction as the Hall vehicle, and

15 WHEREAS, as the Hall vehicle approached his vehicle, David
 16 Eaker pulled into the path of the Hall vehicle, resulting in a
 17 collision between the two vehicles, and

18 WHEREAS, Stephen Hall was injured and was transported by
 19 ambulance to Holmes Regional Medical Center in Melbourne, where
 20 he was treated for multiple traumatic injuries, including
 21 multiple facial fractures and lacerations; multiple intra-oral
 22 mucosal lacerations; and orthopedic injuries to his right arm
 23 and shoulder, neck, and both knees, and

24 WHEREAS, as a result of the injuries, Stephen Hall was
 25 subjected to multiple surgeries and physical therapy, will
 26 likely need additional surgery for the injuries in the future,
 27 missed 2 years of school, has suffered from mood swings and
 28 depression, and has permanent facial disfigurement and

29 continuing problems as a result of the injuries, and

30 WHEREAS, Stephen Hall's medical expenses total \$51,586.81
31 to date, and

32 WHEREAS, David Eaker was determined to be at fault and was
33 charged with failure to yield the right-of-way, and

34 WHEREAS, the Halls filed suit in the Eighteenth Judicial
35 Circuit, in and for Brevard County, against the Department of
36 Transportation in case number 05-2001-CA-006293, and

37 WHEREAS, the parties mediated the case and reached a
38 settlement of all claims, and

39 WHEREAS, the parties entered into a settlement agreement in
40 which the Department of Transportation admitted liability and
41 agreed to the entry of a consent judgment in the amount of
42 \$500,000, and

43 WHEREAS, the Department of Transportation has previously
44 paid \$112,000 to the claimant and agreed to affirmatively
45 support a claim bill in the amount of \$388,000, NOW, THEREFORE,

46

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

48

49 Section 1. The facts stated in the preamble to this act
50 are found and declared to be true.

51 Section 2. The Executive Office of the Governor is
52 directed to establish spending authority from unappropriated
53 trust fund balances in the Department of Transportation in the
54 amount of \$388,000 to a new category titled "Relief: Stephen
55 Hall" as relief for injuries and damages sustained, which amount
56 includes attorney's fees and costs.

57 Section 3. The Chief Financial Officer is directed to draw
58 a warrant, pursuant to the Stipulated Settlement Agreement
59 executed by the Department of Transportation and Stephen Hall,
60 in the sum of \$388,000, upon funds of the Department of
61 Transportation in the State Treasury, and the Chief Financial
62 Officer is directed to pay the same out of funds in the State
63 Treasury.

64 Section 4. Any amount awarded under this act pursuant to
65 the waiver of sovereign immunity permitted under s. 768.28,
66 Florida Statutes, and this award is intended to provide the sole
67 compensation for all present and future claims arising out of
68 the factual situation described in the preamble to this act
69 which resulted in the injury to Stephen Hall. The total amount
70 paid for attorney's fees, lobbying fees, costs, and other
71 similar expenses relating to this claim may not exceed 25
72 percent of the amount awarded under section 2.

73 Section 5. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 631 Motor Vehicles
SPONSOR(S): Roads, Bridges & Ports Policy Committee, Burgin
TIED BILLS: IDEN./SIM. BILLS: SB 1182

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Roads, Bridges & Ports Policy Committee; 9 Y, 2 N, As CS; Brown; Miller. Row 2: Transportation & Economic Development Appropriations Committee; Rayman; Creamer.

SUMMARY ANALYSIS

CS/HB 631 amends s. 316.1951, F.S., to revise provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental (a process known as "curbstoning").

The bill modifies motor vehicle dealer requirements relating to the sale of motor vehicles by:

- Removing notarization requirements by requiring a perjury statement to appear on certain forms;
• Providing that motor vehicle dealers selling vehicles to persons that reside in other states need not apply for a title certificate;
• Directing the Department of Highway Safety and Motor Vehicles (DHSMV) to place the name of the owner of a motor vehicle on the list of persons who may not be issued a license plate, revalidation sticker, or replacement plate...

CS/HB 631 also increases the width and weight requirements in the definition of recreational off-highway vehicles in Chapters 261 and 317, Florida Statutes.

The bill could result in additional fine revenue for state and local governments, depending on the number of violators and the fines collected.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Curbstoning/Prohibited Parking

Present Situation

"Curbstoning" is a term used to describe the practice of parking a vehicle in an area upon a public street, highway, a public parking lot, or public or private property where the public has a right to travel by motor vehicle, for the purpose of and intent of displaying the vehicle for sale, hire, or rent. The following are examples of curbstoning:

- Sales of vehicles by licensed motor vehicle dealers at locations other than their licensed location without an off-premises permit.
- Parking and offering for sale one's personal vehicle on the right-of-way of any street or highway or on any private property where the public has the right to travel by motor vehicle, for more than twenty-four hours at a time without expressed permission of the property owner.
- Engaging in business of selling motor vehicles without a motor vehicle dealer license. The department defines this activity as any unlicensed person, firm, business or organization buying, selling, or offering for sale motor vehicles under conditions which require such person, firm, business or organization to be licensed

Section 316.1951, F.S., provides that it is illegal, except in certain circumstances, for any person to park a motor vehicle:

- upon a public street or highway,
- upon a public parking lot, or other public property, or
- upon private property where the public has the right of travel by motor vehicle

for the principal purpose and intent of displaying the motor vehicle thereon for sale, hire, or rental unless the sale, hire, or rental of the motor vehicle is specifically authorized on such property by municipal or county regulation and the person is in compliance with all municipal or county licensing regulations.

This restriction does *not* prohibit a person from parking, for purposes of displaying for sale, their own motor vehicle on any private property which the person owns or leases or on other private property when the person obtains the permission of the owner to park the vehicle there.

In addition, this restriction does not prohibit a licensed motor vehicle dealer from displaying for sale or offering for sale motor vehicles at locations other than the dealer's licensed location if the dealer has been issued a supplemental license for off-premises sales, as provided in s. 320.27(5), F.S. The dealer must also be in compliance with all municipal and county licensing regulations. A vehicle displayed for sale by a licensed dealer at any location other than the dealer's licensed location is subject to immediate removal without warning. These provisions may be enforced by a law enforcement officer, compliance officer, or DHSMV supervisor.

Section 316.1951, F.S., also contains requirements for written notices regarding illegal parking of vehicles for sale. Paragraph (4) requires DHSMV to adopt by rule a uniform written notice to be used to enforce the prohibitions of illegal parking, and paragraph (5) provides for the removal of any motor vehicle parked in one location for more than 24 hours after a written notice has been issued.

Every written notice issued must be affixed in a conspicuous place upon a vehicle by a law enforcement officer or compliance officer or supervisor. Any motor vehicle that has been illegally parked within 30 days after a previous violation and written notice is subject to immediate removal without warning.

Immediate removal without warning is also applicable for

- Violations of s. 316.1951(6), F.S., which provides it is unlawful to offer a vehicle for sale if the vehicle identification number has been destroyed, removed, covered, altered or defaced, as described in s.319.33(1)(d), F.S.
- Violations of s. 316.1951(7), F.S., which provides it is unlawful to knowingly attach to any motor vehicle a registration not assigned or lawfully transferred to the vehicle pursuant to s. 320.261, F.S.
- Violations of s. 316.1951(8), F.S., which provides it is unlawful to display or offer for sale a vehicle that does not have a valid registration as provided in s. 320.02, F.S.
- Violations of s. 316.1951(9), F.S. which provides a vehicle is subject to immediate removal without warning if it bears the telephone number that has been displayed on three or more vehicles offered for sale within a 12-month period.

All violations for illegally parking or selling motor vehicles are non-criminal traffic infractions, punishable as non-moving violations.¹ The penalty for non-moving violations is a \$30 fine, plus court costs which vary by county. Section 316.1951(10), F.S., provides any other provision of law to the contrary notwithstanding, a violation of illegally parking or selling a motor vehicle shall subject the owner of such motor vehicle to towing fees reasonably necessitated by removal and storage of the motor vehicle.

Section 316.1945(3), F.S., authorizes law enforcement officers and parking enforcement specialists to issue a "ticket form as may be used by a political subdivision or municipality," to a driver whose vehicle is illegally parked, or attach the ticket to the vehicle in a conspicuous place. A uniform traffic citation (UTC) may *not* be issued by being attached to an unattended motor vehicle, and may not be issued for violation of a county or municipal parking ordinance.

These prohibitions do not prohibit the governing body of a municipality or county, with respect to streets, highways, or other property under its jurisdiction, from regulating the parking of motor vehicles for any purpose.²

Proposed Changes

HB 631 removes s. 316.1951(4), F.S., eliminating a requirement that DHSMV adopt a "uniform written notice" to enforce provisions prohibiting parking a motor vehicle on certain property for the purpose of displaying the vehicle for sale, hire, or rental. The bill amends s. 316.1951(5), F.S., to authorize a code enforcement officer from any local government agency to issue a traffic citation or have an illegally parked motor vehicle removed, and provides that law enforcement officers, compliance officers, and

¹ Section 316.1951(12), F.S.

² Section 316.1951(11), F.S.

code enforcement officers may order immediate removal of motor vehicle parked illegally in violation of ss. 316.1951(6)-(9), F.S., (which are renumbered (5)-(8) in the bill).

The bill amends s. 318.18, F.S., to require a person cited for unlawfully displaying a motor vehicle for sale, hire, or rental to pay a \$100 fine, which is retained by the governing authority authorizing the vehicle to be towed. The bill specifies that fines collected by DHSMV shall be deposited into the Highway Safety Operating Trust Fund.

Notarized Signatures on Transfer and Reassignment Forms

Present Situation

Section 319.225, F.S., provides for procedures and regulations regarding the transfer and reassignment of motor vehicle titles. Specifically, s. 319.225(6), F.S., provides if a certificate of title is physically held by a lienholder or is lost or otherwise unavailable, the transferor may give a power of attorney to his or her transferee for the purpose of odometer disclosure. The power of attorney must be on a form issued or authorized by DHSMV. The transferee must sign the power of attorney form, print his or her name, and return a copy of the power of attorney form to the transferor. Upon receipt of a title certificate or duplicate title certificate, the transferee must complete the space for mileage disclosure on the title certificate exactly as the mileage was disclosed by the transferor on the power of attorney form. Currently, DHSMV may require the signatures on title transfer documents be notarized.

Proposed Changes

The bill amends s. 319.225, F.S., to provide that certain motor vehicle title transfer forms do not require notarized signatures; however, in lieu of notarization, the forms must include an affidavit with the following wording: "UNDER PENALTY OF PERJURY,³ I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE."

Motor Vehicle Titles/Liens

Present Situation

Section 319.23(6), F.S., provides when a motor vehicle or mobile home is sold by a licensed dealer, regardless of the purchaser's state of residence, the dealer must file for the transfer of title with DHSMV within 30 days of the sale of the vehicle or motor home.

Proposed Changes

HB 631 provides that a motor vehicle dealer is not required to apply for a certificate of title when the general purchaser of the motor vehicle resides in another state or country. The motor vehicle dealer is required to transfer ownership and reassign the certificate of title or manufacturer's certificate of origin to the purchaser, and the purchaser must sign an affidavit, approved by DHSMV, stating that the purchaser will title and register the motor vehicle in another state or country.

License Plate Registration

Present Situation

Every owner of a motor vehicle operated or driven on the roads of this state is required to register the vehicle in this state. The owner or person in charge must apply to DHSMV or its authorized agent for registration on a form prescribed by DHSMV. Section 320.02(16), F.S., authorizes DHSMV to withhold registration or re-registration of a motor vehicle if the name of the owner or co-owner appears on a list submitted by a licensed motor vehicle dealer for failure to pay for a previous registration of that vehicle.

³ Section 837.06, F.S., provides that "knowingly mak[ing] a false statement in writing with the intent to mislead a public servant in the performance of his or her duties" is a second degree misdemeanor.

The motor vehicle dealer must maintain signed evidence the owner or co-owner acknowledged the dealer's authority to submit the list to the department if he or she failed to pay and must note the amount the owner or co-owner would be responsible for the vehicle registration.

Proposed Changes

The bill directs DHSMV to place the name of the owner of a motor vehicle on the list of persons who may not be issued a license plate, revalidation sticker, or replacement plate if the name of the owner appears on a list submitted to the department by a licensed motor vehicle dealer for a previous registration of the vehicle.

Motor Vehicle Dealers; Continuing Education and Training

Present Situation

Section 320.27, F.S., provides for the licensing and certification of motor vehicle dealers. Section 320.27(1)(c), F.S., defines a "motor vehicle dealer" as any person engaged in the business of buying, selling, or dealing in motor vehicles, or offering or displaying motor vehicles for sale at wholesale or retail. Any person who buys, sells, or deals in three or more motor vehicles in any 12-month period or who offers or displays for sale three or more motor vehicles in any 12-month period shall be presumed *prima facie* to be engaged in such business.

Section 320.27(4), F.S., provides the requirements that must be met in order for a franchised motor vehicle dealer to receive a license certificate, which must be renewed every 2 years. A franchised motor vehicle dealer that has been licensed continuously for 2 years and is in good standing with DHSMV is exempt from the pre-licensing training requirement when seeking a new franchise motor vehicle dealer license. Motor vehicle dealer principals are required to provide certification of completing 8 hours of continuing education prior to filing license renewal forms with the DHSMV; such certification must be filed once every 2 years, beginning in 2006. The continuing education must include 2 hours of legal or legislative issues, 1 hour of department issues, and 5 hours of relevant motor vehicle industry topics.

The continuing education must be provided by a licensed dealer school either in a classroom or by correspondence. Dealer schools must provide completion certificates to both DHSMV and the customer, and the schools are authorized to charge a fee for providing continuing education. The privatized method authorized for training dealer license applicants was considered a pilot project which was to be evaluated by the department after it had been in operation for two years.

Proposed Changes

HB 631 deletes obsolete language and clarifies that an applicant who has held a valid motor vehicle dealer's license continuously within the past two years and who remains in good standing with the department is exempt from the pre-licensing requirements. The bill removes the "pilot" provision for training dealer license applicants, as the pilot program has been deemed successful by DHSMV.

Maintenance of Records

Present Situation

Section 320.27(6), F.S., provides that motor vehicle dealers must keep a book or record of the following, for a period of 5 years:

- The purchase, sale, or exchange of any motor vehicle;
- The receipt of any motor vehicle for the purpose of sale;
- The temporary tag issuance date;
- The date of title transfer;
- The name and address of the buyer, seller, and any alleged owners;

- A description of the motor vehicle including any vehicle or component identification number; and
- A statement that any such number has been altered, if that is the case.

Proposed Changes

The bill allows motor vehicle dealers to maintain electronic records. When a licensee chooses to maintain electronic records, the original paper documents may be destroyed under specified circumstances.

Denial, Suspension or Revocation of License

Present Situation

Section 320.27(9), F.S., provides that DHSMV may deny, suspend, or revoke any motor vehicle dealer license upon proof a licensee has committed fraud or willful misrepresentation in applying for or obtaining a license, been convicted of a felony, or failed to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification the bank draft or check has been dishonored.

Proposed Changes

The bill authorizes DHSMV to also deny, suspend, or revoke a motor vehicle dealer license if the licensee has:

- Failed to honor a check given to the department within 10 days after notification the check has been dishonored by the bank due to insufficient funds;
- Stopped payment on a check or issued a check payable to the department from a closed account, or
- Charged back a credit card transaction to the department.

Similarly, DHSMV is authorized to deny, suspend, or revoke a motor vehicle dealer license if the licensee has:

- Failed to honor a check given to a licensed motor vehicle dealer training school for tuition within 10 days after notification the check has been dishonored by the bank due to insufficient funds;
- Stopped payment on a check or issued a check payable to a licensed motor vehicle dealer training school for tuition from a closed account, or
- Charged back a credit card transaction to the school.

If a student commits such acts as listed above, the motor vehicle dealer training school may cancel the training certificate issued to the student and notify the department of the cancellation.

ROVs

Present Situation

Chapter 261, F.S., "Off-Highway Vehicle Safety and Recreation," and Chapter 317, F.S., "Off-Highway Vehicle Titling," currently define an "ROV" as any motorized recreational off-highway vehicle:

- having a width of 60 inches or less,
- having a dry weight of 1,500 pounds or less,
- designed to travel on four non-highway tires,
- having non-straddle seating and a steering wheel, and
- manufactured for use by one or more persons

The definition explicitly states that it does not include a golf cart, as defined in s. 320.01(22), F.S. and 316.003(38), F.S., nor does it include a low-speed vehicle, as defined in s. 320.01(42), F.S.

Proposed Changes

The bill increases the allowable weight of an ROV from 1,500 to 2,000 pounds, and increases the allowable width of an ROV from 60 to 64 inches.

HB 631 provides an effective date of July 1, 2010.

B. SECTION DIRECTORY:

- Section 1 Amends s. 261.03, F.S.; amending the definition of "ROV."
- Section 2 Amends s. 317.0003, F.S.; amending the definition of "ROV."
- Section 3 Amends s. 316.1951, F.S.; removing a requirement that the Department of Highway Safety and Motor Vehicles adopt by rule a uniform written notice for enforcement of provisions that prohibit parking a motor vehicle on certain property for the purpose of displaying the motor vehicle as being for sale, hire, or rental; removing a requirement that each law enforcement agency provide its own notice for such enforcement; authorizing a code enforcement officer from any local government agency to enforce provisions prohibiting parking a motor vehicle on certain property for the purpose of displaying the motor vehicle as being for sale, hire, or rental; authorizing a law enforcement officer, compliance officer, code enforcement officer from any local government agency, or supervisor of the department to enforce provisions prohibiting offering a vehicle for sale if the vehicle identification number has been destroyed or defaced, to enforce prohibitions which prohibit knowingly attaching to any motor vehicle a registration that was not assigned to the vehicle, to enforce provisions prohibiting displaying or offering for sale a motor vehicle without a valid registration, and to enforce provisions prohibiting the display of a telephone number on a motor vehicle if that number has been displayed on three or more vehicles offered for sale within a 12-month period; requiring that a release form prescribed by the department must be completed verifying that a fine has been paid to the appropriate governing authority; authorizing towing and storage entities to collect towing and storage fees for motor vehicles towed for violation of certain prohibitions prior to payment of the fine or completion of the release form; removing a requirement that a vehicle must be parked in one location for 24 hours after a written notice has been placed on the vehicle before its removal is authorized; removing a requirement that a written notice must be affixed to the vehicle in a conspicuous manner; removing a provision authorizing immediate removal of a motor vehicle within 30 days of a previous violation and written notice; providing that the owner of a vehicle parked in violation of such provisions is subject to a fine in addition to towing and storage fees.
- Section 4 Amends s. 318.18, F.S.; specifying a fine for a vehicle that is displayed for sale, hire, or rental in violation of provisions in s. 316.1951, F.S.
- Section 5 Amending s. 319.225, F.S.; prohibiting DHSMV from requiring the signature of the transferor to be notarized on certain motor vehicle title transfer forms relating to mileage of the vehicle; requiring the forms to include an affidavit declaring facts in the document to be true.
- Section 6 Amending s. 319.23, F.S.; providing that under certain circumstances a motor vehicle dealer is not required to apply for a certificate of title for a motor vehicle sold to a general purchaser who resides outside the state.
- Section 7 Amending s. 320.02, F.S.; directing DHSMV to place the name of the owner of a motor vehicle on the list of persons who may not be issued a license plate or revalidation sticker if that person is on a list submitted to DHSMV by a licensed dealer.
- Section 8 Amending s. 320.27, F.S.; clarifying an exemption from certain dealer pre-licensing requirements; removing a requirement for evaluation of privatized applicant training methods; authorizing dealer records to be kept in either paper or electronic form; providing procedures for transfer of documents to electronic form; authorizing DHSMV to deny, suspend, or revoke a dealer's license for certain actions relating to payments

made to DHSMV; and authorizing a dealer training school to cancel the training certificate issued to a student for certain actions relating to payments made to the school.

Section 9 Providing an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill could result in additional fine revenue for state and local governments, depending on the number of violators and the fines collected.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill could result in additional fine revenue for state and local governments, depending on the number of violators and the fines collected.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Violators of the bill's prohibition would be subject to a \$100 fine for a vehicle unlawfully displayed for sale, hire, or rental. Limiting off-premise supplemental licenses to no more than one per month would presumably cause a reduction in the number of off-premises sale supplemental licenses issued to motor vehicle dealers.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DHSMV has provided the following comments regarding the motor vehicle dealer provisions:

- The bill allows, when a licensee chooses to maintain electronic records, the original paper documents to be destroyed after the licensee successfully transfers title and registration to the purchaser as required by Ch. 319, F.S., for any purchaser who titles and registers the motor vehicle in this state. DHSMV recommends clarifying that the original paper documents may be destroyed upon compliance with all other state and federal required laws and after the issuance of the title and registration to the purchaser.

DHSMV has also expressed concerns about the effective date of the bill allowing sufficient time for implementation to make necessary programming modifications, and suggests an effective date of October 1, 2010.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2010, the Roads, Bridges, and Ports Policy Committee favorably adopted three amendments for HB 631. The first amendment increases the width and weight requirements in the definition of ROVs, or recreational off-highway vehicles, in Chapters 261 and 317, Florida Statutes. The second amendment removes provisions of the bill limiting the number of off-premises sale supplemental licenses that may be issued to a motor vehicle dealer.

Amendment 3 removes provisions requiring DHSMV to develop a uniform traffic citation, to be issued by local code enforcement officers. In lieu of this arrangement, the amendment eliminates the requirement that DHSMV adopt a uniform written notice, but authorizes a code enforcement officer from any local government agency to issue a traffic citation or have an illegally parked motor vehicle removed. The amendment also provides that law enforcement officers, compliance officers, and code enforcement officers may order immediate removal of motor vehicle parked illegally in violation of ss. 316.1951(6)-(9), F.S.

Amendment 3 also clarifies that the \$100 fine levied by the original bill is retained by the governing authority authorizing the vehicle to be towed. When that authority is DHSMV, the amendment specifies that fines collected by DHSMV shall be deposited into the Highway Safety Operating Trust Fund.

This bill was reported favorably as a committee substitute.

1 A bill to be entitled
 2 An act relating to motor vehicles; amending ss. 261.03 and
 3 317.0003, F.S.; redefining the term "ROV" for purposes of
 4 provisions relating to off-highway vehicles to include
 5 vehicles of increased width and weight; amending s.
 6 316.1951, F.S.; removing a requirement that the Department
 7 of Highway Safety and Motor Vehicles adopt a uniform
 8 written notice to be used to enforce provisions that
 9 prohibit parking a motor vehicle on certain property for
 10 the purpose of displaying the motor vehicle as being for
 11 sale, hire, or rental; removing a requirement that each
 12 law enforcement agency provide its own notice for such
 13 enforcement; authorizing a code enforcement officer from
 14 any local government agency to enforce such provisions;
 15 providing for immediate removal of a motor vehicle in
 16 violation of specified provisions; providing for
 17 assessment of a fine in addition to towing and storage
 18 fees; requiring a release form prescribed by the
 19 department to be completed before release of the motor
 20 vehicle; amending s. 318.18, F.S.; specifying a fine for a
 21 vehicle that is displayed for sale, hire, or rental in
 22 violation of such provisions; providing for disposition of
 23 fines collected; amending s. 319.225, F.S.; prohibiting
 24 the department from requiring the signature of the
 25 transferor to be notarized on certain motor vehicle title
 26 transfer forms relating to mileage of the vehicle;
 27 requiring the forms to include an affidavit declaring
 28 facts in the document to be true; amending s. 319.23,

29 F.S.; providing that, under certain circumstances, a motor
 30 vehicle dealer is not required to apply for a certificate
 31 of title for a motor vehicle sold to a general purchaser
 32 who resides outside the state; amending s. 320.02, F.S.;
 33 directing the department to place the name of the owner of
 34 a motor vehicle on the list of persons who may not be
 35 issued a license plate or revalidation sticker if that
 36 person is on a list submitted to the department by a
 37 licensed dealer; amending s. 320.27, F.S.; clarifying an
 38 exemption from certain dealer prelicensing requirements;
 39 removing a requirement for evaluation of privatized
 40 applicant training methods; authorizing dealer records to
 41 be kept in either paper or electronic form; providing
 42 procedures for transfer of documents to electronic form;
 43 authorizing the department to deny, suspend, or revoke a
 44 dealer's license for certain actions relating to payments
 45 made to the department; authorizing a dealer training
 46 school to cancel the training certificate issued to a
 47 student for certain actions relating to payments made to
 48 the school; providing an effective date.

49

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

51

52 Section 1. Subsection (9) of section 261.03, Florida
 53 Statutes, is amended to read:

54 261.03 Definitions.—As used in this chapter, the term:

55 (9) "ROV" means any motorized recreational off-highway
 56 vehicle 64 ~~60~~ inches or less in width, having a dry weight of

CS/HB 631

2010

57 | 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 58 | nonhighway tires, having nonstraddle seating and a steering
 59 | wheel, and manufactured for recreational use by one or more
 60 | persons. The term "ROV" does not include a golf cart as defined
 61 | in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 62 | defined in s. 320.01(42).

63 | Section 2. Subsection (9) of section 317.0003, Florida
 64 | Statutes, is amended to read:

65 | 317.0003 Definitions.—As used in this chapter, the term:

66 | (9) "ROV" means any motorized recreational off-highway
 67 | vehicle 64 ~~60~~ inches or less in width, having a dry weight of
 68 | 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 69 | nonhighway tires, having nonstraddle seating and a steering
 70 | wheel, and manufactured for recreational use by one or more
 71 | persons. The term "ROV" does not include a golf cart as defined
 72 | in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 73 | defined in s. 320.01(42).

74 | Section 3. Section 316.1951, Florida Statutes, is amended
 75 | to read:

76 | 316.1951 Parking for certain purposes prohibited; sale of
 77 | motor vehicles; prohibited acts.—

78 | (1) It is unlawful for any person to park a motor vehicle,
 79 | as defined in s. 320.01, upon a public street or highway, ~~upon~~ a
 80 | public parking lot, or other public property, or upon private
 81 | property where the public has the right to travel by motor
 82 | vehicle, for the principal purpose and intent of displaying the
 83 | motor vehicle thereon for sale, hire, or rental unless the sale,
 84 | hire, or rental of the motor vehicle is specifically authorized

85 on such property by municipal or county regulation and the
 86 person is in compliance with all municipal or county licensing
 87 regulations.

88 (2) The provisions of subsection (1) do not prohibit a
 89 person from parking his or her own motor vehicle or his or her
 90 other personal property on any private real property which the
 91 person owns or leases or on private real property which the
 92 person does not own or lease, but for which he or she obtains
 93 the permission of the owner, or on the public street immediately
 94 adjacent thereto, for the principal purpose and intent of sale,
 95 hire, or rental.

96 (3) Subsection (1) does not prohibit a licensed motor
 97 vehicle dealer from displaying for sale or offering for sale
 98 motor vehicles at locations other than the dealer's licensed
 99 location if the dealer has been issued a supplemental license
 100 for off-premises sales, as provided in s. 320.27(5), and has
 101 complied with the requirements in subsection (1). A vehicle
 102 displayed for sale by a licensed dealer at any location other
 103 than the dealer's licensed location is subject to immediate
 104 removal without warning.

105 ~~(4) The Department of Highway Safety and Motor Vehicles~~
 106 ~~shall adopt by rule a uniform written notice to be used to~~
 107 ~~enforce this section. Each law enforcement agency in this state~~
 108 ~~shall provide, at each agency's expense, the notice forms~~
 109 ~~necessary to enforce this section.~~

110 (4)(5) A law enforcement officer, compliance officer, code
 111 enforcement officer from any local government agency, or
 112 supervisor of the department may cause to be immediately removed

113 at the owner's expense any motor vehicle found in violation of
 114 subsection (1), subsection (5), subsection (6), subsection (7),
 115 or subsection (8), and the owner shall be assessed a penalty as
 116 provided in s. 318.18(21) by the government agency or authority
 117 that orders immediate removal of the motor vehicle. A motor
 118 vehicle removed under this section shall not be released from an
 119 impound or towing and storage facility before a release form
 120 prescribed by the department has been completed verifying that
 121 the fine has been paid to the government agency or authority
 122 that ordered immediate removal of the motor vehicle. However,
 123 the owner may pay towing and storage charges to the towing and
 124 storage facility before payment of the fine or before the
 125 release form has been completed ~~which has been parked in one~~
 126 ~~location for more than 24 hours after a written notice has been~~
 127 ~~issued. Every written notice issued pursuant to this section~~
 128 ~~shall be affixed in a conspicuous place upon a vehicle by a law~~
 129 ~~enforcement officer, compliance officer, or supervisor of the~~
 130 ~~department. Any vehicle found in violation of subsection (1)~~
 131 ~~within 30 days after a previous violation and written notice is~~
 132 ~~subject to immediate removal without an additional waiting~~
 133 ~~period.~~

134 (5)(6) It is unlawful to offer a vehicle for sale if the
 135 vehicle identification number has been destroyed, removed,
 136 covered, altered, or defaced, as described in s. 319.33(1)(d). A
 137 vehicle found in violation of this subsection is subject to
 138 immediate removal without warning.

139 (6)(7) It is unlawful to knowingly attach to any motor
 140 vehicle a registration that was not assigned or lawfully

141 transferred to the vehicle pursuant to s. 320.261. A vehicle
 142 found in violation of this subsection is subject to immediate
 143 removal without warning.

144 ~~(7)-(8)~~ It is unlawful to display or offer for sale a
 145 vehicle that does not have a valid registration as provided in
 146 s. 320.02. A vehicle found in violation of this subsection is
 147 subject to immediate removal without warning. This subsection
 148 does not apply to vehicles and recreational vehicles being
 149 offered for sale through motor vehicle auctions as defined in s.
 150 320.27(1)(c)4.

151 ~~(8)-(9)~~ A vehicle is subject to immediate removal without
 152 warning if it bears a telephone number that has been displayed
 153 on three or more vehicles offered for sale within a 12-month
 154 period.

155 ~~(9)-(10)~~ Any other provision of law to the contrary
 156 notwithstanding, a violation of subsection (1), subsection (5),
 157 subsection (6), subsection (7), or subsection (8) shall subject
 158 the owner of such motor vehicle to towing fees reasonably
 159 necessitated by removal and storage of the motor vehicle and a
 160 fine as required by s. 318.18.

161 ~~(10)-(11)~~ This section does not prohibit the governing body
 162 of a municipality or county, with respect to streets, highways,
 163 or other property under its jurisdiction, from regulating the
 164 parking of motor vehicles for any purpose.

165 ~~(11)-(12)~~ A violation of this section is a noncriminal
 166 traffic infraction, punishable as a nonmoving violation as
 167 provided in chapter 318, unless otherwise mandated by general
 168 law.

169 Section 4. Subsection (21) is added to section 318.18,
 170 Florida Statutes, to read:

171 318.18 Amount of penalties.—The penalties required for a
 172 noncriminal disposition pursuant to s. 318.14 or a criminal
 173 offense listed in s. 318.17 are as follows:

174 (21) One hundred dollars for a violation of s. 316.1951
 175 for a vehicle that is unlawfully displayed for sale, hire, or
 176 rental. Notwithstanding any other law to the contrary, fines
 177 collected under this subsection shall be retained by the
 178 governing authority that authorized towing of the vehicle. Fines
 179 collected by the department shall be deposited into the Highway
 180 Safety Operating Trust Fund.

181 Section 5. Paragraphs (a) and (b) of subsection (6) of
 182 section 319.225, Florida Statutes, are amended to read:

183 319.225 Transfer and reassignment forms; odometer
 184 disclosure statements.—

185 (6) (a) If the certificate of title is physically held by a
 186 lienholder, the transferor may give a power of attorney to his
 187 or her transferee for the purpose of odometer disclosure. The
 188 power of attorney must be on a form issued or authorized by the
 189 department, which form must be in compliance with 49 C.F.R. ss.
 190 580.4 and 580.13. The department shall not require the signature
 191 of the transferor to be notarized on the form; however, in lieu
 192 of notarization, the form shall include an affidavit with the
 193 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
 194 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 195 ARE TRUE. The transferee shall sign the power of attorney form,
 196 print his or her name, and return a copy of the power of

CS/HB 631

2010

197 attorney form to the transferor. Upon receipt of a title
 198 certificate, the transferee shall complete the space for mileage
 199 disclosure on the title certificate exactly as the mileage was
 200 disclosed by the transferor on the power of attorney form. If
 201 the transferee is a licensed motor vehicle dealer who is
 202 transferring the vehicle to a retail purchaser, the dealer shall
 203 make application on behalf of the retail purchaser as provided
 204 in s. 319.23(6) and shall submit the original power of attorney
 205 form to the department with the application for title and the
 206 transferor's title certificate; otherwise, a dealer may reassign
 207 the title certificate by using the dealer reassignment form in
 208 the manner prescribed in subsection (3), and, at the time of
 209 physical transfer of the vehicle, the original power of attorney
 210 shall be delivered to the person designated as the transferee of
 211 the dealer on the dealer reassignment form. A copy of the
 212 executed power of attorney shall be submitted to the department
 213 with a copy of the executed dealer reassignment form within 5
 214 business days after the certificate of title and dealer
 215 reassignment form are delivered by the dealer to its transferee.

216 (b) If the certificate of title is lost or otherwise
 217 unavailable, the transferor may give a power of attorney to his
 218 or her transferee for the purpose of odometer disclosure. The
 219 power of attorney must be on a form issued or authorized by the
 220 department, which form must be in compliance with 49 C.F.R. ss.
 221 580.4 and 580.13. The department shall not require the signature
 222 of the transferor to be notarized on the form; however, in lieu
 223 of notarization, the form shall include an affidavit with the
 224 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I

225 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 226 ARE TRUE. The transferee shall sign the power of attorney form,
 227 print his or her name, and return a copy of the power of
 228 attorney form to the transferor. Upon receipt of the title
 229 certificate or a duplicate title certificate, the transferee
 230 shall complete the space for mileage disclosure on the title
 231 certificate exactly as the mileage was disclosed by the
 232 transferor on the power of attorney form. If the transferee is a
 233 licensed motor vehicle dealer who is transferring the vehicle to
 234 a retail purchaser, the dealer shall make application on behalf
 235 of the retail purchaser as provided in s. 319.23(6) and shall
 236 submit the original power of attorney form to the department
 237 with the application for title and the transferor's title
 238 certificate or duplicate title certificate; otherwise, a dealer
 239 may reassign the title certificate by using the dealer
 240 reassignment form in the manner prescribed in subsection (3),
 241 and, at the time of physical transfer of the vehicle, the
 242 original power of attorney shall be delivered to the person
 243 designated as the transferee of the dealer on the dealer
 244 reassignment form. A copy of the executed power of attorney
 245 shall be submitted to the department with a copy of the executed
 246 dealer reassignment form within 5 business days after the
 247 duplicate certificate of title and dealer reassignment form are
 248 delivered by the dealer to its transferee.

249 Section 6. Subsection (6) of section 319.23, Florida
 250 Statutes, is amended to read:

251 319.23 Application for, and issuance of, certificate of
 252 title.—

253 (6) (a) In the case of the sale of a motor vehicle or
 254 mobile home by a licensed dealer to a general purchaser, the
 255 certificate of title must be obtained in the name of the
 256 purchaser by the dealer upon application signed by the
 257 purchaser, and in each other case such certificate must be
 258 obtained by the purchaser. In each case of transfer of a motor
 259 vehicle or mobile home, the application for a certificate of
 260 title, a ~~ex~~ corrected certificate, or an assignment or
 261 reassignment, must be filed within 30 days after ~~from~~ the
 262 delivery of the motor vehicle or mobile home to the purchaser.
 263 An applicant must pay a fee of \$20, in addition to all other
 264 fees and penalties required by law, for failing to file such
 265 application within the specified time. In the case of the sale
 266 of a motor vehicle by a licensed motor vehicle dealer to a
 267 general purchaser who resides in another state or country, the
 268 dealer is not required to apply for a certificate of title for
 269 the motor vehicle; however, the dealer must transfer ownership
 270 and reassign the certificate of title or manufacturer's
 271 certificate of origin to the purchaser, and the purchaser must
 272 sign an affidavit, as approved by the department, that the
 273 purchaser will title and register the motor vehicle in another
 274 state or country.

275 (b) If a licensed dealer acquires a motor vehicle or
 276 mobile home as a trade-in, the dealer must file with the
 277 department, within 30 days, a notice of sale signed by the
 278 seller. The department shall update its database for that title
 279 record to indicate "sold." A licensed dealer need not apply for
 280 a certificate of title for any motor vehicle or mobile home in

281 stock acquired for stock purposes except as provided in s.
 282 319.225.

283 Section 7. Subsection (16) of section 320.02, Florida
 284 Statutes, is amended to read:

285 320.02 Registration required; application for
 286 registration; forms.—

287 (16) The department is authorized to withhold registration
 288 or re-registration of a motor vehicle if the name of the owner
 289 or of a coowner appears on a list submitted to the department by
 290 a licensed motor vehicle dealer for a previous registration of
 291 that vehicle. The department shall place the name of the
 292 registered owner of that vehicle on the list of those persons
 293 who may not be issued a license plate, revalidation sticker, or
 294 replacement plate for the vehicle purchased from the licensed
 295 motor vehicle dealer. The motor vehicle dealer must maintain
 296 signed evidence that the owner or coowner acknowledged the
 297 dealer's authority to submit the list to the department if he or
 298 she failed to pay and must note the amount for which the owner
 299 or coowner would be responsible for the vehicle registration.
 300 The dealer must maintain the necessary documentation required in
 301 this subsection or face penalties as provided in s. 320.27. This
 302 subsection does not affect the issuance of a title to a motor
 303 vehicle.

304 (a) The motor vehicle owner or coowner may dispute the
 305 claim that money is owed to a dealer for registration fees by
 306 submitting a form to the department if the motor vehicle owner
 307 or coowner has documentary proof that the registration fees have
 308 been paid to the dealer for the disputed amount. Without clear

CS/HB 631

2010

309 evidence of the amounts owed for the vehicle registration and
 310 repayment, the department will assume initial payments are
 311 applied to government-assessed fees first.

312 (b) If the registered owner's dispute complies with
 313 paragraph (a), the department shall immediately remove the motor
 314 vehicle owner or coowner's name from the list, thereby allowing
 315 the issuance of a license plate or revalidation sticker.

316 Section 8. Subsections (4) and (6) and paragraph (a) of
 317 subsection (9) of section 320.27, Florida Statutes, are amended
 318 to read:

319 320.27 Motor vehicle dealers.—

320 (4) LICENSE CERTIFICATE.—

321 (a) A license certificate shall be issued by the
 322 department in accordance with such application when the
 323 application is regular in form and in compliance with the
 324 provisions of this section. The license certificate may be in
 325 the form of a document or a computerized card as determined by
 326 the department. The actual cost of each original, additional, or
 327 replacement computerized card shall be borne by the licensee and
 328 is in addition to the fee for licensure. Such license, when so
 329 issued, entitles the licensee to carry on and conduct the
 330 business of a motor vehicle dealer. Each license issued to a
 331 franchise motor vehicle dealer expires annually on December 31
 332 unless revoked or suspended prior to that date. Each license
 333 issued to an independent or wholesale dealer or auction expires
 334 annually on April 30 unless revoked or suspended prior to that
 335 date. Not less than 60 days prior to the license expiration
 336 date, the department shall deliver or mail to each licensee the

CS/HB 631

2010

337 necessary renewal forms. Each independent dealer shall certify
 338 that the dealer (owner, partner, officer, or director of the
 339 licensee, or a full-time employee of the licensee that holds a
 340 responsible management-level position) has completed 8 hours of
 341 continuing education prior to filing the renewal forms with the
 342 department. Such certification shall be filed once every 2 years
 343 ~~commencing with the 2006 renewal period.~~ The continuing
 344 education shall include at least 2 hours of legal or legislative
 345 issues, 1 hour of department issues, and 5 hours of relevant
 346 motor vehicle industry topics. Continuing education shall be
 347 provided by dealer schools licensed under paragraph (b) either
 348 in a classroom setting or by correspondence. Such schools shall
 349 provide certificates of completion to the department and the
 350 customer which shall be filed with the license renewal form, and
 351 such schools may charge a fee for providing continuing
 352 education. Any licensee who does not file his or her application
 353 and fees and any other requisite documents, as required by law,
 354 with the department at least 30 days prior to the license
 355 expiration date shall cease to engage in business as a motor
 356 vehicle dealer on the license expiration date. A renewal filed
 357 with the department within 45 days after the expiration date
 358 shall be accompanied by a delinquent fee of \$100. Thereafter, a
 359 new application is required, accompanied by the initial license
 360 fee. A license certificate duly issued by the department may be
 361 modified by endorsement to show a change in the name of the
 362 licensee, provided, as shown by affidavit of the licensee, the
 363 majority ownership interest of the licensee has not changed or
 364 the name of the person appearing as franchisee on the sales and

365 service agreement has not changed. Modification of a license
 366 certificate to show any name change as herein provided shall not
 367 require initial licensure or reissuance of dealer tags; however,
 368 any dealer obtaining a name change shall transact all business
 369 in and be properly identified by that name. All documents
 370 relative to licensure shall reflect the new name. In the case of
 371 a franchise dealer, the name change shall be approved by the
 372 manufacturer, distributor, or importer. A licensee applying for
 373 a name change endorsement shall pay a fee of \$25 which fee shall
 374 apply to the change in the name of a main location and all
 375 additional locations licensed under the provisions of subsection
 376 (5). Each initial license application received by the department
 377 shall be accompanied by verification that, within the preceding
 378 6 months, the applicant, or one or more of his or her designated
 379 employees, has attended a training and information seminar
 380 conducted by a licensed motor vehicle dealer training school.
 381 Any applicant for a new franchised motor vehicle dealer license
 382 who has held a valid franchised motor vehicle dealer license
 383 continuously for the past 2 years and who remains in good
 384 standing with the department is exempt from the prelicensing
 385 training requirement. Such seminar shall include, but is not
 386 limited to, statutory dealer requirements, which requirements
 387 include required bookkeeping and recordkeeping procedures,
 388 requirements for the collection of sales and use taxes, and such
 389 other information that in the opinion of the department will
 390 promote good business practices. No seminar may exceed 8 hours
 391 in length.

392 (b) Each initial license application received by the

393 department for licensure under subparagraph (1)(c)2. shall ~~must~~
 394 be accompanied by verification that, within the preceding 6
 395 months, the applicant (owner, partner, officer, or director of
 396 the applicant, or a full-time employee of the applicant that
 397 holds a responsible management-level position) has successfully
 398 completed training conducted by a licensed motor vehicle dealer
 399 training school. Such training must include training in titling
 400 and registration of motor vehicles, laws relating to unfair and
 401 deceptive trade practices, laws relating to financing with
 402 regard to buy-here, pay-here operations, and such other
 403 information that in the opinion of the department will promote
 404 good business practices. Successful completion of this training
 405 shall be determined by examination administered at the end of
 406 the course and attendance of no less than 90 percent of the
 407 total hours required by such school. Any applicant who had held
 408 a valid motor vehicle dealer's license continuously within the
 409 past 2 years and who remains in good standing with the
 410 department is exempt from the prelicensing requirements of this
 411 section ~~paragraph~~. The department shall have the authority to
 412 adopt any rule necessary for establishing the training
 413 curriculum; length of training, which shall not exceed 8 hours
 414 for required department topics and shall not exceed an
 415 additional 24 hours for topics related to other regulatory
 416 agencies' instructor qualifications; and any other requirements
 417 under this section. The curriculum for other subjects shall be
 418 approved by any and all other regulatory agencies having
 419 jurisdiction over specific subject matters; however, the overall
 420 administration of the licensing of these dealer schools and

421 their instructors shall remain with the department. Such schools
 422 are authorized to charge a fee. ~~This privatized method for~~
 423 ~~training applicants for dealer licensing pursuant to~~
 424 ~~subparagraph (1)(c)2. is a pilot program that shall be evaluated~~
 425 ~~by the department after it has been in operation for a period of~~
 426 ~~2 years.~~

427 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall
 428 keep a book or record in either paper or electronic ~~such~~ form as
 429 ~~shall be~~ prescribed or approved by the department for a period
 430 of 5 years, in which the licensee shall keep a record of the
 431 purchase, sale, or exchange, or receipt for the purpose of sale,
 432 of any motor vehicle, the date upon which any temporary tag was
 433 issued, the date of title transfer, and a description of such
 434 motor vehicle together with the name and address of the seller,
 435 the purchaser, and the alleged owner or other person from whom
 436 such motor vehicle was purchased or received or to whom it was
 437 sold or delivered, as the case may be. Such description shall
 438 include the identification or engine number, maker's number, if
 439 any, chassis number, if any, and such other numbers or
 440 identification marks as may be thereon and shall also include a
 441 statement that a number has been obliterated, defaced, or
 442 changed, if such is the fact. When a licensee chooses to
 443 maintain electronic records, the original paper documents may be
 444 destroyed after the licensee successfully transfers title and
 445 registration to the purchaser as required by chapter 319 for any
 446 purchaser who titles and registers the motor vehicle in this
 447 state. In the case of a sale to a purchaser who will title and
 448 register the motor vehicle in another state or country, the

449 licensee may destroy the original paper documents after
 450 successfully delivering a lawfully reassigned title or
 451 manufacturer's certificate or statement of origin to the
 452 purchaser and after producing electronic images of all documents
 453 related to the sale.

454 (9) DENIAL, SUSPENSION, OR REVOCATION.—

455 (a) The department may deny, suspend, or revoke any
 456 license issued hereunder or under the provisions of s. 320.77 or
 457 s. 320.771~~7~~ upon proof that an applicant or a licensee has
 458 ~~committed any of the following activities:~~

459 1. Committed ~~Commission of~~ fraud or willful
 460 misrepresentation in application for or in obtaining a license.

461 2. Been convicted ~~Conviction~~ of a felony.

462 3. Failed ~~Failure~~ to honor a bank draft or check given to
 463 a motor vehicle dealer for the purchase of a motor vehicle by
 464 another motor vehicle dealer within 10 days after notification
 465 that the bank draft or check has been dishonored. If the
 466 transaction is disputed, the maker of the bank draft or check
 467 shall post a bond in accordance with the provisions of s.
 468 559.917, and no proceeding for revocation or suspension shall be
 469 commenced until the dispute is resolved.

470 4.a. Failed to provide payment within 10 business days to
 471 the department for a check payable to the department that was
 472 dishonored due to insufficient funds in the amount due plus any
 473 statutorily authorized fee for uttering a worthless check. The
 474 department shall notify an applicant or licensee when the
 475 applicant or licensee makes payment to the department by a check
 476 that is subsequently dishonored by the bank due to insufficient

477 funds. The applicant or licensee shall, within 10 business days
 478 after receiving the notice, provide payment to the department in
 479 the form of cash in the amount due plus any statutorily
 480 authorized fee. If the applicant or licensee fails to make such
 481 payment within 10 business days, the department may deny,
 482 suspend, or revoke the applicant's or licensee's motor vehicle
 483 dealer license.

484 b. Stopped payment on a check payable to the department,
 485 issued a check payable to the department from an account that
 486 has been closed, or charged back a credit card transaction to
 487 the department. If an applicant or licensee commits any such
 488 act, the department may deny, suspend, or revoke the applicant's
 489 or licensee's motor vehicle dealer license.

490 5.a. Failed to provide payment in the amount of tuition
 491 due plus any statutorily authorized fee within 10 business days
 492 to a licensed motor vehicle dealer training school for a check
 493 payable to the school that was dishonored due to insufficient
 494 funds in the amount of tuition due plus any statutorily
 495 authorized fee for uttering a worthless check. A licensed motor
 496 vehicle dealer training school shall notify a student when the
 497 student makes payment to the school by a check that is
 498 subsequently dishonored by the bank due to insufficient funds.
 499 The student shall, within 10 business days after receiving the
 500 notice, provide payment to the school in a manner designated by
 501 the school in the amount of tuition due plus any statutorily
 502 authorized fee. If the student fails to make such payment within
 503 10 business days, the motor vehicle dealer training school may
 504 cancel the training certificate issued to the student and notify

CS/HB 631

2010

505 | the department of the cancellation of the training certificate.
 506 | b. Stopped payment on a check payable to a licensed motor
 507 | vehicle dealer training school, issued a check payable to a
 508 | licensed motor vehicle dealer training school from an account
 509 | that has been closed, or charged back a credit card transaction
 510 | to a licensed motor vehicle dealer training school. If a student
 511 | commits any such act, the motor vehicle dealer training school
 512 | may cancel the training certificate issued to the student and
 513 | notify the department of the cancellation of the training
 514 | certificate.
 515 | Section 9. This act shall take effect July 1, 2010.

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Transportation & Economic
2 Development Appropriations Committee
3 Representative Gibson offered the following:

Amendment (with title amendment)

Remove lines 110-114 and insert:

7 (4)-(5) A local government may adopt an ordinance to allow
8 the towing of a motor vehicle parked in violation of this
9 section. A law enforcement officer, compliance officer, code
10 enforcement officer from any local government agency, or
11 supervisor of the department may issue a citation and cause to
12 be immediately removed at the owner's expense any motor vehicle
13 found in violation of subsection (1) except as provided in
14 subsections (2) and (3), subsection (5), subsection (6),
15 subsection (7),

Amendment No. 1

20
21
22
23
24

T I T L E A M E N D M E N T

Remove line 13 and insert:
enforcement; authorizing a local government to adopt an
ordinance to enforce such provisions; authorizing a code
enforcement officer from

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Transportation & Economic
2 Development Appropriations Committee
3 Representative(s) Horner offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 514 and 515, insert:

7 Section 9. Paragraph (a) of subsection (3) of section
8 316.1905, Florida Statutes, is amended to read:

9 316.1905 Electrical, mechanical, or other speed
10 calculating devices; power of arrest; evidence.-

11 (3)(a) A witness otherwise qualified to testify shall be
12 competent to give testimony against an accused violator of the
13 speed motor vehicle laws of this state only when such testimony
14 is derived from the use of such an electronic, electrical,
15 mechanical, or other device used in the calculation of speed,
16 upon showing that the speed calculating device which was used
17 had been tested. However, the operator of any visual average
18 speed computer device shall first be certified as a competent
19 operator of such device by the department.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 631 (2010)

Amendment No. 2

20 Section 10. Subsection (9) of section 318.14, Florida
21 Statutes, is amended to read:

22 318.14 Noncriminal traffic infractions; exception;
23 procedures.-

24 (9) Any person who does not hold a commercial driver's
25 license and who is cited for an infraction under this section
26 other than a violation of s. 316.183(2), s. 316.187, or s.
27 316.189 when the driver exceeds the posted limit by 30 miles per
28 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
29 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
30 appearance, elect to attend in the location of his or her choice
31 within this state a basic driver improvement course approved by
32 the Department of Highway Safety and Motor Vehicles. In such a
33 case, adjudication must be withheld and points, as provided by
34 s. 322.27, may not be assessed. However, a person may not make
35 an election under this subsection if the person has made an
36 election under this subsection in the preceding 12 months. A
37 person may make no more than five elections within his or her
38 lifetime ~~10 years~~ under this subsection. The requirement for
39 community service under s. 318.18(8) is not waived by a plea of
40 nolo contendere or by the withholding of adjudication of guilt
41 by a court. If a person makes an election to attend a basic
42 driver improvement course under this subsection, 18 percent of
43 the civil penalty imposed under s. 318.18(3) shall be deposited
44 in the State Courts Revenue Trust Fund; however, that portion is
45 not revenue for purposes of s. 28.36 and may not be used in
46 establishing the budget of the clerk of the court under that
47 section or s. 28.35.

Amendment No. 2

48 Section 11. Subsection (4) of section 322.0261, Florida
49 Statutes, is amended to read:

50 322.0261 Driver improvement course; requirement to
51 maintain driving privileges; failure to complete; department
52 approval of course.—

53 (4) The department shall identify any operator convicted
54 of, or who pleaded nolo contendere to, a violation of s.
55 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
56 316.192 and shall require that operator, unless the court
57 withholds adjudication, in addition to other applicable
58 penalties, to attend a department-approved driver improvement
59 course in order to maintain driving privileges. If the operator
60 fails to complete the course within 90 days after receiving
61 notice from the department, the operator's driver license shall
62 be canceled by the department until the course is successfully
63 completed.

64

65

66

67 **T I T L E A M E N D M E N T**

68 Remove line 48 and insert:

69 the school; amending s.316.1905, F.S.; conforming
70 provisions; amending s. 318.14, F.S.; providing a
71 lifetime limitation on the number of times a person
72 may elect to attend a driver improvement course in
73 lieu of a court appearance; amending s. 322.0261,
74 F.S.; providing an exemption from a requirement to
75 attend a driver improvement course for drivers if

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 631 (2010)

Amendment No. 2

76 adjudication is withheld by the court; providing an
77 effective date.

78

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Sections 335.18 through 335.188, F.S. creates the "State Highway System Access Management Act." This law provides that the access management regulations are necessary "to protect the public health, safety, and welfare, to preserve the functional integrity of the State Highway System, and to promote the safe and efficient movement of people of goods within the state."

The law also gives property owners whose property abuts the State Highway System the right to reasonable access, but not unregulated access to the property. These access rights are "subject to reasonable regulation to ensure the public's right and interest in a safe and efficient highway system."

The Department of Transportation (DOT) has implemented access management guidelines to provide guidance on access management issues.¹ The guidelines address the location, design, and operation of driveways, median openings, interchanges, and street connections. A basic principal of access management is to limit the number of conflict points along a roadway by limiting the number of driveways and median openings and restricting certain movements at some median openings. The goal of these guidelines is to properly balance access and mobility in the design of state roadways.

Section 339.155(6), F.S., provides for public participation in DOT's planning process. It provides that in developing major transportation improvements such as increasing capacity or providing new access to a limited or controlled access facility or constructing a facility in a new location, DOT is required to hold one or more public hearings, including prior to the selection and commitment to a specific design. The hearing is to be conducted to provide an opportunity for effective participation by interested parties. At least 20 days prior to a hearing related to design, DOT is required to notify property owners of record within 300 feet of the centerline of the proposed facility and those whom DOT determines will be substantially affected environmentally, economically, socially, or safetywise.

Proposed Changes

The bill creates s. 335.199, F.S. This new section provides that when DOT proposes a project on the State Highway System which; will divide a state highway, will erect media barriers modifying currently available vehicle turning movements; or have the effect of closing or modifying an existing access

¹ Information on DOT's access management program is available at <http://www.dot.state.fl.us/planning/systems/sm/accman/>.

connection to an abutting property owner, it must notify all affected municipalities and counties at least 180 days before the project's design is finalized.

For projects within municipal boundaries, the notification is to be issued in writing to the chief elected official in the municipality. For projects in unincorporated areas, the notification is to be issued in writing to the chief elected official in the county.

The bill requires the affected municipality or county to receive and review public input on how dividing the state highway, erecting media barriers, or closing or modifying access connections that will affect access to businesses and the potential economic impact to the local business community.

The affected municipality or county has 60 days from the date it receives the notice to provide comments to DOT regarding how the project will affect access to businesses and the potential economic impact to the local business community.

The bill requires DOT to review all comments submitted by a local government, and take these comments into consideration in the final design of the highway project.

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

Section 1 Creates s. 335.199, F.S., directing DOT to notify local governmental entities on certain proposed projects before the design is finalized; providing a time frame for notification; requiring the local governmental entity to receive and review public input regarding the effects of the projects on local business and to provide comments to DOT; directing DOT to consider the comments in the final design of the project.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

DOT may incur some additional expenditures associated with notifying local governments in the design phase of certain transportation projects, and will be able to absorb these costs within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

Municipalities and counties may incur some incidental expenditures associated with reviewing and seeking public input prior to certain DOT projects.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2009, the Roads, Bridges & Ports Policy Committee adopted a strike-all amendment to HB 1331. The amendment replaced the original bill's local government approval requirement with a process requiring DOT to notify local governments prior to finalizing the design on a project that would impede access. The amendment also requires the local government to review and receive public input regarding the proposed project. DOT is required to consider these comments in its final design for the project. The bill was reported favorably as a committee substitute.

1 A bill to be entitled
 2 An act relating to transportation projects; creating s.
 3 335.199, F.S.; directing the Department of Transportation
 4 to notify local governmental entities of certain proposed
 5 projects before the design is finalized; providing a time
 6 frame for notification; requiring the local governmental
 7 entity to receive and review public input regarding the
 8 effects of the project on local business and to provide
 9 comments to the department; directing the department to
 10 consider the comments in the final design of the project;
 11 providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Section 335.199, Florida Statutes, is created
 16 to read:

17 335.199 Transportation projects modifying access to
 18 adjacent property.—

19 (1) Whenever the Department of Transportation proposes any
 20 project on the State Highway System which will divide a state
 21 highway, erect median barriers modifying currently available
 22 vehicle turning movements, or have the effect of closing or
 23 modifying an existing access to an abutting property owner, the
 24 department shall notify all affected municipalities and counties
 25 at least 180 days before the design of the project is finalized.

26 (2) If the project is within the boundaries of a
 27 municipality, the notification shall be issued in writing to the
 28 chief elected official of the municipality. If the project is in

29 the unincorporated area of a county, the notification shall be
 30 issued in writing to the chief elected official of the county.

31 (3) The affected municipality or county must receive and
 32 review public input on how the dividing of the state highway,
 33 the erecting of median barriers, or the closing or modifying of
 34 access will affect access to businesses and the potential
 35 economic impact of the project on the local business community.
 36 The affected municipality or county shall have 60 days after the
 37 date the notice is provided under this section to provide
 38 comments to the department regarding how the project will affect
 39 access to businesses and the potential economic impact of the
 40 project on the local business community.

41 (4) The department must review all comments submitted by a
 42 local governmental entity under this section and must take the
 43 comments into consideration in the final design of the highway
 44 project.

45 Section 2. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1297 Northeast Florida Regional Transportation
SPONSOR(S): Roads, Bridges & Ports Policy Committee; Gibson
TIED BILLS: IDEN./SIM. BILLS: SB 2470

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Roads, Bridges & Ports Policy Committee, 10 Y, 0 N, As CS, Johnson, Miller. Row 2: Transportation & Economic Development Appropriations Committee, Fennell, Creamer.

SUMMARY ANALYSIS

The Jacksonville Transportation Authority (JTA) is an independent special district that provides regional transit services and roadway infrastructure connecting Northeast Florida.

In 2009, the Legislature required the Department of Transportation to direct a study to be conducted and funded by JTA to consider a framework for creating a transportation authority in the northeast region of Florida. The required report was completed and received by the Legislature on February 1, 2010. One of the report's recommendations is for the Legislature to form a Regional Transportation Study Commission to finalize the analysis in the report and to prepare draft legislation on forming the Regional transportation Authority (RTA).

The bill creates the Northeast Florida Regional Transportation Study Commission. The commission will be composed of citizens from Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns, with nonvoting representatives from the JTA, DOT, the Northeast Florida Regional Council, and the North Florida Transportation Planning Organization. The commission will be staffed and funded by JTA.

By December 31, 2012, the commission is required to prepare a report detailing its findings and making specific legislative recommendations, including:

- A regional transportation elements plan;
• The defining characteristics of transportation elements of regional significance;
• An implementation plan for undertaking a regional transportation elements plan, which may include the establishment of the regional transportation authority,
• Draft legislation consistent with this act; and
• Any other recommendations the commission deems appropriate.

The commission terminates upon the delivery of the final report.

The commission will be funded by JTA and does not have a fiscal impact on state government.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Currently, there are five Florida regional transportation authorities created pursuant to ch. 343, F.S.: the South Florida Regional Transportation Authority; the Central Florida Regional Transportation Authority; the Tampa Bay Commuter Transit Authority; the Northwest Florida Regional Transportation Corridor Authority; and the Bay Area Regional Transportation Authority. One local transportation authority, the Jacksonville Transportation Authority, was created in ch. 349, F.S. These six authorities have various membership structures, powers and duties. All have some form of bond financing authority to allow for the implementation of their individual transportation missions.

The Jacksonville Transportation Authority (JTA) is an independent special district that provides regional transit services and roadway infrastructure connecting Northeast Florida. The governing body of the JTA consists of seven members. Three members are appointed by the Governor and confirmed by the Senate. Three members are appointed by the mayor of the City of Jacksonville and are subject to confirmation by the Jacksonville City Council. The seventh non-voting member is the district secretary of the Department of Transportation (DOT) for the district that contains the City of Jacksonville. Except for the district secretary, all members must be residents and qualified electors of Duval County and serve four-year terms.

In 2009, Section 20 of HB 1213 required DOT to direct a study to be conducted and funded by JTA to consider a framework for creating a transportation authority in the northeast region of Florida. The required report was completed and received by the Legislature on February 1, 2010.¹ One of the report's recommendations is for the Legislature to form a Regional Transportation Study Commission to finalize the analysis in the report and to prepare draft legislation on forming the Regional transportation Authority (RTA).

Proposed Changes

The bill creates the Northeast Florida Regional Transportation Study Commission. The commission will be composed of 20 members designated as follows:

¹ A copy of the report is available at <http://www.jtafla.com/Projects/showPage.aspx?Sel=213>

- Two citizens from each of the following counties; appointed by the County Commissioners of each county: Baker, Clay, Flagler, Nassau, Putnam, and St. Johns.
- Four citizens from Duval County appointed by the Jacksonville City Council.
- The chair of the JTA, who serves as chair of the commission.
- The Department of Transportation, District II Secretary, who is a nonvoting member.
- The chair of the Northeast Florida Regional Council, who is a nonvoting member.
- The chair of the North Florida Transportation Planning Organization, who is a nonvoting member.

Members serve until the work of the commission is complete and the commission is terminated. The chair of the JTA, the DOT District Secretary, the chair of the Northeast Florida Regional Council, and the chair of the North Florida Transportation Planning Organization stop being members if they no longer hold the position indicated in the bill. If this occurs, the members would be replaced by their successor in the position.

The members of the commission will serve without compensation, but will be reimbursed for all necessary expenses related to performing their duties, including travel expenses, pursuant to s. 112.061, F.S.

A county commission or the Jacksonville City Council may, for cause, remove or suspend a member it appoints, including, but not limited to, failure to attend two or more commission meetings during a 9-month period.

JTA's staff will act as the commission's staff and supply such information, assistance, and facilities as deemed necessary for the commission to carry out its duties. The commission will be funded by the JTA with its existing resources and by funds that may be provided by counties participating in the commission. This funding, including the cost of staffing, shall be determined by JTA's board.

The commission is to have committees with such membership, duties, and other matters as determined by the chair. The members of the committee do not need to be members of the commission and may include persons from airport authorities, port authorities, rail or other transportation industries, and others. All committees are required to report at each commission meeting and present their final reports for consideration by the commission at the direction of the chair.

The commission is to meet at the times and locations determined by the chair. The bill requires there to be regular monthly meetings, to the extent reasonably convenient, that are held in one or more central locations; however, at least one meeting must be held in each of the counties throughout the region. Each meeting must allow for public comments.

The commission is required to make available to the public its meeting minutes, reports, and recommendations upon request and to the extent feasible, shall publish its reports and recommendations electronically. JTA is required to make its Internet website available to the commission for this purpose.

The commission, by December 31, 2012, shall prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report detailing its findings and making specific legislative recommendations, including:

- A regional transportation elements plan;
- The defining characteristics of transportation elements of regional significance;
- An implementation plan for undertaking a regional transportation elements plan, which may include the establishment of the regional transportation authority;
- Draft legislation consistent with this act; and
- Any other recommendations the commission deems appropriate.

The bill provides that a county's membership on the commission, and the participation of the county's appointees in the work of the commission, is not intended to constitute the county's consent to be included within the jurisdiction of a regional transportation authority.

The bill provides that the act expires and the commission terminates upon delivery of its final report.

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

Section 1 Creating the Northeast Florida Regional Transportation Study Commission; providing for membership and organization; providing for reimbursement of expenses; providing for removal and suspension of commission members; providing for staff of the JTA to act as staff to the commission; providing for the JTA to staff the commission, providing for funding of the commission; providing that the costs of staffing and the amount of funding are determined by the board of JTA; providing for committees within the commission; providing for commission meetings; providing for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its reports and recommendations electronically; directing JTA to make its Internet site available for such purposes; requiring the commission to submit reports to the Governor and the Legislature; providing that a county's membership in the commission and participation of a county's appointees does not constitute consent of the county to inclusion within the jurisdiction of a regional transportation authority; providing for expiration of the act and termination of the commission.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

Primary funding for the commission will come from JTA and is subject to approval by the board of JTA. Other local funding for the commission could be provided at the option of the local governments in the affected counties. JTA estimates that the total cost for the commission will be approximately \$1.5 million.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2010, the Roads, Bridges & Ports policy committee adopted one amendment and reported the bill favorable as a committee substitute. The amendment clarifies that the commission is staffed and funded by JTA, with other participating counties being allowed to provide funds, as determined by JTA's board.

1 A bill to be entitled
2 An act relating to Northeast Florida regional
3 transportation; creating the Northeast Florida Regional
4 Transportation Study Commission; providing for membership
5 and organization; providing for reimbursement of expenses;
6 providing for removal and suspension of commission
7 members; providing for the Jacksonville Transportation
8 Authority to staff the commission; providing for funding
9 of the commission; providing that the costs of staffing
10 and the amount of funding are determined by the board of
11 the Jacksonville Transportation Authority; providing for
12 committees within the commission; providing for commission
13 meetings; providing for the commission to make available
14 to the public its meeting minutes, reports, and
15 recommendations and publish its reports and
16 recommendations electronically; directing the authority to
17 make its Internet site available for such purposes;
18 requiring the commission to submit reports to the Governor
19 and the Legislature; providing that a county's membership
20 in the commission and participation of a county's
21 appointees does not constitute consent of the county to
22 inclusion within the jurisdiction of a regional
23 transportation authority; providing for expiration of the
24 act and termination of the commission; providing an
25 effective date.

26
27 WHEREAS, pursuant to House Bill 1213, 2009, the Department
28 of Transportation directed the Jacksonville Transportation

29 Authority to prepare a report to recommend to the Legislature
 30 the framework for a regional transportation authority for the
 31 northeast region of the state comprised of Baker, Clay, Duval,
 32 Flagler, Nassau, Putnam, and St. Johns Counties, and

33 WHEREAS, the report was completed and received by the
 34 Legislature on February 1, 2010, and

35 WHEREAS, based upon the recommendations of the report, it
 36 is necessary and appropriate to create a study commission to
 37 continue the work commenced, NOW, THEREFORE,

38
 39 Be It Enacted by the Legislature of the State of Florida:

40
 41 Section 1. Northeast Florida Regional Transportation Study
 42 Commission.-

43 (1) There is created the Northeast Florida Regional
 44 Transportation Study Commission, which shall be composed of 20
 45 members designated and to be appointed as follows:

46 (a) Two citizens of Baker County appointed by the Board of
 47 County Commissioners of Baker County.

48 (b) Two citizens of Clay County appointed by the Board of
 49 County Commissioners of Clay County.

50 (c) Four citizens of Duval County appointed by the City
 51 Council of the City of Jacksonville.

52 (d) Two citizens of Flagler County appointed by the Board
 53 of County Commissioners of Flagler County.

54 (e) Two citizens of Nassau County appointed by the Board
 55 of County Commissioners of Nassau County.

56 (f) Two citizens of Putnam County appointed by the Board

57 of County Commissioners of Putnam County.

58 (g) Two citizens of St. Johns County appointed by the
 59 Board of County Commissioners of St. Johns County.

60 (h) The chair of the Jacksonville Transportation
 61 Authority, who shall serve as chair of the commission.

62 (i) The Department of Transportation's district secretary
 63 serving in district II, who shall be a nonvoting member of the
 64 commission.

65 (j) The chair of the Northeast Florida Regional Council,
 66 who shall be a nonvoting member of the commission.

67 (k) The chair of the North Florida Transportation Planning
 68 Organization, who shall be a nonvoting member of the commission.

69 (2) (a) Members shall serve until the work of the
 70 commission is completed and the commission is terminated, except
 71 that persons serving under paragraphs (1) (h) - (k) shall cease
 72 membership if they no longer serve in the position indicated in
 73 paragraphs (1) (h) - (k) and shall be replaced by the person
 74 replacing them in such position.

75 (b) Members of the commission shall serve without
 76 compensation but shall be reimbursed for all necessary expenses
 77 in the performance of their duties, including travel expenses,
 78 in accordance with s. 112.061, Florida Statutes.

79 (c) A county commission, or the city council in the case
 80 of Duval County, may remove or suspend a member appointed by it
 81 for cause, including, but not limited to, failure to attend two
 82 or more meetings of the commission during any 9-month period.

83 (3) The Jacksonville Transportation Authority shall staff
 84 the commission and shall supply such information, assistance,

85 and facilities as are deemed necessary for the commission to
 86 carry out its duties. The commission shall be funded by the
 87 Jacksonville Transportation Authority with its existing
 88 resources and by such other funds that may be provided from its
 89 constituent counties. The amount of funding, including the costs
 90 of staffing, provided by the Jacksonville Transportation
 91 Authority to the commission shall be determined by the board of
 92 the authority.

93 (4) The commission shall have such committees with such
 94 membership, duties, and other matters as the chair shall
 95 determine. Members of such committees need not be members of the
 96 commission and may include persons from airport authorities,
 97 port authorities, rail or other transportation industries, and
 98 others. All committees shall report to the commission at each
 99 commission meeting and shall present their final reports for
 100 consideration by the commission in accordance with the direction
 101 of the chair.

102 (5) (a) The commission shall meet at the times and
 103 locations as the chair shall determine. There shall be regular
 104 monthly meetings, to the extent reasonably convenient, that are
 105 held in one or more central locations; however, at least one
 106 meeting must be held in each of the counties throughout the
 107 region. Each meeting must include provision for public comments.

108 (b) The commission shall make available to the public its
 109 meeting minutes, reports, and recommendations upon request and,
 110 to the extent feasible, shall publish its reports and
 111 recommendations electronically. The Jacksonville Transportation
 112 Authority shall make its Internet website available to the

113 commission for such purposes.

114 (6) By December 31, 2012, the commission shall prepare and
 115 submit to the Governor, the President of the Senate, and the
 116 Speaker of the House of Representatives a report detailing its
 117 findings and making specific legislative recommendations,
 118 including a regional transportation elements plan, the defining
 119 characteristics of transportation elements of regional
 120 significance, and an implementation plan for undertaking a
 121 regional transportation elements plan, and which may include the
 122 establishment of the regional transportation authority, draft
 123 legislation consistent with this act, and any other
 124 recommendations it deems appropriate.



125 (7) A county's membership in the commission, and the
 126 participation of a county's appointees in the work of the
 127 commission, is not intended to constitute the consent of the
 128 county to inclusion within the jurisdiction of a regional
 129 transportation authority.

130 (8) This act shall expire and the commission shall
 131 terminate upon delivery of the final report required in
 132 subsection (6).

133 Section 2. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1271 Department of Transportation
SPONSOR(S): Roads, Bridges & Ports Policy Committee; Horner
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Roads, Bridges & Ports Policy Committee	12 Y, 0 N, As CS	Johnson	Miller
2)	Transportation & Economic Development Appropriations Committee		Fennell 	Creamer 
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

The bill addresses several issues related to transportation. Specifically, the bill:

- Codifies the \$75 per pay period pay additive for Motor Carrier Compliance Officers who maintain certification by the Commercial Vehicle Safety Alliance.
- Repeals an obsolete legislative review of a seaport loan program.
- Increases the maximum weight for vehicles on non-interstate highways and allows for additional weight due to idle reduction devices.
- Addresses drivers license issues related to toll violations.
- Repeals the Secure Airports for Florida’s Economy (SAFE) Council and transfers its funds to DOT.
- Revises the distribution of fees to the SAFE Council from the “United We Stand” specialty license plate.
- Makes statutory changes to conform to changes made in 1995 when the system of assigning road jurisdiction was changed from a system based on road functional classification to a system depending on mutual agreement between governmental entities.
- Revises provisions relating to applications for contractor prequalification to clarify when interim financial statements are needed for contractor qualification applications.
- Provides express authority with regard to DOT’s rulemaking related to video billing and the associated post-payment of tolls by toll road users.
- Addresses issues related to the use of the right-of-way for electric utility transmission lines.
- Authorizes the Central Florida Regional Transportation Authority to bond capital leases.
- Authorizes the Tampa-Hillsborough County Expressway Authority to issue its own bonds.
- Creates the Osceola County Expressway Authority.
- Increases the mitigation fee for mining within the Miami-Dade Lake Belt.
- Repeals a required report relating to the “adopt-a-highway” program.
- Revises and creates definitions related to outdoor advertising.
- Provides a method for DOT to collect the cost of removing unpermitted and illegal signs.
- Provides a mechanism for public-use airports to dispose of or remove personal property, derelict or abandoned aircraft or abandoned motor vehicles from the airport’s premises.

The Lake Belt Mitigation Trust Fund will receive additional revenues due to the increase in mitigation fees.

The state school fund could lose any revenues currently received from the disposal of abandoned property at airports. Individual airports will now receive these funds.

The increase in truck weight limits will cause additional bridges to have posted weight limits and may require the repair or replacement of individual bridges. This could impact both state and local governments.

The change in toll provisions may result in fewer court cases related to toll violations.

The bill has an effective date of July 1, 2010.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: 3/24/2010

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

This bill contains numerous provisions relating to the Department of Transportation (DOT) and other transportation related issues. For ease of understanding, this analysis is organized by topic.

Motor Carrier Certification Program (Section 1)

Current Situation

The Commercial Vehicle Safety Alliance (CVSA) certification program provides a pay incentive for Motor Carrier Compliance Officers. This pay incentive is \$75 per pay period for those officers that maintain certification by meeting special training and performance requirements of the CVSA.¹ This pay incentive program has been funded through federal appropriations and authorized through the General Appropriations Act (GAA) beginning in fiscal year 2007-2008 to the current fiscal year 2009-2010. Initially, DOT requested that the funds be distributed to eligible employees with the authority issued by the Department of Management Services (DMS).

Since initial approval, DMS notified DOT that this is not an appropriate method to provide these incentives, as it is not a statutorily authorized pay additive.² Subsequently, DOT sought an alternative pay additive that was appropriate to accommodate the issuance of the CVSA pay incentive. DMS, in consultation with Legislative staff, provided DOT authority to use the Temporary Special Duty Pay Additive as a mechanism to continue to issue this authorized pay incentive in fiscal year 2007-2008 through the current fiscal year. Approximately 208 current employees statewide are receiving this pay additive. In its fiscal year 2010-2011 Legislative Budget Request, DOT requested funding contingent on federal appropriation.

Proposed Changes

The bill creates a new s. 20.23(7), F.S., authorizing DOT to continue to grant the \$75 per pay period pay additive to MCCO officers who maintain certification by the CVSA.

Seaport Loan Program (Section 2)

Current Situation

¹DOT's Motor Carrier Compliances Officers are paid bi-weekly. The annual pay additive for one of these officers is \$1,950.

² Authorized pay additives are contained in s. 110.2035(6)(c), F.S.

Section 315.03, F.S., grants various powers to the state's seaports. Section 315.03(12), F.S., authorizes certain entities, with oversight by the Florida Seaport Transportation and Economic Development Council, to establish a loan program that provides for the reuse of loan proceeds for certain program purposes. The law requires the Florida Seaport Transportation and Economic Development Council to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Proposed Change

The bill repeals an obsolete statutory provision requiring the Legislature to review the seaport loan program during the 2004 Regular Session.

Truck Weights

Current Situation (Sections 4 and 5)

1. Commercial Vehicle Weights

Section 316.535, F.S., provides for the maximum weights allowed for commercial motor vehicles on the state's highways. However, some roads and bridges have lower weight limits due to their age, condition, or design. A vehicle's weight limit is based on factors such as the number of axles and the distance between two or more consecutive axles, thus, depending on the number of axles and their distribution on the vehicle, a vehicle's maximum allowable gross weight may be less than 80,000 pounds. The weight limits also include a 10 percent enforcement tolerance to allow for a difference in scale weights. For both the interstate and non-interstate highway system, the maximum gross weight limit is 80,000 pounds, including all enforcement tolerances. Except as provided in s. 316.535, F.S., no vehicle or combination of vehicles exceeding the gross weights specified shall be permitted to travel on the public highways within the state. All vehicles exceeding the maximum weight limits are presumed to have damaged the highways of the state and are subject to economic sanctions. Section 315.545, F.S., provides penalties for vehicles exceeding the maximum allowable weight limit.

Section 316.545(2)(a), F.S., provides for the 10 percent enforcement tolerance mentioned above. This paragraph also provides that any gross weight over and beyond 6,000 beyond the maximum weight limit, including the 10 percent enforcement tolerance, to be unloaded and cared for by the owner or operator of the vehicle at the risk of the owner or operator.

2. Idling Devices

Auxiliary Power Units

Section 316.302, F.S., provides a person who operates a commercial motor vehicle may not drive more than 12 hours following 10 consecutive hours off duty or for any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty. Due to these statutory requirements, truck drivers have long off-hour rest periods, which they often spend inside the cab of their trucks. Cab power is essential in order to control the temperature inside the cab and keep the drivers comfortable during the long rest periods.

The most common way drivers power their cabs is to idle, which means to continuously operate the vehicle's main drive engine while the vehicle is stopped. While idling helps keep the driver comfortable, it has a negative economic and environmental impact. Idling requires a great deal of fuel, increases emissions of greenhouse gases and other pollutants, and it generates a great deal of noise.

As an alternative power source for trucks, idling reduction technology has been explored and Auxiliary Power Units (APUs) were developed. An APU is a portable, truck-mounted system that can provide climate control and power for trucks without idling. Most APUs are small diesel engines with their own cooling and heating systems, generator or alternator system and air conditioning compressor, mounted to a frame rail.

Since APUs add weight to the vehicle, it must carry less revenue-producing cargo weight in order to compensate for the weight of the APU, or risk violating state and federal maximum weight limits.

Florida Law

Section 315.535, F.S., provides the overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds, including all enforcement tolerances. Except as provided, no vehicle or combination of vehicles exceeding the gross weights specified is permitted to travel on the state's public highways.

Section 315.545, F.S., provides penalties for vehicles that exceed the maximum allowable weight limit. All vehicles that exceed the maximum weight limits are presumed to have damaged the state's highways and are subject to economic sanctions.

Both s. 315.535, F.S., and s. 315.545, F.S., are silent on the issue of idle-reduction technology. These sections do not provide a maximum weight exemption for any vehicles that have installed an anti-idling device, such as an APU.

Federal Law

On August 8, 2005, President Bush signed into law the Energy Policy Act of 2005 (Energy Policy Act). Section 756 of the Energy Policy Act, "Idle Reduction and Energy Conservation Deployment Program," amended Title 23 USC 127(a) to allow for a national 400-pound exemption on the maximum weight limit on the interstate system for the additional weight of idling reduction technology on heavy-duty vehicles. The maximum weight for commercial vehicles on the federal highway system is 80,000 pounds. Thus, the exemption allows for 400 pounds in addition to the 80,000-pound maximum weight limit.

A memo from the Federal Highway Administration's Size and Weight Division indicates the exemption in s. 756 of the Energy Policy Act is not a mandate and does not preempt state regulations or compel states to grant the increased weight tolerance. Thus, federal law allows for the waiver of 400 pounds, but does not require it. Each state may determine whether they will honor the exemption. Approximately 22 states allow the 400-pound APU exemption.³

Proposed Changes

The bill amends s. 316.535(5), F.S., to provide that the 10 percent enforcement tolerance is applicable to all weight limits in the subsection, except when the vehicle exceeds the posted weight limit on a road or bridge. Additionally, the bill provides that the scale tolerance does not apply to cranes.

The bill provides that the fines for violating the total gross weight limitations are to be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight plus the scale tolerance. The bill essentially increases the weight limit on non-interstate highways, except on posted roads and bridges by 10 percent.

The bill amends s. 316.545(2)(a), F.S., to revise the conditions under which vehicles in violation of certain gross or external bridge weight limits must be unloaded. The bill provides that any vehicle or combination of vehicles that exceeds the gross or external bridge weight limits set on highways through

³ Based in information from the Owner-Operator Independent Driver Association, the following states allow the 400-pound APU exemption: Alabama, Alaska, Arkansas, Connecticut Idaho, Illinois Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wisconsin and Wyoming. The states that do NOT allow the 400-pound APU exemption: California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Kentucky, Massachusetts, North Carolina, Rhode Island, Tennessee, and West Virginia. Florida and Massachusetts currently have legislation pending.

.http://www.ooida.com/Education&BusinessTools/Trucking_Info/Vehicle_weight_exemptions_for_APUs.shtml (December 29, 2009).

any one axle,⁴ the Interstate Highway System,⁵ or on trucks such as dump trucks concrete trucks, or garbage trucks,⁶ by 6,000 or more pounds shall unload and all material that is unloaded is to be cared for by the owner or operator of the vehicle at the risk of the owner or operator. However, any vehicle or combination of vehicles which exceeds the gross or external bridge weight limits on highways not on the Interstate Highway System⁷ shall be unloaded and all material that is unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

The bill amends s. 316.545(3), F.S., to provide for an increase in the vehicle's maximum gross vehicle weight of up to 400 pounds to compensate for the additional weight of APUs installed, thus implementing s. 756 of the federal Energy Policy Act in Florida. This will create greater uniformity between federal and state law, which is especially important for truck drivers doing interstate business and would assist regulatory officials by preventing enforcement ambiguities that could cause problems for drivers during inspections.

If a vehicle is found to be overweight, but is equipped with idle-reduction technology, then the penalty will be calculated by reducing the actual gross vehicle weight or the internal bridge weight by the certified weight of the idle-reduction technology, or 400 pounds, whichever is less. The 400 pound exemption will not be assessed on axle weight. DOT cannot increase the axle weight because Florida was grandfathered in at 22,000 pounds. Florida is already over the federally allowed 20,000 pounds. Furthermore, each qualifying vehicle will not get an automatic exemption of 400 pounds by virtue of having an installed anti-idling device, unless the actual weight of the anti-idling device is 400 pounds or more. The weight limit exemption will depend on the certified weight of the anti-idling device.

The bill has two proof requirements identical to those found in the federal law. If a law enforcement or regulatory officer questions drivers, the driver must: (1) prove the unit is fully functional at all times and (2) present written certification of the weight of the idle-reduction technology.

The bill excludes vehicles described in s. 316.535(6), F.S., from qualifying for the 400 pound exemption. These vehicles, typically called straight trucks, include: dump trucks; concrete mixing trucks; trucks engaged in waste collection and disposal; and fuel oil and gasoline trucks designed and constructed for special type work. These vehicles typically do not carry idle-reduction equipment and the addition of 400 pounds would exceed the weight limit on state and local bridges.

Tolls (Sections 6, 8, and 16)

Current Situation

Subject to a few limited exemptions⁸ a person may not use any toll facility without paying tolls, and the failure to pay the toll is a noncriminal traffic infraction, punishable as a moving violation, pursuant to s. 316.1001, F.S.

If a toll agency issues a citation for failing to pay a toll, the person has 30 days from when the citation is issued to pay it directly to the issuing toll agency, in which case the citation is never filed with the court. The penalty paid to the toll agency is \$25, or such other amount as imposed by the governmental entity owning toll facility, plus the amount of the unpaid toll that is shown on the traffic citation.

⁴ s. 316.535(3), F.S.

⁵ s. 316.535(4), F.S.

⁶ s. 336.535(6), F.S.

⁷ s. 316.535(5), F.S.

⁸ The exceptions are contained in s. 338.155, F.S. and include marked emergency vehicles on official business, state military personnel on official business, funeral processions of law enforcement officers killed in the line of duty, and persons with a certified disability that substantially impairs that person's ability to put tolls in the toll basket.

If the person does not pay the toll agency within that 30-day period, the citation is no longer treated administratively by toll agency. The toll agency then files the citation with the court.⁹ The person then has an additional 45 days to pay the citation to the clerk of the court, but higher civil penalty and delinquent fees, plus court costs, apply.¹⁰

If the person pays the clerk of the court as indicated above, he or she is deemed to have admitted the infraction and has waived the right to a hearing on the toll violation,¹¹ and since it is considered a moving violation, three points are assessed against the person's driver's license.¹²

During this entire 75-day period, the person may choose to request a court hearing. If the person requests a court hearing, or is required to appear in court after failing to respond to the citation,¹³ the person is deemed to have waived his or her right to the civil penalty provision for toll violations¹⁴ and if the judge or hearing officer then determines that the toll violation was committed, that official may impose a civil penalty up to \$500. The person is also subject to applicable court costs, and 3 points are assessed against the person's driver's license for an adjudicated violation.¹⁵

According to DOT, for Fiscal Year 2008-2009, the Turnpike Enterprise sent out notices for 22.5 million toll violations. Of those approximately 212,000 uniform traffic citations were issued for nonpayment of tolls. Of the traffic citations issued 89,000 were resolved prior to going to court and 107,000 ended up in court.¹⁶ The ones that ended up in court were less than one-half of one percent of the total toll violations.

In 2009, the Legislature directed the Turnpike Enterprise to "pursue and implement new technologies and processes in its operations and collection of tolls and of other amounts associated with road and infrastructure usage. Such technologies and processes include without limitation, video billing and pricing." DOT has broad rulemaking authority over the turnpike system and establishes and changes its toll rates through the rulemaking process.¹⁷

Proposed Changes

The bill amends ss. 318.18(7) and 322.27(3)(d)7, F.S., to address license suspensions for toll violators. Once the toll violator is in court, the bill maintains the current mandatory \$100 fine, where no administrative election is made. However, the bill restores the option to pay, \$30 plus the unpaid toll amount to the clerk of the court prior to the court hearing, with \$25, plus the amount of the unpaid toll going to the governmental entity that issued the citation if the violation was issued by a toll enforcement officer or to the entity administering tolls at the facility if the violation was issued by a law enforcement officer; and \$5, plus court costs, being retained by the court. The bill provides that paying the citation in

⁹ S. 318.14(12), F.S.

¹⁰ The civil penalty for a toll violation is contained in s. 318.18(7), F.S.

¹¹ S. 318.14(4), F.S.

¹² S. 322.27(3)(d)7.

¹³ S. 318.14(5), F.S.

¹⁴ S. 318.18(7), F.S.

¹⁵ S. 322.27(3)(d)7, F.S.

¹⁶ The difference in the number of uniform traffic citations against the number of cases settled and the number of cases includes items such as dismissals of citations, cases where the defendant does not show up in court, judgments where the defendant does not pay the judgment, and license plate misreads.

¹⁷ S. 338.239, F.S.

this manner does not constitute adjudication and the assessment of points on a driver's license may only be imposed by the court after a hearing.

The bill also removes the mandatory 60 day suspension of a driver's license for persons convicted of 10 toll violations within 36 months.¹⁸

The bill amends s. 338.155(1), F.S., to provide that DOT is authorized to adopt rules relating to the payment, collection, and enforcement of tolls, including but not limited to, rules for the implementation of video or other image billing and variable pricing. The bill also removes the obsolete phrase "guaranteed toll account."

SAFE Council (Sections 9 and 10)

Current Situation

In 2003, the Legislature created the Secure Airports for Florida Economy (SAFE) Council to address issues relating to airport security. Its members included representatives from various airports, DOT, the Department of Community Affairs, the Department of Law Enforcement, the office of Tourism, Trade, and Economic Development, the airline industry, and the general aviation industry. The council is required to prepare and annually update, a five-year "Master Plan" defining the goals and objectives of the council regarding development of airport facilities in the state. This plan is intended to recommend specific infrastructure projects for the purpose of protecting the safety and security of passengers and cargo, enhancing international trade, promoting cargo flow, increasing enplanements, increasing airport revenues, and providing economic benefit to the state.¹⁹

Proposed Change

The bill repeals the SAFE Council, which was requested by the council. The bill provides that the funds accrued by the SAFE Council prior to July 1, 2010, are to be retained by DOT. DOT is authorized to use these funds for statewide training purposes relating to airport security and management. DOT is further authorized to use these funds for security related aviation projects pursuant to ch. 332, F.S.

United We Stand License Plate (Section 7)

Current Situation

Section 320.08058(32), F.S., creates the United We Stand License plate, with 100 percent of the proceeds allocated to the SAFE Council to fund a grant program to enhance security at airports throughout the state.

Proposed Change

The bill changes the allocation of the proceeds from the United We Stand license plate from the SAFE Council to DOT to fund security related aviation projects.

Road System Definitions (Sections 2, 11 through 13)

Current Situation

In 1995, the state revised the system where DOT assigned road jurisdiction based on road functional classification to a system where road jurisdiction changes depend on mutual agreement between governmental entities. This was accomplished by revising ch. 335, F.S., relating to the State Highway System, where s. 335.04, F.S., was deleted and s. 335.0415, F.S., was created.

However, some provisions in ch. 334, F.S., relating to Transportation Administration relate to the functional classification and road jurisdiction process formerly in ch. 335, F.S. The bill amends ch. 334, F.S., to make it consistent with ch. 335, F.S.

¹⁸ S. 318.18(7), F.S.

¹⁹ S. 332.14, F.S.

Proposed Changes

The bill amends s. 334.03, F.S., to amend and delete several definitions relating to the Florida Transportation Code.

The bill amends the definitions of “city street system”, “county road system”, and “state highway system” that are in conflict with the public road jurisdiction and transfer process.²⁰ The bill revises these definitions to be:

- Roads under the appropriate jurisdiction on June 10, 1995;
- Roads constructed by the city, county, or state for the appropriate jurisdiction;
- Roads subsequently transferred to that jurisdiction, but not roads transferred from the appropriate jurisdiction.

The bill amends the definition of “functional classification” to link the usage of “functional classification” in state statute to the functional classification that is done according to federal procedures, rather than what DOT previously used for jurisdictional requirements. The only reference to this term in state statute relates to the access control classification system.²¹

The bill deletes the terms “arterial road”, “collector road”, “local road”, “urban minor arterial road”, and “urban principal arterial road.” These are obsolete definitions related to the use of functional classification for determining road jurisdiction. The bill either deletes or amends the current statutory provisions that use these terms.

The bill amends the functions and duties of DOT in s. 334.044, F.S., to remove its authority to assign jurisdictional responsibility for public roads.

The bill amends s. 334.047, F.S., to remove an obsolete provision prohibiting DOT from setting a maximum number of urban principal arterial roads within a district or county.

The bill amends s. 316.222, F.S., relating to the operation of low-speed vehicles on certain roadways to remove cross-references and to clarify that low speed vehicles may be operated on certain roads under the jurisdiction of a county or municipality, or on an urban minor arterial road as defined by the Federal Highway Administration under DOT’s jurisdiction.

Contractor Financial Statements (Section 14)

Current Situation

DOT has learned that contractors have difficulty understanding that they must submit the currently required audited financial statements and the application for qualification within the currently specified four month period. Contractors often submit one or the other. Then, they miss the deadline and must submit audited interim financial statements. According to DOT, contractors are also confused as to when the audited interim financial statements are due.

Proposed Change

The bill amends s. 337.14, F.S., to clarify interim financial statements are due as it relates to qualification applications for contractors to provide that if the application or annual financial statement show financial information that is more than four months old, interim financial statements are due along with an updated application.

Utilities on Right-of-Way (Section 15)

Current Situation

²⁰ S. 335.0415, F.S.

²¹ S. 335.188(3)(c)(1), F.S.

Section 337.401, F.S., addresses the use of the right-of-way by utilities. Specifically, s. 337.401(1), F.S., provides that DOT and local government entities which have jurisdiction and control of public roads and publically-owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining of any electric transmission lines along, across, or on any road or publicly-owned rail corridors under their respective jurisdictions.

In 2008, section 337.401(1), F.S., was amended to provide that for transmission lines that operate more than 69 kilovolts, and where there is no practical alternative available, DOT rules must provide for placement of, and access to, transmission lines within the right-of-way of any DOT-controlled public roads, including longitudinally within limited access facilities to the greatest extent allowed by federal law, providing that compliance with minimum clear zone and other safety standards established by rules or regulations is achieved.²² Current law requires compensation to DOT for the use of the right-of-way in a limited-access facility.

Proposed Changes

The bill amends s. 337.401(1), F.S., to provide that compensation to DOT by an electric utility for the use of the right-of-way only applies to the longitudinal placement of electric utility transmission lines on limited access facilities. The bill also changes DOT's rulemaking authority on non-limited access right-of-way with respect to 69 or more kilovolts aerial and underground electric utility transmission lines. The bill also eliminates DOT's authority to require that these lines be removed from the right-of-way in order to accommodate the expansion or improvement of transportation facilities.

Central Florida Regional Transportation Authority (LYNX) (Section 17)

Current Situation

The Central Florida Regional Transportation Authority (also known as LYNX) services Orange, Osceola and Seminole Counties, an area of over 2,500 square miles. LYNX operates fixed-route and paratransit services in its service area, traveling 52,000 total miles per day using 269 buses to transport more than 24,400,000 total passengers per year. Individual buses can accrue over 500,000 miles in less than seven years, the life span of a bus as outlined by the Federal Transit Administration. LYNX purchases both replacement and new service route buses annually, with the average bus costing roughly \$400,000 when purchased under the Florida state contract. Federal, state and local funding are used when purchasing buses. According to LYNX, consistently leasing buses (as opposed to purchasing) would significantly reduce current financing terms and eliminate required insurance premiums. However, unlike other authorities, LYNX does not have authorization to independently enter into capital leases. Instead, LYNX is required by statute to use the State of Florida Division of Bond Finance to enter into leases creating a cumbersome approval procedure.

Proposed Changes

The bill amends s. 343.64, F.S., to authorize LYNX to borrow up to \$10 million annually for the costs and obligations of the authority. This would allow the authority to more easily lease rather than purchase buses.

Expressway Authorities (Sections 18 through 24)

Current Situation

Florida expressway authorities are formed either under the Florida Expressway Authority Act²³ or by special act of the Legislature. Most existing expressway authorities were created prior to the Florida Expressway Authority Act being enacted in 1990 and, therefore, are not subject to most of its provisions. The Miami-Dade Expressway Authority is the only authority currently created and governed by the Florida Expressway Authority Act.

²² Section 29, Ch. 2008-227, L.O.F.

²³ Part I of ch. 348, F.S.

The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and the Florida Turnpike Enterprise. The expressway authorities have boards of directors that typically include a combination of local-government officials and Governor appointees who decide on projects and expenditure of funds.

1. Tampa Hillsborough County Expressway Authority (THCEA) (Sections 18-23)

Current Situation

The THCEA was established in 1963 to build, operate, and maintain toll-financed expressways in Hillsborough County.²⁴ The Lee Roy Selmon Crosstown Expressway (including the elevated reversible lanes) is currently the only expressway operated by the THCEA. The THCEA originally planned the neighboring Veterans Expressway which was transferred to, and is operated by FDOT.

Under the State Bond Act,²⁵ the Division of Bond Finance (DBF) issues revenue bonds for THCEA's projects on behalf of the authority. The State Bond Act includes a number of requirements to ensure the integrity and fiscal sufficiency of bonds issued on behalf of the state. Pursuant to its statutory authority, the DBF independently reviews the recommendations of a paid financial adviser retained by the THCEA. The DBF's review does not focus solely upon the current transaction; it also reviews the issuance in light of the entire bonded indebtedness of the state. The DBF also maintains its own independent in-house legal staff to assist with issues which may arise during the financing. All financings issued through the DBF must be approved by the Governor and Cabinet. Additional state oversight is currently provided by DOT, which may participate through financial contributions to the construction, operation and maintenance of THCEA's expressways. The revenue bonds issued by the DBF, on behalf of THCEA, pledge the toll revenues generated by THCEA's expressway system as repayment. These revenue bonds are not backed by the full faith and credit of the state. In addition to existing facilities, the authority is authorized to issue bonds to finance:

- Brandon area feeder roads,
- capital improvements to the expressway system including the toll collection equipment,
- the widening of the Lee Roy Selmon Crosstown Expressway System, and
- the Crosstown Connector linking I-4 and the Selmon Crosstown Expressway.

The Legislature must approve specific THCEA projects.²⁶

Some local-government transportation entities, such as the Miami-Dade County Expressway Authority, the Orlando-Orange County Expressway Authority and the Mid Bay Bridge Authority, have specific authority to issue their own revenue bonds, independent of the DBF.

Proposed Change

The bill amends ss. 348.51, 348.545, 348.56, 348.565, 348.57, 348.70, F.S., to clarify the THCEA's authority to issue its own bonds, without having to seek the state's review and approval as required under the State Bond Act. The cumulative effect of the bill would shift the final decision from the state-wide perspective of the Governor and Cabinet to a local perspective. THCEA would retain the option of going through the DBF. The THCEA does not have the power to pledge the credit or taxing power of the state, the City of Tampa, or Hillsborough County, meaning none of these entities would be legally liable for repaying the bonds.

2. Osceola County Expressway Authority (Section 24)

The bill creates "Osceola County Expressway Authority Law" in part IX of ch. 348, F.S.²⁷

²⁴ It is created pursuant to Part IV of ch. 348, F.S.

²⁵ This is discussed in chs. 215 and 348, F.S.,

²⁶ This would be done by amending s. 348.565, F.S.

The bill creates Osceola County Expressway Authority (authority) as an agency of the state. Its governing body will consist of six members, five of whom must be residents of Osceola County. Three members will be appointed by the governing body of the county and two members appointed by the Governor. The sixth member will be the district secretary of DOT serving the district that includes Osceola County,²⁸ who serves as an ex officio, nonvoting member. The terms for appointed members are for 4 years, except that the first term of the initial members appointed by the Governor are for 2 years. Appointed member hold office until his or her successor has been appointed and qualified. Vacancies are filled only for the balance of the unexpired term. Appointed members are to be persons of outstanding reputation for integrity, responsibility, and business ability. However, officers or employees of any city or of Osceola County are prohibited from being appointed members of the authority. Members of the authority are eligible for reappointment.

The Governor may remove members of the authority from office for misconduct, malfeasance, or nonfeasance in office.

The authority chooses one of its members as chair. The authority also elects a secretary and a treasurer, who may be members of the authority. The chair, secretary, and treasurer hold office at the will of the authority.

Three members constitute a quorum, and the vote of three members is necessary for the authority to take any action. A vacancy does not impair the right of a quorum to exercise all of the rights and perform all of the duties of the authority.

The authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, engineers, and other employees; may determine the qualifications and fix the compensation of such persons, firms, or corporations; and may employ a fiscal agent or agents. The authority is required to solicit sealed proposals from at least three entities for the performance of any services as fiscal agents. The authority may delegate to its agents or employees the powers it deems necessary to carry out the purposes of act, subject to the supervision and control of the authority.

Members of the authority will receive no compensation, but are entitled to receive their travel and other necessary expenses incurred in connection with the business of the authority.²⁹

DOT is not required to grant funds to the authority for startup costs; however, the county's governing body may provide funds for startup costs.

The authority is required to cooperate with and participate in any efforts to establish a regional expressway authority.

Purposes and powers

The bill authorizes the authority to acquire, hold, construct, improve, maintain, operate, own, and lease in the capacity of lessor the Osceola County Expressway System and may construct any extensions, additions, or improvements to the system or appurtenant facilities.³⁰

The bill authorizes the authority to exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following:

²⁷ Part XI of Ch. 348, F.S. will consists of ss. 348.9950 through 348.9967, F.S.

²⁸ Osceola County is in DOT District 5.

²⁹ This is as provided in s.112.061, F.S.

³⁰ This includes all necessary approaches, roads, bridges, and avenues of access, with such changes, modifications, or revisions of such project as the authority deems desirable and proper

- To sue and be sued
- To adopt, use, and alter a corporate seal.
- To acquire and use any franchise or property necessary or desirable for carrying out the purposes of the authority and to sell, lease, transfer, and dispose of any property or interest in the property.
- To enter into lease agreements not to exceed 40 years.
- To enter into lease-purchase agreements with DOT for terms not to exceed the longer of 40 years or the full payment of bonds secured by a pledge of rentals and any associated refunding.
- To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges (revenues) sufficient to comply with any covenants made with the bondholders; however, the authority may give this right and power to DOT.
- To borrow money for the purpose of financing all or part of the improvement or extension of the system and appurtenant facilities. However, the bonds may not mature more than 40 years after the date of the issuance. The bonds may be secured by pledging any or all of the authority's revenues, including all or any portion of the Osceola County gasoline tax funds (gas tax funds) the authority receives.³¹ However, gas tax funds may not be pledged for the construction of any project for which a toll is to be charged unless the board of county commissioners reasonably anticipates the tolls will be sufficient to cover the principal and interest of such obligations.
 - The authority is required to reimburse Osceola County for any sums expended from the gasoline tax funds used for the payment of such obligations. These gas tax funds are to be repaid when the authority deems practicable, along with interest at the highest rate applicable to any obligations of the authority.
 - If the authority decides to fund or refund any bonds prior to their maturity, the proceeds of such funding or refunding bonds must be invested in direct obligations of the United States.
- To make contracts providing for participation in ownership and revenues, and to execute all instruments necessary or convenient for the carrying on of its business.
- To borrow money and accept grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state, Osceola County, or any other public body of the state.
- To have the power of eminent domain.³²
- To pledge, the revenues of the authority, including all or any portion of the gas tax funds as security for all or any of the obligations of the authority.
- To enter into partnerships and other agreements respecting ownership and revenue participation in order to facilitate financing and constructing any project or portions thereof.
- To participate in developer agreements or to receive developer contributions.
- To contract with Osceola County for the operation of a toll facility within the county.³³
- To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out its powers.
- With the consent of the county, to construct, operate, and maintain facilities outside the jurisdictional boundaries of Osceola County, and to construct, operate, and maintain electronic toll payment systems.
- To enter into an interlocal agreement with the Orlando-Orange County Expressway Authority to coordinate and plan for projects in order to avoid any negative impacts on either authority.

The bill prohibits the authority from pledging the credit or taxing power of the state or any political subdivision or agency, including Osceola County. The authority's obligations are not considered to be an obligation of the state or of any political subdivision or agency of the state. Neither the state or any

³¹ The authority would receive Osceola County gas tax funds pursuant to a lease-purchase agreement it would have with DOT.

³² This includes procedural powers under chs. 73 and 74, F.S.

³³ Osceola County currently operates the Osceola Parkway.

political subdivision or agency of the state, except the authority, is liable for the payment of the principal of or interest on such obligations.

The bill provides that the authority cannot initiate the acquisition of right-of-way for a project which is within the boundaries of any municipality in Osceola County unless and until the governing body of that municipality has approved the project's route. The same requirement applies for projects in unincorporated areas of Osceola County, except that the governing body of Osceola County must approve the route.

The bill prohibits the authority from entering into any agreement that would legally prohibit the construction of any road by Osceola County or by any municipality within Osceola County without the consent of Osceola County or the affected municipality.

Bond Financing Authority for Improvements

The bill provides legislative approval for bond financing by the Osceola County Expressway Authority for improvements to toll collection facilities, interchanges, and any other facility appurtenant, necessary, or incidental to the approved system.³⁴ Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds³⁵ or by a combination of such bonds, whether currently issued or issued in the future.

Bonds of the Authority

The bill authorizes bonds to be issued on behalf of the authority pursuant to the State Bond Act. Alternatively, the authority is authorized to issue its own bonds at such times and in such principal amount is necessary to provide sufficient moneys for the authority. However, these bonds may not pledge the full faith and credit of the state.

Bonds must be authorized by resolution of the authority. These bonds may not mature more than 40 years from their issuance date. The bonds must bear interest, payable semiannually, and be entitled to such priorities on the revenues of the authority; including any gas tax funds the authority receives.

Any bonds are to be sold at public sale as provided by the State Bond Act. However, if the authority determines that a negotiated sale of such bonds is in the authority's best interest, it may negotiate the sale of such bonds with the underwriter designated by the authority and the Division of Bond Finance for bonds issued pursuant to the State Bond Act or designated solely by the authority for bonds issued by the authority. The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser. Pending the preparation of definitive bonds, the authority may issue interim certificates to the purchasers of such bonds, which may contain such terms and conditions as the authority may determine.

The bill also authorizes the authority to issue its own bonds to refund any bonds previously issued.

The bill provides that any resolution authorizing any bonds may contain provisions which shall be part of the contract with the holders of such bonds, as to:

- The pledging of all or any part of its revenues including all or any portion of the gas tax funds.
- The completion, improvement, operation, extension, maintenance, repair, lease, or lease-purchase agreement of the system and the duties of the authority and others, including the DOT.
- Limitations on the purposes to which the proceeds of the bonds or of any loan or grant by the United States or the state may be applied.
- The fixing, charging, establishing, and collecting revenues for use of the services and facilities of the Osceola County Expressway System.

³⁴ This is pursuant to s. 11(f), Art. VII of the state constitution.

³⁵ These bonds would be issued pursuant to s. 348.9955(1)(a) or (b), F.S.

- The setting aside of reserves or sinking funds or repair and replacement.
- Limitations on the issuance of additional bonds.
- The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds or under which the bonds may be issued.
- Any other or additional agreements with the holders of the bonds which the authority may deem desirable and proper.

The bill authorizes the authority to employ fiscal agents or the State Board of Administration may act as fiscal agent in issuing any of the authority's bonds. Upon the authority's request, the State Board of Administration may take over the management, control, administration, custody, and payment of any or all debt services or funds or assets available for any bonds issued. The authority may enter into any agreements with its fiscal agent or with any bank or trust company as security for such bonds and may sign and pledge all or any of the authority's revenues including all or any portion of the gas tax funds it receives. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or, as the authority may authorize, including, but without limitation, provisions as to:

- The completion, improvement, operation, extension, maintenance, repair, and lease of or lease-purchase agreement relating to the Osceola County Expressway System and the duties of the authority and others, including DOT.
- The application of funds and the safeguarding of funds on hand or on deposit.
- The rights and remedies of the trustee and the holders of the bonds.
- The terms and provisions of the bonds or the resolutions authorizing the issuance of the bonds.

Any of the bonds issued are considered negotiable instruments and have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

The bill provides that each project, building, or facility which has been financed by the issuance of bonds or other evidence of indebtedness under this part and any refinancing thereof is hereby approved as provided for in s. 11(f), Art. VII of the State Constitution.

Remedies of the Bondholders

The bill gives rights and remedies to the bondholders in addition to, and not in limitation of, any rights and remedies lawfully granted to the bondholders by the resolutions providing for the issuance of bonds or by a lease-purchase agreement, or other types of agreements under which the bonds may be issued or secured. This authorization authorizes a trustee appointed to represent bondholders in the event of default to:

- Enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect revenues adequate to carry out any agreement as to a pledge of the revenues or receipts of the authority, to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.
- Enforce all rights of the bondholders under or pursuant to any lease-purchase agreement between the authority and DOT, including the right to require DOT to make all rental payments required to be made by it under the provisions of any such lease-purchase agreement, whether from the Osceola County gasoline tax funds or other DOT funds so agreed to be paid, and to require the department to carry out any other covenants and agreements with or for the benefit of the bondholders and to perform its and their duties under this part.
- Bring suit upon the bonds.
- Require the authority or the department to account as if it were the trustee of an express trust for the bondholders.
- Enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

The bill provides additional provisions as to the recourse that the bondholders have in the event of default of the bonds, including taking possession of all or part of the Osceola County Expressway System.

Lease-Purchase Agreement

The bill authorizes the authority to enter into a lease-purchase agreement with DOT relating to and covering the system.

Any lease-purchase agreement where the authority leases the system to DOT shall prescribe the term of such lease and the rentals to be paid, and provide that, upon the completion of the faithful performance under and termination of the agreement; title to the system is to be transferred by the authority to the state.

Any lease-purchase agreement may include such other provisions, agreements, and covenants as the authority and the department deem advisable or required

DOT is authorized to pay as rentals any moneys accruing to DOT from the operation of the system and the gas tax funds and may also pay any appropriations it receives for the authority. However, the making or continuance of such appropriations is not required, nor do the bondholders have any right to compel the making or continuance of such appropriations.

A pledge of gas tax funds under a lease-purchase agreement may not be made without the consent of Osceola County. The resolution providing consent must provide that any excess of such pledged gas tax funds that are not required for debt service or reserves for such debt service for any of the authority's bonds shall be returned to DOT for distribution to Osceola County. Before making any application for such pledge of gas tax funds, the authority shall present the plan of its proposed project to the Osceola County Planning and Zoning Commission for its comments and recommendations.

DOT may covenant in any lease-purchase agreement that it will pay, from sources other than the revenues from operating the system and gas tax funds, all or any part of the cost of the operation, maintenance, repair, renewal, and replacement of the system and any part of the cost of completing the system to the extent that the proceeds of bonds are insufficient. DOT may also agree to make such other payments from any moneys available to the county in connection with the construction or completion of the system as the department deems to be fair and proper under such covenants.

The bill provides that the system is to be part of the state road system, and DOT may, upon the request of the authority, expend moneys and use its engineering and other forces as it deems necessary and desirable for the operation of the authority and for traffic surveys, borings, surveys, preparation of plans and specifications, estimates of cost, and other preliminary engineering and other studies. However, the aggregate amount of moneys expended for such purposes by the DOT must not exceed \$375,000.

Department may be appointed agent of authority for construction

The bill authorizes the authority to appoint DOT as its agent for the purpose of constructing improvements and extensions to and the completion of the system.

Acquisition of Lands and Property

The bill authorizes the authority to acquire private or public property and property rights, it deems necessary for any purpose, including:

- Any lands needed to secure applicable permits, manage access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners, and replacement rights-of-way for relocated rail and utility facilities;
- Transportation facilities on the system or in a transportation corridor designated by the authority; or
- Any property needed for screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities.

The authority may condemn any material and property necessary for such purposes.

The bill provides that the right of eminent domain conferred in this part shall be exercised by the authority as provided by law.

When the authority acquires property for a transportation facility or in a transportation corridor, the authority is not subject to any liability for preexisting soil or groundwater contamination due solely to its ownership of the property.³⁶ This does not affect the rights or liabilities of any past or future owners of the acquired property and does not affect the liability of any governmental entity for the results of its actions which create or exacerbate a pollution source.

Cooperation with Other Units, Boards, Agencies, and Individuals

The bill provides that any political subdivision, board, commission, or individual in or of the state may make and enter into any contract or other agreement with the authority; and the authority may make and enter into any contract or other agreement with any political subdivision, agency, or instrumentality of the state or any federal agency, corporation, or individual for the purpose of carrying out the provisions of this act.

Covenant of the State

The bill provides that the state pledges not to limit or alter certain rights of the authority and DOT until all bonds issued together are paid. In the event a federal agency constructs or contributes funds for the Osceola County Expressway System, the state pledges not to alter the rights and powers of the authority or DOT in a way that is inconsistent with an agreement with a federal agency.

Exemption from Taxation

The bill exempts the authority from taxation or assessments of any kind upon its property, any monies it receives, and the bonds it issued, including any profits from a sale of bonds. However; this does not apply to any corporate income tax imposed on interest, income, or profits on debt obligations owned by corporations.³⁷

Eligibility for Investments and Security

The bill provides that any bonds or other obligations issued pursuant to this part shall be legal investments for banks, savings banks, trustees, executors, administrators, and all other fiduciaries and for all state, municipal, and other public funds and shall also be securities eligible for deposit as security for all state, municipal, or other public funds, notwithstanding the provisions of any other law to the contrary.

Pledges Enforceable by Bondholder

The bill provides that any pledge by DOT of rates, fees, revenues, gas tax funds, or other funds, as rentals, to the authority, or any related covenants or agreements, may be enforceable against the authority or directly against the DOT by any holder of bonds issued by the authority.

This Part Complete and Additional Authority

The bill provides that this act is in addition to any authority that the State Board of Administration, including the Division of Bond Finance and DOT currently has, and supersedes any law in direct conflict as it related to the Osceola Expressway Authority. The act also does not have any impact on the Osceola County Charter.

Osceola County Auditor

The bill authorizes the Osceola County Commission Auditor to conduct financial and compliance, economy and efficiency, and performance audits of the authority with written reports to be submitted to the authority and the governing body of Osceola County.

Automatic Dissolution

The bill provides that if prior to January 1, 2020, the authority has not encumbered any funds to further its purposes and powers to establish the system, the authority is dissolved.

³⁶ This is pursuant to chs. 376 and 403, F.S.

³⁷ Chapter 220, F.S.

Lake Belt Mitigation (Section 25)

Current Law

Part IV of ch. 373, F.S. codifies the Lake Belt Plan which guides limestone operations in the Lake Belt Area of Miami-Dade County. The Lake Belt plan is designed to protect the Everglades from encroaching development while maintaining the economic benefits of the state's limestone industry. Under this plan, the Lake Belt mining companies pay a "mitigation" fee of 24 cents per ton of mined material to acquire, restore, and preserve environmentally sensitive lands and fund other environmental projects. The limestone operations in the Lake Belt Region require a dredge-and-fill permit from the U.S. Army Corps of Engineers (Corps).

After performing a comprehensive 3-year environmental study on the potential impacts of mining in the Lake Belt, the Corps, on January 29, 2010, issued a "Record of Decision" authorizing new permits for continued authorizations. The new permits require that the current mitigation fee of 24 cents per ton be increased to 45 cents per ton on or before December 31, 2011. These funds are deposited in the Lake Belt Mitigation Trust Fund which is administered by the South Florida Water Management District.³⁸

Proposed Change

The bill amends s. 373.41492, F.S., to increase the lake belt mitigation fee to 45 cents per ton, beginning on December 31, 2011.

Adopt-A-Highway (Section 26)

Current Situation

Section 403.4131, F.S., requires DOT to establish an "adopt-a-highway" program to allow local organizations to be identified with specific highway cleanup and beautification projects. The statute requires DOT to annually report to the Governor and Legislature the projects achieved and the savings from the "adopt-a-highway" program.

Proposed Change

The bill removes DOT's required annual report on the "adopt-a-highway" program.

Outdoor Advertising (Sections 27 through 30; 44 and 45))

Current Situation

Chapter 479, F.S., relating to outdoor advertising, provides for the control and permitting of signs adjacent to the highways of the state. This chapter allows DOT to recoup the costs incurred in removing illegal or unpermitted signs by assessing the owner of the sign. In many instances, an illegal or unpermitted sign does not display the name of the sign owner and DOT is unable to make identification resulting in a negative fiscal impact to the department.

Proposed Changes

The bill designates existing sections of ch. 479, F.S., as Parts I and II.

1. Zoning

Federal law only allows signs such as billboards to be permitted by DOT in areas zoned for commercial or industrial use. The bill amends some definitions relating to ch. 479, F.S., regarding outdoor advertising to address issues related to zoning. The bill amends the definition of "commercial or industrial zone" and creates definitions for "allowable uses," "commercial use," "industrial use," and "zoning category." The effect of these changes is to clarify where these signs may be located.

2. Removal of Unpermitted and Illegal Signs

³⁸ S. 373.14195, F.S.

The bill creates part III of chapter 479 to provide liability and jurisdiction related to the removal of unpermitted and illegal signs.

The bill creates s. 479.310, F.S., to provide legislative intent relating to unpermitted and illegal signs located within the right-of-way of and controlled areas adjacent to the State Highway System (SHS), interstate highway system, and federal-aid highway system. This intent is to relieve DOT of the financial burden related to the removal of these signs and place the financial burden on those benefitting from location and operation of these signs. This gives DOT the authority to recover its costs associated with removing these signs.

The bill creates s. 479.311, F.S., to provide that within the amounts of its jurisdictional limitations, the county court has concurrent jurisdiction with the circuit court to consider claims filed by DOT. The venue for purposes of these claims is Leon County.

The bill creates s. 479.312, F.S., to provide that all costs that DOT incurs in removing an unpermitted sign is to be assessed against and collected from the sign's owner, the advertiser on the sign, or the owner of the property where the sign is located. For a sign that does not display the name of the sign's owner, the sign is presumed to be owned by the owner of the property where the sign is located.

The bill creates s. 479.313, relating to the cost of removing signs if a permit is revoked. In that case, the cost of removing the sign will be assessed and collected from the permittee.

The bill creates s. 479.315, F.S., to provide that costs in connection with removing signs on the right-of-way are to be assessed and collected from the owner of the sign and the advertiser displayed on the sign.

Abandoned Property at Airports (Sections 31 through 34)

Current Situation

Currently, s. 705.18, F.S., addresses the disposal of personal property lost or abandoned at public use airports.³⁹ However, the statute primarily addresses personal property, and provides that all moneys received from the sale, after associated expenses, are deposited into the state school fund.

The Florida Airports Council estimates that annually over 100 aircraft and 1,000 motor vehicles are abandoned on airport property. The airports currently use various statutes and local ordinances to remove derelict or abandoned aircraft and motor vehicles; however, the law does not clearly give them ability to remove this property and to recover the costs associated with its removal.

Proposed Changes

The bill amends ch. 705.18, F.S., relating to the disposal of personal property lost or abandoned on university and community college campuses or certain public-use airports to remove references to abandoned property at public use airports. Any proceeds from the disposal of abandoned property at airports will no longer go to the state school fund, but will go to the airport to cover its cost of disposing of the abandoned property.

1. Abandoned Personal Property

The bill creates s. 705.182, F.S., relating to the disposal of personal property, except for motor vehicles and aircraft, found on the premises of public-use airports. The airport's director (director) or designee is required to take charge of the property and record the date it was found.

If, after 30 calendar days, or a longer period as deemed appropriate under the circumstances, the property is not claimed by its owner, the director or designee may:

³⁹ Section 332.004(14), F.S., defines "public use airport" as any publically owned airport which is used or to be used for public purposes.

- Retain the property for use by the airport or by the state or unit of local government owning or operating the airport;
- Trade the property to another unit of local government or state agency;
- Donate the property to a charitable organization;
- Sell the property; or
- Dispose of the property through an appropriate refuse removal or salvage company that provides salvage service for the type of personal property found.

Prior to the property's disposal, the airport must notify the property owner, if known, that the property was found at the airport and that the airport intends to dispose of it.

If the airport decides to sell the property, it must do so at a public auction either on the Internet or at a specified physical location. The airport must, at least 10 days prior to the sale, provide notice of the time and place of the sale in a publication of general circulation within the county where the airport is located. This is following written notice to the property owner, if known, via certified mail, return receipt requested. This notice is considered sufficient if it refers to the airport's intention to sell all of its then-accumulated found property, and it is not required to identify each individual item that will be sold. Prior to the sale, the owner may reclaim the property by presenting to the airport's director or designee acceptable evidence of ownership. The proceeds from the property's sale of property are retained by the airport to be used in any lawfully authorized manner.

The airport is not precluded from allowing a domestic or international air carrier or other airport tenant from establishing its own lost and found procedures for personal property and from disposing of such personal property.

The purchaser or recipient in good faith of the personal property sold or obtained takes the property free of the rights of persons then holding any legal or equitable interest in the property, whether or not the interest is recorded.

2. Abandoned Aircraft

The bill creates s. 705.183, F.S., relating to the disposal of derelict or abandoned aircraft on the premises of public use airports. The provisions apply whether or not the premises is under lease or license to a third party. When one of these aircraft is found, the airport's director or designee must record the date the aircraft was found or determined to be present on airport property.

"Abandoned aircraft" is defined as an aircraft that has been disposed of in a public-use airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has remained in an idle state on the premises owned or controlled by the operator of a public-use airport for 45 consecutive calendar days.

"Derelict aircraft" is defined as any aircraft that is not in flyable condition, does not have a current certificate of air worthiness issued by the Federal Aviation Administration (FAA) and is not in the process of actively being repaired.

The airport director or designee is required to contact the FAA Aircraft Registration Branch to determine the name and address of the last registered aircraft owner. The airport is also required to conduct a diligent search of the appropriate records, or a contact with an aircraft title search company to determine the name and address of any person having an equitable or legal interest in the aircraft.

Within 10 business days of receiving information related to persons with interest in the aircraft, the director or designee must notify, by certified mail, return receipt requested, all persons having an equitable or legal interest in the aircraft. This notice must advise them of the location of the derelict or abandoned aircraft, that fees and charges accrued for the use of the airport by the aircraft, the amount of these fees, that the aircraft is subject to a lien for the accrued fees and charges for use of the airport and for the transportation, storage, and removal of the aircraft, that the lien is subject to enforcement

pursuant to law, and that the airport may cause the use, trade, sale, or removal of the aircraft. If the director or designee determines that the aircraft poses a danger to the health and safety of airport users, the notice may require the removal of the aircraft in less than 30 calendar days.

If the owner of the aircraft is unknown, or cannot be found, the director or designee is required to place a laminated notice, in a specific form, on the aircraft. The notice provides the same information that was provided in the notice mailed to those with an equitable or legal interest in the aircraft. The notice must be weatherproof and at least 8 inches by 10 inches.

If, after 30 calendar days from the date the notice is received or posted on the aircraft, the aircraft has not been removed from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft by the owner or any person with an interest in the aircraft, or shown reasonable cause for failure to do so, the director or designee may cause the use, trade, sale, or removal of the aircraft.

If the airport elects to sell the aircraft, the sale must be a public auction after giving at least 10 calendar days notice of the time and place of the sale. The notice must be in a publication of general circulation within the county where the airport is located and after providing written notice to all parties known to have an interest in the aircraft.

If the airport elects to dispose of the aircraft, the airport may negotiate with the refuse or removal company⁴⁰ for the price for the aircraft, or if circumstances warrant, a price to pay the company to dispose of the aircraft. All information pertaining to the price and the justification for the prices shall be prepared and maintained by the airport, and the negotiated price is considered a reasonable price.

If the sale or negotiated price is less than the airport's then current charges and costs against the aircraft, or the airport is required to pay a salvage company for its services, the owner of the aircraft remains liable for the airport's costs that are not offset by the sale or negotiated price, in addition to the owner's liability for payment to the airport of the price the airport was required to pay any salvage company. All costs incurred by the airport in the removal, storage, and sale of any aircraft are recoverable against the aircraft's owner.

The airport shall have a lien on derelict or abandoned aircraft for all fees and charges for the use of the airport by the aircraft and for all fees and charges incurred by the airport for the transportation, storage, and removal of the aircraft. Prior to perfecting the lien, the director or designee must serve notice of the lien on the last registered owner and all persons having an equitable or legal interest in the aircraft. Service of the notice does not dispense with recording the claim of lien. This claim of lien must contain the following information:

- The name and address of the airport.
- The name of the last registered aircraft owner and all persons having a legal or equitable interest in the aircraft.
- The fees and charges incurred by the aircraft for the use of the airport, and the fees and charges for the transportation, storage, and removal of the aircraft.
- A description of the aircraft sufficient for identification.

The claim of lien is required to be signed and sworn to by the airport's director or designee. The claim of lien is sufficient if it is substantially the form provided in the bill. However, the negligent inclusion or omission of any information in the claim of lien, which does not prejudice the last registered owner, does not constitute a default that operates to defeat an otherwise valid lien.

The claim of lien is required to be served on the aircraft's last registered owner and all persons having an equitable or legal interest in the aircraft, and shall be served before it is recorded.

⁴⁰ The bill references s. 705.182(2)(e), which relates to the disposal of personal property found at in the premises of public use airports and references refuse removal and salvage companies

The claim of lien is required to be recorded with the clerk of court in the county where the airport is located. This recording is constructive notice to all persons of the contents and effect of such claim. The lien attaches when it is recorded and takes priority at that time.

The bill provides that a purchaser or recipient in good faith of an aircraft sold or obtained under this section takes the aircraft free of the rights of persons then holding any legal or equitable interest in the aircraft, whether or not the interest is recorded. The purchaser is required to notify the FAA of the change in the aircraft's registered owner.

If the aircraft is sold at a public sale, the airport must deduct from the proceeds the costs of transportation, storage, publication of notice, and all other costs reasonably incurred by the airport. The balance of the proceeds are deposited into an interest-bearing account no later than 30 calendar days after the airport receives the proceeds and the funds must be held for one year. Within one year of the date of deposit, the aircraft's rightful owner may claim the balance of the proceeds by making application to the airport and presenting to the airport's director or designee of acceptable written evidence of ownership. If the rightful owner fails to come forward to claim the proceeds within one year, the balance of the proceeds are retained by the airport to be used in any legally authorized manner.

Any person acquiring legal interest in an aircraft that is caused to be sold by an airport is the lawful owner of the aircraft and all other legal or equitable interest in the aircraft is divested with no further force and effect, provided that the holder of such interest was notified of the intended disposal of the aircraft. The airport is authorized to issue documents of disposition to the purchaser or recipient of an aircraft disposed of under this section.

3. Abandoned Motor Vehicles

The bill creates s. 705.184, F.S., relating to the disposal of derelict or abandoned motor vehicles on the premises of public-use airports. When one of these vehicles is found, the director or designee must record of the date the vehicle was found or determined to be present on airport property.

"Abandoned motor vehicle" is defined as a motor vehicle that has been disposed of in a public-use airport in a wrecked, inoperative, or partially dismantled condition or a motor vehicle that has remained in an idle state on the premises owned or controlled by the operator of a public-use airport for 45 consecutive calendar days.

"Derelict motor vehicle" is defined as any motor vehicle that is not in drivable condition.

After information relating to the derelict or abandoned motor vehicle is recorded, the director or designee may have the motor vehicle removed from the airport's premises by the airport's own wrecker or by a licensed independent wrecking company to be stored at a suitable location on or off the airport premises. If the vehicle is removed by the airport's own wrecker, the provisions in the bill apply. However, if the vehicle is removed by a licensed independent wrecker company, current law for the disposal of vehicles by wrecker companies applies and the procedures below do not apply.⁴¹

The director or designee must notify the Department of Highway Safety and Motor Vehicles (DHSMV) that it has possession of the motor vehicle and to determine the name and address of the vehicle's last registered owner, the insurance company insuring the vehicle,⁴² and any person who has filed a lien on the motor vehicle.

⁴¹ SS. 323.001 and 713.78, F.S.

⁴² This is notwithstanding the provisions of s. 627.736, F.S., relating to required personal injury protection benefits; exclusions; priority, and claims.

The director or designee, within seven business days of receiving this information, must notify by certified mail, return receipt requested the owner of the vehicle, the insurance company insuring the vehicle, and all persons claiming a lien against the vehicle. The notice shall state the fact of possession of the vehicle, that charges for a reasonable towing, storage, and parking, have accrued and the amount of those fees, that a lien will be claimed, that the lien is subject to enforcement pursuant to law, and that the owner or any lienholder has the right to a hearing to contest the airport's possession.

If, after 30 calendar days from the date the notice was received, the vehicle has not been removed from the airport upon payment in full of all accrued charges for reasonable tow, storage, and parking fees, the vehicle may be disposed of, including, but not limited to, being sold free of all prior liens that are more than five years of age, or after 50 calendar days from the time the motor vehicle is stored if any prior liens are five years or less.

If attempts to notify the owner and/or lienholder are unsuccessful, the required notice is considered met and the vehicle may be disposed of in the manner provided for all abandoned vehicles.

The owner of, or any person claiming a lien on the motor vehicle has 10 calendar days after receiving knowledge of the location of the motor vehicle to file a complaint in the county court of the county where the motor vehicle is stored, to determine if the property was wrongfully taken or withheld.

Upon the filing of the complaint, the owner or leinholder may have the vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of fees for towing, storage, and accrued parking. This is to ensure the payment of the fees if the vehicle owner does not prevail. Once the security is posted and any applicable fees are paid, the clerk of the court must issue a certificate notifying the airport that the security was posted and directing the airport to release the vehicle. When the vehicle is released, after reasonable inspection, the owner or leinholder must give receipt to the airport reciting any claims for loss or damage to the vehicle or its contents.

If after 30 calendar days from receiving the notice the owner or any person claiming a lien has not removed the vehicle and paid the fees or shown reasonable cause for failure to do so, the director or designee may dispose of the vehicle in any manner provided.

If the airport elects to sell the vehicle, it may be sold free in clear of all prior liens after 35 calendar days from the time the motor vehicle is stored if any of the prior liens are more than five years old, or after 50 calendar days from the time the motor vehicle is stored if any prior lines are five years old or less. The vehicle must be sold at public auction, either on the Internet or at a specified location. If the date of the sale was not included in the previously required notice, notice of the of the sale, sent by certified mail, return receipt requested, must be given to the owner and to all persons claiming a lien on the vehicle. The notice must be mailed not less than 10 days before to the date of the sale. Additionally, a public notice must be in a publication of general circulation within the county where the sale is to be held at least 10 calendar days prior to the date of the sale. The proceeds of the sale must to be used to recover the airport's costs incurred for towing, storage, and the sale of the vehicle, as well as any accrued parking fees. Any proceeds exceeding these costs are retained by the airport for use in any authorized manner.

The airport or, if used, a licensed independent wrecking company, pursuant to s. 713.78, F.S.,⁴³ has a lien on the derelict or abandoned vehicle for a reasonable tow fee, a reasonable storage fee, and or accrued parking fees, except that no storage fee shall be charged if the vehicle is stored for less than six hours. Prior to perfecting a lien, the director or designee must serve notice of the lien on the owner, the insurance company, and all persons of record claiming a lien against the vehicle. If attempts to notify the owner, insurance company, and lienholders are unsuccessful, the notice requirement will be considered met. The serving of the notice does not dispense with recording the claim of lien. This claim of lien must contain the following information:

⁴³ Section 713.78, F.S., relates to liens for recovering, towing, or storing vehicles and vessels.

- The name and address of the airport.
- The name of the owner of the vehicle, the insurance company insuring the motor vehicle, and all persons of record claiming a lien against the vehicle.
- The fees incurred for a reasonable tow, reasonable storage, and parking, if any.
- A description of the motor vehicle sufficient for identification.

The claim of lien is required to be signed and sworn to by the director or designee. The claim of lien is considered sufficient if it is substantially the form provided in the bill. However, the bill provides that the negligent inclusion or omission of any information in the claim of lien, which does not prejudice the owner, does not constitute a default that operates to defeat an otherwise valid lien.

The claim of lien is required to be served on owner, the insurance company, and all recorded lienholders. If attempts at notification prove unsuccessful, the requirement of notification will be considered met. The claim of lien shall be served before it is recorded with the clerk of court in the county where the airport is located.

The bill provides a purchaser or recipient in good faith of a vehicle sold or obtained under this section takes the vehicle free of the rights of persons then holding any legal or equitable interest in the vehicle, whether or not this interest is recorded.

Cross-References (Sections 35 through 45)

The bill also amends various sections of statutes to conform cross-references related to various changes in the bill.

Effective Date (Section 46)

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

- | | |
|-----------|---|
| Section 1 | Amends s. 20.23, F.S., relating to the Department of Transportation, authorizing DOT to grant a specified pay additive to law enforcement officers assigned to the MCCO who maintain certification by the CVSA. |
| Section 2 | Repeals s. 215.03(12)(c), F.S., relating to a review of a loan program of the Florida Seaport Transportation and Economic Development Council. |
| Section 3 | Amends s. 316.2122, F.S., relating to the operation of low-speed vehicles on certain roadways to remove cross-references and to provide that these vehicles may be operated on certain roads. |
| Section 4 | Amends s. 316.535, F.S., requiring specified scale tolerances to be applied to weight limits for vehicles on highways not on the Interstate Highway System; providing that specified tolerances do not apply to cranes; providing for determination of fines for violations of the total gross weight limits. |
| Section 5 | Amends s. 316.545, F.S., revising conditions under which vehicles in violation of specific gross or external bridge weight limits must be unloaded; providing for a reduction in the gross weight of certain vehicles equipped with idle-reduction technologies when calculating a penalty for exceeding maximum weight limits; requiring the operator to provide certification of the weight of the idle-reduction technology and to demonstrate or certify that the idle reduction technology is fully functionally at all times. |
| Section 6 | Amends s. 318.18, F.S., relating to the amount of penalties; revising provisions for distribution of proceeds collected by the clerk of the court for disposition of citations for failure to pay a toll; providing alternative procedures for disposition of such citation; |

providing for adjudication to be withheld and no points assessed against the driver's license of a person who is convicted of failing to pay toll 10 or more times within a 36-month period.

- Section 7 Amends s. 320.08058, F.S., relating to specialty license plates; revising authorized uses of revenue received from the United We Stand license plates.
- Section 8 Amends s. 322.27, F.S., relating to the authority of the Department of Highway Safety and Motor Vehicles to suspend or revoke driver's licenses; providing for assessment of points against a driver's license for specified violations of requirements to pay a toll only when the points are imposed by a court.
- Section 9 Repeals s. 332.14, F.S., relating to the Secure Airports for Florida's Economy Council.
- Section 10 Provides for the use of funds accrued by the Secure Airports for Florida's Economy Council.
- Section 11 Amends s. 334.03, F.S., relating to definitions; revising definitions for purposes of the Florida Transportation Code.
- Section 12 Amends s. 334.044, F.S., relating to Department of Transportation; powers and duties; revising powers and duties of DOT; removing provisions for assigning jurisdiction of roads and designating facilities as part of the State Highway System.
- Section 13 Amends s. 337.047, F.S., relating to a Department of Transportation prohibition; removing a prohibition against DOT establishing a maximum number of miles of certain roads within a district or county.
- Section 14 Amends s. 337.14, relating to application for qualification; certificate of qualification; restrictions; request for hearing; revising application procedures for the qualification of contractors; requiring any interim financial statement to be accompanied by an updated application.
- Section 15 Amends s. 337.401, F.S., relating to the use of right-of-way for utilities subject to regulation, permit and fees; revising provisions for rules of DOT that provide for the placement of and access to certain electrical transmission lines on the right-of-way of DOT-controlled roads; authorizing the rules to include the use of the limited access right-of-way for longitudinal placement of such transmission lines is reasonable based upon consideration of certain economic and environmental factors.
- Section 16 Amends s. 338.155, F.S., relating to payment of tolls on toll facilities required; exemptions; authorizing DOT to adopt rules relating to the payment, collection, and enforcement of tolls.
- Section 17 Amends s. 343.65, F.S., relating to the powers and duties of the Central Florida Regional Transportation Authority; authorizing the Central Florida Regional Transportation Authority to borrow funds under certain circumstances.
- Section 18 Amends s. 348.51, F.S., revising the definition of the term "bonds" when used in the Tampa Hillsborough County Expressway Authority Law.
- Section 19 Amends s. 348.545, F.S., authorizing costs of THCEA improvements to be financed by bonds on behalf of the authority pursuant to the State Bond Act or bonds issued by the authority under specified provisions.
- Section 20 Amends s. 348.56, F.S., authorizing bonds to be issued on behalf of THCEA pursuant to the State Bond Act or issued by the authority under specified provisions; revising

requirements for such bonds; requiring the bonds to be sold at public sale; authorizing the authority to negotiate the sale of bonds with underwriters under certain circumstances.

- Section 21 Amends s. 348.565, F.S., providing that facilities on the expressway system are approved to be refinanced by the revenue bonds issues by DBF and the State Bond Act or by bonds issued by THCEA; providing that certain projects of the authority are approved for financing or refinancing by revenue bonds.
- Section 22 Amends s. 348.57; authorizing THCEA to provide for the issuance of certain bonds for the refunding of bonds outstanding regardless of whether the bonds being refunded were issued by the authority or on behalf of the authority.
- Section 23 Amends s. 348.70, F.S., providing that the Tampa-Hillsborough County Expressway Authority Law does not repeal, rescind, or modify any other laws that are inconsistent with the provisions of that law.
- Section 24 Creating pt. XI of Ch. 348, F.S., relating to the "Osceola County Expressway Authority"; providing a short title; providing definitions; creating the authority; providing purposes and powers; providing for bond financing for improvements; providing bonding authority; providing remedies of the bondholders; providing for lease-purchase agreements; providing that DOT may be appointed agent of the authority for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing a covenant of the state; providing an exemption from taxation; providing eligibility for investments and security; providing a pledge enforceable by bondholders; providing a authorization for the Osceola County auditor; providing for automatic dissolution under certain circumstances.
- Section 25 Amends s. 373.41492, F.S., relating to the Miami-Dade County Lake Belt Mitigation Plan; increasing the mitigation fee for mining activities in the Miami-Dade County Lake Belt.
- Section 26 Amends s. 403.4131, F.S., relating to the Adopt-A-Highway program; removing provisions relating to a report.
- Section 27 Amends s. 479.01, F.S., defining the terms "allowable uses," "commercial use," "industrial use," and "zoning category" and revising the definition of "Commercial and industrial zone" for purposes of provisions relating to outdoor advertising; conforming cross-references.
- Section 28 Designates pt. I of Ch. 479, F.S., entitled "General Provisions"
- Section 29 Designates pt II of Ch. 479, F.S., entitled "Special Programs."
- Section 30 Creates pt. III of Ch. 479, F.S., entitled "Sign Removal;" creating s. 479.310, F.S., providing intent relating to unpermitted and illegal signs; imposing financial responsibility for the removal of such signs; providing DOT with the authority to recover the cost of removal of such signs; creating s. 479.311, F.S., providing jurisdiction to consider claims to recover costs; defining the term "venue" for the purposes of a claim filed by DOT; creating s. 479.312, F.S., providing that the costs incurred by DOT in removing certain signs shall be assessed against certain individuals; providing presumption of ownership; creating s. 479.313. F.Ss.; providing for the assessment of the cost of removal for signs following the revocation of a sign permit; creating s. 479.315, F.S.; providing for the assessment of the cost of removal of signs located within a highway right-of-way.

- Section 31 Amends s. 705.18, F.S., relating to personal property lost or abandoned on university or community college campuses or certain public-use airports; removing provisions for the disposal of personal property lost or abandoned at public use airports.
- Section 32 Creates s. 705.182, F.S., relating to the disposal of personal property found on the premises of public-use airports; providing time frames, providing options for disposing of property; providing procedures for selling abandoned property; providing for notice of sale; permitting airport tenants to establish procedures; providing that purchaser owns property free and clear.
- Section 33 Creates s. 705.183, F.S., relating to the disposal of derelict or abandoned aircraft on the premises of public-use airports; providing procedures, providing definitions; providing for notification of aircraft owner and persons having an interest in the aircraft; providing notice requirements; providing requirements for sale of aircraft; providing for liability of charges related to aircraft; providing for claim of lien; providing for disposition of funds.
- Section 34 Creates s. 705.184, F.S., relating to derelict or abandoned motor vehicles on the premises of public-use airports; creating a process to remove these vehicles, providing definitions; providing for removal of motor vehicle; providing notice requirements; providing for sale of motor vehicle; providing for liability of charges related to motor vehicle; providing for claim of lien.
- Section 35 Amends s. 163.3180, F.S., relating to concurrency to conform a cross-reference.
- Section 36 Amends s. 288.063, F.S., relating to contracts for transportation projects to conform a cross-reference.
- Section 37 Amends s. 311.07, F.S., relating to Florida seaport transportation and economic development funding to conform a cross-reference.
- Section 38 Amends s. 311.09, F.S., relating to the Florida Seaport Transportation and Economic Development Council to conform a cross-reference.
- Section 39 Amends s. 316.515, F.S., relating to maximum width, height, and length to conform a cross-reference.
- Section 40 Amends s. 336.01, F.S., relating to designation of county road system to conform a cross-reference.
- Section 41 Amends s. 338.222, F.S., relating to DOT as the sole governmental entity to acquire, construct, or operate turnpike projects to conform a cross-reference.
- Section 42 Amends s. 341.8225, F.S., relating to DOT as the sole governmental entity to acquire, construct, or operate high-speed rail projects to conform a cross-reference.
- Section 43 Amends s. 479.07, F.S., relating to sign permits to conform a cross-reference.
- Section 44 Amends s. 479.156, F.S., relating to wall murals to conform a cross-reference.
- Section 45 Amends s. 479.261, F.S., relating to the logo sign program to conform a cross-reference.
- Section 46 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Lake Belt Mitigation Trust Fund administered by the South Florida Water Management District will see some additional revenues, beginning on December 31, 2011, due to the increase in the lake belt mitigation fee.

The state school fund could lose any revenue currently received from the disposal of property that is abandoned at airports.

2. Expenditures:

According to DOT, the 10 percent increase in legal loads would require 28 additional state bridges to have posted weight limits.⁴⁴ It is DOT's policy for bridges that require posting to be strengthened or replaced within six years of being posted;⁴⁵ however, there is no legal requirement to do so. DOT estimates the cost of strengthening or replacing these bridges to be approximately \$305 million dollars.

Additionally, DOT estimates that there will be an annual cost to DOT of approximately \$85 million due to the increased legal loads effect on pavement resurfacing, bridge maintenance, bridge repair, additional bridge replacement costs due to shorter bridge lifespan and replacement of posted bridges (initial cost amortized over 30-years).

DOT expects to incur some training and programming costs related to the increased weight limits for idle-reduction technologies; however, it should be able to do this with existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Airports operated by local governments may receive additional revenue related to the disposal of abandoned property. However, the additional revenue is intended to cover the airports cost related to the disposal of this property.

2. Expenditures:

According to DOT, the 10 percent increase in legal loads would require 59 additional local bridges to have posted weight limits.⁴⁶ If local governments decide to replace or strengthen these bridges, DOT estimates the cost to be \$105 million dollars.

Some local governments may see a decrease in expenditures due to the change in the process for handling toll violations, which may result in fewer cases on the county court docket.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The increase in the highway weight limit will allow trucks to carry heavier loads. This will allow more to be carried on each truck, resulting in fewer truck trips and benefiting businesses that transport goods or products by truck.

⁴⁴ According to DOT, there are currently three DOT maintained state bridges with posted weight limits. There are some other state-maintained bridges with posted weight limits such as bridges in state parks.

⁴⁵ DOT Policy No. 000-360-001-i. However, this policy appears to only apply to structurally deficient bridges. All three posted DOT maintained state bridges are classified as structurally deficient.

⁴⁶ There are currently 1,057 local bridges with posted weight limits.

Reducing the weight of idle reduction technologies in determining the penalties associated with an overweight vehicle may reduce some penalties for overweight trucks.

The increase in mitigation fees for mining in the Lake Belt area in Miami-Dade County may lead to an increase in the price of the materials mined from that area.

D. FISCAL COMMENTS:

The provision relating to pay additives for DOT's MCCO officers with a CVSA certification codifies what has been annually authorized in the General Appropriations Act. There is no fiscal impact related to these codifications.

Given the estimated additional costs associated with DOT's policy regarding strengthening or replacing posted bridges and the bill's increase in weight limits on non-interstate highways, DOT points out that the bill could have a significant impact on its five-year work program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill updates DOT's existing rule-making authority regarding tolls to allow them to implement video billing and variable pricing.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 17, 2010, the Roads, Bridges & Ports Policy Committee adopted 11 amendments and reported the bill favorably as a Committee Substitute. The amendments:

- Remove the language codifying DOT's engineer and right-of way training programs.
- Incorporate toll enforcement language inadvertently left out of the original bill.
- Corrects an incorrect statute reference.
- Clarifies where mini-trucks are permitted by tying a definition to one in federal law.
- Authorizes the Tampa-Hillsborough County Expressway Authority to issue bonds outside of the State Bond Act.
- Creates the Osceola County Expressway Authority.
- Provides Lynx the authority to bond capital leases.
- Increases the mitigation fee in the Miami-Dade County Lake Belt.
- Authorizes DOT to recover the costs of removing unpermitted signs from sign owners, property owners, and businesses that advertise on these signs.
- Revises and creates definitions in the outdoor advertising statute related to zoning issues.

- Increases the weight limit on noninterstate highways by 10 percent and allows a 400 pound weight tolerance for idle reduction technologies.

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

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

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

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

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

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

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

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

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

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

261

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

263

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

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

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

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

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

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

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

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

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

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

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

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

308 (6) The Department of Transportation may prohibit the

CS/HB 1271

2010

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

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

314 316.535 Maximum weights.—

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

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

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

337 316.545(2).

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

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

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

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

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

CS/HB 1271

2010

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

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

CS/HB 1271

2010

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

CS/HB 1271

2010

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

506 320.08058 Specialty license plates.—

507 (32) UNITED WE STAND LICENSE PLATES.—

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

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

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

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

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

- 535 1. Reckless driving, willful and wanton—4 points.
- 536 2. Leaving the scene of a crash resulting in property
 537 damage of more than \$50—6 points.
- 538 3. Unlawful speed resulting in a crash—6 points.
- 539 4. Passing a stopped school bus—4 points.
- 540 5. Unlawful speed:
 - 541 a. Not in excess of 15 miles per hour of lawful or posted
 542 speed—3 points.
 - 543 b. In excess of 15 miles per hour of lawful or posted
 544 speed—4 points.
- 545 6. A violation of a traffic control signal device as
 546 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 547 7. All other moving violations (including parking on a
 548 highway outside the limits of a municipality)—3 points. However,
 549 no points shall be imposed for a violation of s. 316.0741 or s.
 550 316.2065(12); and points shall be imposed for a violation of s.
 551 316.1001 only when imposed by the court after a hearing pursuant
 552 to s. 318.14(5).
- 553 8. Any moving violation covered above, excluding unlawful
 554 speed, resulting in a crash—4 points.
- 555 9. Any conviction under s. 403.413(6)(b)—3 points.
- 556 10. Any conviction under s. 316.0775(2)—4 points.

557 Section 9. Section 332.14, Florida Statutes, is repealed.
 558 Section 10. All funds accrued by the Secure Airports for
 559 Florida's Economy Council prior to July 1, 2010, shall be

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

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

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

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

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

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

588 ~~county road system.~~

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

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

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

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

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

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

734
 735 ~~However, not less than 2 percent of the public road mileage of~~
 736 ~~each urbanized area on record as of June 30, 1986, shall be~~
 737 ~~included as minor arterials in the State Highway System.~~

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

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

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

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

756 facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

839 334.047 Prohibition.—Notwithstanding any other provision

CS/HB 1271

2010

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

952 | 366.02(2).

953 | (b) For aerial and underground electric utility

954 | transmission lines designed to operate at 69 or more kilovolts

955 | that are needed to accommodate the additional electrical

956 | transfer capacity on the transmission grid resulting from new

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

958 | provide for placement of and access to such transmission lines

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

960 | controlled public roads, including longitudinally within limited

961 | access facilities where there is no other practicable

962 | alternative available, to the greatest extent allowed by federal

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

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

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

966 | placement of electric utility transmission lines is reasonable

967 | based upon a consideration of economic and environmental

968 | factors, including, without limitation, other practicable

969 | alternative alignments, utility corridors and easements, impacts

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

971 | safety standards, and further provide that placement of the

972 | electric utility transmission lines within the department's

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

974 | the transportation facility or planned or potential future

975 | expansion of such transportation facility. If the department

976 | approves longitudinal placement of electric utility transmission

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

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

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

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

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

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

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

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

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

1025 | 343.64 Powers and duties.—

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

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

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

CS/HB 1271

2010

1036 Statutes, is amended to read:

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

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

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

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

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

1061 348.56 Bonds of the authority.—

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

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

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

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

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

CS/HB 1271

2010

1120 conditions as the authority may determine.

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

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

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

1135 (1) Brandon area feeder roads.

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

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

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

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

1144 348.57 Refunding bonds.—

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

CS/HB 1271

2010

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

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

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

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

1166 348.70 This part complete and additional authority. -

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

CS/HB 1271

2010

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

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

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

1201 PART XI

1202 OSCEOLA COUNTY EXPRESSWAY AUTHORITY

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

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

CS/HB 1271

2010

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

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

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

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

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

1251 348.9952 Osceola County Expressway Authority.-

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

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

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

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

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

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

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

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

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

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

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

1309 348.9953 Purposes and powers.—

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

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

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

1461 348.9955 Bonds of the authority.-

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

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

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

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

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

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

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

1587 348.9956 Remedies of the bondholders.—

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

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

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

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

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

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

1643 (c) Bring suit upon the bonds.

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

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

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

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

1680 bondholders in the enforcement and protection of their rights.

1681 (4) Nothing in this section or any other section of this
 1682 part authorizes any receiver appointed pursuant to this part for
 1683 the purpose, subject to and in compliance with the provisions of
 1684 any lease-purchase agreement between the authority and the
 1685 department, of operating and maintaining the Osceola County
 1686 Expressway System or any facilities or part or parts thereof to
 1687 sell, assign, mortgage, or otherwise dispose of any of the
 1688 assets of whatever kind and character belonging to the
 1689 authority. It is the intention of this part to limit the powers
 1690 of such receiver, subject to and in compliance with the
 1691 provisions of any lease-purchase agreement between the authority
 1692 and the department, to the operation and maintenance of the
 1693 Osceola County Expressway System or any facility or part or
 1694 parts thereof, as the court may direct, in the name and for and
 1695 on behalf of the authority, the department, and the bondholders.
 1696 No holder of bonds of the authority or any trustee shall ever
 1697 have the right in any suit, action, or proceeding at law or in
 1698 equity to compel a receiver, nor shall any receiver be
 1699 authorized or any court be empowered to direct the receiver, to
 1700 sell, assign, mortgage, or otherwise dispose of any assets of
 1701 whatever kind or character belonging to the authority.

1702 348.9957 Lease-purchase agreement.-

1703 (1) In order to effectuate the purposes of this part and
 1704 as authorized by this part, the authority may enter into a
 1705 lease-purchase agreement with the department relating to and
 1706 covering the system.

1707 (2) Such lease-purchase agreement shall provide for the

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

1798 348.9959 Acquisition of lands and property.-

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

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

1819 (3) When the authority acquires property for a

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

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

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

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

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

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

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

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

1903 348.9965 This part complete and additional authority.-

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

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

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

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

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

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

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

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

CS/HB 1271

2010

1960 beginning January 1, 2007; 18 cents per ton beginning January 1,
 1961 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45
 1962 cents per ton beginning December 31, 2011. To upgrade a water
 1963 treatment plant that treats water coming from the Northwest
 1964 Wellfield in Miami-Dade County, a water treatment plant upgrade
 1965 fee is imposed within the same Lake Belt Area subject to the
 1966 mitigation fee and upon the same kind of mined limerock and sand
 1967 subject to the mitigation fee. The water treatment plant upgrade
 1968 fee imposed by this subsection for each ton of limerock and sand
 1969 sold shall be 15 cents per ton beginning on January 1, 2007, and
 1970 the collection of this fee shall cease once the total amount of
 1971 proceeds collected for this fee reaches the amount of the actual
 1972 moneys necessary to design and construct the water treatment
 1973 plant upgrade, as determined in an open, public solicitation
 1974 process. Any limerock or sand that is used within the mine from
 1975 which the limerock or sand is extracted is exempt from the fees.
 1976 The amount of the mitigation fee and the water treatment plant
 1977 upgrade fee imposed under this section must be stated separately
 1978 on the invoice provided to the purchaser of the limerock or sand
 1979 product from the limerock or sand miner, or its subsidiary or
 1980 affiliate, for which the fee or fees apply. The limerock or sand
 1981 miner, or its subsidiary or affiliate, who sells the limerock or
 1982 sand product shall collect the mitigation fee and the water
 1983 treatment plant upgrade fee and forward the proceeds of the fees
 1984 to the Department of Revenue on or before the 20th day of the
 1985 month following the calendar month in which the sale occurs.
 1986 Section 26. Subsection (1) of section 403.4131, Florida
 1987 Statutes, is amended to read:

CS/HB 1271

2010

1988 403.4131 Litter control.—

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

CS/HB 1271

2010

2100 set forth by law.

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

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

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

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

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

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

CS/HB 1271

2010

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

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

- 2138 (a) These activities must satisfy the following criteria:
- 2139 1. At least one of the commercial or industrial activities
 - 2140 must be located on the same side of the highway and within 800
 - 2141 feet of the sign location;
 - 2142 2. The commercial or industrial activities must be within
 - 2143 660 feet from the nearest edge of the right-of-way; and
 - 2144 3. The commercial industrial activities must be within
 - 2145 1,600 feet of each other.

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

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

- 2154 1. Signs.
- 2155 2. Agricultural, forestry, ranching, grazing, farming, and

CS/HB 1271

2010

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

2158 3. Transient or temporary activities.

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

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

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

2164 7. Railroad tracks and minor sidings.

2165 8. Communication towers.

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

2204 PART III

2205 SIGN REMOVAL

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

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

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

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

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

2240 permittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

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

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

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

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

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

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

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

2408 officer)....

2409

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

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

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

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

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

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

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

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

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

2473 1. The name and address of the airport.

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

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

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

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

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

2487 CLAIM OF LIEN

2488 State of _____

2489 County of _____

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

CS/HB 1271

2010

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

CS/HB 1271

2010

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

2697 1. The name and address of the airport.

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

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

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

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

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

2710

2711 CLAIM OF LIEN

2712 State of _____

2713 County of _____

2714 Before me, the undersigned notary public, personally appeared

2715 _____, who was duly sworn and says that he/she is the

CS/HB 1271

2010

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

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

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

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

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

2758 163.3180 Concurrency.—

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

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

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

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

2775 4. If the regionally significant transportation facility
 2776 to be constructed or improved is under the maintenance authority
 2777 of a governmental entity, as defined by s. 334.03 (10)~~(12)~~, other
 2778 than the local government with jurisdiction over the development
 2779 of regional impact, the developer is required to enter into a
 2780 binding and legally enforceable commitment to transfer funds to
 2781 the governmental entity having maintenance authority or to
 2782 otherwise assure construction or improvement of the facility.
 2783

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

CS/HB 1271

2010

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

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

2808 288.063 Contracts for transportation projects.—

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

CS/HB 1271

2010

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

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

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

2847 (3)

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

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

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

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

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

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

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

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

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

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

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

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

CS/HB 1271

2010

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

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

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

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

CS/HB 1271

2010

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

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

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

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

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

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

CS/HB 1271

2010

2940 exception.-

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

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

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

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

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

2963 479.07 Sign permits.-

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

CS/HB 1271

2010

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

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

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

CS/HB 1271

2010

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

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

3011 479.261 Logo sign program.—

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

CS/HB 1271

2010

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

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

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Transportation & Economic
2 Development Appropriations Committee
3 Representative(s) Horner offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 312-455 and insert:

7 Section 4. Paragraphs (c) and (d) of subsection (3) of
8 section 316.545, Florida Statutes, are redesignated as
9 paragraphs (d) and (e), respectively, and paragraph (c) is added
10 to that subsection, to read:

11 316.545 Weight and load unlawful; special fuel and motor
12 fuel tax enforcement; inspection; penalty; review.—

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

17 (c) For a vehicle equipped with fully functional idle-
18 reduction technology, any penalty shall be calculated by
19 reducing the actual gross vehicle weight or the internal bridge

Amendment No. 1

20 weight by the certified weight of the idle-reduction technology
21 or by 400 pounds, whichever is less. The vehicle operator must
22 present written certification of the weight of the idle-
23 reduction technology and must demonstrate or certify that the
24 idle-reduction technology is fully functional at all times. This
25 calculation is not allowed for vehicles described in s.
26 316.535(6);

27 Section 5. Subsections (4), (5), (6), (7), (8), (9), and
28 (10) of section 316.550, Florida Statutes, are renumbered as
29 subsections (5), (6), (7), (8), (9), (10), and (11),
30 respectively, and subsection (4) is added to that section, to
31 read:

32 316.550 Operations not in conformity with law; special
33 permits.—

34 (4) (a) The Department of Transportation or local authority
35 may issue permits which authorize commercial vehicles
36 transporting agricultural products with weights not exceeding
37 the limits of s. 316.535(5), plus the scale tolerance provided
38 in s. 316.545(2), F.S., to operate off the Interstate Highway
39 System on a designated route specified in the permit.

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

43 (c) Any vehicle or combination of vehicles which exceeds
44 the weight limits authorized in paragraph (a) shall be unloaded
45 and all material so unloaded shall be cared for by the owner or
46 operator.

47

Amendment No. 1

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T I T L E A M E N D M E N T

Remove lines 12-26 and insert:

trucks; amending s. 316.545, F.S.; providing for a reduction in
the gross weight of certain vehicles equipped with idle-
reduction technologies when calculating a penalty for exceeding
maximum weight limits; requiring the operator to provide
certification of the weight of the idle-reduction technology and
to demonstrate or certify that the idle-reduction technology is
fully functional at all times; amending s. 316.550, F.S.;
authorizing the Department of Transportation or local authority
to issue permits for certain vehicles to operate on certain
routes; providing restrictions on routes; providing conditions
when vehicles must be unloaded;

Amendment No. 2

20 or any part thereof, of which \$3.50 shall be deposited into the
21 General Revenue Fund.

22 2. A semitrailer drawn by a GVW truck tractor by means of
23 a fifth-wheel arrangement: \$68 flat per permanent registration,
24 of which \$18 shall be deposited into the General Revenue Fund.

25 (b) A motor vehicle equipped with machinery and designed
26 for the exclusive purpose of well drilling, excavation,
27 construction, spraying, or similar activity, and which is not
28 designed or used to transport loads other than the machinery
29 described above over public roads: \$44 flat, of which \$11.50
30 shall be deposited into the General Revenue Fund.

31 (c) A school bus used exclusively to transport pupils to
32 and from school or school or church activities or functions
33 within their own county: \$41 flat, of which \$11 shall be
34 deposited into the General Revenue Fund.

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

41 (e) A wrecker that is used to tow any nondisabled motor
42 vehicle, ~~regardless of whether such motor vehicle is a disabled~~
43 ~~motor vehicle, a replacement motor vehicle,~~ a vessel, or any
44 other cargo, unless used as defined in paragraph (d), as
45 follows:

Amendment No. 2

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

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

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

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

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

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

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

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

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

Amendment No. 2

73 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
74 shall be deposited into the General Revenue Fund.

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T I T L E A M E N D M E N T

79

Remove line 36 and insert:

80

a 36-month period; amending s. 320.08, F.S.; providing that

81

specified license tax provisions apply to wreckers used for

82

certain purposes; amending s. 320.08058, F.S., revising

Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Transportation & Economic
2 Development Appropriations Committee
3 Representative(s) Horner offered the following:

Amendment (with title amendment)

Between lines 993 and 994, insert:

Section 16. Subsection (4) of section 337.406, Florida Statutes, is renumbered as subsection (5), respectively, and subsection (4) is added to that section, to read:

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

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

T I T L E A M E N D M E N T

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 1271 (2010)

Amendment No. 3

20 Remove line 64 and insert:
21 and environmental factors; amending s. 337.406, F.S.;
22 prohibiting camping on certain parts of the right-of-way;
23 amending s. 338.155, F.S.;

Amendment No. 4

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Transportation & Economic
2 Development Appropriations Committee
3 Representative(s) Horner offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 1022 and 1023, insert:

7 Section 17. Subsection (7) is added to section 341.051,
8 Florida Statutes, to read:

9 341.051 Administration and financing of public transit and
10 intercity bus service programs and projects.—

11 (7) (a) The Legislature of the State of Florida recognizes
12 the importance of encouraging the seamless use of local and
13 regional public transportation systems by residents of, and
14 visitors to, the State of Florida, wherever possible. The
15 paramount concern is to encourage the implementation of fare
16 collection systems that are interoperable and compatible with
17 multiple public transportation systems throughout the State of
18 Florida.

Amendment No. 4

19 (b) Notwithstanding any other provision of law to the
20 contrary, in order to facilitate the ease of transfer from one
21 public transportation system to another, any public transit
22 system which connects directly with a new public rail system put
23 into service after December 1, 2010, and which is adding a new
24 fare media system, or is upgrading its existing fare media
25 system, shall be required to utilize a universal common
26 contactless fare media that is compatible with the American
27 Public Transportation Association's Contactless Fare Media
28 System (APTA--CMFS) Standard and allows users to purchase fares
29 at a single point-of-sale with coin, cash or credit card.
30 Nothing in this paragraph shall require the use of a universal
31 common contactless fare media for the paratransit element of any
32 transit system or by any public transit system that does not
33 share one or more points of origin or destination with a public
34 rail system.

35
36 For purposes of this section, the term "net operating costs"
37 means all operating costs of a project less any federal funds,
38 fares, or other sources of income to the project.

39 Section 18. Subsection (7) of section 341.3025, Florida
40 Statutes, is renumbered as subsection (8), respectively, and
41 subsection (7) is added to that section, to read:

42 341.3025 Multicounty public rail system fares and
43 enforcement.—

44 (7) (a) The Legislature of the State of Florida recognizes
45 the importance of encouraging the seamless use of local and
46 regional public transportation systems by residents of, and

Amendment No. 4

47 visitors to, the State of Florida, wherever possible. The
48 paramount concern is to encourage the implementation of fare
49 collection systems that are interoperable and compatible with
50 multiple public transportation systems throughout the State of
51 Florida.

52 (b) Notwithstanding any other provision of law to the
53 contrary, in order to facilitate the ease of transfer from one
54 public transportation system to another, any new public rail
55 system that is constructed after December 1, 2010 by the State,
56 one of its agencies, a Regional Transportation Authority, or one
57 or more counties or municipalities shall be required to utilize
58 a universal common contactless fare media that is compatible
59 with the American Public Transportation Association's
60 Contactless Fare Media System (APTA--CMFS) Standard and allows
61 users to purchase fares at a single point-of-sale with coin,
62 cash or credit card. Additionally, any existing public rail
63 system that is adding a new fare media system, or is upgrading
64 its existing fare media system, shall also be required to
65 utilize a universal common contactless fare media that is
66 compatible with the American Public Transportation Association's
67 Contactless Fare Media System (APTA--CMFS) Standard and allows
68 users to purchase fares at a single point-of-sale with coin,
69 cash or credit card.

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74 **T I T L E A M E N D M E N T**

Amendment No. 4

75 Remove line 66 and insert:
76 payment; collection, and enforcement of tolls; amending s.
77 341.051, F.S.; requiring the use of universal common contactless
78 fare media on new or upgraded public rail transit systems
79 created by regional transportation authorities or counties;
80 amending s. 341.3025, F.S.; requiring the use of universal
81 common contactless fare media on new or upgraded public rail
82 transit systems created by regional transportation authorities
83 or counties; amending s.

Amendment No. 5

20 Township 53 South, Range 39 East. The mitigation fee is imposed
21 for each ton of limerock and sand sold from within the
22 properties where the fee applies in raw, processed, or
23 manufactured form, including, but not limited to, sized
24 aggregate, asphalt, cement, concrete, and other limerock and
25 concrete products. The mitigation fee imposed by this subsection
26 for each ton of limerock and sand sold shall be 12 cents per ton
27 beginning January 1, 2007; 18 cents per ton beginning January 1,
28 2008; ~~and~~ 24 cents per ton beginning January 1, 2009, and 45
29 cents per ton beginning January 1, 2011. To upgrade a water
30 treatment plant that treats water coming from the Northwest
31 Wellfield in Miami-Dade County, a water treatment plant upgrade
32 fee is imposed within the same Lake Belt Area subject to the
33 mitigation fee and upon the same kind of mined limerock and sand
34 subject to the mitigation fee. The water treatment plant upgrade
35 fee imposed by this subsection for each ton of limerock and sand
36 sold shall be 15 cents per ton beginning on January 1, 2007, and
37 the collection of this fee shall cease once the total amount of
38 proceeds collected for this fee reaches the amount of the actual
39 moneys necessary to design and construct the water treatment
40 plant upgrade, as determined in an open, public solicitation
41 process. Any limerock or sand that is used within the mine from
42 which the limerock or sand is extracted is exempt from the fees.
43 The amount of the mitigation fee and the water treatment plant
44 upgrade fee imposed under this section must be stated separately
45 on the invoice provided to the purchaser of the limerock or sand
46 product from the limerock or sand miner, or its subsidiary or
47 affiliate, for which the fee or fees apply. The limerock or sand

Amendment No. 5

48 miner, or its subsidiary or affiliate, who sells the limerock or
49 sand product shall collect the mitigation fee and the water
50 treatment plant upgrade fee and forward the proceeds of the fees
51 to the Department of Revenue on or before the 20th day of the
52 month following the calendar month in which the sale occurs.

53 (5) ~~Each Beginning January 1, 2010, and each January 1~~
54 ~~thereafter,~~ beginning January 1, 2010, through December 31,
55 2011, the per-ton mitigation fee shall be increased by 2.1
56 percentage points, plus a cost growth index. The cost growth
57 index shall be the percentage change in the weighted average of
58 the Employment Cost Index for All Civilian Workers (ecu 10001I),
59 issued by the United States Department of Labor for the most
60 recent 12-month period ending on September 30, and the
61 percentage change in the Producer Price Index for All
62 Commodities (WPU 00000000), issued by the United States
63 Department of Labor for the most recent 12-month period ending
64 on September 30, compared to the weighted average of these
65 indices for the previous year. The weighted average shall be
66 calculated as 0.6 times the percentage change in the Employment
67 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times
68 the percentage change in the Producer Price Index for All
69 Commodities (WPU 00000000). If either index is discontinued, it
70 shall be replaced by its successor index, as identified by the
71 United States Department of Labor.

72 (9)

73 (b) No sooner than January 31, 2010, and no more
74 frequently than every 2 ~~5~~ years thereafter, the interagency
75 committee shall submit to the Legislature a report recommending

Amendment No. 5

76 any needed adjustments to the mitigation fee, including the
77 annual escalator provided for in s. 373.41492(5), to ensure that
78 the revenue generated reflects the actual costs of the
79 mitigation.

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T I T L E A M E N D M E N T

84

Remove lines 169-171 and insert:

85

circumstances; amending s. 373.41492, F.S.; increasing the

86

mitigation fee for mining activities in the Miami-Dade County

87

Lake Belt; suspending the mitigation fee escalator effective a

88

date certain; modifying the frequency of an interagency

89

committee report; amending s. 403.4131, F.S.; removing

Amendment No. 6

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Transportation & Economic
2 Development Appropriations Committee
3 Representative(s) Zapata offered the following:
4

Amendment (with title amendment)

6 Between lines 889 and 890, insert:

7 Section 15. Section 337.140, Florida Statutes, is created
8 to read:

9 337.140 Small Business Participation Policy.-- It is the
10 intent of the legislature that the department promote the
11 utilization of small businesses by prime consultants and
12 contractors in the fulfillment of their contractual obligations
13 with the department. Notwithstanding any provision to the
14 contrary, in any county as defined in s. 125.011(1), the
15 department shall follow the Small Business Participation Policy
16 of the Miami-Dade Expressway Authority as approved on June 23,
17 2009, for all projects that are funded entirely by non-federal
18 funding sources.
19

Amendment No. 6

20

21

22

T I T L E A M E N D M E N T

23

Remove line 56 and insert:

24

by an updated application; creating s. 337.140, F.S.; providing

25

legislative intent; requiring the Department to follow certain

26

policies in certain counties related to small business

27

participation; amending s. 337.401, F.S.;