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# **ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS POLICY COUNCIL**

## **Amendment Packet**

**Friday, April 16, 2010  
9:00 A.M. – 12:00 P.M.  
404 HOB**

**LARRY CRETUL**  
Speaker

**DAVE MURZIN**  
Chair



COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 219 (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WITHDRAWN	___	(Y/N)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	_____	

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Adams offered the following:

4  
5 **Amendment**

6 Remove lines 79-80 and insert:

7 (7) The department shall promulgate rules to provide a  
8 process of verification of compliance with a federal work  
9 authorization program.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 219 (2010)

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WITHDRAWN	___	(Y/N)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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Adams offered the following:

4  
5 **Amendment**  
6 Remove lines 123-124 and insert:  
7 (7) The department shall promulgate rules to provide a  
8 process of verification of compliance with a federal work  
9 authorization program.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 219 (2010)

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WITHDRAWN	___	(Y/N)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	_____	

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Adams offered the following:  
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5 **Amendment (with title amendment)**

6 Remove lines 27-37  
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11 **T I T L E A M E N D M E N T**

12 Remove lines 2-5 and insert:

13 An act relating to immigration; creating s. 287.0575, F.S.;



COUNCIL/COMMITTEE AMENDMENT

Bill No. HM 227 (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                                     \_\_\_\_\_

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Adams offered the following:  
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5                   **Amendment (with title amendment)**

6                   Remove line 42 and insert:  
7                   law which would restrict or diminish the authority of the  
8  
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11                                   **T I T L E   A M E N D M E N T**

12                   Remove line 5 and insert:  
13 and to reject any changes to federal law which would





COUNCIL/COMMITTEE AMENDMENT

Bill No. HM 253 (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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Workman offered the following:

4  
5 **Amendment**

6 Remove lines 20-24 and insert:  
7 Center's budget allocation, and  
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COUNCIL/COMMITTEE AMENDMENT

Bill No. HM 481 (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	_____	

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Crisafulli offered the following:

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5 **Amendment**

6 Remove lines 24-35 and insert:

7 WHEREAS, the United States' human space flight program has  
8 greatly contributed to our nation's national defense and many of  
9 today's technological advances, NOW, THEREFORE,



**HOUSE OF REPRESENTATIVES  
2010 LOCAL BILL AMENDMENT FORM**

*Prior to consideration of a substantive amendment to a local bill, the chair of a legislative delegation must certify by signing this Amendment Form that the amendment is approved by a majority of the legislative delegation. House local bill policy does not require a delegation meeting to formally approve an amendment. All substantive council, committee and floor amendments must be accompanied by a completed, original Amendment Form and reviewed by appropriate House staff prior to consideration. An Amendment Form is not required for technical, conforming or clarifying amendments.*

BILL NUMBER: HB 511

SPONSOR(S): Representative Hudson

RELATING TO: Collier County - Children's Trust of Collier County  
[Indicate Area Affected (City, County or Special District) and Subject]

SPONSOR OF AMENDMENT: Representative Hudson

CONTACT PERSON: James Mullen

PHONE NO: (850) 488-1028 E-MAIL: James.Mullen@MyFloridaHouse.gov

REVIEWED BY STAFF OF THE MILITARY & LOCAL AFFAIRS POLICY COMMITTEE   
\*Must Be Checked\*

**I. BRIEF DESCRIPTION OF AMENDMENT:**  
*(Attach additional page(s) if necessary)*

This amendment will require a 60% approval vote by the electorate of Collier County when voting for a referendum concerning the Children's Trust of Collier County. It also requires the referendum to only be placed on a general election ballot.

**II. REASON/NEED FOR AMENDMENT:**  
*(Attach additional page(s) if necessary)*

It makes the bill better.

**III. NOTICE REQUIREMENTS**

A. Is the amendment consistent with the published notice of intent to seek enactment of the local bill?

YES  NO  NOT APPLICABLE

B. If the amendment is not consistent with the published notice, does the amendment require voter approval in order for the bill to become effective?

YES  NO  NOT APPLICABLE

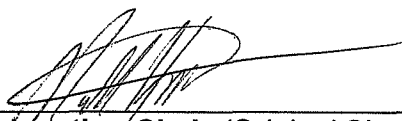
**IV. DOES THE AMENDMENT ALTER THE ECONOMIC IMPACT OF THE BILL?**

YES  NO

**NOTE:** If the amendment alters the economic impact of the bill, a revised Economic Impact Statement describing the impact of the amendment must be submitted prior to consideration of the amendment.

**V. HAS THE AMENDMENT AS DESCRIBED ABOVE BEEN APPROVED BY A MAJORITY OF THE DELEGATION?**

YES  NO  UNANIMOUSLY APPROVED



\_\_\_\_\_  
Delegation Chair (Original Signature)

4/15/2010

\_\_\_\_\_  
Date

**Representative Matt Hudson**

\_\_\_\_\_  
Print Name of Delegation Chair

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 \_\_\_\_\_

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Dorworth offered the following:

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5 **Amendment**

6 Remove lines 348-366 and insert:  
7 establishment of the district, it must be approved by a sixty  
8 percent vote of the electorate of Collier County voting in a  
9 referendum appearing on the ballot in a general election. The  
10 decision to place the item on the ballot for a referendum shall  
11 be made by the board of county commissioners. The referendum  
12 shall include provisions for the district or trust to cease to  
13 exist, or for the authorization to levy ad valorem assessments  
14 to cease at the end of a stated sunset period of not more than 7  
15 years and not less than 5 years, the actual number of years to  
16 be established in the referendum approved by the board of county  
17 commissioners. If the initial referendum is approved by the  
18 electorate, the district or trust may be continued at the end of

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 511 (2010)

Amendment No.

19 the sunset period by an affirmative sixty percent vote of the  
20 electorate in a subsequent referendum.

21 Section 9. This act shall take effect only upon its  
22 approval by a sixty percent vote of those qualified electors of  
23 Collier County voting in a referendum to be held by the Board of  
24 County Commissioners of Collier County in conjunction with the  
25 next general election in Collier County,





COUNCIL/COMMITTEE AMENDMENT  
Bill No. CS/CS/HB 631 (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	_____	

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative Burgin offered the following:  
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5 **Amendment (with title amendment)**

6 Remove lines 86-98  
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11 **T I T L E A M E N D M E N T**

12 Remove lines 5-9 and insert:  
13 vehicles of increased width and weight; amending s. 316.1951,



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 \_\_\_\_\_

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Hooper offered the following:  
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5 **Amendment (with title amendment)**

6 Between lines 10 and 11, insert:

7 Section 1. Section 106.113, Florida Statutes is amended to  
8 read:

9 Section 1. Section 106.113, Florida Statutes, is amended  
10 to read:

11 106.113 Expenditures by local governments.-

12 (1) As used in this section, the term:

13 (a) "Local government" means:

14 1. A county, municipality, school district, or other  
15 political subdivision in this state; and

16 2. Any department, agency, board, bureau, district,  
17 commission, authority, or similar body of a county,  
18 municipality, school district, or other political subdivision of  
19 this state.

COUNCIL/COMMITTEE AMENDMENT  
Bill No. CS/CS/HB 829 (2010)

Amendment No. 1

20 (b) "Public funds" means all moneys under the jurisdiction  
21 or control of the local government.

22 (2) A local government or a person acting on behalf of  
23 local government may not expend or authorize the expenditure of,  
24 and a person or group may not accept, public funds for a  
25 political advertisement ~~or electioneering communication~~  
26 concerning an issue, referendum, or amendment, including any  
27 state question, that is subject to a vote of the electors. ~~This~~  
28 ~~subsection does not apply to an electioneering communication~~  
29 ~~from a local government or a person acting on behalf of a local~~  
30 ~~government which is limited to factual information.~~ This section  
31 does not preclude or otherwise restrict a local government from  
32 adopting or publishing public notices, resolutions, ordinances,  
33 analyses, reports, or similar materials; and this section does  
34 not restrict a local government from making a contribution to a  
35 non-governmental entity as long as such contribution or any  
36 portion thereof is not designated for the purpose of a political  
37 advertisement.

38 (3) With the exception of the prohibitions specified in  
39 subsection (2), this section does not preclude an elected  
40 official of the local government from expressing an opinion on  
41 any issue at any time.

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Amendment No. 1

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**T I T L E   A M E N D M E N T**

Remove line 2 and insert:

An act relating to local government; amending s. 106.113,  
F.S.; clarifying provisions related to local government  
expenditures; amending s. 125.35,



COUNCIL/COMMITTEE AMENDMENT  
Bill No. CS/CS/HB 963 (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	_____	

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Ray offered the following:  
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5 **Amendment (with title amendment)**

6 Remove lines 289-290 and insert:  
7 in s. 339.135(7)(d). Notwithstanding any provision of law to the  
8 contrary, the department may transfer unexpended budget  
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11 -----  
12 **T I T L E A M E N D M E N T**

13 Remove line 38 and insert:  
14 for the transfer of unexpended budget between seaport





HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 971

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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative Aubuchon offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (86) is added to section 316.003, Florida Statutes, to read:

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

(86) TRI-VEHICLE.—An enclosed three-wheeled passenger vehicle that:

(a) Is designed to operate with three wheels in contact with the ground;

(b) Has a minimum unladen weight of 900 lbs;

(c) Has a single, completely enclosed, occupant compartment;

(d) Is produced in a minimum quantity of 300 in any calendar year;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 (e) Is capable of a speed greater than 60 miles per hour  
24 on level ground; and

25 (f) Is equipped with:

26 1. Seats that are certified by the vehicle manufacturer to  
27 meet the requirements of Federal Motor Vehicle Safety Standard  
28 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

29 2. A steering wheel used to maneuver the vehicle;

30 3. A propulsion unit located forward or aft of the  
31 enclosed occupant compartment;

32 4. A seat belt for each vehicle occupant, certified to  
33 meet the requirements of Federal Motor Vehicle Safety Standard  
34 No. 209, "Seat belt assemblies" (49. C.F.R. s. 571.209);

35 5. A windshield and an appropriate windshield wiper and  
36 washer system that are certified by the vehicle manufacturer to  
37 meet the requirements of Federal Motor Vehicle Safety Standard  
38 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal  
39 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and  
40 Washing Systems" (49 C.F.R. s. 571.104); and

41 6. A vehicle structure certified by the vehicle  
42 manufacturer to meet the requirements of Federal Motor Vehicle  
43 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.  
44 s. 571.216).

45 Section 2. Paragraph (b) of subsection (5) of section  
46 316.066, Florida Statutes, is amended to read:

47 316.066 Written reports of crashes.—

48 (5)

49 (b) Crash reports held by an agency under paragraph (a)  
50 may be made immediately available to the parties involved in the  
51 crash, their legal representatives, their licensed insurance  
52 agents, their insurers or insurers to which they have applied  
53 for coverage, persons under contract with such insurers to

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Amendment No. 1

54 provide claims or underwriting information, prosecutorial  
55 authorities, law enforcement agencies, county traffic  
56 operations, victim services programs, radio and television  
57 stations licensed by the Federal Communications Commission,  
58 newspapers qualified to publish legal notices under ss. 50.011  
59 and 50.031, and free newspapers of general circulation,  
60 published once a week or more often, available and of interest  
61 to the public generally for the dissemination of news. For the  
62 purposes of this section, the following products or publications  
63 are not newspapers as referred to in this section: those  
64 intended primarily for members of a particular profession or  
65 occupational group; those with the primary purpose of  
66 distributing advertising; and those with the primary purpose of  
67 publishing names and other personal identifying information  
68 concerning parties to motor vehicle crashes.

69 Section 3. Paragraph (b) of subsection (1) of section  
70 316.0741, Florida Statutes, is amended to read:

71 316.0741 High-occupancy-vehicle lanes.—

72 (1) As used in this section, the term:

73 (b) "Hybrid vehicle" means a motor vehicle:

74 1. That draws propulsion energy from onboard sources of  
75 stored energy which are both an internal combustion or heat  
76 engine using combustible fuel and a rechargeable energy-storage  
77 system; ~~and~~

78 2. That, in the case of a passenger automobile or light  
79 truck, has received a certificate of conformity under the Clean  
80 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the  
81 equivalent qualifying California standards for a low-emission  
82 vehicle; and

83 3. That, in the case of a tri-vehicle, is an inherently  
84 low-emission vehicle (ILEV), as provided in subsection (4).

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Amendment No. 1

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Section 4. Section 316.159, Florida Statutes, is amended to read:

316.159 Certain vehicles to stop or slow at all railroad grade crossings.—

(1) The driver of any motor vehicle carrying passengers for hire, excluding taxicabs, of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and, while so stopped, shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he or she can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle so that there will be no necessity for changing gears while traversing the crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) No stop need be made at any such crossing where a police officer, a traffic control signal, or a sign directs traffic to proceed. However, any school bus carrying any school child shall be required to stop unless directed to proceed by a police officer.

(3) The driver of any commercial motor vehicle that is not required to stop under subsection (1) or subsection (2) before crossing the track or tracks of any railroad grade crossing shall slow the motor vehicle and check that the tracks are clear of an approaching train.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

116           ~~(4)~~~~(3)~~ A violation of this section is a noncriminal  
117 traffic infraction, punishable as a moving violation as provided  
118 in chapter 318.

119           Section 5. Subsections (13) and (14) of section 316.193,  
120 Florida Statutes, are amended to read:

121           316.193 Driving under the influence; penalties.—

122           (13) If personnel of the circuit court or the sheriff do  
123 not immobilize vehicles, only immobilization agencies that meet  
124 the conditions of this subsection shall immobilize vehicles in  
125 that judicial circuit.

126           (a) The immobilization agency responsible for immobilizing  
127 vehicles in that judicial circuit shall be subject to strict  
128 compliance with all of the following conditions and  
129 restrictions:

130           1. Any immobilization agency engaged in the business of  
131 immobilizing vehicles shall provide to the clerk of the court a  
132 signed affidavit attesting that the agency:

133           ~~a. Have a class "R" license issued pursuant to part IV of~~  
134 ~~chapter 493;~~

135           ~~a.b. Has~~ Have at least 3 years of verifiable experience in  
136 immobilizing vehicles; ~~and~~

137           ~~b.c. Maintains~~ Maintain accurate and complete records of  
138 all payments for the immobilization, copies of all documents  
139 pertaining to the court's order of impoundment or  
140 immobilization, and any other documents relevant to each  
141 immobilization. Such records must be maintained by the  
142 immobilization agency for at least 3 years; and

143           c. Employs and assigns persons to immobilize vehicles that  
144 meet the requirements established in subparagraph 2.

145           2. The person who immobilizes a vehicle must:

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146       a. Not have been adjudicated incapacitated under s.  
147 744.331, or a similar statute in another state, unless his or  
148 her capacity has been judicially restored; involuntarily placed  
149 in a treatment facility for the mentally ill under chapter 394,  
150 or a similar law in any other state, unless his or her  
151 competency has been judicially restored; or diagnosed as having  
152 an incapacitating mental illness unless a psychologist or  
153 psychiatrist licensed in this state certifies that he or she  
154 does not currently suffer from the mental illness.

155       b. Not be a chronic and habitual user of alcoholic  
156 beverages to the extent that her or his normal faculties are  
157 impaired; not have been committed under chapter 397, former  
158 chapter 396, or a similar law in any other state; not have been  
159 found to be a habitual offender under s. 856.011(3), or a  
160 similar law in any other state; or not have had any convictions  
161 under s. 316.193, or a similar law in any other state within 2  
162 years of the affidavit.

163       c. Not have been committed for controlled substance abuse  
164 or have been found guilty of a crime under chapter 893, or a  
165 similar law in any other state, relating to controlled  
166 substances in any other state.

167       d. Not have been found guilty of or entered a plea of  
168 guilty or nolo contendere to, regardless of adjudication, or  
169 been convicted of a felony, unless his or her civil rights have  
170 been restored.

171       e. Be a citizen or legal resident alien of the United  
172 States or have been granted authorization to seek employment in  
173 this country by the United States Bureau of Citizenship and  
174 Immigration Services.

175       (b) The immobilization agency shall conduct a state  
176 criminal history check through the Florida Department of Law

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177 Enforcement to ensure that the person hired to immobilize a  
178 vehicle meets the requirements in sub-subparagraph 2.d. in  
179 paragraph (a). ~~never have been convicted of any felony or of~~  
180 ~~driving or boating under the influence of alcohol or a~~  
181 ~~controlled substance in the last 3 years.~~

182 ~~(c)(b)~~ A person who violates paragraph (a) commits a  
183 misdemeanor of the first degree, punishable as provided in s.  
184 775.082 or s. 775.083.

185 ~~(c)~~ Any immobilization agency who is aggrieved by a  
186 person's violation of paragraph (a) may bring a civil action  
187 against the person who violated paragraph (a) seeking injunctive  
188 relief, damages, reasonable attorney's fees and costs, and any  
189 other remedy available at law or in equity as may be necessary  
190 to enforce this subsection. In any action to enforce this  
191 subsection, establishment of a violation of paragraph (a) shall  
192 conclusively establish a clear legal right to injunctive relief,  
193 that irreparable harm will be caused if an injunction does not  
194 issue, that no adequate remedy at law exists, and that public  
195 policy favors issuance of injunctive relief.

196 (14) As used in this chapter, the term:

197 (a) "Immobilization," "immobilizing," or "immobilize"  
198 means the act of installing a vehicle antitheft device on the  
199 steering wheel of a vehicle, the act of placing a tire lock or  
200 wheel clamp on a vehicle, or a governmental agency's act of  
201 taking physical possession of the license tag and vehicle  
202 registration rendering a vehicle legally inoperable to prevent  
203 any person from operating the vehicle pursuant to an order of  
204 impoundment or immobilization under subsection (6).

205 (b) "Immobilization agency" or "immobilization agencies"  
206 means any person, firm, company, agency, organization,  
207 partnership, corporation, association, trust, or other business



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208 entity of any kind whatsoever that meets all of the conditions  
209 of subsection (13).

210 (c) "Impoundment," "impounding," or "impound" means the  
211 act of storing a vehicle at a storage facility pursuant to an  
212 order of impoundment or immobilization under subsection (6)  
213 where the person impounding the vehicle exercises control,  
214 supervision, and responsibility over the vehicle.

215 (d) "Person" means any individual, firm, company, agency,  
216 organization, partnership, corporation, association, trust, or  
217 other business entity of any kind whatsoever.

218 Section 6. Subsections (5) and (20) of section 316.2065,  
219 Florida Statutes, are amended to read:

220 316.2065 Bicycle regulations.—

221 (5) (a) Any person operating a bicycle upon a roadway at  
222 less than the normal speed of traffic at the time and place and  
223 under the conditions then existing shall ride in the lane marked  
224 for bicycle use or, if no lane is marked for bicycle use, as  
225 close as practicable to the right-hand curb or edge of the  
226 roadway except under any of the following situations:

227 1. When overtaking and passing another bicycle or vehicle  
228 proceeding in the same direction.

229 2. When preparing for a left turn at an intersection or  
230 into a private road or driveway.

231 3. When reasonably necessary to avoid any condition,  
232 including, but not limited to, a fixed or moving object, parked  
233 or moving vehicle, bicycle, pedestrian, animal, surface hazard,  
234 or substandard-width lane, that makes it unsafe to continue  
235 along the right-hand curb or edge. For the purposes of this  
236 subsection, a "substandard-width lane" is a lane that is too  
237 narrow for a bicycle and another vehicle to travel safely side  
238 by side within the lane.

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239 (b) Any person operating a bicycle upon a one-way highway  
240 with two or more marked traffic lanes may ride as near the left-  
241 hand curb or edge of such roadway as practicable.

242 (20) Except as otherwise provided in this section, a  
243 violation of this section is a noncriminal traffic infraction,  
244 punishable as a pedestrian violation as provided in chapter 318.  
245 A law enforcement officer may issue traffic citations for a  
246 violation of subsection (3) or subsection (16) only if the  
247 violation occurs on a bicycle path or road, as defined in s.  
248 334.03. However, a law enforcement officer ~~they~~ may not issue  
249 citations to persons on private property, except any part  
250 thereof which is open to the use of the public for purposes of  
251 vehicular traffic.

252 Section 7. Subsection (3) of section 316.2085, Florida  
253 Statutes, is amended to read:

254 316.2085 Riding on motorcycles or mopeds.—

255 (3) The license tag of a motorcycle or moped must be  
256 permanently affixed to the vehicle and may not be adjusted or  
257 capable of being flipped up. No device for or method of  
258 concealing or obscuring the legibility of the license tag of a  
259 motorcycle shall be installed or used. The license tag of a  
260 motorcycle or moped may be affixed horizontally to the ground so  
261 that the numbers and letters read from left to right.

262 Alternatively, a license tag for a motorcycle or moped for which  
263 the numbers and letters read from top to bottom may be affixed  
264 perpendicularly to the ground, provided that the registered  
265 owner of the motorcycle or moped maintains a pre-paid toll  
266 account in good standing and a transponder associated with the  
267 pre-paid toll account is affixed to the motorcycle or moped.

268 Section 8. Paragraph (d) is added to subsection (2) of  
269 section 316.2952, Florida Statutes, to read:

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270 316.2952 Windshields; requirements; restrictions.-

271 (2) A person shall not operate any motor vehicle on any  
272 public highway, road, or street with any sign, sunscreening  
273 material, product, or covering attached to, or located in or  
274 upon, the windshield, except the following:

275 (d) A global positioning system device or similar  
276 satellite receiver device which uses the global positioning  
277 system operated pursuant to 10 U.S.C. s. 2281 for the purpose of  
278 obtaining navigation or routing information while the motor  
279 vehicle is being operated.

280 Section 9. Section 316.29545, Florida Statutes, is amended  
281 to read:

282 316.29545 Window sunscreening exclusions; medical  
283 exemption; certain law enforcement vehicles and private  
284 investigative service vehicles exempt.-

285 (1) The department shall issue medical exemption  
286 certificates to persons who are afflicted with Lupus, any  
287 autoimmune disease, or other similar medical conditions which  
288 require a limited exposure to light, which certificates shall  
289 entitle the person to whom the certificate is issued to have  
290 sunscreening material on the windshield, side windows, and  
291 windows behind the driver which is in violation of the  
292 requirements of ss. 316.2951-316.2957. The department shall  
293 consult with the Medical Advisory Board established in s.  
294 322.125 to provide guidance with respect to the autoimmune  
295 diseases and other medical conditions which shall be included  
296 on, by rule, for the form of the medical certificate authorized  
297 by this section. At a minimum, the medical exemption certificate  
298 shall include a vehicle description with the make, model, year,  
299 vehicle identification number, medical exemption decal number  
300 issued for the vehicle, and the name of the person or persons

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301 who are the registered owners of the vehicle. A medical  
302 exemption certificate shall be nontransferable and shall become  
303 null and void upon the sale or transfer of the vehicle  
304 identified on the certificate.

305 (2) The department shall exempt all law enforcement  
306 vehicles used in undercover or canine operations from the window  
307 suncreening requirements of ss. 316.2951-316.2957.

308 (3) The department shall exempt from the window  
309 sunscreening restrictions of ss. 316.2953, 316.2954, and  
310 316.2956 vehicles that are owned or leased by private  
311 investigators or private investigative agencies licensed under  
312 chapter 493.

313 (4)~~(3)~~ The department may charge a fee in an amount  
314 sufficient to defray the expenses of issuing a medical exemption  
315 certificate as described in subsection (1).

316 (5) The department is authorized to promulgate rules for  
317 the implementation of this section.

318 Section 10. Subsection (1) of Section 316.605, Florida  
319 Statutes, is amended to read:

320 316.605 Licensing of Vehicles.-

321 (1) Every vehicle, at all times while driven, stopped, or  
322 parked upon any highways, roads, or streets of this state, shall  
323 be licensed in the name of the owner thereof in accordance with  
324 the laws of this state unless such vehicle is not required by  
325 the laws of this state to be licensed in this state and shall,  
326 except as otherwise provided in s. 320.0706 for front-end  
327 registration license plates on truck tractors and s. 320.086(5)  
328 which exempts display of license plates on described former  
329 military vehicles, display the license plate or both of the  
330 license plates assigned to it by the state, one on the rear and,  
331 if two, the other on the front of the vehicle, each to be

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332 securely fastened to the vehicle outside the main body of the  
333 vehicle not higher than 60 inches and not lower than 12 inches  
334 from the ground and no more than 24 inches to the left or right  
335 of the centerline of the vehicle, and in such manner as to  
336 prevent the plates from swinging, and all letters, numerals,  
337 printing, writing, and other identification marks upon the  
338 plates regarding the word "Florida," the registration decal, and  
339 the alphanumeric designation shall be clear and distinct and  
340 free from defacement, mutilation, grease, and other obscuring  
341 matter, so that they will be plainly visible and legible at all  
342 times 100 feet from the rear or front. Except as provided in  
343 316.2085(3), vehicle ~~Vehicle~~ license plates shall be affixed and  
344 displayed in such a manner that the letters and numerals shall  
345 be read from left to right parallel to the ground. No vehicle  
346 license plate may be displayed in an inverted or reversed  
347 position or in such a manner that the letters and numbers and  
348 their proper sequence are not readily identifiable. Nothing  
349 shall be placed upon the face of a Florida plate except as  
350 permitted by law or by rule or regulation of a governmental  
351 agency. No license plates other than those furnished by the  
352 state shall be used. However, if the vehicle is not required to  
353 be licensed in this state, the license plates on such vehicle  
354 issued by another state, by a territory, possession, or district  
355 of the United States, or by a foreign country, substantially  
356 complying with the provisions hereof, shall be considered as  
357 complying with this chapter. A violation of this subsection is a  
358 noncriminal traffic infraction, punishable as a nonmoving  
359 violation as provided in chapter 318.

360 Section 11. Subsection (3) of section 316.646, Florida  
361 Statutes, is amended to read:

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362 316.646 Security required; proof of security and display  
363 thereof; dismissal of cases.-

364 (3) Any person who violates this section commits a  
365 nonmoving traffic infraction subject to the penalty provided in  
366 chapter 318 and shall be required to furnish proof of security  
367 as provided in this section. If any person charged with a  
368 violation of this section fails to furnish proof~~7~~ at or before  
369 the scheduled court appearance date~~7~~ that security was in effect  
370 at the time of the violation, the court shall, upon conviction,  
371 notify the department to ~~may immediately~~ suspend the  
372 registration and driver's license of such person. If the court  
373 fails to order the suspension of the person's registration and  
374 driver's license for a conviction of this section at the time of  
375 sentencing, the department shall, upon receiving notice of the  
376 conviction from the court, suspend the person's registration and  
377 driver's license for the violation of this section. Such license  
378 and registration may be reinstated only as provided in s.  
379 324.0221.

380 Section 12. Subsections (1), (2), (3), and (10) of section  
381 318.14, Florida Statutes, are amended to read:

382 318.14 Noncriminal traffic infractions; exception;  
383 procedures.-

384 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
385 person cited for a violation of chapter 316, s. 320.0605, s.  
386 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or  
387 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is  
388 charged with a noncriminal infraction and must be cited for such  
389 an infraction and cited to appear before an official. If another  
390 person dies as a result of the noncriminal infraction, the  
391 person cited may be required to perform 120 community service  
392 hours under s. 316.027(4), in addition to any other penalties.

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393 (2) Except as provided in s. 316.1001(2), any person cited  
394 for a violation requiring a mandatory hearing listed in s.  
395 318.19 or any other criminal traffic violation listed in chapter  
396 316 an infraction under this section must sign and accept a  
397 citation indicating a promise to appear. The officer may  
398 indicate on the traffic citation the time and location of the  
399 scheduled hearing and must indicate the applicable civil penalty  
400 established in s. 318.18. For all other infractions under this  
401 section, except for infractions under s. 316.1001, the officer  
402 must certify by electronic, electronic facsimile or written  
403 signature that the citation was delivered to the person cited.  
404 This certification is prima facie evidence that the person cited  
405 was served with the citation.

406 (3) Any person who willfully refuses to accept and sign a  
407 summons as provided in subsection (2) commits ~~is guilty of~~ a  
408 misdemeanor of the second degree.

409 (10)(a) Any person who does not hold a commercial driver's  
410 license and who is cited for an offense listed under this  
411 subsection may, in lieu of payment of fine or court appearance,  
412 elect to enter a plea of nolo contendere and provide proof of  
413 compliance to the clerk of the court, designated official, or  
414 authorized operator of a traffic violations bureau. In such  
415 case, adjudication shall be withheld; however, no election shall  
416 be made under this subsection if such person has made an  
417 election under this subsection in the 12 months preceding  
418 election hereunder. No person may make more than three elections  
419 under this subsection. This subsection applies to the following  
420 offenses:

421 1. Operating a motor vehicle without a valid driver's  
422 license in violation of the provisions of s. 322.03, s. 322.065,  
423 or s. 322.15(1), or operating a motor vehicle with a license

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424 that ~~which~~ has been suspended for failure to appear, failure to  
425 pay civil penalty, or failure to attend a driver improvement  
426 course pursuant to s. 322.291.

427 2. Operating a motor vehicle without a valid registration  
428 in violation of s. 320.0605, s. 320.07, or s. 320.131.

429 3. Operating a motor vehicle in violation of s. 316.646.

430 4. Operating a motor vehicle with a license that has been  
431 suspended under s. 61.13016 or s. 322.245 for failure to pay  
432 child support or for failure to pay any other financial  
433 obligation as provided in s. 322.245; however, this subsection  
434 does not apply if the license has been suspended pursuant to s.  
435 322.245(1).

436 5. Operating a motor vehicle with a license that has been  
437 suspended under s. 322.091 for failure to meet school attendance  
438 requirements.

439 (b) Any person cited for an offense listed in this  
440 subsection shall present proof of compliance prior to the  
441 scheduled court appearance date. For the purposes of this  
442 subsection, proof of compliance shall consist of a valid,  
443 renewed, or reinstated driver's license or registration  
444 certificate and proper proof of maintenance of security as  
445 required by s. 316.646. Notwithstanding waiver of fine, any  
446 person establishing proof of compliance shall be assessed court  
447 costs of \$25, except that a person charged with violation of s.  
448 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
449 such costs shall be remitted to the Department of Revenue for  
450 deposit into the Child Welfare Training Trust Fund of the  
451 Department of Children and Family Services. One dollar of such  
452 costs shall be distributed to the Department of Juvenile Justice  
453 for deposit into the Juvenile Justice Training Trust Fund.  
454 Fourteen dollars of such costs shall be distributed to the



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455 municipality and \$9 shall be deposited by the clerk of the court  
456 into the fine and forfeiture fund established pursuant to s.  
457 142.01, if the offense was committed within the municipality. If  
458 the offense was committed in an unincorporated area of a county  
459 or if the citation was for a violation of s. 316.646(1)-(3), the  
460 entire amount shall be deposited by the clerk of the court into  
461 the fine and forfeiture fund established pursuant to s. 142.01,  
462 except for the moneys to be deposited into the Child Welfare  
463 Training Trust Fund and the Juvenile Justice Training Trust  
464 Fund. This subsection shall not be construed to authorize the  
465 operation of a vehicle without a valid driver's license, without  
466 a valid vehicle tag and registration, or without the maintenance  
467 of required security.

468 Section 13. Paragraphs (a), (b), and (c) of subsection (3)  
469 of section 318.18, Florida Statutes, are amended to read:

470 318.18 Amount of penalties.—The penalties required for a  
471 noncriminal disposition pursuant to s. 318.14 or a criminal  
472 offense listed in s. 318.17 are as follows:

473 (3) (a) Except as otherwise provided in this section, \$60  
474 for all moving violations not requiring a mandatory appearance.

475 (b) For moving violations involving unlawful speed, the  
476 fines are as follows:

477

478 For speed exceeding the limit by: Fine:

479 1-5 m.p.h Warning

480 6-9 m.p.h \$25

481 10-14 m.p.h \$100

482 15-19 m.p.h \$150

483 20-29 m.p.h \$175

484 30 m.p.h. and above \$250

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485 (c) Notwithstanding paragraph (b), a person cited for  
486 exceeding the speed limit by up to 5 m.p.h. in a legally posted  
487 school zone will be fined \$50. A person exceeding the speed  
488 limit in a school zone or designated school crossing shall pay a  
489 fine double the amount listed in paragraph (b).

490 Section 14. Effective July 1, 2010, paragraph (b) of  
491 subsection (2) of section 319.28, Florida Statutes, is amended  
492 to read:

493 319.28 Transfer of ownership by operation of law.—

494 (2)

495 (b) In case of repossession of a motor vehicle or mobile  
496 home pursuant to the terms of a security agreement or similar  
497 instrument, an affidavit by the party to whom possession has  
498 passed stating that the vehicle or mobile home was repossessed  
499 upon default in the terms of the security agreement or other  
500 instrument shall be considered satisfactory proof of ownership  
501 and right of possession. At least 5 days prior to selling the  
502 repossessed vehicle, any subsequent lienholder named in the last  
503 issued certificate of title shall be sent notice of the  
504 repossession by certified mail, on a form prescribed by the  
505 department. If such notice is given and no written protest to  
506 the department is presented by a subsequent lienholder within 15  
507 days from the date on which the notice was mailed, the  
508 certificate of title or the certificate of repossession shall be  
509 issued showing no liens. If the former owner or any subsequent  
510 lienholder files a written protest under oath within such 15-day  
511 period, the department shall not issue the certificate of title  
512 or certificate of repossession for 10 days thereafter. If within  
513 the 10-day period no injunction or other order of a court of  
514 competent jurisdiction has been served on the department  
515 commanding it not to deliver the certificate of title or

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516 certificate of repossession, the department shall deliver the  
517 certificate of title or repossession to the applicant or as may  
518 otherwise be directed in the application showing no other liens  
519 than those shown in the application. Any lienholder who has  
520 repossessed a vehicle in this state in compliance with the  
521 provisions of this section must ~~may~~ apply to a the tax  
522 collector's office in this state or to the department for a  
523 certificate of repossession or to the department for a  
524 certificate of title pursuant to s. 319.323. Proof of the  
525 required notice to subsequent lienholders shall be submitted  
526 together with regular title fees. A lienholder to whom a  
527 certificate of repossession has been issued may assign the  
528 certificate of title to the subsequent owner. Any person found  
529 guilty of violating any requirements of this paragraph shall be  
530 guilty of a felony of the third degree, punishable as provided  
531 in s. 775.082, s. 775.083, or s. 775.084.

532 Section 15. Present paragraphs (g) through (u) of  
533 subsection (1) of section 319.30, Florida Statutes, are  
534 redesignated as paragraphs (h) through (v), respectively, a new  
535 paragraph (g) is added to that subsection, present subsection  
536 (9) of that section is renumbered as subsection (10), and a new  
537 subsection (9) is added to that section, to read:

538 319.30 Definitions; dismantling, destruction, change of  
539 identity of motor vehicle or mobile home; salvage.—

540 (1) As used in this section, the term:

541 (g) "Independent entity" means a business or entity that  
542 may temporarily store damaged or dismantled motor vehicles  
543 pursuant to an agreement with an insurance company and is  
544 engaged in the sale or resale of damaged or dismantled motor  
545 vehicles. The term does not include a wrecker operator, towing  
546 company, or a repair facility.

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547       (9) (a) An insurance company may notify an independent  
548 entity that obtains possession of a damaged or dismantled motor  
549 vehicle to release the vehicle to the owner. The insurance  
550 company shall provide the independent entity a release statement  
551 on a form prescribed by the department authorizing the  
552 independent entity to release the vehicle to the owner. The form  
553 shall contain at a minimum:

- 554       1. Policy and claim number;  
555       2. Name and address of insured;  
556       3. Vehicle identification number; and  
557       4. Signature of an authorized representative of the  
558 insurance company.

559       (b) The independent entity in possession of a motor  
560 vehicle must send a notice to the owner that the vehicle is  
561 available for pick up when it receives a release statement from  
562 the insurance company. The notice shall be sent by certified  
563 mail to the owner at the owner's address reflected in the  
564 department's records. The notice must inform the owner that the  
565 owner has 30 days after receipt of the notice to pick up the  
566 vehicle from the independent entity. If the motor vehicle is not  
567 claimed within 30 days after the owner receives the notice, the  
568 independent entity may apply for a certificate of destruction or  
569 a certificate of title.

570       (c) Upon applying for a certificate of title or  
571 certificate of destruction, the independent entity shall provide  
572 a copy of the release statement from the insurance company to  
573 the independent entity, proof of providing the 30-day notice to  
574 the owner, and applicable fees.

575       (d) The independent entity may not charge an owner of the  
576 vehicle storage fees or apply for a title under s. 713.585 or s.  
577 713.78.

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578 Section 16. Effective July 1, 2010, subsection (10) of  
579 Section 320.03, Florida Statutes, is amended to read:

580 320.03 Registration; duties of tax collectors;  
581 International Registration Plan.—

582 (10) (a) Jurisdiction over the outsourced electronic filing  
583 system for use by authorized electronic filing system agents to  
584 electronically title or register motor vehicles, vessels, mobile  
585 homes, or off-highway vehicles; issue or transfer registration  
586 license plates or decals, electronically transfer fees due for  
587 the title and registration process, and perform inquiries for  
588 title, registration and lien holder verification, and  
589 certification of service providers licensed motor vehicle  
590 dealers electronically to title and to register motor vehicles  
591 and to issue or to transfer registration license plates or  
592 decals is expressly preempted to the state and the department  
593 shall have regulatory authority over the system ~~The department~~  
594 ~~shall continue its current outsourcing of the existing~~  
595 ~~electronic filing system, including its program standards. The~~  
596 ~~electronic filing system shall be available for use statewide~~  
597 ~~and applied uniformly throughout the state. is approved for use~~  
598 ~~in all counties, shall apply uniformly to all tax collectors of~~  
599 ~~the state, and no tax collector may add or detract from the~~  
600 ~~program standards in his or her respective county. An entity~~  
601 ~~that, in the normal course of their business, sells products~~  
602 ~~that must be titled or registered, provides title and~~  
603 ~~registration services on behalf of their consumers, and meets~~  
604 ~~all established requirements may be an authorized electronic~~  
605 ~~filing system agent and shall not be precluded from~~  
606 ~~participating in the electronic filing system in any county.~~  
607 Upon request from a qualified entity, the tax collector shall  
608 appoint the entity as an authorized electronic filing system

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609 agent for their county. The department shall adopt rules in  
610 accordance with chapter 120 to replace the December 10, 2009  
611 program standards and to administer the provisions of this  
612 section including but not limited to establishing participating  
613 requirements, certification of service providers, electronic  
614 filing system requirements and enforcement authority for non-  
615 compliance. The December 10, 2009 program standards, excluding  
616 any standards which conflict with this paragraph, will remain in  
617 effect until such time that rules are promulgated. An  
618 authorized electronic filing agent ~~A motor vehicle dealer~~  
619 ~~licensed under this chapter~~ may charge a fee to the customer for  
620 use of the electronic filing system, ~~and such fee is not a~~  
621 ~~component of the program standards. Final authority over~~  
622 ~~disputes relating to program standards lies with the department.~~  
623 ~~By January 1, 2010, the Office of Program Policy Analysis and~~  
624 ~~Government Accountability, with input from the department and~~  
625 ~~from affected parties, including tax collectors, service~~  
626 ~~providers, and motor vehicle dealers, shall report to the~~  
627 ~~President of the Senate and the Speaker of the House of~~  
628 ~~Representatives on the status of the outsourced electronic~~  
629 ~~filing system, including the program standards, and its~~  
630 ~~compliance with this subsection. The report shall identify all~~  
631 ~~public and private alternatives for continued operation of the~~  
632 ~~electronic filing system and shall include any and all~~  
633 ~~appropriate recommendations, including revisions to the program~~  
634 ~~standards.~~

635 (b) Notwithstanding the provisions of paragraph (a) the  
636 private entity providers of the electronic filing system shall  
637 continue to comply with the financial arrangements with the Tax  
638 Collector Service Corporation which were in effect as of January

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639 1, 2010, through December 31, 2010. This paragraph shall sunset  
640 effective January 1, 2011.

641 Section 17. Effective January 1, 2011, paragraph (e) of  
642 subsection (3) of section 320.05, Florida Statutes, is amended  
643 to read:

644 320.05 Records of the department; inspection procedure;  
645 lists and searches; fees.-

646 (3)

647 (e) When motor vehicle, vessel, or mobile home  
648 registration data is provided by electronic access through a tax  
649 collector's office, the applicable fee as provided in paragraph  
650 (b) must be collected and deposited pursuant to paragraph (c).

651 However, when such registration data is obtained through an  
652 electronic system described in s. 320.03(10), s. 320.0609, or s.

653 320.131 and results in the issuance of a title certificate or  
654 the registration credential, such fee shall not apply a fee for  
655 the electronic access is not required to be assessed. However,  
656 at the tax collector's discretion, a fee equal to or less than  
657 the fee charged by the department for such information may be  
658 assessed by the tax collector for the electronic access.

659 ~~Notwithstanding paragraph (c), any funds collected by the tax~~  
660 ~~collector as a result of providing such access shall be retained~~  
661 ~~by the tax collector.~~

662 Section 18. Paragraph (b) of subsection (1) of section  
663 320.071, Florida Statutes, is amended to read:

664 320.071 Advance registration renewal; procedures.-

665 (1)

666 (b) The owner of any apportioned motor vehicle currently  
667 registered in this state may file an application for renewal of  
668 registration with the department any time during the 3 ~~5~~ months  
669 preceding the date of expiration of the registration period.

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670 Section 19. Section 320.08, Florida Statutes, is amended  
671 to read:

672 320.08 License taxes.—Except as otherwise provided herein,  
673 there are hereby levied and imposed annual license taxes for the  
674 operation of motor vehicles, mopeds, motorized bicycles as  
675 defined in s. 316.003(2), tri-vehicles, as defined in s.  
676 316.003, and mobile homes, as defined in s. 320.01, which shall  
677 be paid to and collected by the department or its agent upon the  
678 registration or renewal of registration of the following:

679 (1) MOTORCYCLES AND MOPEDS.—

680 (a) Any motorcycle: \$13.50 flat, of which \$3.50 shall be  
681 deposited into the General Revenue Fund.

682 (b) Any moped: \$6.75 flat, of which \$1.75 shall be  
683 deposited into the General Revenue Fund.

684 (c) Upon registration of any motorcycle, motor-driven  
685 cycle, or moped there shall be paid in addition to the license  
686 taxes specified in this subsection a nonrefundable motorcycle  
687 safety education fee in the amount of \$2.50. The proceeds of  
688 such additional fee shall be deposited in the Highway Safety  
689 Operating Trust Fund to fund a motorcycle driver improvement  
690 program implemented pursuant to s. 322.025, the Florida  
691 Motorcycle Safety Education Program established in s. 322.0255,  
692 or the general operations of the department.

693 (d) An ancient or antique motorcycle: \$8.50 ~~13.50~~ flat, of  
694 which \$3.50 shall be deposited into the General Revenue Fund.

695 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

696 (a) An ancient or antique automobile, as defined in s.  
697 320.086, or a street rod, as defined in s. 320.0863: \$10.25  
698 flat, of which \$2.75 shall be deposited into the General Revenue  
699 Fund.



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700 (b) Net weight of less than 2,500 pounds: \$19.50 flat, of  
701 which \$5 shall be deposited into the General Revenue Fund.

702 (c) Net weight of 2,500 pounds or more, but less than  
703 3,500 pounds: \$30.50 flat, of which \$8 shall be deposited into  
704 the General Revenue Fund.

705 (d) Net weight of 3,500 pounds or more: \$44 flat, of which  
706 \$11.50 shall be deposited into the General Revenue Fund.

707 (3) TRUCKS.—

708 (a) Net weight of less than 2,000 pounds: \$19.50 flat, of  
709 which \$5 shall be deposited into the General Revenue Fund.

710 (b) Net weight of 2,000 pounds or more, but not more than  
711 3,000 pounds: \$30.50 flat, of which \$8 shall be deposited into  
712 the General Revenue Fund.

713 (c) Net weight more than 3,000 pounds, but not more than  
714 5,000 pounds: \$44 flat, of which \$11.50 shall be deposited into  
715 the General Revenue Fund.

716 (d) A truck defined as a "goat," or any other vehicle if  
717 used in the field by a farmer or in the woods for the purpose of  
718 harvesting a crop, including naval stores, during such  
719 harvesting operations, and which is not principally operated  
720 upon the roads of the state: \$10.25 flat, of which \$2.75 shall  
721 be deposited into the General Revenue Fund. A "goat" is a motor  
722 vehicle designed, constructed, and used principally for the  
723 transportation of citrus fruit within citrus groves or for the  
724 transportation of crops on farms, and which can also be used for  
725 the hauling of associated equipment or supplies, including  
726 required sanitary equipment, and the towing of farm trailers.

727 (e) An ancient or antique truck, as defined in s. 320.086:  
728 \$10.25 flat, of which \$2.75 shall be deposited into the General  
729 Revenue Fund.

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730 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
731 VEHICLE WEIGHT.—

732 (a) Gross vehicle weight of 5,001 pounds or more, but less  
733 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
734 deposited into the General Revenue Fund.

735 (b) Gross vehicle weight of 6,000 pounds or more, but less  
736 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
737 deposited into the General Revenue Fund.

738 (c) Gross vehicle weight of 8,000 pounds or more, but less  
739 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
740 into the General Revenue Fund.

741 (d) Gross vehicle weight of 10,000 pounds or more, but  
742 less than 15,000 pounds: \$118 flat, of which \$31 shall be  
743 deposited into the General Revenue Fund.

744 (e) Gross vehicle weight of 15,000 pounds or more, but  
745 less than 20,000 pounds: \$177 flat, of which \$46 shall be  
746 deposited into the General Revenue Fund.

747 (f) Gross vehicle weight of 20,000 pounds or more, but  
748 less than 26,001 pounds: \$251 flat, of which \$65 shall be  
749 deposited into the General Revenue Fund.

750 (g) Gross vehicle weight of 26,001 pounds or more, but  
751 less than 35,000: \$324 flat, of which \$84 shall be deposited  
752 into the General Revenue Fund.

753 (h) Gross vehicle weight of 35,000 pounds or more, but  
754 less than 44,000 pounds: \$405 flat, of which \$105 shall be  
755 deposited into the General Revenue Fund.

756 (i) Gross vehicle weight of 44,000 pounds or more, but  
757 less than 55,000 pounds: \$773 flat, of which \$201 shall be  
758 deposited into the General Revenue Fund.

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759 (j) Gross vehicle weight of 55,000 pounds or more, but  
760 less than 62,000 pounds: \$916 flat, of which \$238 shall be  
761 deposited into the General Revenue Fund.

762 (k) Gross vehicle weight of 62,000 pounds or more, but  
763 less than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
764 deposited into the General Revenue Fund.

765 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322  
766 flat, of which \$343 shall be deposited into the General Revenue  
767 Fund.

768 (m) Notwithstanding the declared gross vehicle weight, a  
769 truck tractor used within a 150-mile radius of its home address  
770 is eligible for a license plate for a fee of \$324 flat if:

771 1. The truck tractor is used exclusively for hauling  
772 forestry products; or

773 2. The truck tractor is used primarily for the hauling of  
774 forestry products, and is also used for the hauling of  
775 associated forestry harvesting equipment used by the owner of  
776 the truck tractor.

777

778 Of the fee imposed by this paragraph, \$84 shall be deposited  
779 into the General Revenue Fund.

780 (n) A truck tractor or heavy truck, not operated as a for-  
781 hire vehicle, which is engaged exclusively in transporting raw,  
782 unprocessed, and nonmanufactured agricultural or horticultural  
783 products within a 150-mile radius of its home address, is  
784 eligible for a restricted license plate for a fee of:

785 1. If such vehicle's declared gross vehicle weight is less  
786 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
787 deposited into the General Revenue Fund.

788 2. If such vehicle's declared gross vehicle weight is  
789 44,000 pounds or more and such vehicle only transports from the

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790 point of production to the point of primary manufacture; to the  
791 point of assembling the same; or to a shipping point of a rail,  
792 water, or motor transportation company, \$324 flat, of which \$84  
793 shall be deposited into the General Revenue Fund.

794

795 Such not-for-hire truck tractors and heavy trucks used  
796 exclusively in transporting raw, unprocessed, and  
797 nonmanufactured agricultural or horticultural products may be  
798 incidentally used to haul farm implements and fertilizers  
799 delivered direct to the growers. The department may require any  
800 documentation deemed necessary to determine eligibility prior to  
801 issuance of this license plate. For the purpose of this  
802 paragraph, "not-for-hire" means the owner of the motor vehicle  
803 must also be the owner of the raw, unprocessed, and  
804 nonmanufactured agricultural or horticultural product, or the  
805 user of the farm implements and fertilizer being delivered.

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

808 (a)1. A semitrailer drawn by a GVW truck tractor by means  
809 of a fifth-wheel arrangement: \$13.50 flat per registration year  
810 or any part thereof, of which \$3.50 shall be deposited into the  
811 General Revenue Fund.

812 2. A semitrailer drawn by a GVW truck tractor by means of  
813 a fifth-wheel arrangement: \$68 flat per permanent registration,  
814 of which \$18 shall be deposited into the General Revenue Fund.

815 (b) A motor vehicle equipped with machinery and designed  
816 for the exclusive purpose of well drilling, excavation,  
817 construction, spraying, or similar activity, and which is not  
818 designed or used to transport loads other than the machinery  
819 described above over public roads: \$44 flat, of which \$11.50  
820 shall be deposited into the General Revenue Fund.

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821 (c) A school bus used exclusively to transport pupils to  
822 and from school or school or church activities or functions  
823 within their own county: \$41 flat, of which \$11 shall be  
824 deposited into the General Revenue Fund.

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

831 (e) A wrecker that is used to tow any motor vehicle,  
832 regardless of whether such motor vehicle is a disabled motor  
833 vehicle, a replacement motor vehicle, a vessel, or any other  
834 cargo, as follows:

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

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

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

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

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

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

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

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

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

862 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
863 shall be deposited into the General Revenue Fund.

864 (6) MOTOR VEHICLES FOR HIRE.—

865 (a) Under nine passengers: \$17 flat, of which \$4.50 shall  
866 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
867 of which 50 cents shall be deposited into the General Revenue  
868 Fund.

869 (b) Nine passengers and over: \$17 flat, of which \$4.50  
870 shall be deposited into the General Revenue Fund; plus \$2 per  
871 cwt, of which 50 cents shall be deposited into the General  
872 Revenue Fund.

873 (7) TRAILERS FOR PRIVATE USE.—

874 (a) Any trailer weighing 500 pounds or less: \$6.75 flat  
875 per year or any part thereof, of which \$1.75 shall be deposited  
876 into the General Revenue Fund.

877 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
878 shall be deposited into the General Revenue Fund; plus \$1 per  
879 cwt, of which 25 cents shall be deposited into the General  
880 Revenue Fund.

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881 (8) TRAILERS FOR HIRE.—

882 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
883 shall be deposited into the General Revenue Fund; plus \$1.50 per  
884 cwt, of which 50 cents shall be deposited into the General  
885 Revenue Fund.

886 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
887 \$3.50 shall be deposited into the General Revenue Fund; plus  
888 \$1.50 per cwt, of which 50 cents shall be deposited into the  
889 General Revenue Fund.

890 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

891 (a) A travel trailer or fifth-wheel trailer, as defined by  
892 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
893 flat, of which \$7 shall be deposited into the General Revenue  
894 Fund.

895 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
896 \$13.50 flat, of which \$3.50 shall be deposited into the General  
897 Revenue Fund.

898 (c) A motor home, as defined by s. 320.01(1)(b)4.:

899 1. Net weight of less than 4,500 pounds: \$27 flat, of  
900 which \$7 shall be deposited into the General Revenue Fund.

901 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
902 which \$12.25 shall be deposited into the General Revenue Fund.

903 (d) A truck camper as defined by s. 320.01(1)(b)3.:

904 1. Net weight of less than 4,500 pounds: \$27 flat, of  
905 which \$7 shall be deposited into the General Revenue Fund.

906 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
907 which \$12.25 shall be deposited into the General Revenue Fund.

908 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

909 1. Net weight of less than 4,500 pounds: \$27 flat, of  
910 which \$7 shall be deposited into the General Revenue Fund.

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911 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
912 which \$12.25 shall be deposited into the General Revenue Fund.

913 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
914 35 FEET TO 40 FEET.—

915 (a) Park trailers.—Any park trailer, as defined in s.  
916 320.01(1)(b)7.: \$25 flat.

917 (b) A travel trailer or fifth-wheel trailer, as defined in  
918 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

919 (11) MOBILE HOMES.—

920 (a) A mobile home not exceeding 35 feet in length: \$20  
921 flat.

922 (b) A mobile home over 35 feet in length, but not  
923 exceeding 40 feet: \$25 flat.

924 (c) A mobile home over 40 feet in length, but not  
925 exceeding 45 feet: \$30 flat.

926 (d) A mobile home over 45 feet in length, but not  
927 exceeding 50 feet: \$35 flat.

928 (e) A mobile home over 50 feet in length, but not  
929 exceeding 55 feet: \$40 flat.

930 (f) A mobile home over 55 feet in length, but not  
931 exceeding 60 feet: \$45 flat.

932 (g) A mobile home over 60 feet in length, but not  
933 exceeding 65 feet: \$50 flat.

934 (h) A mobile home over 65 feet in length: \$80 flat.

935 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
936 motor vehicle dealer, independent motor vehicle dealer, marine  
937 boat trailer dealer, or mobile home dealer and manufacturer  
938 license plate: \$17 flat, of which \$4.50 shall be deposited into  
939 the General Revenue Fund.



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940 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
941 official license plate: \$4 flat, of which \$1 shall be deposited  
942 into the General Revenue Fund.

943 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
944 vehicle for hire operated wholly within a city or within 25  
945 miles thereof: \$17 flat, of which \$4.50 shall be deposited into  
946 the General Revenue Fund; plus \$2 per cwt, of which 50 cents  
947 shall be deposited into the General Revenue Fund.

948 (15) TRANSPORTER.—Any transporter license plate issued to  
949 a transporter pursuant to s. 320.133: \$101.25 flat, of which  
950 \$26.25 shall be deposited into the General Revenue Fund.

951 Section 20. Subsections (1) and (2) of section 320.0807,  
952 Florida Statutes, are amended to read:

953 320.0807 Special license plates for Governor and federal  
954 and state legislators.—

955 (1) Upon application by any member of the House of  
956 Representatives of Congress and payment of the fees prescribed  
957 by s. 320.0805, the department is authorized to issue to such  
958 Member of Congress a license plate stamped "Member of Congress"  
959 followed by the number of the appropriate congressional district  
960 and the letters "MC," or any other configuration chosen by the  
961 member which is not already in use. Upon application by a United  
962 States Senator and payment of the fees prescribed by s.  
963 320.0805, the department is authorized to issue a license plate  
964 stamped "USS," followed by the numeral II in the case of the  
965 junior senator.

966 (2) Upon application by any member of the state House of  
967 Representatives and payment of the fees prescribed by s.  
968 320.0805, the department is authorized to issue such state  
969 representative license plates stamped in bold letters "State  
970 Legislator," followed by the number of the appropriate House of

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971 Representatives district and the letters "HR," or any other  
972 configuration chosen by the member which is not already in use  
973 ~~on one plate; the numbers of the other plates will be assigned~~  
974 ~~by the department.~~ Upon application by a state senator and  
975 payment of the fees prescribed by s. 320.0805, the department is  
976 authorized to issue license plates stamped in bold letters  
977 "State Senator," followed by the number of the appropriate  
978 Senate district and the letters "SN," or any other configuration  
979 chosen by the member which is not already in use ~~on one plate;~~  
980 ~~the numbers of the other plates will be assigned by the~~  
981 ~~department.~~

982 Section 21. Subsection (4) of section 320.084, Florida  
983 Statutes, is amended to read:

984 320.084 Free motor vehicle license plate to certain  
985 disabled veterans.-

986 (4)(a) With the issuance of each new permanent "DV"  
987 numerical motor vehicle license plate, the department shall  
988 initially issue, without cost to the applicant, a validation  
989 sticker reflecting the owner's birth month and a serially  
990 numbered validation sticker reflecting the year of expiration.  
991 The initial sticker reflecting the year of expiration may not  
992 exceed 27 ~~15~~ months.

993 (b) There shall be a service charge in accordance with the  
994 provisions of s. 320.04 for each initial application or renewal  
995 of registration and an additional sum of 50 cents on each  
996 license plate and validation sticker as provided in s.  
997 320.06(3)(b).

998 (c) Registration under this section shall be renewed  
999 annually or biennially during the applicable renewal period on  
1000 forms prescribed by the department, which shall include, in  
1001 addition to any other information required by the department, a

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1002 certified statement as to the continued eligibility of the  
1003 applicant to receive the special "DV" license plate. Any  
1004 applicant who falsely or fraudulently submits to the department  
1005 the certified statement required by this paragraph is guilty of  
1006 a noncriminal violation and is subject to a civil penalty of  
1007 \$50.

1008 Section 22. Section 321.03, Florida Statutes, is amended  
1009 to read:

1010 321.03 Imitations prohibited; penalty.—Unless specifically  
1011 authorized by the Florida Highway Patrol, a ~~it shall be unlawful~~  
1012 for any person or persons in the state shall not to color or  
1013 cause to be colored any motor vehicle or motorcycle the same or  
1014 similar color as the color or colors so prescribed for the  
1015 Florida Highway Patrol. A Any person who violates ~~violating any~~  
1016 ~~of the provisions of~~ this section or s. 321.02 with respect to  
1017 uniforms, emblems, motor vehicles and motorcycles commits ~~shall~~  
1018 ~~be guilty of~~ a misdemeanor of the first degree, punishable as  
1019 provided in s. 775.082 or s. 775.083. The Department of Highway  
1020 Safety and Motor Vehicles shall employ such clerical help and  
1021 mechanics as may be necessary for the economical and efficient  
1022 operation of such department.

1023 Section 23. Section 321.05, Florida Statutes, is amended  
1024 to read:

1025 321.05 Duties, functions, and powers of patrol officers.—  
1026 The members of the Florida Highway Patrol are hereby declared to  
1027 be conservators of the peace and law enforcement officers of the  
1028 state, with the common-law right to arrest a person who, in the  
1029 presence of the arresting officer, commits a felony or commits  
1030 an affray or breach of the peace constituting a misdemeanor,  
1031 with full power to bear arms; and they shall apprehend, without  
1032 warrant, any person in the unlawful commission of any of the

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1033 acts over which the members of the Florida Highway Patrol are  
1034 given jurisdiction as hereinafter set out and deliver him or her  
1035 to the sheriff of the county that further proceedings may be had  
1036 against him or her according to law. In the performance of any  
1037 of the powers, duties, and functions authorized by law, members  
1038 of the Florida Highway Patrol ~~shall~~ have the same protections  
1039 and immunities afforded other peace officers, which shall be  
1040 recognized by all courts having jurisdiction over offenses  
1041 against the laws of this state, and ~~shall~~ have authority to  
1042 apply for, serve, and execute search warrants, arrest warrants,  
1043 capias, and other process of the court ~~in those matters in which~~  
1044 ~~patrol officers have primary responsibility as set forth in~~  
1045 ~~subsection (1)~~. The patrol officers under the direction and  
1046 supervision of the Department of Highway Safety and Motor  
1047 Vehicles shall perform and exercise throughout the state the  
1048 following duties, functions, and powers:

1049 (1) To patrol the state highways and regulate, control,  
1050 and direct the movement of traffic thereon; to maintain the  
1051 public peace by preventing violence on highways; to apprehend  
1052 fugitives from justice; to enforce all laws now in effect  
1053 regulating and governing traffic, travel, and public safety upon  
1054 the public highways and providing for the protection of the  
1055 public highways and public property thereon; to make arrests  
1056 without warrant for the violation of any state law committed in  
1057 their presence in accordance with the laws of this state;  
1058 providing that no search shall be made unless it is incident to  
1059 a lawful arrest, to regulate and direct traffic concentrations  
1060 and congestions; to enforce laws governing the operation,  
1061 licensing, and taxing and limiting the size, weight, width,  
1062 length, and speed of vehicles and licensing and controlling the  
1063 operations of drivers and operators of vehicles; to cooperate

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1064 with officials designated by law to collect all state fees and  
1065 revenues levied as an incident to the use or right to use the  
1066 highways for any purpose; to require the drivers of vehicles to  
1067 stop and exhibit their driver's licenses, registration cards, or  
1068 documents required by law to be carried by such vehicles; to  
1069 investigate traffic accidents, secure testimony of witnesses and  
1070 of persons involved, and make report thereof with copy, when  
1071 requested in writing, to any person in interest or his or her  
1072 attorney; to investigate reported thefts of vehicles and to  
1073 seize contraband or stolen property on or being transported on  
1074 the highways. Each law enforcement officer is subject to and has  
1075 the same arrest and other authority provided for law enforcement  
1076 officers generally in chapter 901 and has statewide  
1077 jurisdiction. Each officer also has arrest authority as provided  
1078 for state law enforcement officers in s. 901.15. This section  
1079 shall not be construed as being in conflict with, but is  
1080 supplemental to, chapter 933.

1081 (2) To assist other constituted law enforcement officers  
1082 of the state to quell mobs and riots, guard prisoners, and  
1083 police disaster areas.

1084 (3) (a) To make arrests while in fresh pursuit of a person  
1085 believed to have violated the traffic and other laws.

1086 (b) To make arrest of a person wanted for a felony or  
1087 against whom a warrant has been issued on any charge in  
1088 violation of federal, state, or county laws or municipal  
1089 ordinances.

1090 (4) (a) All fines and costs and the proceeds of the  
1091 forfeiture of bail bonds and recognizances resulting from the  
1092 enforcement of this chapter by patrol officers shall be paid  
1093 into the fine and forfeiture fund established pursuant to s.  
1094 142.01 of the county where the offense is committed. In all

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1095 cases of arrest by patrol officers, the person arrested shall be  
1096 delivered forthwith by the ~~said~~ officer to the sheriff of the  
1097 county, or he or she shall obtain from the ~~such~~ person arrested  
1098 a recognizance or, if deemed necessary, a cash bond or other  
1099 sufficient security conditioned for his or her appearance before  
1100 the proper tribunal of the ~~such~~ county to answer the charge for  
1101 which he or she has been arrested; and all fees accruing shall  
1102 be taxed against the party arrested, which fees are hereby  
1103 declared to be part of the compensation of the ~~said~~ sheriffs  
1104 authorized to be fixed by the Legislature under s. 5(c), Art. II  
1105 of the State Constitution, to be paid such sheriffs in the same  
1106 manner as fees are paid for like services in other criminal  
1107 cases. All patrol officers are hereby directed to deliver all  
1108 bonds accepted and approved by them to the sheriff of the county  
1109 in which the offense is alleged to have been committed. However,  
1110 a ~~no~~ sheriff shall not be paid any arrest fee for the arrest of  
1111 a person for violation of any section of chapter 316 when the  
1112 arresting officer was transported in a Florida Highway Patrol  
1113 car to the vicinity where the arrest was made; and a ~~no~~ sheriff  
1114 shall not be paid any fee for mileage for himself or herself or  
1115 a prisoner for miles traveled in a Florida Highway Patrol car. A  
1116 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage  
1117 cost except when responding to a subpoena in a civil cause or  
1118 except when the ~~such~~ patrol officer is appearing as an official  
1119 witness to testify at any hearing or law action in any court of  
1120 this state as a direct result of his or her employment as a  
1121 patrol officer during time not compensated as a part of his or  
1122 her normal duties. Nothing herein shall be construed as limiting  
1123 the power to locate and to take from any person under arrest or  
1124 about to be arrested deadly weapons. ~~Nothing contained in This~~

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1125 section is not ~~shall be construed~~ as a limitation upon existing  
1126 powers and duties of sheriffs or police officers.

1127 (b) Any person so arrested and released on his or her own  
1128 recognizance by an officer and who fails ~~shall fail~~ to appear or  
1129 respond to a notice to appear shall, in addition to the traffic  
1130 violation charge, commits ~~be guilty of~~ a noncriminal traffic  
1131 infraction subject to the penalty provided in s. 318.18(2).

1132 (5) The department may employ or assign some fit and  
1133 suitable person with experience in the field of public relations  
1134 who shall ~~have the duty to~~ promote, coordinate, and publicize  
1135 the traffic safety activities in the state and assign such  
1136 person to the office of the Governor at a salary to be fixed by  
1137 the department. The person so assigned or employed shall be a  
1138 member of the uniform division of the Florida Highway Patrol,  
1139 and he or she shall have the pay and rank of lieutenant while on  
1140 such assignment.

1141 (6) The Division of Florida Highway Patrol is authorized  
1142 to adopt ~~promulgate~~ rules and ~~regulations~~ which may be necessary  
1143 to implement the provisions of chapter 316.

1144 Section 24. Subsection (26) of section 322.01, Florida  
1145 Statutes, is amended, and subsection (46) is added to that  
1146 section, to read:

1147 322.01 Definitions.—As used in this chapter:

1148 (26) "Motorcycle" means a motor vehicle powered by a motor  
1149 with a displacement of more than 50 cubic centimeters, having a  
1150 seat or saddle for the use of the rider, and designed to travel  
1151 on not more than three wheels in contact with the ground, but  
1152 excluding a tractor, tri-vehicle, or moped.

1153 (46) "Tri-vehicle" means an enclosed three-wheeled  
1154 passenger vehicle that:

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1155 (a) Is designed to operate with three wheels in contact  
1156 with the ground;

1157 (b) Has a minimum unladen weight of 900 lbs;

1158 (c) Has a single, completely enclosed, occupant  
1159 compartment;

1160 (d) Is produced in a minimum quantity of 300 in any  
1161 calendar year;

1162 (e) Is capable of a speed greater than 60 miles per hour  
1163 on level ground; and

1164 (f) Is equipped with:

1165 1. Seats that are certified by the vehicle manufacturer to  
1166 meet the requirements of Federal Motor Vehicle Safety Standard  
1167 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

1168 2. A steering wheel used to maneuver the vehicle;

1169 3. A propulsion unit located forward or aft of the  
1170 enclosed occupant compartment;

1171 4. A seat belt for each vehicle occupant, certified to  
1172 meet the requirements of Federal Motor Vehicle Safety Standard  
1173 No. 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

1174 5. A windshield and an appropriate windshield wiper and  
1175 washer system that are certified by the vehicle manufacture to  
1176 meet the requirements of Federal Motor Vehicle Safety Standard  
1177 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal  
1178 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and  
1179 Washing Systems" (49 C.F.R. s. 571.104); and

1180 6. A vehicle structure certified by the vehicle  
1181 manufacturer to meet the requirements of Federal Motor Vehicle  
1182 Safety Standard No. 216, "Rollover crush resistance," (49 C.F.R.  
1183 s. 571.216).

1184 Section 25. Paragraph (h) of subsection (7) of section  
1185 322.08 is added to read:



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1186 322.08 Application for license.--

1187 (7) The application form for a driver's license or  
1188 duplicate thereof shall include language permitting the  
1189 following:

1190 (h) Notwithstanding s. 322.081, a voluntary contribution  
1191 of \$1 per applicant to the state homes for veterans, to be  
1192 distributed on a quarterly basis by the department to the State  
1193 Homes for Veterans Trust Fund, which is administered by the  
1194 Department of Veterans' Affairs.

1195 Section 26. Section 322.121, Florida Statutes, is amended  
1196 to read:

1197 322.121 Periodic reexamination of all drivers.-

1198 (1) It is the intent of the Legislature that all licensed  
1199 drivers in Florida be reexamined upon renewal of their licenses.  
1200 Because only a small percentage of drivers in the state are  
1201 categorized as problem drivers, the Legislature intends that  
1202 ~~renewals the large number of drivers who have not had any~~  
1203 ~~convictions for the 3 years preceding renewal and whose driving~~  
1204 ~~privilege in this state has not been revoked, disqualified, or~~  
1205 ~~suspended at any time during the 7 years preceding renewal be~~  
1206 ~~processed expeditiously upon renewal of their licenses by~~  
1207 ~~examinations of the licensee's their eyesight and hearing only~~  
1208 ~~and that all other licensees be tested, in addition to the~~  
1209 ~~eyesight and hearing examinations, with respect to their ability~~  
1210 ~~to read and understand highway signs regulating, warning, and~~  
1211 ~~directing traffic.~~

1212 ~~(2) Each licensee must pass a reexamination at the time of~~  
1213 ~~renewal, except as otherwise provided in this chapter. For each~~  
1214 ~~licensee whose driving record does not show any convictions for~~  
1215 ~~the preceding 3 years or any revocations, disqualifications, or~~  
1216 ~~suspensions for the preceding 7 years; and who, at the time of~~

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1217 ~~renewal, presents a renewal notice verifying such safe driving~~  
1218 ~~record, the reexamination shall consist of tests of the~~  
1219 ~~licensee's eyesight and hearing. For all other licensees, in~~  
1220 ~~addition to the eyesight and hearing tests, the reexamination~~  
1221 ~~must include tests of the ability to read and understand highway~~  
1222 ~~signs and pavement markings regulating, warning, and directing~~  
1223 ~~traffic.~~

1224 ~~(2)~~(3) For each licensee whose driving record does not  
1225 show any revocations, disqualifications, or suspensions for the  
1226 preceding 7 years or any convictions for the preceding 3 years  
1227 except for convictions of the following nonmoving violations:

1228 (a) Failure to exhibit a vehicle registration certificate,  
1229 rental agreement, or cab card pursuant to s. 320.0605;

1230 (b) Failure to renew a motor vehicle or mobile home  
1231 registration that has been expired for 4 months or less pursuant  
1232 to s. 320.07(3)(a);

1233 (c) Operating a motor vehicle with an expired license that  
1234 has been expired for 4 months or less pursuant to s. 322.065;

1235 (d) Failure to carry or exhibit a license pursuant to s.  
1236 322.15(1); or

1237 (e) Failure to notify the department of a change of  
1238 address or name within 10 days pursuant to s. 322.19,

1239  
1240 the department shall cause such licensee's license to be  
1241 prominently marked with the notation "Safe Driver."

1242 ~~(3)~~(4) Eyesight examinations must be administered as  
1243 provided in s. 322.12.

1244 ~~(4)~~(5) An examination fee may not be assessed for  
1245 reexamination required by this section.

1246 ~~(5)~~(6) Members of the Armed Forces, or their dependents  
1247 residing with them, shall be granted an automatic extension for

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1248 the expiration of their licenses without reexamination while  
1249 serving on active duty outside this state. This extension is  
1250 valid for 90 days after the member of the Armed Forces is either  
1251 discharged or returns to this state to live.

1252 ~~(6)~~(7) In addition to any other examination authorized by  
1253 this section, an applicant for a renewal of a commercial  
1254 driver's license may be required to complete successfully an  
1255 examination of his or her knowledge regarding state and federal  
1256 rules, regulations, and laws, governing the type of vehicle  
1257 which he or she is applying to be licensed to operate.

1258 ~~(7)~~(8) In addition to any other examination authorized by  
1259 this section, an applicant for a renewal of an endorsement  
1260 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be  
1261 required to complete successfully an examination of his or her  
1262 knowledge regarding state and federal rules, regulations, and  
1263 laws, governing the type of vehicle which he or she is seeking  
1264 an endorsement to operate.

1265 Section 27. Paragraph (a) of subsection (5) and paragraph  
1266 (c) of subsection (8) of Section 322.18, Florida Statutes, are  
1267 amended, to read:

1268 322.18 Original applications, licenses, and renewals;  
1269 expiration of licenses; delinquent licenses.—

1270 (5) All renewal driver's licenses may be issued after the  
1271 applicant licensee has been determined to be eligible by the  
1272 department.

1273 (a) A licensee who is otherwise eligible for renewal and  
1274 who is at least 80 years of age:

1275 1. Must submit to and pass a vision test administered at  
1276 any driver's license office; or

1277 2. If the licensee applies for a renewal using a  
1278 convenience service as provided in subsection (8), he or she

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1279 must submit to a vision test administered by a physician  
1280 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist  
1281 licensed under chapter 463, or a licensed physician at a  
1282 federally established veterans' hospital, must send the results  
1283 of that test to the department on a form obtained from the  
1284 department and signed by such health care practitioner, and must  
1285 meet vision standards that are equivalent to the standards for  
1286 passing the departmental vision test. The physician or  
1287 optometrist may submit the results of a vision test by a  
1288 department-approved electronic means.

1289 (8) The department shall issue 8-year renewals using a  
1290 convenience service without reexamination to drivers who have  
1291 not attained 80 years of age. The department shall issue 6-year  
1292 renewals using a convenience service when the applicant has  
1293 satisfied the requirements of subsection (5).

1294 (c) The department shall issue one renewal using a  
1295 convenience service. A person who is out of this state when his  
1296 or her license expires may be issued a 90-day temporary driving  
1297 permit without reexamination. At the end of the 90-day period,  
1298 the person must either return to this state or apply for a  
1299 license where the person is located, except for a member of the  
1300 Armed Forces as provided in s. 322.121(5) ~~s. 322.121(6)~~.

1301 Section 28. Subsection (2) of section 322.2615, Florida  
1302 Statutes, is amended to read:

1303 322.2615 Suspension of license; right to review.—

1304 (2) Except as provided in paragraph (1)(a), the law  
1305 enforcement officer shall forward to the department, within 5  
1306 days after issuing the notice of suspension, the driver's  
1307 license; an affidavit stating the officer's grounds for belief  
1308 that the person was driving or in actual physical control of a  
1309 motor vehicle while under the influence of alcoholic beverages

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1310 or chemical or controlled substances; the results of any breath  
1311 or blood test or an affidavit stating that a breath, blood, or  
1312 urine test was requested by a law enforcement officer or  
1313 correctional officer and that the person refused to submit; the  
1314 officer's description of the person's field sobriety test, if  
1315 any; and the notice of suspension; ~~and a copy of the crash~~  
1316 ~~report, if any.~~ The failure of the officer to submit materials  
1317 within the 5-day period specified in this subsection and in  
1318 subsection (1) does not affect the department's ability to  
1319 consider any evidence submitted at or prior to the hearing. The  
1320 officer may also submit a copy of the crash report and a copy of  
1321 a videotape of the field sobriety test or the attempt to  
1322 administer such test. Materials submitted to the department by a  
1323 law enforcement agency or correctional agency shall be  
1324 considered self-authenticating and shall be in the record for  
1325 consideration by the hearing officer. Notwithstanding s.  
1326 316.066(7), the crash report shall be considered by the hearing  
1327 officer.

1328 Section 29. Subsection (11) is added to section 322.34,  
1329 Florida Statutes, to read:

1330 322.34 Driving while license suspended, revoked, canceled,  
1331 or disqualified.—

1332 (10) (a) Notwithstanding any other provision of this  
1333 section, if a person does not have a prior forcible felony  
1334 conviction as defined in s. 776.08, the penalties provided in  
1335 paragraph (b) apply if a person's driver's license or driving  
1336 privilege is canceled, suspended, or revoked for:

1337 1. Failing to pay child support as provided in s. 322.245  
1338 or s. 61.13016;

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1339 2. Failing to pay any other financial obligation as  
1340 provided in s. 322.245 other than those specified in s.  
1341 322.245(1);

1342 3. Failing to comply with a civil penalty required in s.  
1343 318.15;

1344 4. Failing to maintain vehicular financial responsibility  
1345 as required by chapter 324;

1346 5. Failing to comply with attendance or other requirements  
1347 for minors as set forth in s. 322.091; or

1348 6. Having been designated a habitual traffic offender  
1349 under s. 322.264(1)(d) as a result of suspensions of his or her  
1350 driver's license or driver privilege for any underlying  
1351 violation listed in subparagraphs 1.-5.

1352 (b)1. Upon a first conviction for knowingly driving while  
1353 his or her license is suspended, revoked, or canceled for any of  
1354 the underlying violations listed in subparagraphs (a)1.-6., a  
1355 person commits a misdemeanor of the second degree, punishable as  
1356 provided in s. 775.082 or s. 775.083.

1357 2. Upon a second or subsequent conviction for the same  
1358 offense of knowingly driving while his or her license is  
1359 suspended, revoked, or canceled for any of the underlying  
1360 violations listed in subparagraphs (a)1.-6., a person commits a  
1361 misdemeanor of the first degree, punishable as provided in s.  
1362 775.082 or s. 775.083.

1363 (11) (a) A person who does not hold a commercial driver's  
1364 license and who is cited for an offense of knowingly driving  
1365 while his or her license is suspended, revoked, or canceled for  
1366 any of the underlying violations listed in paragraph (10) (a)  
1367 may, in lieu of payment of fine or court appearance, elect to  
1368 enter a plea of nolo contendere and provide proof of compliance  
1369 to the clerk of the court, designated official, or authorized

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1370 operator of a traffic violations bureau. In such case,  
1371 adjudication shall be withheld. However, no election shall be  
1372 made under this subsection if such person has made an election  
1373 under this subsection during the preceding 12 months. A person  
1374 may not make more than 3 elections under this subsection.

1375 (b) If adjudication is withheld under paragraph (a), such  
1376 action is not a conviction.

1377 Section 30. Subsection (8) of section 322.61, Florida  
1378 Statutes, is amended to read:

1379 322.61 Disqualification from operating a commercial motor  
1380 vehicle.—

1381 (8) A driver who is convicted of or otherwise found to  
1382 have committed a violation of an out-of-service order while  
1383 driving a commercial motor vehicle is disqualified as follows:

1384 (a) Not less than 180 ~~90~~ days nor more than 1 year if the  
1385 driver is convicted of or otherwise found to have committed a  
1386 first violation of an out-of-service order.

1387 (b) Not less than 2 years ~~1 year~~ nor more than 5 years if,  
1388 for offenses occurring during any 10-year period, the driver is  
1389 convicted of or otherwise found to have committed two violations  
1390 of out-of-service orders in separate incidents.

1391 (c) Not less than 3 years nor more than 5 years if, for  
1392 offenses occurring during any 10-year period, the driver is  
1393 convicted of or otherwise found to have committed three or more  
1394 violations of out-of-service orders in separate incidents.

1395 (d) Not less than 180 days nor more than 2 years if the  
1396 driver is convicted of or otherwise found to have committed a  
1397 first violation of an out-of-service order while transporting  
1398 hazardous materials required to be placarded under the Hazardous  
1399 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or  
1400 while operating motor vehicles designed to transport more than

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1401 15 passengers, including the driver. A driver is disqualified  
1402 for a period of not less than 3 years nor more than 5 years if,  
1403 for offenses occurring during any 10-year period, the driver is  
1404 convicted of or otherwise found to have committed any subsequent  
1405 violations of out-of-service orders, in separate incidents,  
1406 while transporting hazardous materials required to be placarded  
1407 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.  
1408 5101 et seq., or while operating motor vehicles designed to  
1409 transport more than 15 passengers, including the driver.

1410 Section 31. Section 488.06, Florida Statutes, is amended  
1411 to read:

1412 488.06 Revocation or suspension of license or  
1413 certificate.—The Department of Highway Safety and Motor Vehicles  
1414 may suspend or revoke any license or certificate issued under  
1415 the provisions of this chapter if the holder of the license or  
1416 certificate, or if an instructor, agent, or employee of the  
1417 commercial driving school, has:

1418 (1) Violated the provisions of this chapter;—

1419 (2) Been convicted of, pled no contest to, or had  
1420 adjudication withheld for any felony offense or misdemeanor  
1421 offense, as shown by a fingerprint-based criminal background  
1422 check, the cost of which must be borne by the applicant,  
1423 instructor, agent, or employee;

1424 (3) Committed any fraud or willful misrepresentation in  
1425 applying for or obtaining a license; or

1426 (4) Solicited business on any premises, including parking  
1427 areas, used by the department or a tax collector for the purpose  
1428 of licensing drivers.

1429

1430 For purposes of subsection (2), fingerprints shall be submitted  
1431 to the Florida Department of Law Enforcement for state



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1432 processing, and the Florida Department of Law Enforcement shall  
1433 forward them to the Federal Bureau of Investigation for national  
1434 processing.

1435 Section 32. Except as otherwise expressly provided in this  
1436 act, this act shall take effect September 1, 2010.

1437

1438

1439

1440 -----

1441

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

1442

Remove the entire title and insert:

1443

An act relating to highway safety and motor vehicles;

1444

amending s. 316.003, F.S.; defining the term "tri-

1445

vehicle"; amending s, 316.066, F.S.; authorizing law

1446

enforcement agencies and county traffic operations to

1447

access certain crash reports held by an agency; amending

1448

s. 316.0741, F.S.; providing that certain tri-vehicles are

1449

hybrid vehicles; amending s. 316.159, F.S.; requiring that

1450

drivers of certain commercial motor vehicles slow before

1451

crossing a railroad grade crossing; amending s. 316.193,

1452

F.S.; revising qualifications for an immobilization agency

1453

to immobilize vehicles in a judicial circuit; requiring

1454

the immobilization agency to verify the qualifications of

1455

its personnel through a Florida Department of Law

1456

Enforcement background check; redefining the term

1457

"immobilization agency" or "immobilization agencies";

1458

amending 316.2065, F.S.; requiring bicycles to be ridden

1459

in the lane marked for bicycle use except under specified

1460

circumstances; providing penalties; amending s. 316.2085,

1461

F.S.; permitting certain license tags for motorcycles or

1462

mopeds to be affixed perpendicularly to the ground under

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1463 certain circumstances; amending s. 316.2952, F.S.;

1464 authorizing certain satellite reception devices to be

1465 attached to the windshield of a motor vehicle; amending s.

1466 316.29545, F.S.; relating to window sunscreening

1467 exclusions; excluding vehicles operated by persons with

1468 certain medical conditions from certain restrictions;

1469 excluding vehicles owned or leased by private

1470 investigators or private investigative services from

1471 certain restrictions; providing rulemaking authority to

1472 the Department of Highway Safety and Motor Vehicles

1473 regarding suncreening restrictions; amending s. 316.605,

1474 F.S.; providing an exception for certain motorcycles or

1475 mopeds to a requirement that license plates be affixed and

1476 displayed in such a manner that the letters and numerals

1477 shall be read from left to right parallel to the ground;

1478 amending s. 316.646, F.S.; directing the Department of

1479 Highway Safety and Motor Vehicles to suspend the

1480 registration and driver's license of a person convicted of

1481 failure to maintain required security on a motor vehicle;

1482 amending s. 318.14, F.S.; providing procedures for

1483 disposition of a citation for violating specified

1484 learner's driver's license restrictions; removing an

1485 erroneous reference; requiring a person who commits a

1486 traffic violation requiring a hearing or a criminal

1487 traffic violation to sign and accept a citation indicating

1488 a promise to appear for a hearing; requiring an officer to

1489 certify the delivery of a citation to the person cited;

1490 providing penalties; providing for certain persons cited

1491 for specified offenses to provide proof of compliance to a

1492 designated official; providing alternative citation

1493 disposition procedures for the offense of operating a

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1494 motor vehicle with a license that has been suspended for  
1495 failure to pay certain financial obligations or to comply  
1496 with specified education requirements; amending s. 318.18,  
1497 F.S.; providing that the penalty for speeding in  
1498 designated school crossing is twice the otherwise  
1499 applicable amount; amending s. 319.28, F.S.; requiring  
1500 lienholders repossessing vehicles in this state to apply  
1501 to a tax collector's office in this state or to the  
1502 department for a certificate of repossession or  
1503 certificate of title; amending s. 319.30, F.S.; defining  
1504 the term "independent entity"; providing procedures for an  
1505 independent entity that stores a damaged or dismantled  
1506 motor vehicle for an insurance company to notify the owner  
1507 when the vehicle is available for pick up or to apply for  
1508 a certificate of destruction or a certificate of title if  
1509 the vehicle is not claimed within a certain period;  
1510 amending s. 320.03, F.S.; relating to an electronic filing  
1511 system used to electronically title or register vehicles  
1512 and vessels, to transfer certain title and registration  
1513 fees, and to perform title, registration and lien  
1514 verifications; providing regulatory authority over the  
1515 electronic filing system to the Department of Highway  
1516 Safety and Motor Vehicles; providing for statewide uniform  
1517 application of the system; providing that entities that  
1518 sell products that require titling or registration and  
1519 meet certain requirements may be agents for the system and  
1520 may not be precluded from using the system; requiring tax  
1521 collectors to appoint such entities as electronic filing  
1522 system agents within their respective counties; providing  
1523 rulemaking authority to the department with regards to the  
1524 system; providing that such rules shall replace existing

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1525 program standards; providing that existing standards  
1526 remain in place until such rulemaking is complete, except  
1527 for existing standards conflicting with this section;  
1528 providing that an authorized electronic filing agent may  
1529 charge fees to customers; providing that certain providers  
1530 of the electronic filing system shall continue to comply  
1531 with certain financial arrangements with the Tax Collector  
1532 Service Corporation; providing a sunset period for such  
1533 arrangements; amending s. 320.05, F.S.; relating to motor  
1534 vehicle registration fees; providing for distribution of  
1535 certain electronic access fees; providing an exception to  
1536 such fees; amending s. 320.071, F.S.; revising the time  
1537 period during which the owner of an apportioned motor  
1538 vehicle may file an application for renewal of  
1539 registration; amending s. 320.08, F.S.; establishing  
1540 license taxes for tri-vehicles and antique motorcycles;  
1541 amending s. 320.0807, F.S.; revising provisions governing  
1542 the special license plates issued to federal and state  
1543 legislators; amending s. 320.084, F.S.; providing for a  
1544 biennial registration renewal period for disabled veteran  
1545 license plates; amending s. 321.03, F.S.; providing that  
1546 it is unlawful to possess or color or cause to be colored  
1547 a motor vehicle or motorcycle of the same or similar color  
1548 as those prescribed for the Florida Highway Patrol unless  
1549 specifically authorized by the Florida Highway Patrol;  
1550 amending s. 321.05, F.S.; providing that officers of the  
1551 Florida Highway Patrol have the same arrest and other  
1552 authority as that provided for certain other state law  
1553 enforcement officers; amending s. 322.01, F.S.; defining  
1554 the term "tri-vehicle" and excluding such vehicles from  
1555 the definition of "motorcycle"; amending s. 322.08;

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1556 providing for a \$1 voluntary contribution to state homes  
1557 for veterans on applications for driver's licenses;  
1558 amending s. 322.121, F.S.; revising legislative intent for  
1559 reexamination of licensed drivers upon the renewal of the  
1560 driver's license; removing a requirement that each  
1561 licensee must pass a reexamination at the time of license  
1562 renewal; amending s. 322.18, F.S.; authorizing a licensed  
1563 physician at a federally established veterans' hospital to  
1564 administer a vision test for purposes of renewing a  
1565 driver's license; conforming a cross-reference; amending  
1566 s. 322.2615, F.S.; revising requirements for information  
1567 an officer must submit to the department after suspending  
1568 a driver's license for certain DUI offenses; removing a  
1569 requirement that the officer submit a copy of a crash  
1570 report; authorizing the officer to submit such report;  
1571 amending s. 322.34, F.S.; providing that if a person does  
1572 not hold a commercial driver's license and is cited for an  
1573 offense of knowingly driving while his or her license is  
1574 suspended, revoked, or canceled for specified offenses, he  
1575 or she may, in lieu of payment of a fine or court  
1576 appearance, elect to enter a plea of nolo contendere and  
1577 provide proof of compliance to the clerk of the court,  
1578 designated official, or authorized operator of a traffic  
1579 violations bureau; limiting a driver's option to elect  
1580 such a remedy; amending s. 322.61, F.S.; revising the  
1581 period of disqualification from operating a commercial  
1582 motor vehicle for a violation of an out-of-service order;  
1583 amending s. 488.06, F.S.; specifying additional  
1584 circumstances under which the department may suspend or  
1585 revoke a license or certificate of a driving school;  
1586 providing effective dates.

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: Economic Development &  
 2 Community Affairs Policy Council  
 3 Representatives Cannon and Glorioso offered the following:  
 4

5 **Amendment to Amendment (1) by Representative Aubuchon (with**  
 6 **title amendment)**

7 Between lines 1434-1435, insert:

8 Section 32. Section 45 of chapter 2008-176, Laws of  
 9 Florida, is amended to read:

10 Section 45. Except for a specialty license plate proposal  
 11 which has submitted a letter of intent to the Department of  
 12 Highway Safety and Motor Vehicles prior to May 2, 2008, and  
 13 which has submitted a valid survey, marketing strategy, and  
 14 application fee as required by s. 320.08053, Florida Statutes,  
 15 prior to October 1, 2008 ~~the effective date of this act,~~ or  
 16 which was included in a bill filed during the 2008 Legislative  
 17 Session, the Department of Highway Safety and Motor Vehicles may  
 18 not issue any new specialty license plates pursuant to ss.  
 19 320.08056 and 320.08058, Florida Statutes, between July 1, 2008,  
 20 and July 1, 2014 ~~2011~~.

21 Section 33. Section 320.08053, Florida Statutes, is  
 22 amended to read:

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23 320.08053 Requirements for requests to establish specialty  
24 license plates.—

25 (1) An organization that seeks authorization to establish  
26 a new specialty license plate for which an annual use fee is to  
27 be charged must submit to the department:

28 (a) A request for the particular specialty license plate  
29 being sought, describing the proposed specialty license plate in  
30 specific terms, including a sample plate that conforms to the  
31 specifications set by the department and this chapter, and that  
32 is in substantially final form.

33 ~~(b) The results of a scientific sample survey of Florida  
34 motor vehicle owners that indicates at least 30,000 motor  
35 vehicle owners intend to purchase the proposed specialty license  
36 plate at the increased cost. As used in this paragraph, the term  
37 "scientific sample survey" means information that is gathered  
38 from a representative subset of the population as a whole. The  
39 sample survey of registered motor vehicle owners must be  
40 performed independently of the requesting organization by an  
41 organization that conducts similar sample surveys as a normal  
42 course of business. Prior to conducting a sample survey for the  
43 purposes of this section, a requesting organization must obtain  
44 a determination from the department that the organization  
45 selected to conduct the survey performs similar surveys as a  
46 normal course of business and is independent of the requesting  
47 organization. The methodology, results, and any evaluation by  
48 the department of the scientific sample survey shall be  
49 validated by the Auditor General as a condition precedent to  
50 submission of the specialty license plate for approval by the  
51 Legislature.~~

52 ~~(b)(c)~~ An application fee, not to exceed \$60,000, to  
53 defray the department's cost for reviewing the application and  
54 developing the specialty license plate, if authorized. State

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55 funds may not be used to pay the application fee, except for  
56 collegiate specialty license plates authorized in s.  
57 320.08058(3) and (13). ~~The specialty license plate application~~  
58 ~~provisions of this act shall not apply to any organization which~~  
59 ~~has requested and received the required forms for obtaining a~~  
60 ~~specialty license plate authorization from the Department of~~  
61 ~~Highway Safety and Motor Vehicles, has opened a bank account for~~  
62 ~~the funds collected for the specialty license tag and has made~~  
63 ~~deposits to such an account, and has obtained signatures toward~~  
64 ~~completing the requirements for the specialty license tag. All~~  
65 applications requested on or after the effective date of this  
66 act must meet the requirements of this act.

67 (c) ~~(d)~~ A marketing strategy outlining short-term and long-  
68 term marketing plans for the requested specialty license plate  
69 and a financial analysis outlining the anticipated revenues and  
70 the planned expenditures of the revenues to be derived from the  
71 sale of the requested specialty license plates.

72  
73 The information required under this subsection must be  
74 submitted to the department at least 90 days before the  
75 convening of the next regular session of the Legislature.

76 (2) If the specialty license plate requested by the  
77 organization is approved by law, the organization must submit  
78 the proposed art design for the specialty license plate to the  
79 department, in a medium prescribed by the department, as soon as  
80 practicable, but no later than 60 days after the act approving  
81 the specialty license plate becomes a law. If the specialty  
82 license plate requested by the organization is not approved by  
83 the Legislature or does not meet the presale requirements in  
84 subsection (3), the application fee shall be refunded to the  
85 requesting organization.



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86 (3) (a) Within 120 days following the specialty license  
87 plate becoming law, the department shall establish a method to  
88 issue a specialty license plate voucher to allow for the presale  
89 of the specialty license plate. The processing fee as prescribed  
90 in s. 320.08056, the service charge and branch fee as prescribed  
91 in s. 320.04, and the annual use fee as prescribed in s.  
92 320.08056 shall be charged for the voucher. All other applicable  
93 fees shall be charged at the time of issuance of the license  
94 plates.

95 (b) Within 24 months after the presale specialty license  
96 plate voucher is established, the approved specialty license  
97 plate organization must record with the department a minimum of  
98 1,000 voucher sales before manufacture of the license plate may  
99 commence. If, at the conclusion of the 24-month presale period,  
100 the minimum sales requirements have not been met, the specialty  
101 plate is deauthorized and the department shall discontinue  
102 development of the plate and discontinue issuance of the presale  
103 vouchers. Upon deauthorization of the license plate, a purchaser  
104 of the license plate voucher may use the annual use fee  
105 collected as a credit towards any other specialty license plate  
106 or apply for a refund on a form prescribed by the department.

107 (c) An organization that meets the requirements of this  
108 subsection shall be deemed to have submitted a valid survey for  
109 purposes of s. 45 of chapter 2008-176, Laws of Florida, as  
110 amended.

111 Section 34. Subsection (1) and paragraph (b) of subsection  
112 (8) of section 320.08056, Florida Statutes, are amended, and  
113 paragraph (rrr) is added to subsection (4) of that section, to  
114 read:

115 320.08056 Specialty license plates.—

116 (1) The department is responsible for developing the  
117 specialty license plates authorized in s. 320.08053. ~~The~~

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118 ~~department shall begin production and distribution of each new~~  
119 ~~specialty license plate within 1 year after approval of the~~  
120 ~~specialty license plate by the Legislature.~~

121 (4) The following license plate annual use fees shall be  
122 collected for the appropriate specialty license plates:

123 (rrr) Hispanic Achievers license plate, \$25.

124 (8)

125 (b) The department is authorized to discontinue the  
126 issuance of a specialty license plate and distribution of  
127 associated annual use fee proceeds if the organization no longer  
128 exists, if the organization has stopped providing services that  
129 are authorized to be funded from the annual use fee proceeds, if  
130 the organization does not meet the presale requirements as  
131 prescribed in s. 320.08053(3), or pursuant to an organizational  
132 recipient's request. Organizations shall ~~are required to~~ notify  
133 the department immediately to stop all warrants for plate sales  
134 if any of the conditions in this section exist, and must meet  
135 the requirements of s. 320.08062 for any period of operation  
136 during a fiscal year.

137 Section 35. Subsection (70) is added to section 320.08058,  
138 Florida Statutes, to read:

139 320.08058 Specialty license plates.—

140 (70) HISPANIC ACHIEVERS LICENSE PLATES.—

141 (a) Upon the National Hispanic Corporate Achievers, Inc.,  
142 meeting the requirements of s. 320.08053, the department shall  
143 develop a Hispanic Achievers license plate as provided in this  
144 section. The plate must bear the colors and design approved by  
145 the department. The word "Florida" must appear at the bottom of  
146 the plate and "Hispanic Achievers" must appear at the bottom of  
147 the plate.

148 (b) The proceeds from the license plate annual use fee  
149 shall be distributed to National Hispanic corporate Achievers,

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150 Inc., a nonprofit, 501(C)3, Florida Corporation, to fund grants  
151 to nonprofit organizations to operate programs and provide  
152 scholarships and for marketing the Hispanic Achievers license  
153 plate. National Hispanic Corporate Achievers, Inc. shall  
154 establish a Hispanic Achievers Grant Council that shall provide  
155 recommendations for statewide grants from available Hispanic  
156 Achiever license plate proceeds to nonprofit organizations for  
157 programs and scholarships for Hispanic and minority Floridians.  
158 National Hispanic Corporate Achievers, Inc. shall also establish  
159 a Hispanic Achievers License Plate Fund. Moneys in the fund  
160 shall be used by the grant council as provided in this  
161 paragraph. All funds received under this subsection must be used  
162 in this state.

163 (c) National Hispanic Corporate Achievers, Inc. may retain  
164 all proceeds from the annual use fee until documented startup  
165 costs for developing and establishing the plate have been  
166 recovered. Thereafter, the proceeds from the annual use fee  
167 shall be used as follows:

168 1. Up to 10 percent of the proceeds may be used for the  
169 cost of administration of the Hispanic Achievers license Plate  
170 Fund, the Hispanic Achievers Grant Council, and related matters.

171 2. Funds may be used as necessary for annual audit or  
172 compliance affidavit costs.

173 3. Fifteen percent of the proceeds shall be used by the  
174 Hispanic Corporate Achievers, Inc., located in Seminole County,  
175 for grants.

176 4. The remaining proceeds shall be available to the  
177 Hispanic Achievers Grant Council to award grants for services,  
178 programs, or scholarships, for Hispanic and minority individuals  
179 and organizations throughout Florida. All grant recipients must  
180 provide to the Hispanic Achievers Grant Council an annual

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181 program and financial report regarding the use of grant funds.

182 Such reports must be available to the public.

183 Section 36. The amendments to s. 320.08053 shall not apply  
184 to organizations which are exempt from the moratorium contained  
185 in Section 45 of chapter 2008-176, Laws of Florida, and which  
186 have complied with the provisions of s. 320.08053, Florida  
187 Statutes (2009).

188  
189 -----  
190 **T I T L E A M E N D M E N T**

191 Between lines 1585-1586, insert:

192 amending s. 45 of chapter 2008-176, Laws of Florida; delaying  
193 the expiration of the moratorium on the issuance of new  
194 specialty license plates by the Department of Highway Safety and  
195 Motor Vehicles; amending s. 320.08053, F.S.; removing provisions  
196 requiring that an organization seeking authorization to  
197 establish a new specialty license plate submit a sample survey  
198 of motor vehicle owners to the department; requiring that the  
199 department establish a method to issue vouchers allowing the  
200 presale of a specialty license plate; requiring that an  
201 organization that is approved to issue a specialty license plate  
202 record with the department a minimum number of voucher sales in  
203 order to proceed with the development of the plate; providing  
204 for the purchaser of a voucher to receive a refund or use the  
205 voucher to purchase of another license plate if the specialty  
206 plate is deauthorized; amending ss. 320.08056 and 320.08058,  
207 F.S.; conforming provisions to changes made by the act; creating  
208 the Hispanics Achievers license plate; establishing an annual  
209 use fee for the plate; providing for the distribution of use  
210 fees received from the sale of such plate;

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: Economic Development &  
 2 Community Affairs Policy Council  
 3 Representative Flores offered the following:

4  
 5 **Amendment to Amendment (1) by Representative Aubuchon (with**  
 6 **title amendment)**

7 Remove lines 1184-1194 and insert:

8 Section 25. Paragraphs (i) and (j) are added to subsection  
 9 (15) of section 320.02, Florida Statutes, to read:

10 320.02 Registration required; application for  
 11 registration; forms.-

12 (15)

13 (i) The application forms for motor vehicle registration  
 14 and renewal of registration must include language permitting a  
 15 voluntary contribution of \$1 per applicant, which shall be  
 16 distributed to the League Against Cancer/La Liga Contra el  
 17 Cancer. Such contributions shall be distributed by the  
 18 department to the League Against Cancer/La Liga Contra el  
 19 Cancer, a not-for-profit organization that provides free medical  
 20 care to needy cancer patients. The department shall retain all  
 21 contributions necessary, up to a maximum of \$10,000, to defray  
 22 the cost of including the voluntary contribution language on the  
 23 registration forms.

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24  
25 For the purpose of applying the service charge provided in s.  
26 215.20, contributions received under this subsection are not  
27 income of a revenue nature.

28 Section 26. Subsection (7) of section 322.08, Florida  
29 Statutes, is amended to read:

30 322.08 Application for license; requirements for license  
31 and identification card forms.-

32 (7) The application form for an original, renewal, or  
33 replacement a driver's license or identification card ~~duplicate~~  
34 ~~thereof~~ shall include language permitting the following:

35 (a) A voluntary contribution of \$1 per applicant, which  
36 contribution shall be deposited into the Health Care Trust Fund  
37 for organ and tissue donor education and for maintaining the  
38 organ and tissue donor registry.

39 (b) A voluntary contribution of \$1 per applicant, which  
40 contribution shall be distributed to the Florida Council of the  
41 Blind.

42 (c) A voluntary contribution of \$2 per applicant, which  
43 shall be distributed to the Hearing Research Institute,  
44 Incorporated.

45 (d) A voluntary contribution of \$1 per applicant, which  
46 shall be distributed to the Juvenile Diabetes Foundation  
47 International.

48 (e) A voluntary contribution of \$1 per applicant, which  
49 shall be distributed to the Children's Hearing Help Fund.

50 (f) A voluntary contribution of \$1 per applicant, which  
51 shall be distributed to Family First, a nonprofit organization.

52 (g) A voluntary contribution of \$1 per applicant, to Stop  
53 Heart Disease, which shall be distributed to the Florida Heart  
54 Research Institute, a nonprofit organization.

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55 (h) Notwithstanding s. 322.081, a voluntary contribution  
56 of \$1 per applicant, which shall be distributed to the League  
57 Against Cancer/La Liga, a not-for-profit organization.

58 (i) Notwithstanding s. 322.081, a voluntary contribution  
59 of \$1 per applicant to the state homes for veterans, to be  
60 distributed on a quarterly basis by the department to the State  
61 Homes for Veterans Trust Fund, which is administered by the  
62 Department of Veterans' Affairs.

63  
64 A statement providing an explanation of the purpose of the trust  
65 funds shall also be included. For the purpose of applying the  
66 service charge provided in s. 215.20, contributions received  
67 under paragraphs (b)-(h) ~~(b), (c), (d), (e), (f), and (g)~~ and  
68 under s. 322.18(9) are not income of a revenue nature.

69  
70 -----  
71 **T I T L E A M E N D M E N T**

72 Remove lines 1555-1557 and insert:  
73 the definition of "motorcycle"; amending s. 320.02, F.S.;  
74 requiring the application forms for motor vehicle registration  
75 and renewal of registration to include language permitting the  
76 applicant to make a voluntary contribution to the League Against  
77 Cancer/La Liga; amending s. 322.08, F.S.; requiring the  
78 application form for an original, renewal, or replacement  
79 driver's license or identification card to include language  
80 permitting the applicant to make voluntary contributions for  
81 certain purposes; requiring such forms to include language  
82 permitting the applicant to make a voluntary contribution to the  
83 League Against Cancer/La Liga; providing for a \$1 voluntary  
84 contribution to state homes for veterans; providing for  
85 distribution of funds collected from such contributions;

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**Amendment No. AA2**

86 providing that such contributions are not considered income of a  
87 revenue nature;

88





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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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Eisnaugle offered the following:  
4

**Amendment (with title amendment)**

5  
6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 218.72, Florida Statutes, is reordered  
8 and amended to read:

9 218.72 Definitions.—As used in this part, the term:  
10 (8)(1) "Proper invoice" means an invoice that which  
11 conforms with all statutory requirements and with all  
12 requirements that have been specified by the local governmental  
13 entity to which the invoice is submitted. Such requirements must  
14 be included in the contract for the project for which the  
15 invoice is submitted.

16 (5)(2) "Local governmental entity" means a county or  
17 municipal government, school board, school district, authority,  
18 special taxing district, other political subdivision, or any

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19 office, board, bureau, commission, department, branch, division,  
20 or institution thereof.

21 ~~(4)~~~~(3)~~ "County" means a political subdivision of the state  
22 established pursuant to s. 1, Art. VIII of the State  
23 Constitution.

24 ~~(6)~~~~(4)~~ "Municipality" means a municipality created  
25 pursuant to general or special law and metropolitan and  
26 consolidated governments as provided in s. 6(e) and (f), Art.  
27 VIII of the State Constitution.

28 ~~(9)~~~~(5)~~ "Purchase" means the purchase of goods, services,  
29 or construction services; the purchase or lease of personal  
30 property; or the lease of real property by a local governmental  
31 entity.

32 ~~(10)~~~~(6)~~ "Vendor" means any person who sells goods or  
33 services, sells or leases personal property, or leases real  
34 property directly to a local governmental entity. The term  
35 includes any person who provides waste hauling services to  
36 residents or businesses located within the boundaries of a local  
37 government pursuant to a contract or local ordinance.

38 ~~(2)~~~~(7)~~ "Construction services" means all labor, services,  
39 and materials provided in connection with the construction,  
40 alteration, repair, demolition, reconstruction, or ~~any~~ other  
41 improvements to real property.

42 ~~(7)~~~~(8)~~ "Payment request" means a request for payment for  
43 construction services which conforms with all statutory  
44 requirements and ~~with~~ all requirements specified by the local  
45 governmental entity to which the payment request is submitted.

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46 Such requirements must be included in the contract for the  
47 project for which payment is requested.

48 (1)-(9) "Agent" means the project architect, project  
49 engineer, or any other agency or person acting on behalf of the  
50 local governmental entity. The agent who is required to review  
51 invoices or payment requests must be identified in accordance  
52 with s. 218.735(1).

53 (3)-(10) "Contractor" or "provider of construction  
54 services" means the any person who contracts directly with a  
55 local governmental entity to provide construction services.

56 Section 2. Subsections (1) through (7) of section 218.735,  
57 Florida Statutes, are amended to read:

58 218.735 Timely payment for purchases of construction  
59 services.-

60 (1) The due date for payment for the purchase of  
61 construction services by a local governmental entity is  
62 determined as follows:

63 (a) If an agent must approve the payment request or  
64 invoice before ~~prior to~~ the payment request or invoice is being  
65 submitted to the local governmental entity, payment is due 25  
66 business days after the date on which the payment request or  
67 invoice is stamped as received as provided in s. 218.74(1). The  
68 contractor may send the local government an overdue notice. If  
69 the payment request or invoice is not rejected within 2 business  
70 days after delivery of the overdue notice, the payment request  
71 or invoice shall be deemed accepted, except for any portion of  
72 the payment request or invoice that is fraudulent or misleading.

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73 (b) If an agent need not approve the payment request or  
74 invoice ~~which is~~ submitted by the contractor, payment is due 20  
75 business days after the date on which the payment request or  
76 invoice is stamped as received as provided in s. 218.74(1).  
77

78 A local governmental entity shall identify the agent or employee  
79 of the local governmental entity, or the facility or office, to  
80 which the contractor may submit its payment request or invoice.  
81 This requirement shall be included in the contract between the  
82 local governmental entity and contractor, or shall be provided  
83 by the local governmental entity through a separate written  
84 notice, as required under the contract, no later than 10 days  
85 after the contract award. A contractor's submission of a payment  
86 request or invoice to the identified agent, employee, facility,  
87 or office of the local governmental entity shall be stamped as  
88 received as provided in s. 218.74(1), and shall commence the  
89 time periods for payment or rejection of a payment request or  
90 invoice as provided in subsections (1) and (2).

91 (2) If a payment request or invoice does not meet the  
92 contract requirements, the local governmental entity ~~must~~ may  
93 reject the payment request or invoice within 20 business days  
94 after the date on which the payment request or invoice is  
95 stamped as received as provided in s. 218.74(1). The rejection  
96 must be written and must specify the deficiency ~~in the payment~~  
97 ~~request or invoice~~ and the action necessary to make the payment  
98 request or invoice proper.

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99 (3) If a payment request or an invoice is rejected under  
100 subsection (2) and the contractor submits a ~~corrected~~ payment  
101 request or invoice that which corrects the deficiency ~~specified~~  
102 ~~in writing by the local governmental entity~~, the corrected  
103 payment request or invoice must be paid or rejected on the later  
104 of:

105 (a) Ten business days after the date the corrected payment  
106 request or invoice is stamped as received as provided in s.  
107 218.74(1); or

108 (b) If the local governmental entity governing body is  
109 required by ordinance, charter, or other law to approve or  
110 reject the corrected payment request or invoice, the first  
111 business day after the next regularly scheduled meeting of the  
112 local governmental entity governing body held after the  
113 corrected payment request or invoice is stamped as received as  
114 provided in s. 218.74(1).

115 (4) If a dispute between the local governmental entity and  
116 the contractor cannot be resolved by the procedure in subsection  
117 (3), the dispute must be resolved in accordance with the dispute  
118 resolution procedure prescribed in the construction contract or  
119 in any applicable ordinance, which shall be referenced in the  
120 contract. In the absence of a prescribed procedure, the dispute  
121 must be resolved by the procedure specified in s. 218.76(2).

122 (5) If a local governmental entity disputes a portion of a  
123 payment request or an invoice, the undisputed portion shall be  
124 paid timely, in accordance with subsection (1).

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125 (6) ~~If~~ When a contractor receives payment from a local  
126 governmental entity for labor, services, or materials furnished  
127 by subcontractors and suppliers hired by the contractor, the  
128 contractor must ~~shall~~ remit payment due to those subcontractors  
129 and suppliers within 10 days after the contractor's receipt of  
130 payment. ~~If~~ When a subcontractor receives payment from a  
131 contractor for labor, services, or materials furnished by  
132 subcontractors and suppliers hired by the subcontractor, the  
133 subcontractor must ~~shall~~ remit payment due to those  
134 subcontractors and suppliers within 7 days after the  
135 subcontractor's receipt of payment. This subsection does not  
136 ~~Nothing herein shall~~ prohibit a contractor or subcontractor from  
137 disputing, pursuant to the terms of the relevant contract, all  
138 or any portion of a payment alleged to be due to another party  
139 if the contractor or subcontractor notifies the party whose  
140 payment is disputed, in writing, of the amount in dispute and  
141 the actions required to cure the dispute. The contractor or  
142 subcontractor must pay all undisputed amounts due within the  
143 time limits imposed by this section.

144 (7)~~(a)~~ Each contract for construction services between a  
145 local governmental entity and a contractor must provide for the  
146 development of a single list of items required to render  
147 complete, satisfactory, and acceptable the construction services  
148 purchased by the local governmental entity.

149 (a) The contract must specify the process for developing  
150 ~~the development of~~ the list, including the responsibilities of  
151 the local governmental entity and the contractor in developing

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152 and reviewing the list and a reasonable time for developing the  
153 list, ~~as follows:~~

154 1. For construction projects having an estimated cost of  
155 Less than \$10 million, within 30 calendar days after reaching  
156 substantial completion of the construction services purchased as  
157 defined in the contract, or, if not defined in the contract,  
158 upon reaching beneficial occupancy or use; or

159 2. For construction projects having an estimated cost of  
160 \$10 million or more, within 30 calendar days, or, if unless  
161 ~~otherwise~~ extended by contract, up to not to exceed 60 calendar  
162 days, after reaching substantial completion of the construction  
163 services purchased as defined in the contract, or, if not  
164 defined in the contract, upon reaching beneficial occupancy or  
165 use.

166  
167 The contract must also specify a date for the delivery of the  
168 list of items, not to exceed 5 days after the list of items has  
169 been developed and reviewed in accordance with the time periods  
170 set forth in subparagraphs 1. and 2.

171 (b) If the contract between the local governmental entity  
172 and the contractor relates to the purchase of construction  
173 services on more than one building or structure, or involves a  
174 multiphased project, the contract must provide for the  
175 development of a list of items required to render complete,  
176 satisfactory, and acceptable all the construction services  
177 purchased pursuant to the contract for each building, structure,



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178 or phase of the project within the time limitations provided in  
179 paragraph (a).

180 (c) The final contract completion date must be at least 30  
181 days after the delivery of the list of items. If the list is not  
182 provided to the contractor by the agreed upon date for delivery  
183 of the list, the contract time for completion must be extended  
184 by the number of days the local governmental entity exceeded the  
185 delivery date. Damages may not be assessed against a contractor  
186 for failing to complete a project within the time required by  
187 the contract, unless the contractor failed to complete the  
188 project within the contract period as extended pursuant to this  
189 paragraph.

190 (d)-(e) The failure to include any corrective work or  
191 pending items not yet completed on the list developed pursuant  
192 ~~to this subsection~~ does not alter the responsibility of the  
193 contractor to complete all the construction services purchased  
194 pursuant to the contract.

195 (e)-(d) Upon completion of all items on the list, the  
196 contractor may submit a payment request for all remaining  
197 retainage withheld by the local governmental entity pursuant to  
198 this section. If a good faith dispute exists as to whether one  
199 or more items identified on the list have been completed  
200 pursuant to the contract, the local governmental entity may  
201 continue to withhold up to ~~an amount not to exceed~~ 150 percent  
202 of the total costs to complete such items.

203 (f)-(e) All items that require correction under the  
204 contract and that are identified after the preparation and

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205 delivery of the list remain the obligation of the contractor as  
206 defined by the contract.

207 (g)~~(f)~~ Warranty items or items not included in the list of  
208 items required under paragraph (a) may not affect the final  
209 payment of retainage as provided in this section or as provided  
210 in the contract between the contractor and its subcontractors  
211 and suppliers.

212 (h)~~(g)~~ Retainage may not be held by a local governmental  
213 entity or a contractor to secure payment of insurance premiums  
214 under a consolidated insurance program or series of insurance  
215 policies issued to a local governmental entity or a contractor  
216 for a project or group of projects, and the final payment of  
217 retainage as provided in this section may not be delayed pending  
218 a final audit by the local governmental entity's or contractor's  
219 insurance provider.

220 (i)~~(h)~~ If a local governmental entity fails to comply with  
221 its responsibilities to develop the list required under  
222 paragraph (a) or paragraph (b), ~~as defined in the contract,~~  
223 within the time limitations provided in paragraph (a), the  
224 contractor may submit a payment request for all remaining  
225 retainage withheld by the local governmental entity pursuant to  
226 this section and payment of any remaining undisputed contract  
227 amount, less any amount withheld pursuant to the contract for  
228 incomplete or uncorrected work, must be paid within 20 business  
229 days after receipt of a proper invoice or payment request. If  
230 the local governmental entity has provided written notice to the  
231 contractor specifying the failure of the contractor to meet

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232 contract requirements in the development of the list of items to  
233 be completed, the local governmental entity need not pay or  
234 process any payment request for retainage if the contractor has,  
235 in whole or in part, failed to cooperate with the local  
236 governmental entity in the development of the list, ~~or~~ failed to  
237 perform its contractual responsibilities, if any, with regard to  
238 the development of the list, or if paragraph (8)(f) applies.

239 Section 3. Section 218.76, Florida Statutes, is amended to  
240 read:

241 218.76 Improper payment request or invoice; resolution of  
242 disputes.-

243 (1) ~~If in any case in which~~ an improper payment request or  
244 invoice is submitted by a vendor, the local governmental entity  
245 shall, within 10 days after the improper payment request or  
246 invoice is received ~~by it,~~ notify the vendor, in writing, that  
247 the payment request or invoice is improper and indicate what  
248 corrective action on the part of the vendor is needed to make  
249 the payment request or invoice proper.

250 (2) ~~If in the event~~ a dispute arises ~~occurs~~ between a  
251 vendor and a local governmental entity concerning payment of a  
252 payment request or ~~an invoice,~~ the dispute ~~such disagreement~~  
253 shall be finally determined by the local governmental entity  
254 pursuant to ~~as provided in this section.~~ ~~Each local governmental~~  
255 ~~entity shall establish~~ a dispute resolution procedure  
256 established ~~to be followed~~ by the local governmental entity ~~in~~  
257 ~~cases of such disputes.~~ Such procedure must ~~shall~~ provide that  
258 proceedings to resolve the dispute are ~~shall be~~ commenced within

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259 ~~not later than~~ 45 days after the date ~~on which~~ the payment  
260 request or proper invoice was received by the local governmental  
261 entity and ~~shall be~~ concluded by final decision of the local  
262 governmental entity within not later than 60 days after the date  
263 ~~on which~~ the payment request or proper invoice was received by  
264 the local governmental entity. Such procedures are ~~shall not be~~  
265 subject to chapter 120~~7~~, and do such procedures ~~shall not~~  
266 constitute an administrative proceeding that ~~which~~ prohibits a  
267 court from deciding de novo any action arising out of the  
268 dispute. If the dispute is resolved in favor of the local  
269 governmental entity, ~~then~~ interest charges ~~shall~~ begin to accrue  
270 15 days after the local governmental entity's final decision. If  
271 the dispute is resolved in favor of the vendor, ~~then~~ interest  
272 begins ~~shall begin~~ to accrue as of the original date the payment  
273 became due. If the local governmental entity does not commence  
274 the dispute resolution procedure within the time required, the  
275 contractor may give written notice to the local governmental  
276 entity of the failure to timely commence its dispute resolution  
277 procedure. If the local governmental entity fails to commence  
278 the dispute resolution procedure within 2 business days after  
279 such notice, any amounts resolved in the contractor's favor  
280 shall bear mandatory interest, as set forth in s. 218.735(9),  
281 from the date the payment request or invoice containing the  
282 disputed amounts was submitted to the local governmental entity.  
283 If the dispute resolution procedure is not commenced within 2  
284 business days after the notice, the objection to the payment  
285 request or invoice shall be deemed waived. The waiver of an

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286 objection pursuant to this subsection does not relieve a  
287 contractor of its contractual obligations.

288 (3) In an action to recover amounts due under this part  
289 ~~ss. 218.70-218.80~~, the court shall award court costs and  
290 reasonable attorney's fees, including fees incurred through any  
291 appeal, to the prevailing party, ~~if the court finds that the~~  
292 ~~nonprevailing party withheld any portion of the payment that is~~  
293 ~~the subject of the action without any reasonable basis in law or~~  
294 ~~fact to dispute the prevailing party's claim to those amounts.~~  
295 This paragraph shall not apply to any litigation commenced  
296 before October 1, 2010.

297 Section 4. This act shall take effect October 1, 2010.  
298  
299

300 -----  
301 **T I T L E A M E N D M E N T**

302 Remove lines 7-8 and insert:

303 procedures in the contract; prohibiting the assessment of  
304 damages against a



COUNCIL/COMMITTEE AMENDMENT

Bill No. HM 1187 (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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Horner offered the following:  
4

5 **Amendment**

6 Remove lines 36-42 and insert:  
7 workforce experience and the aerospace industrial base, NOW,  
8 THEREFORE,  
9





COUNCIL/COMMITTEE AMENDMENT

Bill No. HM 1199 (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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Crisafulli offered the following:  
4

5 **Amendment**

6 Remove lines 10-37 and insert:

7 WHEREAS, during the interim between the Apollo and Space  
8 Shuttle programs, the Space Shuttle program had to establish, at  
9 great expense, a new and untested workforce for Space Shuttle  
10 flight operations, and

11 WHEREAS, the first orbital flight of the Space Shuttle was  
12 launched on April 12, 1981, from the John F. Kennedy Space  
13 Center, and

14 WHEREAS, the final mission of the Space Shuttle program is  
15 scheduled for launch on September 16, 2010, and

16 WHEREAS, the first manned flight of the Orion spacecraft,  
17 the planned successor of the Space Shuttle, was not scheduled  
18 for launch until 2015, and

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Amendment No.

19 WHEREAS, on February 1, 2010, the President of the United  
20 States announced a proposal to cancel funding for the  
21 Constellation program, including the Orion spacecraft, NOW,  
22 THEREFORE,  
23



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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Horner offered the following:  
4

5                   **Amendment (with title amendment)**

6                   Remove everything after the enacting clause and insert:

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

11                   20.23 Department of Transportation.—There is created a  
12 Department of Transportation which shall be a decentralized  
13 agency.

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

18                   Section 2. Subsection (1) of section 212.055, Florida  
19 Statutes, is amended to read:

COUNCIL/COMMITTEE AMENDMENT  
Bill No. CS/CS/HB 1271 (2010)

Amendment No.1

20 212.055 Discretionary sales surtaxes; legislative intent;  
21 authorization and use of proceeds.—It is the legislative intent  
22 that any authorization for imposition of a discretionary sales  
23 surtax shall be published in the Florida Statutes as a  
24 subsection of this section, irrespective of the duration of the  
25 levy. Each enactment shall specify the types of counties  
26 authorized to levy; the rate or rates which may be imposed; the  
27 maximum length of time the surtax may be imposed, if any; the  
28 procedure which must be followed to secure voter approval, if  
29 required; the purpose for which the proceeds may be expended;  
30 and such other requirements as the Legislature may provide.  
31 Taxable transactions and administrative procedures shall be as  
32 provided in s. 212.054.

33 (1) CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX.—

34 (a) Each charter county that has adopted a charter, and  
35 each county the government of which is consolidated with that of  
36 one or more municipalities, may levy a discretionary sales  
37 surtax, subject to approval by a majority vote of the electorate  
38 of the county or by a charter amendment approved by a majority  
39 vote of the electorate of the county.

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

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

## Amendment No.1

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

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

54 2. Remitted by the governing body of the county to an  
55 expressway, transit, or transportation authority created by law  
56 to be used, at the discretion of such authority, for the  
57 development, construction, operation, or maintenance of roads or  
58 bridges in the county~~;~~ for the operation and maintenance of a  
59 bus system~~;~~ for the operation and maintenance of on-demand  
60 transportation services; for the payment of principal and  
61 interest on existing bonds issued for the construction of such  
62 roads or bridges~~;~~ and, upon approval by the county commission,  
63 such proceeds may be pledged for bonds issued to refinance  
64 existing bonds or new bonds issued for the construction of such  
65 roads or bridges;

66 3. Used by the charter county for the development,  
67 construction, operation, and maintenance of roads and bridges in  
68 the county; for the expansion, operation, and maintenance of bus  
69 and fixed guideway systems; for the expansion, operation, and  
70 maintenance of on-demand transportation services; and for the  
71 payment of principal and interest on bonds issued for the  
72 construction of fixed guideway rapid transit systems, bus  
73 systems, roads, or bridges; and such proceeds may be pledged by

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74 the governing body of the county for bonds issued to refinance  
75 existing bonds or new bonds issued for the construction of such  
76 fixed guideway rapid transit systems, bus systems, roads, or  
77 bridges and no more than 25 percent used for nontransit uses;  
78 and

79 4. Used by the charter county for the planning,  
80 development, construction, operation, and maintenance of roads  
81 and bridges in the county; for the planning, development,  
82 expansion, operation, and maintenance of bus and fixed guideway  
83 systems; for the planning, development, construction, operation,  
84 and maintenance of on-demand transportation services, and for  
85 the payment of principal and interest on bonds issued for the  
86 construction of fixed guideway rapid transit systems, bus  
87 systems, roads, or bridges; and such proceeds may be pledged by  
88 the governing body of the county for bonds issued to refinance  
89 existing bonds or new bonds issued for the construction of such  
90 fixed guideway rapid transit systems, bus systems, roads, or  
91 bridges. Pursuant to an interlocal agreement entered into  
92 pursuant to chapter 163, the governing body of the charter  
93 county may distribute proceeds from the tax to a municipality,  
94 or an expressway or transportation authority created by law to  
95 be expended for the purpose authorized by this paragraph. Any  
96 charter county that has entered into interlocal agreements for  
97 distribution of proceeds to one or more municipalities in the  
98 county shall revise such interlocal agreements no less than  
99 every 5 years in order to include any municipalities that have  
100 been created since the prior interlocal agreements were  
101 executed.

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102       (e) For purposes of the subsection "on-demand  
103 transportation services" means transportation provided between  
104 flexible points of origin and destination selected by individual  
105 users with such service being provided at a time that is agreed  
106 upon by the user and the provider of the service, and that is  
107 not fixed-schedule or fixed-route in nature.

108       Section 3. Paragraph (b) of subsection (3) of section  
109 310.0015, Florida Statutes, is amended to read:

110       310.0015 Piloting regulation; general provisions.—

111       (3) The rate-setting process, the issuance of licenses  
112 only in numbers deemed necessary or prudent by the board, and  
113 other aspects of the economic regulation of piloting established  
114 in this chapter are intended to protect the public from the  
115 adverse effects of unrestricted competition which would result  
116 from an unlimited number of licensed pilots being allowed to  
117 market their services on the basis of lower prices rather than  
118 safety concerns. This system of regulation benefits and protects  
119 the public interest by maximizing safety, avoiding uneconomic  
120 duplication of capital expenses and facilities, and enhancing  
121 state regulatory oversight. The system seeks to provide pilots  
122 with reasonable revenues, taking into consideration the normal  
123 uncertainties of vessel traffic and port usage, sufficient to  
124 maintain reliable, stable piloting operations. Pilots have  
125 certain restrictions and obligations under this system,  
126 including, but not limited to, the following:

127       (b) Pilots may not unilaterally determine the pilotage  
128 rates they charge. Such pilotage rates shall instead be



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129 determined by the Pilotage Rate Review Committee ~~Board~~, in the  
130 public interest, as set forth in s. 310.151.

131 Section 4. Subsection (7) of section 310.002, Florida  
132 Statutes, is amended to read:

133 310.002 Definitions.—As used in this chapter, except where  
134 the context clearly indicates otherwise:

135 (7) "Pilotage" means the compensation fixed by the  
136 Pilotage Rate Review Committee ~~Board~~ which is payable by a  
137 vessel, its owners, agents, charterers, or consignees to one or  
138 more pilots in the port where piloting is performed. The word  
139 "pilotage" also means the compensation of all types and sources  
140 derived by one or more pilots or deputy pilots for the  
141 performance of piloting at that port by licensed pilots or by  
142 certificated deputy pilots, whether such piloting is performed  
143 pursuant to this chapter or is performed by state-licensed  
144 pilots or state-certificated deputy pilots when acting as a  
145 federal pilot for vessels not required by this chapter to use a  
146 state-licensed pilot or state-certificated deputy pilot.

147 Section 5. Section 310.011, Florida Statutes, is amended  
148 to read:

149 310.011 Board of Pilot Commissioners.—

150 (1) A board is established within the Division of  
151 Professions of the Department of Business and Professional  
152 Regulation to be known as the Board of Pilot Commissioners. The  
153 board shall be composed of 10 members, to be appointed by the  
154 Governor, 5 of whom shall be licensed state pilots actively  
155 practicing their profession, two of whom shall be actively  
156 involved in a professional or business capacity in maritime or

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157 marine shipping or the commercial passenger cruise industry, one  
158 of whom shall be a certified public accountant with at least 5  
159 years experience in financial management and two citizens of the  
160 state. The board shall perform such duties and possess and  
161 exercise such powers relative to the protection of the waters,  
162 harbors, and ports of this state as are prescribed and conferred  
163 on it in this chapter.

164 ~~(2) In accordance with the requirements of subsection (1),~~  
165 ~~the Governor shall appoint five licensed state pilots who are~~  
166 ~~actively practicing their profession and five citizens of the~~  
167 ~~state who are not pilots, one of whom shall be actively involved~~  
168 ~~in a professional or business capacity in maritime or marine~~  
169 ~~shipping, one of whom shall be a user of piloting services, and~~  
170 ~~three of whom shall not be involved or monetarily interested in~~  
171 ~~the piloting profession or in the maritime industry or marine~~  
172 ~~shipping, to constitute the members of the board. For purposes~~  
173 ~~of this subsection, a "user of piloting services" may include~~  
174 ~~any person with an ownership interest in a business that~~  
175 ~~regularly employs licensed state pilots or certificated deputy~~  
176 ~~pilots for the purpose of delivering piloting services, or any~~  
177 ~~person who is a direct employee of, and who is employed in a~~  
178 ~~management position for, that business.~~ Each member shall be  
179 appointed for a term of 4 years. The Governor shall have power  
180 to remove members of the board from office for neglect of duty  
181 required by this chapter, for incompetency, or for  
182 unprofessional conduct. Any vacancy which may occur in the board  
183 in consequence of death, resignation, removal from the state, or  
184 other cause shall be filled for the unexpired term by the

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185 Governor in the same manner. A majority of those serving on the  
186 board shall constitute a quorum.

187 (3) In appointing members to the board who are pilots, the  
188 Governor shall appoint one member from the state at large; one  
189 member from any of the following ports: Pensacola, Panama City,  
190 or Port St. Joe; one member from any of the following ports:  
191 Tampa Bay, Boca Grande, Punta Gorda, Charlotte Harbor, or Key  
192 West; one member from any of the following ports: Fernandina,  
193 Jacksonville, or Port Canaveral; and one member from any of the  
194 following ports: Ft. Pierce, Miami, Port Everglades, or Palm  
195 Beach.

196 Section 6. Section 310.151, Florida Statutes, is amended  
197 to read:

198 (1) (a) For the purposes of this section, "committee"  
199 "board" means the Pilotage Rate Review Committee established  
200 under this section as part of the Board of Pilot Commissioners,  
201 and "board" means the Board of Pilot Commissioners.

202 (b) ~~1. To carry out the provisions of this section, the~~  
203 ~~Pilotage Rate Review Committee Board is established ~~created~~ as~~  
204 ~~part of the Board of Pilot Commissioners within the Department~~  
205 ~~of Business and Professional Regulation. ~~Members shall be~~~~  
206 ~~appointed by the Governor, subject to confirmation by the~~  
207 ~~Senate. ~~Members shall be appointed for 4-year terms, except as~~~~  
208 ~~otherwise specified in this paragraph. ~~No member may serve more~~~~  
209 ~~than two consecutive 4-year terms or more than 11 years on the~~  
210 ~~board. The committee board shall consist of seven members. Each~~  
211 ~~of the following five members of the board who are not pilots~~  
212 ~~shall be members of the committee: the board member actively~~

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213 involved in a professional or business capacity in maritime or  
214 marine shipping; the board member who is a user of piloting  
215 services, as defined in s. 310.011(2); and the three board  
216 members who are not involved or monetarily interested in the  
217 piloting profession or in the maritime industry or marine  
218 shipping. Two members of the committee shall be licensed state  
219 pilots serving on the board, who shall be appointed by majority  
220 vote of the licensed state pilots serving on the board. No  
221 ~~member may have ever served as a state pilot or deputy pilot,~~  
222 ~~and no member may currently serve or have served as a direct~~  
223 ~~employee, contract employee, partner, corporate officer, sole~~  
224 ~~proprietor, or representative of any vessel operator, shipping~~  
225 ~~agent, or pilot association or organization, except that one~~  
226 ~~member shall be or have been a person licensed by the United~~  
227 ~~States Coast Guard as an unlimited master, without a first-class~~  
228 ~~pilot's endorsement, initially appointed to a 2-year term. One~~  
229 ~~member shall be a certified public accountant with at least 5~~  
230 ~~years' experience in financial management, initially appointed~~  
231 ~~to a 3-year term. One member shall be a former hearing officer~~  
232 ~~or administrative law judge of the Division of Administrative~~  
233 ~~Hearings, as defined in s. 120.65, or a former judge who has~~  
234 ~~served on the Supreme Court or any district court of appeal,~~  
235 ~~circuit court, or county court, initially appointed to a 4-year~~  
236 ~~term. Except as otherwise provided in subparagraph 2., the~~  
237 ~~remaining members shall be appointed by the Governor from among~~  
238 ~~persons not prohibited pursuant to this paragraph. Members of~~  
239 ~~the board shall be appointed so as to be geographically~~  
240 ~~distributed, with the southern, central, northeastern, and~~

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241 ~~northwestern regions of the state having at least one member~~  
242 ~~each.~~

243 ~~2. Three members shall be the consumer members of the~~  
244 ~~Board of Pilot Commissioners serving on that board as of January~~  
245 ~~1, 1994. Of those members, one shall be appointed to a 1-year~~  
246 ~~term, one shall be appointed to a 2-year term, and one shall be~~  
247 ~~appointed to a 3-year term. Each of those members shall be~~  
248 ~~eligible for reappointment in the same fashion as other members~~  
249 ~~of the board, but, thereafter, no member of the board shall be a~~  
250 ~~current or former member of the Board of Pilot Commissioners.~~  
251 ~~The service of the consumer members of the Board of Pilot~~  
252 ~~Commissioners on this board, while they are maintaining~~  
253 ~~concurrent membership with the Board of Pilot Commissioners,~~  
254 ~~shall be considered duties in addition to and related to their~~  
255 ~~duties on the Board of Pilot Commissioners. In the event that~~  
256 ~~any of the three board members stipulated according to this~~  
257 ~~subparagraph are unable to serve, the Governor shall fill the~~  
258 ~~position or positions by appointment from among persons not~~  
259 ~~prohibited pursuant to this paragraph.~~

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

264 (d)-(e) The committee board has authority to adopt rules  
265 pursuant to ss. 120.536(1) and 120.54 to implement provisions of  
266 this section conferring duties upon it. The department shall  
267 provide the staff required by the committee board to carry out  
268 its duties under this section.

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269 ~~(e)-(d)~~ All funds received pursuant to this section shall  
270 be placed in the account of the Board of Pilot Commissioners,  
271 and the Board of Pilot Commissioners shall pay for all expenses  
272 incurred pursuant to this section.

273 (2) Any pilot, group of pilots, or other person or group  
274 of persons whose substantial interests are directly affected by  
275 the rates established by the committee board may apply to the  
276 committee board for a change in rates. However, an application  
277 for a change in rates shall not be considered for any port for  
278 which rates have been changed by this committee board in the 18  
279 months preceding the filing of the application. All applications  
280 for changes in rates shall be made to the committee board, in  
281 writing, pursuant to rules prescribed by the committee board. In  
282 the case of an application for a rate change on behalf of a  
283 pilot or group of pilots, the application shall be accompanied  
284 by a consolidated financial statement, statement of profit or  
285 loss, and balance sheet prepared by a certified public  
286 accountant of the pilot or group of pilots and all relevant  
287 information, fiscal and otherwise, on the piloting activities  
288 within the affected port area, including financial information  
289 on all entities owned or partially owned by the pilot or group  
290 of pilots which provide pilot-related services in the affected  
291 port area. In the case of an application for a rate change filed  
292 on behalf of persons other than a pilot or group of pilots,  
293 information regarding the financial state of interested parties  
294 other than pilots shall be required only to the extent that such  
295 financial information is made relevant by the application or  
296 subsequent argument before the committee board. The committee

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297 | ~~board~~ shall have the authority to set, by rule, a rate review  
298 | application fee of up to \$1,000, which must be submitted to the  
299 | committee ~~board~~ upon the filing of the application for a rate  
300 | change.

301 |       (3) The committee ~~board~~ shall investigate and determine  
302 | whether the requested rate change will result in fair, just, and  
303 | reasonable rates of pilotage pursuant to rules prescribed by the  
304 | committee ~~board~~. In addition to publication as required by law,  
305 | notice of a hearing to determine rates shall be mailed to each  
306 | person who has formally requested notice of any rate change in  
307 | the affected port area. The notice shall advise all interested  
308 | parties that they may file an answer, an additional or  
309 | alternative petition, or any other applicable pleading or  
310 | response, within 30 days after the date of publication of the  
311 | notice, and the notice shall specify the last date by which any  
312 | such pleading must be filed. The committee ~~board~~ may, for good  
313 | cause, extend the period for responses to a petition. Multiple  
314 | petitions filed in this manner do not warrant separate hearings,  
315 | and these petitions shall be consolidated to the extent that it  
316 | shall not be necessary to hold a separate hearing on each  
317 | petition. The committee ~~board~~ shall conclude its investigation,  
318 | conduct a public hearing, and determine whether to modify the  
319 | existing rates of pilotage in that port within 60 days after the  
320 | filing of the completed application, except that the committee  
321 | ~~board~~ may not be required to complete a hearing for more than  
322 | one port within any 60-day period. Hearings shall be held in the  
323 | affected port area, unless a different location is agreed upon  
324 | by all parties to the proceeding.

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325 (4) (a) The applicant shall be given written notice, either  
326 in person or by certified mail, that the committee ~~board~~ intends  
327 to modify the pilotage rates in that port and that the applicant  
328 may, within 21 days after receipt of the notice, request a  
329 hearing pursuant to the Administrative Procedure Act. Notice of  
330 the intent to modify the pilotage rates in that port shall also  
331 be published in the Florida Administrative Weekly and in a  
332 newspaper of general circulation in the affected port area and  
333 shall be mailed to any person who has formally requested notice  
334 of any rate change in the affected port area. Within 21 days  
335 after receipt or publication of notice, any person whose  
336 substantial interests will be affected by the intended committee  
337 ~~board~~ action may request a hearing pursuant to the  
338 Administrative Procedure Act. If the committee ~~board~~ concludes  
339 that the petitioner has raised a disputed issue of material  
340 fact, the committee ~~board~~ shall designate a hearing, which shall  
341 be conducted by formal proceeding before an administrative law  
342 judge assigned by the Division of Administrative Hearings  
343 pursuant to ss. 120.569 and 120.57(1), unless waived by all  
344 parties. If the committee ~~board~~ concludes that the petitioner  
345 has not raised a disputed issue of material fact and does not  
346 designate the petition for hearing, that decision shall be  
347 considered final agency action for purposes of s. 120.68. The  
348 failure to request a hearing within 21 days after receipt or  
349 publication of notice shall constitute a waiver of any right to  
350 an administrative hearing and shall cause the order modifying  
351 the pilotage rates in that port to be entered. If an  
352 administrative hearing is requested pursuant to this subsection,



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353 notice of the time, date, and location of the hearing shall be  
354 published in the Florida Administrative Weekly and in a  
355 newspaper of general circulation in the affected port area and  
356 shall be mailed to the applicant and to any person who has  
357 formally requested notice of any rate change for the affected  
358 port area.

359 (b) In any administrative proceeding pursuant to this  
360 section, the committee's ~~board's~~ proposed rate determination  
361 shall be immediately effective and shall not be stayed during  
362 the administrative proceeding, provided that, pending rendition  
363 of the committee's ~~board's~~ final order, the pilot or pilots in  
364 the subject port deposit in an interest-bearing account all  
365 amounts received which represent the difference between the  
366 previous rates and the proposed rates. The pilot or pilots in  
367 the subject port shall keep an accurate accounting of all  
368 amounts deposited, specifying by whom or on whose behalf such  
369 amounts were paid, and shall produce such an accounting upon  
370 request of the committee ~~board~~. Upon rendition of the  
371 committee's ~~board's~~ final order:

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

376 2. Any amounts deposited which exceed the rates sustained  
377 in the committee's ~~board's~~ final order shall be refunded, with  
378 the accrued interest, to those customers from whom the funds  
379 were collected. Any funds that are not refunded after diligent

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380 effort of the pilot or pilots to do so shall be disbursed by the  
381 pilot or pilots as the committee ~~board~~ shall direct.

382 (5) (a) In determining whether the requested rate change  
383 will result in fair, just, and reasonable rates, the committee  
384 ~~board~~ shall give primary consideration to the public interest in  
385 promoting and maintaining efficient, reliable, and safe piloting  
386 services.

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

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

391 2. A determination of the average net income of pilots in  
392 the port, including the value of all benefits derived from  
393 service as a pilot. For the purposes of this subparagraph, "net  
394 income of pilots" refers to total pilotage fees collected in the  
395 port, minus reasonable operating expenses, divided by the number  
396 of licensed and active state pilots within the ports.

397 3. Reasonable operating expenses of pilots.

398 4. Pilotage rates in other ports.

399 5. The amount of time each pilot spends on actual piloting  
400 duty and the amount of time spent on other essential support  
401 services.

402 6. The prevailing compensation available to individuals in  
403 other maritime services of comparable professional skill and  
404 standing as that sought in pilots, it being recognized that in  
405 order to attract to the profession of piloting, and to hold the  
406 best and most qualified individuals as pilots, the overall  
407 compensation accorded pilots should be equal to or greater than

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408 that available to such individuals in comparable maritime  
409 employment.

410 7. The impact rate change may have in individual pilot  
411 compensation and whether such change will lead to a shortage of  
412 licensed state pilots, certificated deputy pilots, or qualified  
413 pilot applicants.

414 8. Projected changes in vessel traffic.

415 9. Cost of retirement and medical plans.

416 10. Physical risks inherent in piloting.

417 11. Special characteristics, dangers, and risks of the  
418 particular port.

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

421 (c) The committee ~~board~~ may take into consideration the  
422 consumer price index or any other comparable economic indicator  
423 when fixing rates of pilotage; however, because the consumer  
424 price index or such other comparable economic indicator is  
425 primarily related to net income rather than rates, the committee  
426 ~~board~~ shall not use it as the sole factor in fixing rates of  
427 pilotage.

428 (6) The committee ~~board~~ shall fix rates of pilotage  
429 pursuant to this section based upon the following vessel  
430 characteristics:

431 (a) Length.

432 (b) Beam.

433 (c) Net tonnage, gross tonnage, or dead weight tonnage.

434 (d) Freeboard or height above the waterline.

435 (e) Draft or molded depth.

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436 (f) Any combination of the vessel characteristics listed  
437 in this subsection or any other relevant vessel characteristic  
438 or characteristics.

439 Section 7. Paragraph (c) of subsection (12) of section  
440 315.03, Florida Statutes, is repealed.

441 Section 8. Subsection (86) of Section 316.003, Florida  
442 Statutes, is created to read:

443 316.003 Definitions.—The following words and phrases, when  
444 used in this chapter, shall have the meanings respectively  
445 ascribed to them in this section, except where the context  
446 otherwise requires:

447 (86) MOTOR CARRIER TRANSPORTATION CONTRACT. -

448 (1) A contract, agreement, or understanding covering:

449 (a) The transportation of property for compensation or hire  
450 by the motor carrier;

451 (b) Entrance on property by the motor carrier for the  
452 purpose of loading, unloading, or transporting property for  
453 compensation or hire; or

454 (c) A service incidental to activity described in paragraph  
455 (a) or (b), including, but not limited to, storage of property.

456 (2) Motor carrier transportation contract shall not include the  
457 Uniform Intermodal Interchange and Facilities Access Agreement  
458 administered by the Intermodal Association of North America or  
459 other agreements providing for the interchange, use, or  
460 possession of intermodal chassis, containers, or other  
461 intermodal equipment.

462 Section 9. Paragraph (b) of subsection (2) and subsection  
463 (4) of section 316.1001, Florida Statutes, are amended to read:

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464 316.1001 Payment of toll on toll facilities required;  
465 penalties.-

466 (2)

467 (b) A citation issued under this subsection may be issued  
468 by mailing the citation by first-class ~~first class~~ mail, ~~or by~~  
469 ~~certified mail~~, return receipt requested, to the address of the  
470 registered owner of the motor vehicle involved in the violation.  
471 Receipt of Mailing the citation ~~to this address~~ constitutes  
472 notification. In the case of joint ownership of a motor vehicle,  
473 the traffic citation must be mailed to the first name appearing  
474 on the registration, unless the first name appearing on the  
475 registration is a business organization, in which case the  
476 second name appearing on the registration may be used. A  
477 citation issued under this paragraph must be mailed to the  
478 registered owner of the motor vehicle involved in the violation  
479 within 14 days after the date of issuance of the citation  
480 ~~violation~~. In addition to the citation, notification must be  
481 sent to the registered owner of the motor vehicle involved in  
482 the violation specifying remedies available under ss. 318.14(12)  
483 and 318.18(7).

484 (4) Any governmental entity, including, without  
485 limitation, a clerk of court, may provide ~~supply~~ the department  
486 with data that is machine readable by the department's computer  
487 system, listing persons who have one or more outstanding  
488 violations of this section, with reference to the person's  
489 driver's license number or vehicle registration number in the  
490 case of a business entity. Pursuant to s. 320.03(8), those

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491 persons may not be issued a license plate or revalidation  
492 sticker for any motor vehicle.

493 Section 10. Paragraph (b) of subsection (1) of section  
494 316.302, Florida Statutes, is amended and subsection (12) is  
495 added to that section, to read:

496 316.302 Commercial motor vehicles; safety regulations;  
497 transporters and shippers of hazardous materials; enforcement.--

498 (1)

499 (b) Except as otherwise provided in this section, all  
500 owners or drivers of commercial motor vehicles that are engaged  
501 in intrastate commerce are subject to the rules and regulations  
502 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
503 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
504 of bus, as such rules and regulations existed on October 1, 2009  
505 2007.

506 (12)

507 (a) Notwithstanding any provision of law to the contrary, a  
508 provision, clause, covenant, or agreement contained in,  
509 collateral to, or affecting a motor carrier transportation  
510 contract that purports to indemnify, defend, or hold harmless,  
511 or has the effect of indemnifying, defending, or holding  
512 harmless, the promisee from or against any liability for loss or  
513 damage resulting from the negligence or intentional acts or  
514 omissions of the promisee is against the public policy of this  
515 state and is void and unenforceable.

516 (b) For purposes of this subsection, "promisee" means the  
517 contract's promisee and any agents, employees, servants, or  
518 independent contractors who are directly responsible to the

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519 contract's promise, except that promisee does not include motor  
520 carriers which are party to a motor carrier transportation  
521 contract with the contract's promisee including such motor  
522 carrier's agents, employees, servants, or independent  
523 contractors directly responsible to such motor carrier.

524 (c) This subsection only applies to motor carrier  
525 transportation contracts entered into or renewed on or after  
526 July 1, 2010.

527 Section 11. Paragraphs (c) and (d) of subsection (3) of  
528 section 316.545, Florida Statutes, are redesignated as  
529 paragraphs (d) and (e), respectively, and a new paragraph (c) is  
530 added to that subsection to read:

531 316.545 Weight and load unlawful; special fuel and motor  
532 fuel tax enforcement; inspection; penalty; review.—

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

537 (c) For a vehicle equipped with fully functional idle-  
538 reduction technology, any penalty shall be calculated by  
539 reducing the actual gross vehicle weight or the internal bridge  
540 weight by the certified weight of the idle-reduction technology  
541 or by 400 pounds, whichever is less. The vehicle operator must  
542 present written certification of the weight of the idle-  
543 reduction technology and must demonstrate or certify that the  
544 idle-reduction technology is fully functional at all times. This  
545 calculation is not allowed for vehicles described in s.  
546 316.535(6);

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547 Section 12. Subsections (4) through (10) of section  
548 316.550, Florida Statutes, are renumbered as subsections (5)  
549 through (11), respectively, present subsection (7) is amended,  
550 and a new subsection (4) is added to that section, to read:

551 316.550 Operations not in conformity with law; special  
552 permits.—

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

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

562 (c) Any vehicle or combination of vehicles which exceeds  
563 the weight limits authorized in paragraph (a) shall be unloaded  
564 and all material so unloaded shall be cared for by the owner or  
565 operator.

566 (8) ~~(7)~~ The Department of Transportation may impose fines  
567 for the operation of a vehicle in violation of this section, as  
568 provided in subsection (10) ~~(9)~~.

569 Section 13. Subsection (7) of section 318.18, Florida  
570 Statutes, is amended to read:

571 318.18 Amount of penalties.—The penalties required for a  
572 noncriminal disposition pursuant to s. 318.14 or a criminal  
573 offense listed in s. 318.17 are as follows:



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574 (7) Mandatory \$100 fine for each violation of s. 316.1001  
575 plus the amount of the unpaid toll shown on the traffic citation  
576 for each citation issued. The clerk of the court shall forward  
577 \$25 of the \$100 fine received, plus the amount of the unpaid  
578 toll that is shown on the citation, to the governmental entity  
579 that issued the citation for citations issued by toll  
580 enforcement officers or to the entity administering the tolls at  
581 the facility where the violation occurred for citations issued  
582 by law enforcement officers. However, a person may elect to pay  
583 \$30 to the clerk of the court, plus the amount of the unpaid  
584 toll that is shown on the citation, in which case adjudication  
585 is withheld, and no points may be assessed under s. 322.27. Upon  
586 receipt of the \$30 and unpaid toll amount, the clerk of the  
587 court shall retain \$5 for administrative purposes and shall  
588 forward the remaining \$25, plus the amount of the unpaid toll  
589 shown on the citation, to the governmental entity that issued  
590 the citation for citations issued by toll enforcement officers  
591 or to the entity administering the tolls at the facility where  
592 the violation occurred for citations issued by law enforcement  
593 officers. Additionally, adjudication shall be withheld and no  
594 points shall be assessed under s. 322.27, except when  
595 adjudication is imposed by the court after a hearing pursuant to  
596 s. 318.14(5), or on whose behalf the citation was issued. If a  
597 plea arrangement is reached prior to the date set for a  
598 scheduled evidentiary hearing and, as a result of the plea,  
599 adjudication is withheld, there shall be a mandatory fine  
600 assessed per citation of not less than \$50 and not more than  
601 \$100, plus the amount of the unpaid toll for each citation

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602 issued. The clerk of the court shall forward \$25 of the fine  
603 imposed plus the amount of the unpaid toll that is shown on the  
604 citation to the governmental entity that issued the citation for  
605 citations issued by toll enforcement officers or to the entity  
606 administering the tolls at the facility where the violation  
607 occurred for citations issued by law enforcement officers ~~or on~~  
608 ~~whose behalf the citation was issued.~~ The court shall have  
609 specific authority to consolidate issued citations for the same  
610 defendant for the purpose of sentencing and aggregate  
611 jurisdiction. In addition, the court may direct the department  
612 to ~~shall~~ suspend for 60 days the driver's license of a person  
613 who is convicted of 10 violations of s. 316.1001 within a 36-  
614 month period. Any funds received by a governmental entity for  
615 this violation may be used for any lawful purpose related to the  
616 operation or maintenance of a toll facility.

617 Section 14. Subsection (8) of section 320.03, Florida  
618 Statutes, is amended to read:

619 320.03 Registration; duties of tax collectors;  
620 International Registration Plan.-

621 (8) If the applicant's name appears on the list referred  
622 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a  
623 license plate or revalidation sticker may not be issued until  
624 that person's name no longer appears on the list or until the  
625 person presents a receipt from the governmental entity or the  
626 clerk of court that provided the data showing that the fines  
627 outstanding have been paid. This subsection does not apply to  
628 the owner of a leased vehicle if the vehicle is registered in  
629 the name of the lessee of the vehicle. The tax collector and the

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630 clerk of the court are each entitled to receive monthly, as  
631 costs for implementing and administering this subsection, 10  
632 percent of the civil penalties and fines recovered from such  
633 persons. As used in this subsection, the term "civil penalties  
634 and fines" does not include a wrecker operator's lien as  
635 described in s. 713.78(13). If the tax collector has private tag  
636 agents, such tag agents are entitled to receive a pro rata share  
637 of the amount paid to the tax collector, based upon the  
638 percentage of license plates and revalidation stickers issued by  
639 the tag agent compared to the total issued within the county.  
640 The authority of any private agent to issue license plates shall  
641 be revoked, after notice and a hearing as provided in chapter  
642 120, if he or she issues any license plate or revalidation  
643 sticker contrary to the provisions of this subsection. This  
644 section applies only to the annual renewal in the owner's birth  
645 month of a motor vehicle registration and does not apply to the  
646 transfer of a registration of a motor vehicle sold by a motor  
647 vehicle dealer licensed under this chapter, except for the  
648 transfer of registrations which is inclusive of the annual  
649 renewals. This section does not affect the issuance of the title  
650 to a motor vehicle, notwithstanding s. 319.23(7)(b).

651 Section 15. Section 7. Paragraph (e) of subsection (5) of  
652 section 320.08, Florida Statutes, is amended to read:

653 320.08 License taxes.—Except as otherwise provided herein,  
654 there are hereby levied and imposed annual license taxes for the  
655 operation of motor vehicles, mopeds, motorized bicycles as  
656 defined in s. 316.003(2), and mobile homes, as defined in s.  
657 320.01, which shall be paid to and collected by the department

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658 or its agent upon the registration or renewal of registration of  
659 the following:

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

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

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

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

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

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

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

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

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

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

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

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

699 Section 16. Paragraph (b) of subsection (32) of section  
700 320.08058, Florida Statutes, is amended to read:

701 320.08058 Specialty license plates.—

702 (32) UNITED WE STAND LICENSE PLATES.—

703 (b) The department shall retain all revenues from the sale  
704 of such plates until all startup costs for developing and  
705 issuing the plates have been recovered. Thereafter, 100 percent  
706 of the annual use fee shall be distributed to the Department of  
707 Transportation to fund security-related aviation projects  
708 pursuant to chapter 332 SAFE Council to fund a grant program to  
709 enhance security at airports throughout the state, pursuant to  
710 s. 332.14.

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711 Section 17. Paragraph (d) of subsection (3) of section  
712 322.27, Florida Statutes, is amended to read:

713 322.27 Authority of department to suspend or revoke  
714 license.—

715 (3) There is established a point system for evaluation of  
716 convictions of violations of motor vehicle laws or ordinances,  
717 and violations of applicable provisions of s. 403.413(6)(b) when  
718 such violations involve the use of motor vehicles, for the  
719 determination of the continuing qualification of any person to  
720 operate a motor vehicle. The department is authorized to suspend  
721 the license of any person upon showing of its records or other  
722 good and sufficient evidence that the licensee has been  
723 convicted of violation of motor vehicle laws or ordinances, or  
724 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
725 more points as determined by the point system. The suspension  
726 shall be for a period of not more than 1 year.

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

- 730 1. Reckless driving, willful and wanton—4 points.
- 731 2. Leaving the scene of a crash resulting in property  
732 damage of more than \$50—6 points.
- 733 3. Unlawful speed resulting in a crash—6 points.
- 734 4. Passing a stopped school bus—4 points.
- 735 5. Unlawful speed:
  - 736 a. Not in excess of 15 miles per hour of lawful or posted  
737 speed—3 points.

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738 b. In excess of 15 miles per hour of lawful or posted  
739 speed—4 points.

740 6. A violation of a traffic control signal device as  
741 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

742 7. All other moving violations (including parking on a  
743 highway outside the limits of a municipality)—3 points. However,  
744 no points shall be imposed for a violation of s. 316.0741 or s.  
745 316.2065(12); and points shall be imposed for a violation of s.  
746 316.1001 only when imposed by the court after a hearing pursuant  
747 to s. 318.14(5).

748 8. Any moving violation covered above, excluding unlawful  
749 speed, resulting in a crash—4 points.

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

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

752 Section 18. Section 332.14, Florida Statutes, is repealed.

753 Section 19. All funds accrued by the Secure Airports for  
754 Florida's Economy Council prior to July 1, 2010, shall be  
755 retained by the Department of Transportation. The Department of  
756 Transportation is authorized to use these funds for statewide  
757 training purposes relating to airport security and management.  
758 The Department of Transportation is further authorized to use  
759 these funds for security-related aviation projects pursuant to  
760 chapter 332, Florida Statutes.

761 Section 20. Subsection (1) of section 337.14, Florida  
762 Statutes, is amended to read:

763 337.14 Application for qualification; certificate of  
764 qualification; restrictions; request for hearing.—

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765 (1) Any person desiring to bid for the performance of any  
766 construction contract in excess of \$250,000 which the department  
767 proposes to let must first be certified by the department as  
768 qualified pursuant to this section and rules of the department.  
769 The rules of the department shall address the qualification of  
770 persons to bid on construction contracts in excess of \$250,000  
771 and shall include requirements with respect to the equipment,  
772 past record, experience, financial resources, and organizational  
773 personnel of the applicant necessary to perform the specific  
774 class of work for which the person seeks certification. The  
775 department is authorized to limit the dollar amount of any  
776 contract upon which a person is qualified to bid or the  
777 aggregate total dollar volume of contracts such person is  
778 allowed to have under contract at any one time. Each applicant  
779 seeking qualification to bid on construction contracts in excess  
780 of \$250,000 shall furnish the department a statement under oath,  
781 on such forms as the department may prescribe, setting forth  
782 detailed information as required on the application. Each  
783 application for certification shall be accompanied by the latest  
784 annual financial statement of the applicant completed within the  
785 last 12 months. If the application or the annual financial  
786 statement shows the financial condition of the applicant more  
787 than 4 months prior to the date on which the application is  
788 received by the department, then an interim financial statement  
789 must ~~also~~ be submitted and be accompanied by an updated  
790 application. The interim financial statement must cover the  
791 period from the end date of the annual statement and must show  
792 the financial condition of the applicant no more than 4 months



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793 prior to the date the interim financial statement ~~on which the~~  
794 ~~application~~ is received by the department. Each required annual  
795 or interim financial statement must be audited and accompanied  
796 by the opinion of a certified public accountant or a public  
797 accountant approved by the department. The information required  
798 by this subsection is confidential and exempt from the  
799 provisions of s. 119.07(1). The department shall act upon the  
800 application for qualification within 30 days after the  
801 department determines that the application is complete. The  
802 department may waive the requirements of this subsection for  
803 projects having a contract price of \$500,000 or less if the  
804 department determines that the project is of a noncritical  
805 nature and the waiver will not endanger public health, safety,  
806 or property.

807 Section 21. Subsection (1) of section 337.401, Florida  
808 Statutes, is amended to read:

809 337.401 Use of right-of-way for utilities subject to  
810 regulation; permit; fees.-

811 (1) (a) The department and local governmental entities,  
812 referred to in ss. 337.401-337.404 as the "authority," that have  
813 jurisdiction and control of public roads or publicly owned rail  
814 corridors are authorized to prescribe and enforce reasonable  
815 rules or regulations with reference to the placing and  
816 maintaining along, across, or on any road or publicly owned rail  
817 corridors under their respective jurisdictions any electric  
818 transmission, telephone, telegraph, or other communications  
819 services lines; pole lines; poles; railways; ditches; sewers;  
820 water, heat, or gas mains; pipelines; fences; gasoline tanks and

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821 pumps; or other structures referred to in this section as the  
822 "utility." ~~For aerial and underground electric utility~~  
823 ~~transmission lines designed to operate at 69 or more kilovolts~~  
824 ~~that are needed to accommodate the additional electrical~~  
825 ~~transfer capacity on the transmission grid resulting from new~~  
826 ~~base-load generating facilities, where there is no other~~  
827 ~~practicable alternative available for placement of the electric~~  
828 ~~utility transmission lines on the department's rights-of-way,~~  
829 ~~the department's rules shall provide for placement of and access~~  
830 ~~to such transmission lines adjacent to and within the right-of-~~  
831 ~~way of any department-controlled public roads, including~~  
832 ~~longitudinally within limited access facilities to the greatest~~  
833 ~~extent allowed by federal law, if compliance with the standards~~  
834 ~~established by such rules is achieved. Such rules may include,~~  
835 ~~but need not be limited to, that the use of the right-of-way is~~  
836 ~~reasonable based upon a consideration of economic and~~  
837 ~~environmental factors, including, without limitation, other~~  
838 ~~practicable alternative alignments, utility corridors and~~  
839 ~~easements, impacts on adjacent property owners, and minimum~~  
840 ~~clear zones and other safety standards, and further provide that~~  
841 ~~placement of the electric utility transmission lines within the~~  
842 ~~department's right-of-way does not interfere with operational~~  
843 ~~requirements of the transportation facility or planned or~~  
844 ~~potential future expansion of such transportation facility. If~~  
845 ~~the department approves longitudinal placement of electric~~  
846 ~~utility transmission lines in limited access facilities,~~  
847 ~~compensation for the use of the right-of-way is required. Such~~  
848 ~~consideration or compensation paid by the electric utility in~~

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849 ~~connection with the department's issuance of a permit does not~~  
850 ~~create any property right in the department's property~~  
851 ~~regardless of the amount of consideration paid or the~~  
852 ~~improvements constructed on the property by the utility. Upon~~  
853 ~~notice by the department that the property is needed for~~  
854 ~~expansion or improvement of the transportation facility, the~~  
855 ~~electric utility transmission line will relocate from the~~  
856 ~~facility at the electric utility's sole expense. The electric~~  
857 ~~utility shall pay to the department reasonable damages resulting~~  
858 ~~from the utility's failure or refusal to timely relocate its~~  
859 ~~transmission lines. The rules to be adopted by the department~~  
860 ~~may also address the compensation methodology and relocation. As~~  
861 ~~used in this subsection, the term "base-load generating~~  
862 ~~facilities" means electric power plants that are certified under~~  
863 ~~part II of chapter 403. The department may enter into a permit-~~  
864 ~~delegation agreement with a governmental entity if issuance of a~~  
865 ~~permit is based on requirements that the department finds will~~  
866 ~~ensure the safety and integrity of facilities of the Department~~  
867 ~~of Transportation; however, the permit-delegation agreement does~~  
868 ~~not apply to facilities of electric utilities as defined in s.~~  
869 ~~366.02(2).~~

870 (b) For aerial and underground electric utility  
871 transmission lines designed to operate at 69 or more kilovolts  
872 that are needed to accommodate the additional electrical  
873 transfer capacity on the transmission grid resulting from new  
874 base-load generating facilities, the department's rules shall  
875 provide for placement of and access to such transmission lines  
876 adjacent to and within the right-of-way of any department-

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877 controlled public roads, including longitudinally within limited  
878 access facilities where there is no other practicable  
879 alternative available, to the greatest extent allowed by federal  
880 law, if compliance with the standards established by such rules  
881 is achieved. Without limiting or conditioning the department's  
882 jurisdiction or authority described in subsection (1)(a) above,  
883 with respect to limited access right-of-way, such rules may  
884 include, but need not be limited to, that the use of the right-  
885 of-way for longitudinal placement of electric utility  
886 transmission lines is reasonable based upon a consideration of  
887 economic and environmental factors, including, without  
888 limitation, other practicable alternative alignments, utility  
889 corridors and easements, impacts on adjacent property owners,  
890 and minimum clear zones and other safety standards, and further  
891 provide that placement of the electric utility transmission  
892 lines within the department's right-of-way does not interfere  
893 with operational requirements of the transportation facility or  
894 planned or potential future expansion of such transportation  
895 facility. If the department approves longitudinal placement of  
896 electric utility transmission lines in limited access  
897 facilities, compensation for the use of the right-of-way is  
898 required. Such consideration or compensation paid by the  
899 electric utility in connection with the department's issuance of  
900 a permit does not create any property right in the department's  
901 property regardless of the amount of consideration paid or the  
902 improvements constructed on the property by the utility. Upon  
903 notice by the department that the property is needed for  
904 expansion or improvement of the transportation facility, the

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905 electric utility transmission line will be removed or relocated  
906 at the electric utility's sole expense. The electric utility  
907 shall pay to the department reasonable damages resulting from  
908 the utility's failure or refusal to timely remove or relocate  
909 its transmission lines. The rules to be adopted by the  
910 department may also address the compensation methodology and  
911 removal or relocation. As used in this subsection, the term  
912 "base-load generating facilities" means electric power plants  
913 that are certified under part II of chapter 403.

914 Section 22. Subsection (4) of section 337.406, Florida  
915 Statutes, is renumbered as subsection (5), and a new subsection  
916 (4) is added to that section to read:

917 337.406 Unlawful use of state transportation facility  
918 right-of-way; penalties.—

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

922 Section 23. Subsection (1) of section 338.155, Florida  
923 Statutes, is amended to read:

924 338.155 Payment of toll on toll facilities required;  
925 exemptions.—

926 (1) No persons are permitted to use any toll facility  
927 without payment of tolls, except employees of the agency  
928 operating the toll project when using the toll facility on  
929 official state business, state military personnel while on  
930 official military business, handicapped persons as provided in  
931 this section, persons exempt from toll payment by the  
932 authorizing resolution for bonds issued to finance the facility,

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933 and persons exempt on a temporary basis where use of such toll  
934 facility is required as a detour route. Any law enforcement  
935 officer operating a marked official vehicle is exempt from toll  
936 payment when on official law enforcement business. Any person  
937 operating a fire vehicle when on official business or a rescue  
938 vehicle when on official business is exempt from toll payment.  
939 Any person participating in the funeral procession of a law  
940 enforcement officer or firefighter killed in the line of duty is  
941 exempt from toll payment. The secretary, or the secretary's  
942 designee, may suspend the payment of tolls on a toll facility  
943 when necessary to assist in emergency evacuation. The failure to  
944 pay a prescribed toll constitutes a noncriminal traffic  
945 infraction, punishable as a moving violation pursuant to s.  
946 318.18. The department is authorized to adopt rules relating to  
947 the payment, collection, and enforcement of tolls, as authorized  
948 in chs. 316, 318, 320, 322, and 338, including, but not limited  
949 to, rules for the implementation of video or other image billing  
950 and variable pricing ~~guaranteed toll accounts.~~

951 Section 24. Subsection (7) is added to section 341.051,  
952 Florida Statutes, to read:

953 341.051 Administration and financing of public transit and  
954 intercity bus service programs and projects.—

955 (7) INTEROPERABLE FARE COLLECTION SYSTEMS.—

956 (a) The Legislature recognizes the importance of  
957 encouraging the seamless use of local and regional public  
958 transportation systems by residents of and visitors to the state  
959 wherever possible. The paramount concern is to encourage the  
960 implementation of fare collection systems that are interoperable

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961 and compatible with multiple public transportation systems  
962 throughout the state.

963 (b) Notwithstanding any other provision of law to the  
964 contrary, in order to facilitate the ease of transfer from one  
965 public transportation system to another, any public transit  
966 system which connects directly with a new public rail system put  
967 into service after December 1, 2010, and which is adding a new  
968 fare media system or is upgrading its existing fare media system  
969 shall use a universal common contactless fare media that is  
970 compatible with the American Public Transportation Association's  
971 Contactless Fare Media System Standard and allows users to  
972 purchase fares at a single point of sale with coin, cash, or  
973 credit card. This paragraph does not require the use of a  
974 universal common contactless fare media for the paratransit  
975 element of any transit system or by any public transit system  
976 that does not share one or more points of origin or destination  
977 with a public rail system.

978  
979 For purposes of this section, the term "net operating costs"  
980 means all operating costs of a project less any federal funds,  
981 fares, or other sources of income to the project.

982 Section 25. Subsection (7) of section 341.3025, Florida  
983 Statutes, is renumbered as subsection (8), and a new subsection  
984 (7) is added to that section to read:

985 341.3025 Multicounty public rail system fares and  
986 enforcement.—

987 (7) (a) The Legislature recognizes the importance of  
988 encouraging the seamless use of local and regional public

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989 transportation systems by residents of and visitors to the state  
990 wherever possible. The paramount concern is to encourage the  
991 implementation of fare collection systems that are interoperable  
992 and compatible with multiple public transportation systems  
993 throughout the state.

994 (b) Notwithstanding any other provision of law to the  
995 contrary, in order to facilitate the ease of transfer from one  
996 public transportation system to another, any new public rail  
997 system that is constructed after December 1, 2010, by the state,  
998 an agency of the state, a regional transportation authority, or  
999 one or more counties or municipalities shall use a universal  
1000 common contactless fare media that is compatible with the  
1001 American Public Transportation Association's Contactless Fare  
1002 Media System Standard and allows users to purchase fares at a  
1003 single point of sale with coin, cash, or credit card.  
1004 Additionally, any existing public rail system that is adding a  
1005 new fare media system or is upgrading its existing fare media  
1006 system shall use a universal common contactless fare media that  
1007 is compatible with the American Public Transportation  
1008 Association's Contactless Fare Media System Standard and allows  
1009 users to purchase fares at a single point of sale with coin,  
1010 cash, or credit card.

1011 Section 26. Paragraph (q) is added to subsection (2) of  
1012 section 343.64, Florida Statutes, to read:

1013 343.64 Powers and duties.—

1014 (2) The authority may exercise all powers necessary,  
1015 appurtenant, convenient, or incidental to the carrying out of



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1016 the aforesaid purposes, including, but not limited to, the  
1017 following rights and powers:

1018 (q) Notwithstanding s. 343.65, to borrow money in a  
1019 principal amount not to exceed \$10 million in any calendar year  
1020 to refinance all or part of the costs or obligations of the  
1021 authority, including, but not limited to, obligations of the  
1022 authority as a lessee under a lease.

1023 Section 27. Subsection (3) of section 348.51, Florida  
1024 Statutes, is amended to read:

1025 348.51 Definitions.—The following terms whenever used or  
1026 referred to in this part shall have the following meanings,  
1027 except in those instances where the context clearly indicates  
1028 otherwise:

1029 (3) "Bonds" means and includes the notes, bonds, refunding  
1030 bonds, or other evidences of indebtedness or obligations, in  
1031 either temporary or definitive form, which of the authority is  
1032 authorized to issue issued pursuant to this part.

1033 Section 28. Section 348.545, Florida Statutes, is amended  
1034 to read:

1035 348.545 Facility improvement; bond financing authority.—  
1036 Pursuant to s. 11(f), Art. VII of the State Constitution, the  
1037 Legislature hereby approves for bond financing by the Tampa-  
1038 Hillsborough County Expressway Authority improvements to toll  
1039 collection facilities, interchanges to the legislatively  
1040 approved expressway system, and any other facility appurtenant,  
1041 necessary, or incidental to the approved system. Subject to  
1042 terms and conditions of applicable revenue bond resolutions and  
1043 covenants, such costs financing may be financed in whole or in

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1044 part by revenue bonds issued pursuant to s. 348.56(1) (a) or (b),  
1045 whether currently issued or issued in the future, or by a  
1046 combination of such bonds.

1047 Section 29. Subsections (1) and (2) of section 348.56,  
1048 Florida Statutes, are amended to read:

1049 348.56 Bonds of the authority.—

1050 (1) (a) Bonds may be issued on behalf of the authority  
1051 pursuant to the State Bond Act.

1052 (b) Alternatively, the authority shall have the power and  
1053 is hereby authorized from time to time to issue bonds in such  
1054 principal amount as, in the opinion of the authority, shall be  
1055 necessary to provide sufficient moneys for achieving its  
1056 corporate purposes, including construction, reconstruction,  
1057 improvement, extension, repair, maintenance and operation of the  
1058 expressway system, the cost of acquisition of all real property,  
1059 interest on bonds during construction and for a reasonable  
1060 period thereafter, establishment of reserves to secure bonds,  
1061 and all other expenditures of the authority incident to and  
1062 necessary or convenient to carry out its corporate purposes and  
1063 powers.

1064 (2) (a) Bonds issued by the authority pursuant to paragraph  
1065 (1) (a) or paragraph (1) (b) shall be authorized by resolution of  
1066 the members of the authority and shall bear such date or dates,  
1067 mature at such time or times, not exceeding 40 years from their  
1068 respective dates, bear interest at such rate or rates, not  
1069 exceeding the maximum rate fixed by general law for authorities,  
1070 be in such denominations, be in such form, either coupon or  
1071 fully registered, carry such registration, exchangeability and

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1072 interchangeability privileges, be payable in such medium of  
1073 payment and at such place or places, be subject to such terms of  
1074 redemption and be entitled to such priorities of lien on the  
1075 revenues, other available moneys, and the Hillsborough County  
1076 gasoline tax funds as such resolution or any resolution  
1077 subsequent thereto may provide. The bonds shall be executed  
1078 either by manual or facsimile signature by such officers as the  
1079 authority shall determine, provided that such bonds shall bear  
1080 at least one signature which is manually executed thereon. The  
1081 coupons attached to such bonds shall bear the facsimile  
1082 signature or signatures of such officer or officers as shall be  
1083 designated by the authority. Such bonds shall have the seal of  
1084 the authority affixed, imprinted, reproduced, or lithographed  
1085 thereon.

1086 (b) The bonds issued pursuant to paragraph (1)(a) or  
1087 paragraph (1)(b) shall be sold at public sale in the same manner  
1088 provided in the State Bond Act, and the net interest cost to the  
1089 authority on such bonds shall not exceed the maximum rate fixed  
1090 by general law for authorities. If all bids received on the  
1091 public sale are rejected, the authority may then proceed to  
1092 negotiate for the sale of the bonds at a net interest cost which  
1093 shall be less than the lowest net interest cost stated in the  
1094 bids rejected at the public sale. However, if the authority  
1095 determines, by official action at a public meeting, that a  
1096 negotiated sale of such bonds is in the best interest of the  
1097 authority, the authority may negotiate the sale of such bonds  
1098 with the underwriter or underwriters designated by the authority  
1099 and the Division of Bond Finance within the State Board of

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1100 Administration with respect to bonds issued pursuant to  
1101 paragraph (1)(a) or solely by the authority with respect to  
1102 bonds issued pursuant to paragraph (1)(b). The authority's  
1103 determination to negotiate the sale of such bonds may be based,  
1104 in part, upon the written advice of the authority's financial  
1105 adviser. Pending the preparation of definitive bonds, temporary  
1106 bonds or interim certificates may be issued to the purchaser or  
1107 purchasers of such bonds and may contain such terms and  
1108 conditions as the authority may determine.

1109 Section 30. Section 348.565, Florida Statutes, is amended  
1110 to read:

1111 348.565 Revenue bonds for specified projects.—The existing  
1112 facilities that constitute the Tampa-Hillsborough County  
1113 Expressway System are hereby approved to be refinanced by ~~the~~  
1114 ~~issuance of~~ revenue bonds issued by the Division of Bond Finance  
1115 of the State Board of Administration pursuant to s. 11(f), Art.  
1116 VII of the State Constitution and the State Bond Act or by  
1117 revenue bonds issued by the authority pursuant to s.  
1118 348.56(1)(b). In addition, the following projects of the Tampa-  
1119 Hillsborough County Expressway Authority are approved to be  
1120 financed or refinanced by the issuance of revenue bonds in  
1121 accordance with this part and ~~pursuant to~~ s. 11(f), Art. VII of  
1122 the State Constitution:

- 1123 (1) Brandon area feeder roads.  
1124 (2) Capital improvements to the expressway system,  
1125 including safety and operational improvements and toll  
1126 collection equipment.  
1127 (3) Lee Roy Selmon Crosstown Expressway System widening.

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1128 (4) The connector highway linking the Lee Roy Selmon  
1129 Crosstown Expressway to Interstate 4.

1130 Section 31. Subsection (1) of section 348.57, Florida  
1131 Statutes, is amended to read:

1132 348.57 Refunding bonds.—

1133 (1) Subject to public notice as provided in s. 348.54, the  
1134 authority is authorized to provide by resolution for the  
1135 issuance from time to time of bonds pursuant to s. 348.56(1)(b)  
1136 for the purpose of refunding any bonds then outstanding  
1137 regardless of whether the bonds being refunded were issued by  
1138 the authority pursuant to this chapter or on behalf of the  
1139 authority pursuant to the State Bond Act. The authority is  
1140 further authorized to provide by resolution for the issuance of  
1141 bonds for the combined purpose of:

1142 (a) Paying the cost of constructing, reconstructing,  
1143 improving, extending, repairing, maintaining and operating the  
1144 expressway system.

1145 (b) Refunding bonds then outstanding. The authorization,  
1146 sale and issuance of such obligations, the maturities and other  
1147 details thereof, the rights and remedies of the holders thereof,  
1148 and the rights, powers, privileges, duties and obligations of  
1149 the authority with respect to the same shall be governed by the  
1150 foregoing provisions of this part insofar as the same may be  
1151 applicable.

1152 Section 32. Section 348.70, Florida Statutes, is amended  
1153 to read:

1154 348.70 This part complete and additional authority.—

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1155       (1) The powers conferred by this part shall be in addition  
1156 and supplemental to the existing respective powers of the  
1157 authority, the department, the county, and the city, if any, and  
1158 this part shall not be construed as repealing any of the  
1159 provisions of any other law, general, special, or local, but  
1160 shall be deemed to supersede such other law or laws in the  
1161 exercise of the powers provided in this part insofar as such  
1162 other law or laws are inconsistent with the provisions of this  
1163 part and to provide a complete method for the exercise of the  
1164 powers granted herein. The construction, reconstruction,  
1165 improvement, extension, repair, maintenance, and operation of  
1166 the expressway system, and the issuance of bonds hereunder to  
1167 finance all or part of the cost thereof, may be accomplished  
1168 upon compliance with the provisions of this part without regard  
1169 to or necessity for compliance with the provisions, limitations,  
1170 or restrictions contained in any other general, special, or  
1171 local law, including, but not limited to, s. 215.821, and no  
1172 approval of any bonds issued under this part by the qualified  
1173 electors or qualified electors who are freeholders in the state  
1174 or in the county or in the city or in any other political  
1175 subdivision of the state shall be required for the issuance of  
1176 such bonds.

1177       (2) This part does not repeal, rescind, or modify any  
1178 other law or laws relating to the State Board of Administration,  
1179 the Department of Transportation, or the Division of Bond  
1180 Finance of the State Board of Administration, but shall  
1181 supersede such other law or laws as are inconsistent with the

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1182 | provisions of this part, including, but not limited to, s.  
1183 | 215.821.

1184 | Section 33. Part XI of chapter 348, Florida Statutes,  
1185 | consisting of sections 348.9950, 348.9951, 348.9952, 348.9953,  
1186 | 348.9954, 348.9955, 348.9956, 348.9957, 348.9958, 348.9959,  
1187 | 348.9960, 348.9961, 348.9962, 348.9963, 348.9964, 348.9965,  
1188 | 348.9966, and 348.9967, is created to read:

1189 | PART XI

1190 | OSCEOLA COUNTY EXPRESSWAY AUTHORITY

1191 | 348.9950 Short title.—This part may be cited as the  
1192 | "Osceola County Expressway Authority Law."

1193 | 348.9951 Definitions.—As used in this part, except where  
1194 | the context clearly indicates otherwise, the term:

1195 | (1) "Agency of the state" means the state and any  
1196 | department of or corporation, agency, or instrumentality  
1197 | created, designated, or established by the state.

1198 | (2) "Authority" means the body politic and corporate and  
1199 | agency of the state created by this part.

1200 | (3) "Bonds" means and includes the notes, bonds, refunding  
1201 | bonds, or other evidences of indebtedness or obligations, in  
1202 | either temporary or definitive form, that the authority is  
1203 | authorized to issue under this part.

1204 | (4) "County" means Osceola County.

1205 | (5) "Department" means the Department of Transportation.

1206 | (6) "Federal agency" means the United States, the  
1207 | President of the United States, and any department of or  
1208 | corporation, agency, or instrumentality created, designated, or  
1209 | established by the United States.

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1210       (7) "Lease-purchase agreement" means any lease-purchase  
1211 agreement the authority is authorized under this part to enter  
1212 into with the department.

1213       (8) "Limited access expressway" or "expressway" means a  
1214 street or highway especially designed for through traffic and  
1215 over, from, or to which no person has a right of easement, use,  
1216 or access except in accordance with the rules and regulations  
1217 adopted by the authority for the use of such facility. Such  
1218 streets or highways may be parkways from which trucks, buses,  
1219 and other commercial vehicles are excluded or freeways open to  
1220 use by all customary forms of street and highway traffic.

1221       (9) "Members" means the governing body of the authority,  
1222 and the term "member" means one of the individuals constituting  
1223 such governing body.

1224       (10) "Osceola County Expressway System" or "system" means  
1225 any and all expressways and appurtenant facilities thereto,  
1226 including, but not limited to, all approaches, roads, bridges,  
1227 and avenues of access for such expressways that are built by the  
1228 authority or the ownership of which is transferred to the  
1229 authority by other governmental or private entities.

1230       (11) "Osceola County gasoline tax funds" means all the 80-  
1231 percent surplus gasoline tax funds accruing in each year to the  
1232 department for use in Osceola County under s. 9, Art. XII of the  
1233 State Constitution after deduction only of any amounts of such  
1234 gasoline tax funds pledged by the department or the county for  
1235 outstanding obligations.



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1236 (12) "State Board of Administration" means the body  
1237 corporate existing under s. 9, Art. XII of the State  
1238 Constitution or any successor thereto.

1239 348.9952 Osceola County Expressway Authority.—

1240 (1) There is created a body politic and corporate, an  
1241 agency of the state, to be known as the Osceola County  
1242 Expressway Authority.

1243 (2) (a) The governing body of the authority shall consist  
1244 of six members. Five members must be residents of Osceola  
1245 County, three of whom shall be appointed by the governing body  
1246 of the county and two of whom shall be appointed by the  
1247 Governor. The sixth member shall be the district secretary of  
1248 the department serving in the district that includes Osceola  
1249 County, who shall serve as an ex officio, nonvoting member. The  
1250 term of each appointed member shall be for 4 years, except that  
1251 the first term of the initial members appointed by the Governor  
1252 shall be 2 years each. Each appointed member shall hold office  
1253 until his or her successor has been appointed and has qualified.  
1254 A vacancy occurring during a term shall be filled only for the  
1255 balance of the unexpired term. Each appointed member of the  
1256 authority shall be a person of outstanding reputation for  
1257 integrity, responsibility, and business ability, but no person  
1258 who is an officer or employee of any city or of Osceola County  
1259 in any other capacity shall be an appointed member of the  
1260 authority. A member of the authority is eligible for  
1261 reappointment.

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1262 (b) Members of the authority may be removed from office by  
1263 the Governor for misconduct, malfeasance, or nonfeasance in  
1264 office.

1265 (3) (a) The authority shall elect one of its members as  
1266 chair. The authority shall also elect a secretary and a  
1267 treasurer, who may be members of the authority. The chair,  
1268 secretary, and treasurer shall hold such offices at the will of  
1269 the authority.

1270 (b) Three members of the authority constitute a quorum,  
1271 and the vote of three members is necessary for any action taken  
1272 by the authority. A vacancy in the authority does not impair the  
1273 right of a quorum of the authority to exercise all of the rights  
1274 and perform all of the duties of the authority.

1275 (4) (a) The authority may employ an executive secretary, an  
1276 executive director, its own counsel and legal staff, technical  
1277 experts, engineers, and other employees, permanent or temporary,  
1278 as it may require; may determine the qualifications and fix the  
1279 compensation of such persons, firms, or corporations; and may  
1280 employ a fiscal agent or agents. However, the authority shall  
1281 solicit sealed proposals from at least three persons, firms, or  
1282 corporations for the performance of any services as fiscal  
1283 agents. The authority may delegate to one or more of its agents  
1284 or employees such of its power as it deems necessary to carry  
1285 out the purposes of this part, subject always to the supervision  
1286 and control of the authority.

1287 (b) Members of the authority are entitled to receive from  
1288 the authority their travel and other necessary expenses incurred  
1289 in connection with the business of the authority as provided in

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1290 s. 112.061, but they shall draw no salaries or other  
1291 compensation.

1292 (c) The department is not required to grant funds for  
1293 startup costs to the authority; however, the governing body of  
1294 the county may provide funds for such startup costs.

1295 (d) The authority shall cooperate with and participate in  
1296 any efforts to establish a regional expressway authority.

1297 (e) Notwithstanding any other provision of law, including  
1298 s. 339.175(3), the authority shall not be entitled to voting  
1299 membership in a metropolitan planning organization in which  
1300 Osceola County, or any of the municipalities therein, are also  
1301 voting members.

1302 348.9953 Purposes and powers.-

1303 (1) The authority may acquire, hold, construct, improve,  
1304 maintain, operate, own, and lease in the capacity of lessor the  
1305 Osceola County Expressway System and, in the construction of the  
1306 system, may construct any extensions, additions, or improvements  
1307 to the system or appurtenant facilities, including all necessary  
1308 approaches, roads, bridges, and avenues of access, with such  
1309 changes, modifications, or revisions of such project as the  
1310 authority deems desirable and proper.

1311 (2) The authority may exercise all powers necessary,  
1312 appurtenant, convenient, or incidental to the carrying out of  
1313 its purposes, including, but not limited to, the following  
1314 rights and powers:

1315 (a) To sue and be sued, implead and be impleaded, and  
1316 complain and defend in all courts.

1317 (b) To adopt, use, and alter at will a corporate seal.

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1318 (c) To acquire by donation, purchase, or otherwise and  
1319 hold, lease as lessee, and use any franchise or property, real,  
1320 personal, or mixed, tangible or intangible, or any options  
1321 thereof, in its own name or in conjunction with others, or  
1322 interest therein, necessary or desirable for carrying out the  
1323 purposes of the authority and to sell, lease as lessor,  
1324 transfer, and dispose of any property or interest therein at any  
1325 time acquired by it.

1326 (d) To enter into lease agreements for terms not exceeding  
1327 40 years as either lessee or lessor to carry out the right to  
1328 lease as set forth in this part.

1329 (e) To enter into lease-purchase agreements with the  
1330 department for terms not exceeding 40 years, or until any bonds  
1331 secured by a pledge of rentals thereunder and any refundings  
1332 thereof are fully paid as to both principal and interest,  
1333 whichever is longer.

1334 (f) To fix, alter, charge, establish, and collect rates,  
1335 fees, rentals, and other charges for the services and facilities  
1336 of the system, which rates, fees, rentals, and other charges  
1337 must always be sufficient to comply with any covenants made with  
1338 the holders of any bonds issued pursuant to this part; however,  
1339 such right and power may be assigned or delegated by the  
1340 authority to the department.

1341 (g) To borrow money and make and issue negotiable notes,  
1342 bonds, refunding bonds, and other evidences of indebtedness or  
1343 obligations, either in temporary or definitive form, hereinafter  
1344 in this part sometimes called "bonds" of the authority, for the  
1345 purpose of financing all or part of the improvement or extension

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1346 of the system and appurtenant facilities, including all  
1347 approaches, streets, roads, bridges, and avenues of access for  
1348 the system and for any other purpose authorized by this part,  
1349 such bonds to mature no more than 40 years after the date of the  
1350 issuance thereof, and to secure the payment of such bonds or any  
1351 part thereof by a pledge of any or all of its revenues, rates,  
1352 fees, rentals, or other charges, including all or any portion of  
1353 the Osceola County gasoline tax funds received by the authority  
1354 pursuant to the terms of any lease-purchase agreement between  
1355 the authority and the department; and, in general, to provide  
1356 for the security of such bonds and the rights and remedies of  
1357 the holders thereof. However, no portion of the Osceola County  
1358 gasoline tax funds shall be pledged for the construction of any  
1359 project for which a toll is to be charged unless the anticipated  
1360 tolls are reasonably estimated by the board of county  
1361 commissioners, at the date of its resolution pledging such  
1362 funds, to be sufficient to cover the principal and interest of  
1363 such obligations during the period when such pledge of funds  
1364 shall be in effect.

1365 1. The authority shall reimburse Osceola County for any  
1366 sums expended from such gasoline tax funds used for the payment  
1367 of such obligations. Any gasoline tax funds so disbursed shall  
1368 be repaid when the authority deems it practicable, together with  
1369 interest at the highest rate applicable to any obligations of  
1370 the authority.

1371 2. If the authority decides to fund or refund any bonds  
1372 issued by the authority or by the commission prior to their  
1373 maturity, the proceeds of such funding or refunding bonds must,

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1374 pending the prior redemption of the bonds to be funded or  
1375 refunded, be invested in direct obligations of the United  
1376 States. Such outstanding bonds may be funded or refunded by the  
1377 issuance of bonds pursuant to this part.

1378 (h) To make contracts of every name and nature, including,  
1379 but not limited to, partnerships providing for participation in  
1380 ownership and revenues, and to execute all instruments necessary  
1381 or convenient for the carrying on of its business.

1382 (i) Without limitation of the foregoing, to borrow money  
1383 and accept grants from and to enter into contracts, leases, or  
1384 other transactions with any federal agency, the state, any  
1385 agency of the state, Osceola County, or any other public body of  
1386 the state.

1387 (j) To have the power of eminent domain, including the  
1388 procedural powers granted under chapters 73 and 74.

1389 (k) To pledge, hypothecate, or otherwise encumber all or  
1390 any part of the revenues, rates, fees, rentals, or other charges  
1391 or receipts of the authority, including all or any portion of  
1392 the Osceola County gasoline tax funds received by the authority  
1393 pursuant to the terms of any lease-purchase agreement between  
1394 the authority and the department, as security for all or any of  
1395 the obligations of the authority.

1396 (l) To enter into partnerships and other agreements  
1397 respecting ownership and revenue participation in order to  
1398 facilitate financing and constructing any project or portions  
1399 thereof.

1400 (m) To participate in developer agreements or to receive  
1401 developer contributions.

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1402 (n) To contract with Osceola County for the operation of a  
1403 toll facility within the county.

1404 (o) To do all acts and things necessary or convenient for  
1405 the conduct of its business and the general welfare of the  
1406 authority in order to carry out the powers granted to it by this  
1407 part or any other law.

1408 (p) With the consent of the county within the jurisdiction  
1409 of which the following activities occur, to construct, operate,  
1410 and maintain roads, bridges, avenues of access, thoroughfares,  
1411 and boulevards outside the jurisdictional boundaries of Osceola  
1412 County, and to construct, repair, replace, operate, install, and  
1413 maintain electronic toll payment systems thereon, with all  
1414 necessary and incidental powers to accomplish the foregoing.

1415 (q) To enter into an interlocal agreement with the  
1416 Orlando-Orange County Expressway Authority to coordinate and  
1417 plan for projects in order to avoid any negative impacts on  
1418 either authority.

1419 (3) The authority shall not, at any time or in any manner,  
1420 pledge the credit or taxing power of the state or any political  
1421 subdivision or agency thereof, including Osceola County, nor  
1422 shall the authority's obligations be deemed to be an obligation  
1423 of the state or of any political subdivision or agency thereof,  
1424 nor shall the state or any political subdivision or agency  
1425 thereof, except the authority, be liable for the payment of the  
1426 principal of or interest on such obligations.

1427 (4) Notwithstanding any other provision of this part,  
1428 acquisition of right-of-way for a project of the authority which  
1429 is within the boundaries of any municipality in Osceola County

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1430 shall not be initiated unless and until the governing body of  
1431 that municipality has approved the route of such project.

1432 (5) Notwithstanding any other provision of this part,  
1433 acquisition of right-of-way for a project of the authority which  
1434 is within the unincorporated area of Osceola County shall not be  
1435 initiated unless and until the governing body of Osceola County  
1436 has approved the route of such project.

1437 (6) The authority shall not, without the consent of  
1438 Osceola County or any affected municipality, enter into any  
1439 agreement that would legally prohibit the construction of any  
1440 road by Osceola County or by any municipality within Osceola  
1441 County.

1442 348.9954 Bond financing authority for improvements.-  
1443 Pursuant to s. 11(f), Art. VII of the State Constitution, the  
1444 Legislature hereby approves for bond financing by the Osceola  
1445 County Expressway Authority improvements to toll collection  
1446 facilities, interchanges to the legislatively approved  
1447 expressway system, and any other facility appurtenant,  
1448 necessary, or incidental to the approved system. Subject to  
1449 terms and conditions of applicable revenue bond resolutions and  
1450 covenants, such costs may be financed in whole or in part by  
1451 revenue bonds issued pursuant to s. 348.9955(1)(a) or (b) or by  
1452 a combination of such bonds, whether currently issued or issued  
1453 in the future.

1454 348.9955 Bonds of the authority.-

1455 (1)(a) Bonds may be issued on behalf of the authority  
1456 pursuant to the State Bond Act.



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1457 (b) Alternatively, the authority may issue its own bonds  
1458 pursuant to this part at such times and in such principal amount  
1459 as, in the opinion of the authority, is necessary to provide  
1460 sufficient moneys for achieving its purposes; however, such  
1461 bonds may not pledge the full faith and credit of the state.  
1462 Bonds issued by the authority pursuant to this paragraph or  
1463 paragraph (a), whether on original issuance or on refunding,  
1464 shall be authorized by resolution of the members thereof and may  
1465 be either term or serial bonds, shall bear such date or dates,  
1466 mature at such time or times, not exceeding 40 years from their  
1467 respective dates, bear interest at such rate or rates, payable  
1468 semiannually, be in such denominations, be in such form, either  
1469 coupon or fully registered, shall carry such registration,  
1470 exchangeability, and interchangeability privileges, be payable  
1471 in such medium of payment and at such place or places, be  
1472 subject to such terms of redemption, and be entitled to such  
1473 priorities on the revenues, rates, fees, rentals, or other  
1474 charges or receipts of the authority, including the Osceola  
1475 County gasoline tax funds received by the authority pursuant to  
1476 the terms of any lease-purchase agreement between the authority  
1477 and the department, as such resolution or any resolution  
1478 subsequent thereto may provide. The bonds shall be executed  
1479 either by manual or facsimile signature by such officers as the  
1480 authority shall determine, provided that such bonds shall bear  
1481 at least one signature which is manually executed thereon, and  
1482 the coupons attached to such bonds shall bear the facsimile  
1483 signature or signatures of such officer or officers as shall be  
1484 designated by the authority and shall have the seal of the

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1485 authority affixed, imprinted, reproduced, or lithographed  
1486 thereon, all as may be prescribed in such resolution or  
1487 resolutions.

1488 (c) Bonds issued pursuant to paragraph (a) or paragraph  
1489 (b) shall be sold at public sale in the same manner provided by  
1490 the State Bond Act. However, if the authority shall, by official  
1491 action at a public meeting, determine that a negotiated sale of  
1492 such bonds is in the best interest of the authority, the  
1493 authority may negotiate the sale of such bonds with the  
1494 underwriter designated by the authority and the Division of Bond  
1495 Finance of the State Board of Administration with respect to  
1496 bonds issued pursuant to paragraph (a) or solely the authority  
1497 with respect to bonds issued pursuant to paragraph (b). The  
1498 authority's determination to negotiate the sale of such bonds  
1499 may be based, in part, upon the written advice of the  
1500 authority's financial adviser. Pending the preparation of  
1501 definitive bonds, interim certificates may be issued to the  
1502 purchaser or purchasers of such bonds and may contain such terms  
1503 and conditions as the authority may determine.

1504 (d) The authority may issue bonds pursuant to paragraph  
1505 (b) to refund any bonds previously issued regardless of whether  
1506 the bonds being refunded were issued by the authority pursuant  
1507 to this part or on behalf of the authority pursuant to the State  
1508 Bond Act.

1509 (2) Any such resolution or resolutions authorizing any  
1510 bonds under this part may contain provisions which shall be part  
1511 of the contract with the holders of such bonds, as to:

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1512 (a) The pledging of all or any part of the revenues,  
1513 rates, fees, rentals, including all or any portion of the  
1514 Osceola County gasoline tax funds received by the authority  
1515 pursuant to the terms of any lease-purchase agreement between  
1516 the authority and the department, or any part thereof, or other  
1517 charges or receipts of the authority, derived by the authority,  
1518 from the Osceola County Expressway System.

1519 (b) The completion, improvement, operation, extension,  
1520 maintenance, repair, lease, or lease-purchase agreement of the  
1521 system and the duties of the authority and others, including the  
1522 department, with reference thereto.

1523 (c) Limitations on the purposes to which the proceeds of  
1524 the bonds, then or thereafter to be issued, or of any loan or  
1525 grant by the United States or the state may be applied.

1526 (d) The fixing, charging, establishing, and collecting of  
1527 rates, fees, rentals, or other charges for use of the services  
1528 and facilities of the Osceola County Expressway System or any  
1529 part thereof.

1530 (e) The setting aside of reserves or sinking funds or  
1531 repair and replacement funds and the regulation and disposition  
1532 thereof.

1533 (f) Limitations on the issuance of additional bonds.

1534 (g) The terms and provisions of any lease-purchase  
1535 agreement, deed of trust, or indenture securing the bonds or  
1536 under which the bonds may be issued.

1537 (h) Any other or additional agreements with the holders of  
1538 the bonds which the authority may deem desirable and proper.

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1539       (3) The authority may employ fiscal agents as provided by  
1540 this part, or the State Board of Administration may, upon  
1541 request of the authority, act as fiscal agent for the authority  
1542 in the issuance of any bonds that may be issued pursuant to this  
1543 part. The State Board of Administration may, upon request of the  
1544 authority, take over the management, control, administration,  
1545 custody, and payment of any or all debt services or funds or  
1546 assets now or hereafter available for any bonds issued pursuant  
1547 to this part. The authority may enter into any deeds of trust,  
1548 indentures, or other agreements with its fiscal agent or with  
1549 any bank or trust company within or without the state as  
1550 security for such bonds and may, under such agreements, sign and  
1551 pledge all or any of the revenues, rates, fees, rentals, or  
1552 other charges or receipts of the authority, including all or any  
1553 portion of the Osceola County gasoline tax funds received by the  
1554 authority pursuant to the terms of any lease-purchase agreement  
1555 between the authority and the department, thereunder. Such deed  
1556 of trust, indenture, or other agreement may contain such  
1557 provisions as are customary in such instruments or, as the  
1558 authority may authorize, including, but without limitation,  
1559 provisions as to:

1560       (a) The completion, improvement, operation, extension,  
1561 maintenance, repair, and lease of or lease-purchase agreement  
1562 relating to the Osceola County Expressway System and the duties  
1563 of the authority and others, including the department, with  
1564 reference thereto.

1565       (b) The application of funds and the safeguarding of funds  
1566 on hand or on deposit.

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1567 (c) The rights and remedies of the trustee and the holders  
1568 of the bonds.

1569 (d) The terms and provisions of the bonds or the  
1570 resolutions authorizing the issuance of the bonds.

1571 (4) Any of the bonds issued pursuant to this part are, and  
1572 are declared to be, negotiable instruments and shall have all  
1573 the qualities and incidents of negotiable instruments under the  
1574 law merchant and the negotiable instruments law of the state.

1575 (5) Notwithstanding any of the provisions of this part,  
1576 each project, building, or facility which has been financed by  
1577 the issuance of bonds or other evidence of indebtedness under  
1578 this part and any refinancing thereof is hereby approved as  
1579 provided for in s. 11(f), Art. VII of the State Constitution.

1580 348.9956 Remedies of the bondholders.-

1581 (1) The rights and remedies conferred by this part upon or  
1582 granted to the bondholders shall be in addition to and not in  
1583 limitation of any rights and remedies lawfully granted to such  
1584 bondholders by the resolution or resolutions providing for the  
1585 issuance of bonds or by a lease-purchase agreement, deed of  
1586 trust, indenture, or other agreement under which the bonds may  
1587 be issued or secured. If the authority defaults in the payment  
1588 of the principal of or interest on any of the bonds issued under  
1589 this part after such principal of or interest on such bonds  
1590 becomes due, whether at maturity or upon call for redemption, or  
1591 if the department defaults in any payments under or covenants  
1592 made in any lease-purchase agreement between the authority and  
1593 the department, and such default continues for a period of 30  
1594 days, or if the authority or the department fails or refuses to

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1595 comply with this part or any agreement made with or for the  
1596 benefit of the holders of the bonds, the holders of 25 percent  
1597 in aggregate principal amount of the bonds then outstanding  
1598 shall be entitled as of right to the appointment of a trustee to  
1599 represent such bondholders for the purposes hereof; provided,  
1600 however, that such holders of 25 percent in aggregate principal  
1601 amount of the bonds then outstanding have first given notice to  
1602 the authority and to the department of their intention to  
1603 appoint a trustee. Such notice shall be deemed to have been  
1604 given if given in writing, deposited in a securely sealed  
1605 postpaid wrapper, mailed at a regularly maintained United States  
1606 post office box or station, and addressed, respectively, to the  
1607 chair of the authority and to the Secretary of Transportation at  
1608 the principal office of the department.

1609 (2) Such trustee and any trustee under any deed of trust,  
1610 indenture, or other agreement may, and upon written request of  
1611 the holders of 25 percent or such other percentages as may be  
1612 specified in any deed of trust, indenture, or other agreement  
1613 aforesaid in principal amount of the bonds then outstanding  
1614 shall, in any court of competent jurisdiction in his, her, or  
1615 its own name:

1616 (a) By mandamus or other suit, action, or proceeding at  
1617 law or in equity, enforce all rights of the bondholders,  
1618 including the right to require the authority to fix, establish,  
1619 maintain, collect, and charge rates, fees, rentals, and other  
1620 charges adequate to carry out any agreement as to or pledge of  
1621 the revenues or receipts of the authority, to carry out any  
1622 other covenants and agreements with or for the benefit of the

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1623 bondholders, and to perform its and their duties under this  
1624 part.

1625 (b) By mandamus or other suit, action, or proceeding at  
1626 law or in equity, enforce all rights of the bondholders under or  
1627 pursuant to any lease-purchase agreement between the authority  
1628 and the department, including the right to require the  
1629 department to make all rental payments required to be made by it  
1630 under the provisions of any such lease-purchase agreement,  
1631 whether from the Osceola County gasoline tax funds or other  
1632 funds of the department so agreed to be paid, and to require the  
1633 department to carry out any other covenants and agreements with  
1634 or for the benefit of the bondholders and to perform its and  
1635 their duties under this part.

1636 (c) Bring suit upon the bonds.

1637 (d) By action or suit in equity, require the authority or  
1638 the department to account as if it were the trustee of an  
1639 express trust for the bondholders.

1640 (e) By action or suit in equity, enjoin any acts or things  
1641 which may be unlawful or in violation of the rights of the  
1642 bondholders.

1643 (3) Whether or not all bonds have been declared due and  
1644 payable, any trustee, when appointed under this section or  
1645 acting under a deed of trust, indenture, or other agreement,  
1646 shall be entitled as of right to the appointment of a receiver  
1647 who may enter upon and take possession of the Osceola County  
1648 Expressway System or the facilities or any part or parts  
1649 thereof, the rates, fees, rentals, or other revenues, charges,  
1650 or receipts from which are or may be applicable to the payment

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1651 of the bonds so in default; and, subject to and in compliance  
1652 with the provisions of any lease-purchase agreement between the  
1653 authority and the department, operate and maintain the same for  
1654 and on behalf and in the name of the authority, the department,  
1655 and the bondholders; and collect and receive all rates, fees,  
1656 rentals, and other charges or receipts or revenues arising  
1657 therefrom in the same manner as the authority or the department  
1658 might do; and shall deposit all such moneys in a separate  
1659 account and apply the same in such manner as the court shall  
1660 direct. In any suit, action, or proceeding by the trustee, the  
1661 fees, counsel fees, and expenses of the trustee and such  
1662 receiver, if any, and all costs and disbursements allowed by the  
1663 court shall be a first charge on any rates, fees, rentals, or  
1664 other charges, revenues, or receipts derived from the Osceola  
1665 County Expressway System or the facilities or services or any  
1666 part or parts thereof, including payments under any such lease-  
1667 purchase agreement as aforesaid which such rates, fees, rentals,  
1668 or other charges, revenues, or receipts shall or may be  
1669 applicable to the payment of the bonds so in default. Such  
1670 trustee shall also have and possess all of the powers necessary  
1671 or appropriate for the exercise of any functions specifically  
1672 set forth in this part or incident to the representation of the  
1673 bondholders in the enforcement and protection of their rights.

1674 (4) Nothing in this section or any other section of this  
1675 part authorizes any receiver appointed pursuant to this part for  
1676 the purpose, subject to and in compliance with the provisions of  
1677 any lease-purchase agreement between the authority and the  
1678 department, of operating and maintaining the Osceola County



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1679 Expressway System or any facilities or part or parts thereof to  
1680 sell, assign, mortgage, or otherwise dispose of any of the  
1681 assets of whatever kind and character belonging to the  
1682 authority. It is the intention of this part to limit the powers  
1683 of such receiver, subject to and in compliance with the  
1684 provisions of any lease-purchase agreement between the authority  
1685 and the department, to the operation and maintenance of the  
1686 Osceola County Expressway System or any facility or part or  
1687 parts thereof, as the court may direct, in the name and for and  
1688 on behalf of the authority, the department, and the bondholders.  
1689 No holder of bonds of the authority or any trustee shall ever  
1690 have the right in any suit, action, or proceeding at law or in  
1691 equity to compel a receiver, nor shall any receiver be  
1692 authorized or any court be empowered to direct the receiver, to  
1693 sell, assign, mortgage, or otherwise dispose of any assets of  
1694 whatever kind or character belonging to the authority.

1695 348.9957 Lease-purchase agreement.—

1696 (1) In order to effectuate the purposes of this part and  
1697 as authorized by this part, the authority may enter into a  
1698 lease-purchase agreement with the department relating to and  
1699 covering the system.

1700 (2) Such lease-purchase agreement shall provide for the  
1701 leasing of the system by the authority as lessor to the  
1702 department as lessee, shall prescribe the term of such lease and  
1703 the rentals to be paid under the lease, and shall provide that,  
1704 upon the completion of the faithful performance under and  
1705 termination of the agreement, title in fee simple absolute to  
1706 the system as then constituted shall be transferred in

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1707 accordance with law by the authority to the state and the  
1708 authority shall deliver to the department such deeds and  
1709 conveyances as are necessary or convenient to vest title in fee  
1710 simple absolute in the state.

1711 (3) Such lease-purchase agreement may include such other  
1712 provisions, agreements, and covenants as the authority and the  
1713 department deem advisable or required, including, but not  
1714 limited to, provisions as to the bonds to be issued under and  
1715 for the purposes of this part; the completion, extension,  
1716 improvement, operation, and maintenance of the system; the  
1717 expenses and the cost of operation of the authority; the  
1718 charging and collection of tolls, rates, fees, and other charges  
1719 for the use of the services and facilities of the system; the  
1720 application of federal or state grants or aid which may be made  
1721 or given to assist the authority in the completion, extension,  
1722 improvement, operation, and maintenance of the system, which the  
1723 authority may accept and apply to such purposes; the enforcement  
1724 of payment and collection of rentals; and any other terms,  
1725 provisions, or covenants necessary, incidental, or appurtenant  
1726 to the making of and full performance under the agreement.

1727 (4) The department as lessee under such lease-purchase  
1728 agreement is authorized to pay as rentals thereunder any rates,  
1729 fees, charges, funds, moneys, receipts, or income accruing to  
1730 the department from the operation of the system and the Osceola  
1731 County gasoline tax funds and may also pay as rentals any  
1732 appropriations received by the department pursuant to any act of  
1733 the Legislature. However, nothing in this part or in such lease-  
1734 purchase agreement shall require the making or continuance of

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1735 such appropriations, nor shall any holder of bonds issued  
1736 pursuant to this part have any right to compel the making or  
1737 continuance of such appropriations.

1738 (5) A pledge of Osceola County gasoline tax funds as  
1739 rentals under such lease-purchase agreement shall not be made  
1740 without the consent of Osceola County evidenced by a resolution  
1741 duly adopted by the board of county commissioners of the county  
1742 at a public hearing held pursuant to due notice thereof  
1743 published at least once a week for 3 consecutive weeks before  
1744 the hearing in a newspaper of general circulation in Osceola  
1745 County. In addition to other provisions, the resolution must  
1746 provide that any excess of such pledged gasoline tax funds which  
1747 is not required for debt service or reserves for such debt  
1748 service for any bonds issued by the authority shall be returned  
1749 annually to the department for distribution to Osceola County as  
1750 provided by law. Before making any application for such pledge  
1751 of gasoline tax funds, the authority shall present the plan of  
1752 its proposed project to the Osceola County Planning and Zoning  
1753 Commission for its comments and recommendations.

1754 (6) The department may covenant in any lease-purchase  
1755 agreement that it will pay, from sources other than the revenues  
1756 derived from the operation of the system and Osceola County  
1757 gasoline tax funds, all or any part of the cost of the  
1758 operation, maintenance, repair, renewal, and replacement of the  
1759 system and any part of the cost of completing the system to the  
1760 extent that the proceeds of bonds issued therefor are  
1761 insufficient. The department may also agree to make such other  
1762 payments from any moneys available to the county in connection

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1763 with the construction or completion of the system as the  
1764 department deems to be fair and proper under such covenants.

1765 (7) The system shall be a part of the state road system,  
1766 and the department may, upon the request of the authority,  
1767 expend moneys from funds available for such purposes and use its  
1768 engineering and other forces as it deems necessary and desirable  
1769 for the operation of the authority and for traffic surveys,  
1770 borings, surveys, preparation of plans and specifications,  
1771 estimates of cost, and other preliminary engineering and other  
1772 studies; however, the aggregate amount of moneys expended for  
1773 such purposes by the department must not exceed \$375,000.

1774 348.9958 Department may be appointed agent of authority  
1775 for construction.—The authority may appoint the department as  
1776 its agent for the purpose of constructing improvements and  
1777 extensions to and the completion of the system. In such event,  
1778 the authority shall provide the department with complete copies  
1779 of all documents, agreements, resolutions, contracts, and  
1780 instruments relating to the system; shall request the department  
1781 to do such construction work, including the planning, surveying,  
1782 and actual construction of the completion, extensions, and  
1783 improvements to the system; and shall transfer to the credit of  
1784 an account of the department in the treasury of the state the  
1785 necessary funds for such purpose. After such appointment and  
1786 receipt of funds, the department is authorized, empowered, and  
1787 directed to proceed with such construction and to use the funds  
1788 for such purpose in the same manner as it is authorized to use  
1789 funds otherwise provided to it by law for the construction of  
1790 roads and bridges.

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1791 348.9959 Acquisition of lands and property.-

1792 (1) For the purposes of this part, the authority may  
1793 acquire, by gift, devise, purchase, or condemnation by eminent  
1794 domain proceedings, private or public property and property  
1795 rights, including rights of access, air, view, and light, as the  
1796 authority may deem necessary for any of the purposes of this  
1797 part, including, but not limited to, any lands reasonably  
1798 necessary for securing applicable permits, areas necessary for  
1799 management of access, borrow pits, drainage ditches, water  
1800 retention areas, rest areas, replacement access for landowners  
1801 whose access is impaired due to the construction of a facility,  
1802 and replacement rights-of-way for relocated rail and utility  
1803 facilities; for existing, proposed, or anticipated  
1804 transportation facilities on the system or in a transportation  
1805 corridor designated by the authority; or for the purposes of  
1806 screening, relocation, removal, or disposal of junkyards and  
1807 scrap metal processing facilities. The authority may condemn any  
1808 material and property necessary for such purposes.

1809 (2) The right of eminent domain conferred in this part  
1810 shall be exercised by the authority in the manner provided by  
1811 law.

1812 (3) When the authority acquires property for a  
1813 transportation facility or in a transportation corridor, the  
1814 authority is not subject to any liability imposed by chapter 376  
1815 or chapter 403 for preexisting soil or groundwater contamination  
1816 due solely to its ownership of the property. This section does  
1817 not affect the rights or liabilities of any past or future  
1818 owners of the acquired property and does not affect the

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1819 liability of any governmental entity for the results of its  
1820 actions which create or exacerbate a pollution source. The  
1821 authority and the Department of Environmental Protection may  
1822 enter into interagency agreements for the performance, funding,  
1823 and reimbursement of the investigative and remedial acts  
1824 necessary for property acquired by the authority.

1825 348.9960 Cooperation with other units, boards, agencies,  
1826 and individuals.—Any county, municipality, drainage district,  
1827 road and bridge district, school district, or other political  
1828 subdivision, board, commission, or individual in or of the state  
1829 may make and enter into any contract, lease, conveyance,  
1830 partnership, or other agreement with the authority within the  
1831 provisions and for purposes of this part; and the authority may  
1832 make and enter into any contract, lease, conveyance,  
1833 partnership, or other agreement with any political subdivision,  
1834 agency, or instrumentality of the state or any federal agency,  
1835 corporation, or individual for the purpose of carrying out the  
1836 provisions of this part.

1837 348.9961 Covenant of the state.—The state does hereby  
1838 pledge to and agrees with any person, firm, or corporation or  
1839 federal or state agency subscribing to or acquiring the bonds to  
1840 be issued by the authority for the purposes of this part that  
1841 the state will not limit or alter the rights hereby vested in  
1842 the authority and the department until all bonds at any time  
1843 issued together with the interest thereon are fully paid and  
1844 discharged insofar as the same affects the rights of the holders  
1845 of bonds issued hereunder. The state does further pledge to and  
1846 agree with the United States that in the event any federal

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1847 agency shall construct or contribute any funds for the  
1848 completion, extension, or improvement of the Osceola County  
1849 Expressway System, or any part or portion thereof, the state  
1850 will not alter or limit the rights and powers of the authority  
1851 and the department in any manner which would be inconsistent  
1852 with the continued maintenance and operation of the Osceola  
1853 County Expressway System or the completion, extension, or  
1854 improvement thereof or which would be inconsistent with the due  
1855 performance of any agreements between the authority and any such  
1856 federal agency. The authority and the department shall continue  
1857 to have and may exercise all powers herein granted so long as  
1858 the same shall be necessary or desirable for the carrying out of  
1859 the purposes of this part and the purposes of the United States  
1860 in the completion, extension, or improvement of the Osceola  
1861 County Expressway System or any part or portion thereof.

1862 348.9962 Exemption from taxation.—The effectuation of the  
1863 authorized purposes of the authority created under this part is  
1864 and shall be in all respects for the benefit of the people of  
1865 the state, for the increase of their commerce and prosperity,  
1866 and for the improvement of their health and living conditions;  
1867 and, since the authority will be performing essential  
1868 governmental functions in effectuating such purposes, the  
1869 authority is not required to pay any taxes or assessments of any  
1870 kind or nature whatsoever upon any property acquired or used by  
1871 it for such purposes or upon any rates, fees, rentals, receipts,  
1872 income, or charges at any time received by it; and the bonds  
1873 issued by the authority, their transfer, and the income  
1874 therefrom, including any profits made on the sale thereof, shall

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1875 at all times be free from taxation of any kind by the state or  
1876 by any political subdivision or taxing agency or instrumentality  
1877 thereof. This section does not apply to any tax imposed by  
1878 chapter 220 on interest, income, or profits on debt obligations  
1879 owned by corporations.

1880 348.9963 Eligibility for investments and security.—Any  
1881 bonds or other obligations issued pursuant to this part shall be  
1882 and constitute legal investments for banks, savings banks,  
1883 trustees, executors, administrators, and all other fiduciaries  
1884 and for all state, municipal, and other public funds and shall  
1885 also be and constitute securities eligible for deposit as  
1886 security for all state, municipal, or other public funds,  
1887 notwithstanding the provisions of any other law or laws to the  
1888 contrary.

1889 348.9964 Pledges enforceable by bondholders.—It is the  
1890 express intention of this part that any pledge by the department  
1891 of rates, fees, revenues, Osceola County gasoline tax funds, or  
1892 other funds, as rentals, to the authority, or any covenants or  
1893 agreements relative thereto, may be enforceable in any court of  
1894 competent jurisdiction against the authority or directly against  
1895 the department by any holder of bonds issued by the authority.

1896 348.9965 This part complete and additional authority.—

1897 (1) The powers conferred by this part are in addition and  
1898 supplemental to the existing powers of the State Board of  
1899 Administration and the department, and this part does not repeal  
1900 any provision of any other law, general, special, or local, but  
1901 supersedes such a provision to the extent of any conflict in the  
1902 exercise of the powers provided in this part and to provide a



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1903 complete method for the exercise of the powers granted in this  
1904 part. The extension and improvement of the system and the  
1905 issuance of bonds under this part to finance all or part of the  
1906 cost of the system may be accomplished upon compliance with the  
1907 provisions of this part without regard to or necessity for  
1908 compliance with the provisions, limitations, or restrictions  
1909 contained in any other general, special, or local law,  
1910 including, but not limited to, s. 215.821. The issuance of bonds  
1911 pursuant to this part does not require approval by the qualified  
1912 electors or qualified electors who are freeholders in the state  
1913 or in Osceola County or in any other political subdivision of  
1914 the state.

1915 (2) This part does not repeal, rescind, or modify the  
1916 Osceola County Charter and does not repeal, rescind, or modify  
1917 any other law relating to the department, the State Board of  
1918 Administration, or the Division of Bond Finance of the State  
1919 Board of Administration but supersedes any such law to the  
1920 extent of any conflict with this part, including, but not  
1921 limited to, s. 215.821.

1922 348.9966 Osceola County auditor.—In addition to other  
1923 financial requirements provided by this part or by general law,  
1924 the Office of the Osceola County Commission Auditor as created  
1925 in Article II, section 2.3 of the Osceola County Home Rule  
1926 Charter may conduct financial and compliance, economy and  
1927 efficiency, and performance audits of the authority with written  
1928 reports to be submitted to the authority and the governing body  
1929 of Osceola County.

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1930 348.9967 Automatic dissolution.—If, prior to January 1,  
1931 2020, the authority has not encumbered any funds to further its  
1932 purposes and powers as authorized in s. 348.9953 to establish  
1933 the system, the authority is dissolved.

1934 Section 34. Subsection (6) of section 369.317, Florida  
1935 Statutes, is amended to read:

1936 369.317 Wekiva Parkway.—

1937 (6) The Orlando-Orange County Expressway Authority is  
1938 hereby granted the authority to act as a third-party acquisition  
1939 agent, pursuant to s. 259.041 on behalf of the Board of Trustees  
1940 or chapter 373 on behalf of the governing board of the St. Johns  
1941 River Water Management District, for the acquisition of all  
1942 necessary lands, property and all interests in property  
1943 identified herein, including fee simple or less-than-fee simple  
1944 interests. The lands subject to this authority are identified in  
1945 paragraph 10.a., State of Florida, Office of the Governor,  
1946 Executive Order 03-112 of July 1, 2003, and in Recommendation 16  
1947 of the Wekiva Basin Area Task Force created by Executive Order  
1948 2002-259, such lands otherwise known as Neighborhood Lakes, a  
1949 1,587+/- acre parcel located in Orange and Lake Counties within  
1950 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,  
1951 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;  
1952 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake  
1953 County within Section 37, Township 19 South, Range 28 East; New  
1954 Garden Coal; a 1,605+/- acre parcel in Lake County within  
1955 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28  
1956 East; Pine Plantation, a 617+/- acre tract consisting of eight  
1957 individual parcels within the Apopka City limits. The Department

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1958 of Transportation, the Department of Environmental Protection,  
1959 the St. Johns River Water Management District, and other land  
1960 acquisition entities shall participate and cooperate in  
1961 providing information and support to the third-party acquisition  
1962 agent. The land acquisition process authorized by this paragraph  
1963 shall begin no later than December 31, 2004. Acquisition of the  
1964 properties identified as Neighborhood Lakes, Pine Plantation,  
1965 and New Garden Coal, or approval as a mitigation bank shall be  
1966 concluded no later than December 31, 2010. Department of  
1967 Transportation and Orlando-Orange County Expressway Authority  
1968 funds expended to purchase an interest in those lands identified  
1969 in this subsection shall be eligible as environmental mitigation  
1970 for road construction related impacts in the Wekiva Study Area.  
1971 If any of the lands identified in this subsection are used as  
1972 environmental mitigation for road construction related impacts  
1973 incurred by the Department of Transportation or Orlando-Orange  
1974 County Expressway Authority, or for other impacts incurred by  
1975 other entities, within the Wekiva Study Area or within the  
1976 Wekiva parkway alignment corridor, and if the mitigation offsets  
1977 these impacts, the St. Johns River Water Management District and  
1978 the Department of Environmental Protection shall consider the  
1979 activity regulated under part IV of chapter 373 to meet the  
1980 cumulative impact requirements of s. 373.414(8) (a).

1981 Section 35. Subsections (2) and (5) and paragraph (b) of  
1982 subsection (9) of section 373.41492, Florida Statutes, are  
1983 amended to read:

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1984 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
1985 mitigation for mining activities within the Miami-Dade County  
1986 Lake Belt.-

1987 (2) To provide for the mitigation of wetland resources  
1988 lost to mining activities within the Miami-Dade County Lake Belt  
1989 Plan, effective October 1, 1999, a mitigation fee is imposed on  
1990 each ton of limerock and sand extracted by any person who  
1991 engages in the business of extracting limerock or sand from  
1992 within the Miami-Dade County Lake Belt Area and the east one-  
1993 half of sections 24 and 25 and all of sections 35 and 36,  
1994 Township 53 South, Range 39 East. The mitigation fee is imposed  
1995 for each ton of limerock and sand sold from within the  
1996 properties where the fee applies in raw, processed, or  
1997 manufactured form, including, but not limited to, sized  
1998 aggregate, asphalt, cement, concrete, and other limerock and  
1999 concrete products. The mitigation fee imposed by this subsection  
2000 for each ton of limerock and sand sold shall be 12 cents per ton  
2001 beginning January 1, 2007; 18 cents per ton beginning January 1,  
2002 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45  
2003 cents per ton beginning January 1, 2011. To upgrade a water  
2004 treatment plant that treats water coming from the Northwest  
2005 Wellfield in Miami-Dade County, a water treatment plant upgrade  
2006 fee is imposed within the same Lake Belt Area subject to the  
2007 mitigation fee and upon the same kind of mined limerock and sand  
2008 subject to the mitigation fee. The water treatment plant upgrade  
2009 fee imposed by this subsection for each ton of limerock and sand  
2010 sold shall be 15 cents per ton beginning on January 1, 2007, and  
2011 the collection of this fee shall cease once the total amount of

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2012 proceeds collected for this fee reaches the amount of the actual  
2013 moneys necessary to design and construct the water treatment  
2014 plant upgrade, as determined in an open, public solicitation  
2015 process. Any limerock or sand that is used within the mine from  
2016 which the limerock or sand is extracted is exempt from the fees.  
2017 The amount of the mitigation fee and the water treatment plant  
2018 upgrade fee imposed under this section must be stated separately  
2019 on the invoice provided to the purchaser of the limerock or sand  
2020 product from the limerock or sand miner, or its subsidiary or  
2021 affiliate, for which the fee or fees apply. The limerock or sand  
2022 miner, or its subsidiary or affiliate, who sells the limerock or  
2023 sand product shall collect the mitigation fee and the water  
2024 treatment plant upgrade fee and forward the proceeds of the fees  
2025 to the Department of Revenue on or before the 20th day of the  
2026 month following the calendar month in which the sale occurs.

2027 (5) Each January 1, beginning January 1, 2010, through  
2028 December 31, 2011 and each January 1 thereafter, the per-ton  
2029 mitigation fee shall be increased by 2.1 percentage points, plus  
2030 a cost growth index. The cost growth index shall be the  
2031 percentage change in the weighted average of the Employment Cost  
2032 Index for All Civilian Workers (ecu 10001I), issued by the  
2033 United States Department of Labor for the most recent 12-month  
2034 period ending on September 30, and the percentage change in the  
2035 Producer Price Index for All Commodities (WPU 00000000), issued  
2036 by the United States Department of Labor for the most recent 12-  
2037 month period ending on September 30, compared to the weighted  
2038 average of these indices for the previous year. The weighted  
2039 average shall be calculated as 0.6 times the percentage change

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2040 in the Employment Cost Index for All Civilian Workers (ecu  
2041 10001I), plus 0.4 times the percentage change in the Producer  
2042 Price Index for All Commodities (WPU 00000000). If either index  
2043 is discontinued, it shall be replaced by its successor index, as  
2044 identified by the United States Department of Labor.

2045 (9)

2046 (b) No sooner than January 31, 2010, and no more  
2047 frequently than every 2 5 years thereafter, the interagency  
2048 committee shall submit to the Legislature a report recommending  
2049 any needed adjustments to the mitigation fee, including the  
2050 annual escalator provided for in subsection (5), to ensure that  
2051 the revenue generated reflects the actual costs of the  
2052 mitigation.

2053 Section 36. Subsection (1) of section 403.4131, Florida  
2054 Statutes, is amended to read:

2055 403.4131 Litter control.—

2056 (1) The Department of Transportation shall establish an  
2057 "adopt-a-highway" program to allow local organizations to be  
2058 identified with specific highway cleanup and highway  
2059 beautification projects authorized under s. 339.2405. ~~The~~  
2060 ~~department shall report to the Governor and the Legislature on~~  
2061 ~~the progress achieved and the savings incurred by the "adopt-a-~~  
2062 ~~highway" program.~~ The department shall also monitor and report  
2063 on compliance with the provisions of the adopt-a-highway program  
2064 to ensure that organizations participating ~~that participate~~ in  
2065 the program comply with the goals identified by the department.

2066 Section 37. Section 479.01, Florida Statutes, is amended  
2067 to read:

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2068 479.01 Definitions.—As used in this chapter, the term:

2069 (1) "Allowable uses" means those uses that are authorized  
2070 within a zoning category without the requirement to obtain a  
2071 variance or waiver. The term includes conditional uses and those  
2072 allowed by special exception, but does not include uses that are  
2073 accessory, incidental to the allowable uses, or allowed only on  
2074 a temporary basis.

2075 (2)-(1) "Automatic changeable facing" means a facing that  
2076 is capable of delivering two or more advertising messages  
2077 through an automated or remotely controlled process.

2078 (3)-(2) "Business of outdoor advertising" means the  
2079 business of constructing, erecting, operating, using,  
2080 maintaining, leasing, or selling outdoor advertising structures,  
2081 outdoor advertising signs, or outdoor advertisements.

2082 (4)-(3) "Commercial or industrial zone" means a parcel of  
2083 land designated for commercial or industrial uses use under both  
2084 the future land use map of the comprehensive plan and the land  
2085 use development regulations adopted pursuant to chapter 163. If  
2086 a parcel is located in an area designated for multiple uses on  
2087 the future land use map of a comprehensive plan and the zoning  
2088 category of the land development regulations do not clearly  
2089 designate that parcel for a specific use, the area will be  
2090 considered an unzoned commercial or industrial area if it meets  
2091 the criteria of subsection (26) (23).

2092 (5) "Commercial use" means activities associated with the  
2093 sale, rental, or distribution of products or the performance of  
2094 services. The term includes, without limitation, such uses or  
2095 activities as retail sales; wholesale sales; rentals of

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2096 equipment, goods, or products; offices; restaurants; food  
2097 service vendors; sports arenas; theaters; and tourist  
2098 attractions.

2099 (6)-(4) "Controlled area" means ~~shall mean~~ 660 feet or less  
2100 from the nearest edge of the right-of-way of any portion of the  
2101 State Highway System, interstate, or federal-aid primary system  
2102 and beyond 660 feet of the nearest edge of the right-of-way of  
2103 any portion of the State Highway System, interstate, or federal-  
2104 aid primary system outside an urban area.

2105 (7)-(5) "Department" means the Department of  
2106 Transportation.

2107 (8)-(6) "Erect" means to construct, build, raise, assemble,  
2108 place, affix, attach, create, paint, draw, or in any other way  
2109 bring into being or establish; but it does not include any of  
2110 the foregoing activities when performed as an incident to the  
2111 change of advertising message or customary maintenance or repair  
2112 of a sign.

2113 (9)-(7) "Federal-aid primary highway system" means the  
2114 existing, unbuilt, or unopened system of highways or portions  
2115 thereof, which shall include the National Highway System,  
2116 designated as the federal-aid primary highway system by the  
2117 department.

2118 (10)-(8) "Highway" means any road, street, or other way  
2119 open or intended to be opened to the public for travel by motor  
2120 vehicles.

2121 (11) "Industrial use" means activities associated with the  
2122 manufacture, assembly, processing, or storage of products or the  
2123 performance of services relating thereto. The term includes,



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2124 without limitation, such uses or activities as automobile  
2125 manufacturing or repair, boat manufacturing or repair, junk  
2126 yards, meat packing facilities, citrus processing and packing  
2127 facilities, produce processing and packing facilities,  
2128 electrical generating plants, water treatment plants, sewage  
2129 treatment plants, and solid waste disposal sites.

2130 ~~(12)-(9)~~ "Interstate highway system" means the existing,  
2131 unbuilt, or unopened system of highways or portions thereof  
2132 designated as the national system of interstate and defense  
2133 highways by the department.

2134 ~~(13)-(10)~~ "Main-traveled way" means the traveled way of a  
2135 highway on which through traffic is carried. In the case of a  
2136 divided highway, the traveled way of each of the separate  
2137 roadways for traffic in opposite directions is a main-traveled  
2138 way. It does not include such facilities as frontage roads,  
2139 turning roadways, which specifically include on or off ramps to  
2140 the interstate highway system, or parking areas.

2141 ~~(14)-(11)~~ "Maintain" means to allow to exist.

2142 ~~(15)-(12)~~ "Motorist services directional signs" means signs  
2143 providing directional information about goods and services in  
2144 the interest of the traveling public where such signs were  
2145 lawfully erected and in existence on or before May 6, 1976, and  
2146 continue to provide directional information to goods and  
2147 services in a defined area.

2148 ~~(16)-(13)~~ "New highway" means the construction of any road,  
2149 paved or unpaved, where no road previously existed or the act of  
2150 paving any previously unpaved road.

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2151        (17)~~(14)~~ "Nonconforming sign" means a sign which was  
2152 lawfully erected but which does not comply with the land use,  
2153 setback, size, spacing, and lighting provisions of state or  
2154 local law, rule, regulation, or ordinance passed at a later date  
2155 or a sign which was lawfully erected but which later fails to  
2156 comply with state or local law, rule, regulation, or ordinance  
2157 due to changed conditions.

2158        (18)~~(15)~~ "Premises" means all the land areas under  
2159 ownership or lease arrangement to the sign owner which are  
2160 contiguous to the business conducted on the land except for  
2161 instances where such land is a narrow strip contiguous to the  
2162 advertised activity or is connected by such narrow strip, the  
2163 only viable use of such land is to erect or maintain an  
2164 advertising sign. When the sign owner is a municipality or  
2165 county, "premises" shall mean all lands owned or leased by such  
2166 municipality or county within its jurisdictional boundaries as  
2167 set forth by law.

2168        (19)~~(16)~~ "Remove" means to disassemble, transport from the  
2169 site, and dispose of sign materials by sale or destruction.

2170        (20)~~(17)~~ "Sign" means any combination of structure and  
2171 message in the form of an outdoor sign, display, device, figure,  
2172 painting, drawing, message, placard, poster, billboard,  
2173 advertising structure, advertisement, logo, symbol, or other  
2174 form, whether placed individually or on a V-type, back-to-back,  
2175 side-to-side, stacked, or double-faced display or automatic  
2176 changeable facing, designed, intended, or used to advertise or  
2177 inform, any part of the advertising message or informative  
2178 contents of which is visible from any place on the main-traveled

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2179 way. The term does not include an official traffic control sign,  
2180 official marker, or specific information panel erected, caused  
2181 to be erected, or approved by the department.

2182 ~~(21)-(18)~~ "Sign direction" means that direction from which  
2183 the message or informative contents are most visible to oncoming  
2184 traffic on the main-traveled way.

2185 ~~(22)-(19)~~ "Sign face" means the part of the sign, including  
2186 trim and background, which contains the message or informative  
2187 contents.

2188 ~~(23)-(20)~~ "Sign facing" includes all sign faces and  
2189 automatic changeable faces displayed at the same location and  
2190 facing the same direction.

2191 ~~(24)-(21)~~ "Sign structure" means all the interrelated parts  
2192 and material, such as beams, poles, and stringers, which are  
2193 constructed for the purpose of supporting or displaying a  
2194 message or informative contents.

2195 ~~(25)-(22)~~ "State Highway System" means the existing,  
2196 unbuilt, or unopened system of highways or portions thereof  
2197 designated as the State Highway System by the department.

2198 ~~(26)-(23)~~ "Unzoned commercial or industrial area" means a  
2199 parcel of land designated by the future land use map of the  
2200 comprehensive plan for multiple uses that include commercial or  
2201 industrial uses but are not specifically designated for  
2202 commercial or industrial uses under the land development  
2203 regulations, in which three or more separate and distinct  
2204 conforming industrial or commercial activities are located.

2205 (a) These activities must satisfy the following criteria:

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2206 1. At least one of the commercial or industrial activities  
2207 must be located on the same side of the highway and within 800  
2208 feet of the sign location;

2209 2. The commercial or industrial activities must be within  
2210 660 feet from the nearest edge of the right-of-way; and

2211 3. The commercial industrial activities must be within  
2212 1,600 feet of each other.

2213

2214 Distances specified in this paragraph must be measured from the  
2215 nearest outer edge of the primary building or primary building  
2216 complex when the individual units of the complex are connected  
2217 by covered walkways.

2218 (b) Certain activities, including, but not limited to, the  
2219 following, may not be so recognized as commercial or industrial  
2220 activities:

2221 1. Signs.

2222 2. Agricultural, forestry, ranching, grazing, farming, and  
2223 related activities, including, but not limited to, wayside fresh  
2224 produce stands.

2225 3. Transient or temporary activities.

2226 4. Activities not visible from the main-traveled way.

2227 5. Activities conducted more than 660 feet from the  
2228 nearest edge of the right-of-way.

2229 6. Activities conducted in a building principally used as  
2230 a residence.

2231 7. Railroad tracks and minor sidings.

2232 8. Communication towers.

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2233 | ~~(27)-(24)~~ "Urban area" has the same meaning as defined in  
2234 | s. 334.03 ~~(29)-(32)~~.

2235 | ~~(28)-(25)~~ "Visible commercial or industrial activity" means  
2236 | a commercial or industrial activity that is capable of being  
2237 | seen without visual aid by a person of normal visual acuity from  
2238 | the main-traveled way and that is generally recognizable as  
2239 | commercial or industrial.

2240 | ~~(29)-(26)~~ "Visible sign" means that the advertising message  
2241 | or informative contents of a sign, whether or not legible, is  
2242 | capable of being seen without visual aid by a person of normal  
2243 | visual acuity.

2244 | ~~(30)-(27)~~ "Wall mural" means a sign that is a painting or  
2245 | an artistic work composed of photographs or arrangements of  
2246 | color and that displays a commercial or noncommercial message,  
2247 | relies solely on the side of the building for rigid structural  
2248 | support, and is painted on the building or depicted on vinyl,  
2249 | fabric, or other similarly flexible material that is held in  
2250 | place flush or flat against the surface of the building. The  
2251 | term excludes a painting or work placed on a structure that is  
2252 | erected for the sole or primary purpose of signage.

2253 | (31) "Zoning category" means the designation under the  
2254 | Land Development Regulations or other similar ordinance enacted  
2255 | to regulate the use of land as provided in s. 163.3202(2)(b),  
2256 | which designation sets forth the allowable uses, restrictions,  
2257 | and limitations on use applicable to properties within the  
2258 | category.

2259 | Section 38. Paragraph (c) of subsection (9) of section  
2260 | 479.07, Florida Statutes, is amended to read:

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2261 479.07 Sign permits.—

2262 (9)

2263 (c) Notwithstanding subparagraph (a)1., there is  
2264 established a pilot program in Orange, Hillsborough, and Osceola  
2265 Counties, and within the boundaries of the City of Miami, under  
2266 which the distance between permitted signs on the same side of  
2267 an interstate highway may be reduced to 1,000 feet if all other  
2268 requirements of this chapter are met and if:

2269 1. The local government has adopted a plan, program,  
2270 resolution, ordinance, or other policy encouraging the voluntary  
2271 removal of signs in a downtown, historic, redevelopment, infill,  
2272 or other designated area which also provides for a new or  
2273 replacement sign to be erected on an interstate highway within  
2274 that jurisdiction if a sign in the designated area is removed;

2275 2. The sign owner and the local government mutually agree  
2276 to the terms of the removal and replacement; and

2277 3. The local government notifies the department of its  
2278 intention to allow such removal and replacement as agreed upon  
2279 pursuant to subparagraph 2.

2280 4. The new or replacement sign to be erected on an  
2281 interstate highway within that jurisdiction is to be located on  
2282 a parcel of land specifically designated for commercial or  
2283 industrial use under both the future land use map of the  
2284 comprehensive plan and the land use development regulations  
2285 adopted pursuant to chapter 163 and such parcel shall not be  
2286 subject to an evaluation in accordance with the criteria set  
2287 forth in the Section 479.01(26), F.S., to determine if the

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2288 parcel can be considered an unzoned commercial or industrial  
2289 area.

2290

2291 The department shall maintain statistics tracking the use of the  
2292 provisions of this pilot program based on the notifications  
2293 received by the department from local governments under this  
2294 paragraph.

2295 Section 39. Subsections (1) and (5) of section 479.261,  
2296 Florida Statutes, are amended to read:

2297 479.261 Logo sign program.—

2298 (1) The department shall establish a logo sign program for  
2299 the rights-of-way of the interstate highway system to provide  
2300 information to motorists about available gas, food, lodging,  
2301 camping, attractions, and other services, as approved by the  
2302 Federal Highway Administration, at interchanges through the use  
2303 of business logos and may include additional interchanges under  
2304 the program.

2305 (a) As used in this chapter, the term "attraction" means  
2306 an establishment, site, facility, or landmark that is open a  
2307 minimum of 5 days a week for 52 weeks a year; that has as its  
2308 principal focus family-oriented entertainment, cultural,  
2309 educational, recreational, scientific, or historical activities;  
2310 and that is publicly recognized as a bona fide tourist  
2311 attraction.

2312 (b) The department shall incorporate the use of RV-  
2313 friendly markers on specific information logo signs for  
2314 establishments that cater to the needs of persons driving  
2315 recreational vehicles. Establishments that qualify for

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2316 participation in the specific information logo program and that  
2317 also qualify as "RV-friendly" may request the RV-friendly marker  
2318 on their specific information logo sign. An RV-friendly marker  
2319 must consist of a design approved by the Federal Highway  
2320 Administration. The department shall adopt rules in accordance  
2321 with chapter 120 to administer this paragraph, including rules  
2322 setting forth the minimum requirements that establishments must  
2323 meet in order to qualify as RV-friendly. These requirements  
2324 shall include large parking spaces, entrances, and exits that  
2325 can easily accommodate recreational vehicles and facilities  
2326 having appropriate overhead clearances, if applicable.

2327 ~~(c) The department may implement a 3-year, rotation-based~~  
2328 ~~logo program providing for the removal and addition of~~  
2329 ~~participating businesses in the program.~~

2330 (5) At a minimum, permit fees for businesses that  
2331 participate in the program must be established in an amount  
2332 sufficient to offset the total cost to the department for the  
2333 program, including contract costs. The department shall provide  
2334 the services in the most efficient and cost-effective manner  
2335 through department staff or by contracting for some or all of  
2336 the services. The department shall adopt rules that set  
2337 reasonable rates based upon factors such as population, traffic  
2338 volume, market demand, and costs for annual permit fees.  
2339 However, annual permit fees for sign locations inside an urban  
2340 area, as defined in s. 334.03(32), may not exceed \$3,500 ~~\$5,000~~,  
2341 and annual permit fees for sign locations outside an urban area,  
2342 as defined in s. 334.03(32), may not exceed \$2,000 ~~\$2,500~~. After  
2343 recovering program costs, the proceeds from the annual permit



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2344 fees shall be deposited into the State Transportation Trust Fund  
2345 and used for transportation purposes.

2346 Section 40. Sections 479.01, 479.015, 479.02, 479.03,  
2347 479.04, 479.05, 479.07, 479.08, 479.10, 479.105, 479.106,  
2348 479.107, 479.11, 479.111, 479.12, 479.14, 479.15, 479.155,  
2349 479.156, 479.16, 479.21, 479.24, and 479.25, Florida Statutes,  
2350 are designated as part I of chapter 479, Florida Statutes, and  
2351 entitled "General Provisions."

2352 Section 41. Sections 479.261, 479.262, 479.27, 479.28, and  
2353 479.30, Florida Statutes, are designated as part II of chapter  
2354 479, Florida Statutes, and entitled "Special Programs."

2355 Section 42. Section 34. Part III of chapter 479, Florida  
2356 Statutes, consisting of sections 479.310, 479.311, 479.312,  
2357 479.313, and 479.315, is created to read:

2358 PART III

2359 SIGN REMOVAL

2360 479.310 Unpermitted and illegal signs; intent.—It is the  
2361 intent of this part to relieve the department from the financial  
2362 burden incurred in the removal of unpermitted and illegal signs  
2363 located within the right-of-way of and controlled areas adjacent  
2364 to the State Highway System, interstate highway system, and  
2365 federal-aid primary highway system; to place the financial  
2366 responsibility for the cost of such removal directly upon those  
2367 benefiting from the location and operation of such unpermitted  
2368 and illegal signs; and to provide clear authority to the  
2369 department for the recovery of cost incurred by the department  
2370 in the removal of such unpermitted and illegal signs.

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2371 479.311 Jurisdiction; venue.-The county court shall have  
2372 jurisdiction concurrent with the circuit court to consider  
2373 claims filed by the department in amounts which are within their  
2374 jurisdictional limitations. For the purposes of a claim filed by  
2375 the department to recover its cost as provided in this section,  
2376 venue shall be Leon County.

2377 479.312 Unpermitted signs; cost of removal.-All costs  
2378 incurred by the department in connection with the removal of a  
2379 sign located within a controlled area adjacent to the State  
2380 Highway System, interstate highway system, or federal-aid  
2381 primary highway system which has not been issued a permit under  
2382 part I shall be assessed against and collected from the owner of  
2383 the sign, the advertiser displayed on the sign, or the owner of  
2384 the property upon which the sign is located. For the purposes of  
2385 this section, a sign that does not display the name of the sign  
2386 owner shall be presumed to be owned by the owner of the property  
2387 upon which the sign is located.

2388 479.313 Permit revocation; cost of removal.-All costs  
2389 incurred by the department in connection with the removal of a  
2390 sign located within a controlled area adjacent to the State  
2391 Highway System, interstate highway system, or federal-aid  
2392 primary highway system following the revocation of the permit  
2393 for such sign shall be assessed against and collected from the  
2394 permittee.

2395 479.315 Highway rights-of way; cost of sign removal.-All  
2396 cost incurred by the department in connection with the removal  
2397 of a sign located within the right-of-way of the State Highway  
2398 System, interstate highway system, or federal-aid primary

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2399 | highway system shall be assessed against and collected from the  
2400 | owner of the sign or the advertiser displayed on the sign.

2401 | Section 43. Section 705.18, Florida Statutes, is amended  
2402 | to read:

2403 | 705.18 Disposal of personal property lost or abandoned on  
2404 | university or community college campuses ~~or certain public-use~~  
2405 | ~~airports~~; disposition of proceeds from sale thereof.-

2406 | (1) Whenever any lost or abandoned personal property shall  
2407 | be found on a campus of an institution in the State University  
2408 | System or a campus of a state-supported community college, ~~or on~~  
2409 | ~~premises owned or controlled by the operator of a public-use~~  
2410 | ~~airport having regularly scheduled international passenger~~  
2411 | ~~service~~, the president of the institution or the president's  
2412 | designee ~~or the director of the airport or the director's~~  
2413 | ~~designee~~ shall take charge of the property ~~thereof~~ and make a  
2414 | record of the date such property was found. If, within 30 days  
2415 | after such property is found, or a longer period of time as may  
2416 | be deemed appropriate by the president ~~or the director~~ under the  
2417 | circumstances, the property ~~it~~ is not claimed by the owner, the  
2418 | president ~~or director~~ shall order it sold at public outcry after  
2419 | giving notice of the time and place of sale in a publication of  
2420 | general circulation on the campus of such institution ~~or within~~  
2421 | ~~the county where the airport is located~~ and written notice to  
2422 | the owner if known. The rightful owner of such property may  
2423 | reclaim the same at any time prior to sale.

2424 | (2) All moneys realized from such institution's sale shall  
2425 | be placed in an appropriate fund and used solely for student  
2426 | scholarship and loan purposes. ~~All moneys realized from such~~

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2427 ~~sale by an airport, less its costs of storage, transportation,~~  
2428 ~~and publication of notice, shall, unless another use is required~~  
2429 ~~by federal law, be deposited into the state school fund.~~

2430 Section 44. Section 705.182, Florida Statutes, is created  
2431 to read:

2432 705.182 Disposal of personal property found on the  
2433 premises of public-use airports.-

2434 (1) Whenever any personal property, other than an aircraft  
2435 or motor vehicle, is found on premises owned or controlled by  
2436 the operator of a public-use airport, the director of the  
2437 airport or the director's designee shall take charge of the  
2438 property and make a record of the date such property was found.

2439 (2) If, within 30 calendar days after such property is  
2440 found or for a longer period of time as may be deemed  
2441 appropriate by the director or the director's designee under the  
2442 circumstances, the property is not claimed by the owner, the  
2443 director or the director's designee may:

2444 (a) Retain any or all of the property for use by the  
2445 airport or for use by the state or the unit of local government  
2446 owning or operating the airport;

2447 (b) Trade such property to another unit of local  
2448 government or a state agency;

2449 (c) Donate the property to a charitable organization;

2450 (d) Sell the property; or

2451 (e) Dispose of the property through an appropriate refuse  
2452 removal company or a company that provides salvage services for  
2453 the type of personal property found or located on the airport  
2454 premises.

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2455 (3) The airport shall notify the owner, if known, of the  
2456 property found on the airport premises and that the airport  
2457 intends to dispose of the property as provided in subsection  
2458 (2).

2459 (4) If the airport elects to sell the property under  
2460 paragraph (2)(d), the property must be sold at a public auction  
2461 either on the Internet or at a specified physical location after  
2462 giving notice of the time and place of sale, at least 10  
2463 calendar days prior to the date of sale, in a publication of  
2464 general circulation within the county where the airport is  
2465 located and after written notice, via certified mail, return  
2466 receipt requested, is provided to the owner, if known. Any such  
2467 notice shall be sufficient if the notice refers to the airport's  
2468 intention to sell all then-accumulated found property, and there  
2469 is no requirement that the notice identify each item to be sold.  
2470 The rightful owner of such property may reclaim the property at  
2471 any time prior to sale by presenting acceptable evidence of  
2472 ownership to the airport director or the director's designee.  
2473 All proceeds from the sale of the property shall be retained by  
2474 the airport for use by the airport in any lawfully authorized  
2475 manner.

2476 (5) Nothing in this section shall preclude the airport  
2477 from allowing a domestic or international air carrier or other  
2478 tenant, on premises owned or controlled by the operator of a  
2479 public-use airport, to establish its own lost and found  
2480 procedures for personal property and to dispose of such personal  
2481 property.

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2482 (6) A purchaser or recipient in good faith of personal  
2483 property sold or obtained under this section shall take the  
2484 property free of the rights of persons then holding any legal or  
2485 equitable interest thereto, whether or not recorded.

2486 Section 45. Section 705.183, Florida Statutes, is created  
2487 to read:

2488 705.183 Disposal of derelict or abandoned aircraft on the  
2489 premises of public-use airports.—

2490 (1) (a) Whenever any derelict or abandoned aircraft is  
2491 found or located on premises owned or controlled by the operator  
2492 of a public-use airport, whether or not such premises are under  
2493 a lease or license to a third party, the director of the airport  
2494 or the director's designee shall make a record of the date the  
2495 aircraft was found or determined to be present on the airport  
2496 premises.

2497 (b) For purposes of this section, the term:

2498 1. "Abandoned aircraft" means an aircraft that has been  
2499 disposed of on a public-use airport in a wrecked, inoperative,  
2500 or partially dismantled condition or an aircraft that has  
2501 remained in an idle state on premises owned or controlled by the  
2502 operator of a public-use airport for 45 consecutive calendar  
2503 days.

2504 2. "Derelict aircraft" means any aircraft that is not in a  
2505 flyable condition, does not have a current certificate of air  
2506 worthiness issued by the Federal Aviation Administration, and is  
2507 not in the process of actively being repaired.

2508 (2) The director or the director's designee shall contact  
2509 the Federal Aviation Administration, Aircraft Registration

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2510 Branch, to determine the name and address of the last registered  
2511 owner of the aircraft and shall make a diligent personal search  
2512 of the appropriate records, or contact an aircraft title search  
2513 company, to determine the name and address of any person having  
2514 an equitable or legal interest in the aircraft. Within 10  
2515 business days after receipt of the information, the director or  
2516 the director's designee shall notify the owner and all persons  
2517 having an equitable or legal interest in the aircraft by  
2518 certified mail, return receipt requested, of the location of the  
2519 derelict or abandoned aircraft on the airport premises, that  
2520 fees and charges for the use of the airport by the aircraft have  
2521 accrued and the amount thereof, that the aircraft is subject to  
2522 a lien under subsection (5) for the accrued fees and charges for  
2523 the use of the airport and for the transportation, storage, and  
2524 removal of the aircraft, that the lien is subject to enforcement  
2525 pursuant to law, and that the airport may cause the use, trade,  
2526 sale, or removal of the aircraft as described in s.  
2527 705.182(2)(a), (b), (d), or (e) if, within 30 calendar days  
2528 after the date of receipt of such notice, the aircraft has not  
2529 been removed from the airport upon payment in full of all  
2530 accrued fees and charges for the use of the airport and for the  
2531 transportation, storage, and removal of the aircraft. Such  
2532 notice may require removal of the aircraft in less than 30  
2533 calendar days if the aircraft poses a danger to the health or  
2534 safety of users of the airport, as determined by the director or  
2535 the director's designee.

2536 (3) If the owner of the aircraft is unknown or cannot be  
2537 found, the director or the director's designee shall cause a

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2538 laminated notice to be placed upon such aircraft in  
2539 substantially the following form:

2540  
2541 NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED  
2542 PROPERTY. This property, to wit: ...(setting forth brief  
2543 description)... is unlawfully upon public property known as  
2544 ...(setting forth brief description of location)... and has  
2545 accrued fees and charges for the use of the ...(same description  
2546 of location as above)... and for the transportation, storage,  
2547 and removal of the property. These accrued fees and charges must  
2548 be paid in full and the property must be removed within 30  
2549 calendar days after the date of this notice; otherwise, the  
2550 property will be removed and disposed of pursuant to chapter  
2551 705, Florida Statutes. The property is subject to a lien for all  
2552 accrued fees and charges for the use of the public property  
2553 known as ...(same description of location as above)... by such  
2554 property and for all fees and charges incurred by the public  
2555 property known as ...(same description of location as above)...  
2556 for the transportation, storage, and removal of the property.  
2557 This lien is subject to enforcement pursuant to law. The owner  
2558 will be liable for such fees and charges, as well as the cost  
2559 for publication of this notice. Dated this: ...(setting forth  
2560 the date of posting of notice)..., signed: ...(setting forth  
2561 name, title, address, and telephone number of law enforcement  
2562 officer)....

2563  
2564 Such notice shall be not less than 8 inches by 10 inches and  
2565 shall be sufficiently weatherproof to withstand normal exposure



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2566 to the weather. If, at the end of 30 calendar days after posting  
2567 the notice, the owner or any person interested in the described  
2568 derelict or abandoned aircraft has not removed the aircraft from  
2569 the airport upon payment in full of all accrued fees and charges  
2570 for the use of the airport and for the transportation, storage,  
2571 and removal of the aircraft, or shown reasonable cause for  
2572 failure to do so, the director or the director's designee may  
2573 cause the use, trade, sale, or removal of the aircraft as  
2574 described in s. 705.182(2)(a), (b), (d), or (e).

2575 (4) Such aircraft shall be removed within the time period  
2576 specified in the notice provided under subsection (2) or  
2577 subsection (3). If, at the end of such period of time, the owner  
2578 or any person interested in the described derelict or abandoned  
2579 aircraft has not removed the aircraft from the airport upon  
2580 payment in full of all accrued fees and charges for the use of  
2581 the airport and for the transportation, storage, and removal of  
2582 the aircraft, or shown reasonable cause for the failure to do  
2583 so, the director or the director's designee may cause the use,  
2584 trade, sale, or removal of the aircraft as described in s.  
2585 705.182(2)(a), (b), (d), or (e).

2586 (a) If the airport elects to sell the aircraft in  
2587 accordance with s. 705.182(2)(d), the aircraft must be sold at  
2588 public auction after giving notice of the time and place of  
2589 sale, at least 10 calendar days prior to the date of sale, in a  
2590 publication of general circulation within the county where the  
2591 airport is located and after providing written notice of the  
2592 intended sale to all parties known to have an interest in the  
2593 aircraft.

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2594 (b) If the airport elects to dispose of the aircraft in  
2595 accordance with s. 705.182(2)(e), the airport shall be entitled  
2596 to negotiate with the company for a price to be received from  
2597 such company in payment for the aircraft, or, if circumstances  
2598 so warrant, a price to be paid to such company by the airport  
2599 for the costs of disposing of the aircraft. All information  
2600 pertaining to the establishment of such price and the  
2601 justification for the amount of such price shall be prepared and  
2602 maintained by the airport, and such negotiated price shall be  
2603 deemed to be a commercially reasonable price.

2604 (c) If the sale price or the negotiated price is less than  
2605 the airport's then current charges and costs against the  
2606 aircraft, or if the airport is required to pay the salvage  
2607 company for its services, the owner of the aircraft shall remain  
2608 liable to the airport for the airport's costs that are not  
2609 offset by the sale price or negotiated price, in addition to the  
2610 owner's liability for payment to the airport of the price the  
2611 airport was required to pay any salvage company. All costs  
2612 incurred by the airport in the removal, storage, and sale of any  
2613 aircraft shall be recoverable against the owner of the aircraft.

2614 (5) The airport shall have a lien on a derelict or  
2615 abandoned aircraft for all fees and charges for the use of the  
2616 airport by such aircraft and for all fees and charges incurred  
2617 by the airport for the transportation, storage, and removal of  
2618 the aircraft. As a prerequisite to perfecting a lien under this  
2619 section, the airport director or the director's designee must  
2620 serve a notice in accordance with subsection (2) on the last  
2621 registered owner and all persons having an equitable or legal

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2622 interest in the aircraft. Serving the notice does not dispense  
2623 with recording the claim of lien.

2624 (6) (a) For the purpose of perfecting its lien under this  
2625 section, the airport shall record a claim of lien which shall  
2626 state:

2627 1. The name and address of the airport.

2628 2. The name of the last registered owner of the aircraft  
2629 and all persons having a legal or equitable interest in the  
2630 aircraft.

2631 3. The fees and charges incurred by the aircraft for the  
2632 use of the airport and the fees and charges for the  
2633 transportation, storage, and removal of the aircraft.

2634 4. A description of the aircraft sufficient for  
2635 identification.

2636 (b) The claim of lien shall be signed and sworn to or  
2637 affirmed by the airport director or the director's designee.

2638 (c) The claim of lien shall be sufficient if it is in  
2639 substantially the following form:

2640

2641 CLAIM OF LIEN

2642 State of \_\_\_\_\_

2643 County of \_\_\_\_\_

2644 Before me, the undersigned notary public, personally appeared  
2645 \_\_\_\_\_, who was duly sworn and says that he/she is the

2646 \_\_\_\_\_ of \_\_\_\_\_, whose address is \_\_\_\_\_; and that the  
2647 following described aircraft:

2648 ...(Description of aircraft)...

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2649 owned by \_\_\_\_\_, whose address is \_\_\_\_\_, has accrued  
2650 \$ \_\_\_\_\_ in fees and charges for the use by the aircraft of  
2651 \_\_\_\_\_ and for the transportation, storage, and removal  
2652 of the aircraft from \_\_\_\_\_; that the lienor served its  
2653 notice to the last registered owner and all persons having a  
2654 legal or equitable interest in the aircraft on \_\_\_\_\_,  
2655 ... (year) ..., by \_\_\_\_\_.  
2656 ... (Signature) ...  
2657 Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day  
2658 of \_\_\_\_\_, ... (year) ..., by ... (name of person making statement) ...  
2659 ... (Signature of Notary Public) ... (Print, Type, or Stamp  
2660 Commissioned name of Notary Public) ...  
2661 Personally Known OR Produced as identification.

2662  
2663 However, the negligent inclusion or omission of any information  
2664 in this claim of lien which does not prejudice the last  
2665 registered owner does not constitute a default that operates to  
2666 defeat an otherwise valid lien.

2667 (d) The claim of lien shall be served on the last  
2668 registered owner of the aircraft and all persons having an  
2669 equitable or legal interest in the aircraft. The claim of lien  
2670 shall be so served before recordation.

2671 (e) The claim of lien shall be recorded with the clerk of  
2672 court in the county where the airport is located. The recording  
2673 of the claim of lien shall be constructive notice to all persons  
2674 of the contents and effect of such claim. The lien shall attach  
2675 at the time of recordation and shall take priority as of that  
2676 time.

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2677 (7) A purchaser or recipient in good faith of an aircraft  
2678 sold or obtained under this section takes the property free of  
2679 the rights of persons then holding any legal or equitable  
2680 interest to the aircraft, whether or not recorded. The purchaser  
2681 or recipient is required to notify the appropriate Federal  
2682 Aviation Administration office of such change in the registered  
2683 owner of the aircraft.

2684 (8) If the aircraft is sold at public sale, the airport  
2685 shall deduct from the proceeds of sale the costs of  
2686 transportation, storage, publication of notice, and all other  
2687 costs reasonably incurred by the airport, and any balance of the  
2688 proceeds shall be deposited into an interest-bearing account not  
2689 later than 30 calendar days after the airport's receipt of the  
2690 proceeds and held there for 1 year. The rightful owner of the  
2691 aircraft may claim the balance of the proceeds within 1 year  
2692 after the date of the deposit by making application to the  
2693 airport and presenting acceptable written evidence of ownership  
2694 to the airport's director or the director's designee. If no  
2695 rightful owner claims the proceeds within the 1-year period, the  
2696 balance of the proceeds shall be retained by the airport to be  
2697 used in any manner authorized by law.

2698 (9) Any person acquiring a legal interest in an aircraft  
2699 that is sold by an airport under this section or s. 705.182  
2700 shall be the lawful owner of such aircraft and all other legal  
2701 or equitable interests in such aircraft shall be divested and of  
2702 no further force and effect, provided that the holder of any  
2703 such legal or equitable interests was notified of the intended  
2704 disposal of the aircraft to the extent required in this section.

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2705 The airport may issue documents of disposition to the purchaser  
2706 or recipient of an aircraft disposed of under this section.

2707 Section 46. Section 705.184, Florida Statutes, is created  
2708 to read:

2709 705.184 Derelict or abandoned motor vehicles on the  
2710 premises of public-use airports.-

2711 (1) (a) Whenever any derelict or abandoned motor vehicle is  
2712 found on premises owned or controlled by the operator of a  
2713 public-use airport, including airport premises leased to a third  
2714 party, the director of the airport or the director's designee  
2715 may take charge of the motor vehicle and make a record of the  
2716 date such motor vehicle was found.

2717 (b) For purposes of this section, the term:

2718 1. "Abandoned motor vehicle" means a motor vehicle that  
2719 has been disposed of on a public-use airport in a wrecked,  
2720 inoperative, or partially dismantled condition or a motor  
2721 vehicle that has remained in an idle state on the premises of a  
2722 public-use airport for 45 consecutive calendar days.

2723 2. "Derelict motor vehicle" means any motor vehicle that  
2724 is not in a drivable condition.

2725 (c) After the information relating to the abandoned or  
2726 derelict motor vehicle is recorded in the airport's records, the  
2727 director or the director's designee may cause the motor vehicle  
2728 to be removed from airport premises by the airport's wrecker or  
2729 by a licensed independent wrecker company to be stored at a  
2730 suitable location on or off the airport premises. If the motor  
2731 vehicle is to be removed from airport premises by the airport's  
2732 wrecker, the airport must follow the procedures in subsections

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2733 (2)-(8). The procedures in subsections (2)-(8) do not apply if  
2734 the motor vehicle is removed from the airport premises by a  
2735 licensed independent wrecker company, and the licensed wrecking  
2736 company shall comply is s. 713.78.

2737 (2) The airport director or the director's designee shall  
2738 contact the Department of Highway Safety and Motor Vehicles to  
2739 notify that department that the airport has possession of the  
2740 abandoned or derelict motor vehicle and to determine the name  
2741 and address of the owner of the motor vehicle, the insurance  
2742 company insuring the motor vehicle, notwithstanding the  
2743 provisions of s. 627.736, and any person who has filed a lien on  
2744 the motor vehicle. Within 7 business days after receipt of the  
2745 information, the director or the director's designee shall send  
2746 notice by certified mail, return receipt requested, to the owner  
2747 of the motor vehicle, the insurance company insuring the motor  
2748 vehicle, notwithstanding the provisions of s. 627.736, and all  
2749 persons of record claiming a lien against the motor vehicle. The  
2750 notice shall state the fact of possession of the motor vehicle,  
2751 that charges for reasonable towing, storage, and parking fees,  
2752 if any, have accrued and the amount thereof, that a lien as  
2753 provided in subsection (6) will be claimed, that the lien is  
2754 subject to enforcement pursuant to law, that the owner or  
2755 lienholder, if any, has the right to a hearing as set forth in  
2756 subsection (4), and that any motor vehicle which, at the end of  
2757 30 calendar days after receipt of the notice, has not been  
2758 removed from the airport upon payment in full of all accrued  
2759 charges for reasonable towing, storage, and parking fees, if  
2760 any, may be disposed of as provided in s. 705.182(2)(a), (b),

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2761 (d), or (e), including, but not limited to, the motor vehicle  
2762 being sold free of all prior liens after 35 calendar days after  
2763 the time the motor vehicle is stored if any prior liens on the  
2764 motor vehicle are more than 5 years of age or after 50 calendar  
2765 days after the time the motor vehicle is stored if any prior  
2766 liens on the motor vehicle are 5 years of age or less.

2767 (3) If attempts to notify the owner or lienholder pursuant  
2768 to subsection (2) are not successful, the requirement of notice  
2769 by mail shall be considered met and the director or the  
2770 director's designee, in accordance with subsection (5), may  
2771 cause the motor vehicle to be disposed of as provided in s.  
2772 705.182(2)(a), (b), (d), or (e), including, but not limited to,  
2773 the motor vehicle being sold free of all prior liens after 35  
2774 calendar days after the time the motor vehicle is stored if any  
2775 prior liens on the motor vehicle are more than 5 years of age or  
2776 after 50 calendar days after the time the motor vehicle is  
2777 stored if any prior liens on the motor vehicle are 5 years of  
2778 age or less.

2779 (4)(a) The owner of, or any person with a lien on, a motor  
2780 vehicle removed pursuant to subsection (1), may, within 10  
2781 calendar days after the time he or she has knowledge of the  
2782 location of the motor vehicle, file a complaint in the county  
2783 court of the county in which the motor vehicle is stored to  
2784 determine if his or her property was wrongfully taken or  
2785 withheld.

2786 (b) Upon filing a complaint, an owner or lienholder may  
2787 have his or her motor vehicle released upon posting with the  
2788 court a cash or surety bond or other adequate security equal to



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2789 the amount of the fees for towing, storage, and accrued parking,  
2790 if any, to ensure the payment of such fees in the event he or  
2791 she does not prevail. Upon the posting of the bond or other  
2792 adequate security and the payment of any applicable fee, the  
2793 clerk of the court shall issue a certificate notifying the  
2794 airport of the posting of the bond or other adequate security  
2795 and directing the airport to release the motor vehicle. At the  
2796 time of such release, after reasonable inspection, the owner or  
2797 lienholder shall give a receipt to the airport reciting any  
2798 claims he or she has for loss or damage to the motor vehicle or  
2799 the contents of the motor vehicle.

2800 (5) If, after 30 calendar days after receipt of the  
2801 notice, the owner or any person claiming a lien has not removed  
2802 the motor vehicle from its storage location upon payment in full  
2803 of all accrued charges for reasonable towing, storage, and  
2804 parking fees, if any, or shown reasonable cause for the failure  
2805 to do so, the airport director or the director's designee may  
2806 dispose of the motor vehicle as provided in s. 705.182(2) (a),  
2807 (b), (d), or (e). If the airport elects to sell the motor  
2808 vehicle pursuant to s. 705.182(2) (d), the motor vehicle may be  
2809 sold free of all prior liens after 35 calendar days after the  
2810 time the motor vehicle is stored if any prior liens on the motor  
2811 vehicle are more than 5 years of age or after 50 calendar days  
2812 after the time the motor vehicle is stored if any prior liens on  
2813 the motor vehicle are 5 years of age or less. The sale shall be  
2814 a public auction either on the Internet or at a specified  
2815 physical location. If the date of the sale was not included in  
2816 the notice required in subsection (2), notice of the sale, sent

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2817 by certified mail, return receipt requested, shall be given to  
2818 the owner of the motor vehicle and to all persons claiming a  
2819 lien on the motor vehicle. Such notice shall be mailed not less  
2820 than 10 calendar days before the date of the sale. In addition  
2821 to the notice by mail, public notice of the time and place of  
2822 the sale at auction shall be made by publishing a notice of the  
2823 sale at auction one time, at least 10 calendar days prior to the  
2824 date of sale, in a newspaper of general circulation in the  
2825 county in which the sale is to be held. All costs incurred by  
2826 the airport for the towing, storage, and sale of the motor  
2827 vehicle, as well as all accrued parking fees, if any, shall be  
2828 recovered by the airport from the proceeds of the sale, and any  
2829 proceeds of the sale in excess of such costs shall be retained  
2830 by the airport for use by the airport in any manner authorized  
2831 by law.

2832 (6) The airport pursuant to this section or, if used, a  
2833 licensed independent wrecker company pursuant to s. 713.78 shall  
2834 have a lien on an abandoned or derelict motor vehicle for all  
2835 reasonable towing, storage, and accrued parking fees, if any,  
2836 except that no storage fee shall be charged if the motor vehicle  
2837 is stored less than 6 hours. As a prerequisite to perfecting a  
2838 lien under this section, the airport director or the director's  
2839 designee must serve a notice in accordance with subsection (2)  
2840 on the owner of the motor vehicle, the insurance company  
2841 insuring the motor vehicle, notwithstanding the provisions of s.  
2842 627.736, and all persons of record claiming a lien against the  
2843 motor vehicle. If attempts to notify the owner, the insurance  
2844 company insuring the motor vehicle, notwithstanding the

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2845 provisions of s. 627.736, or lienholders are not successful, the  
2846 requirement of notice by mail shall be considered met. Serving  
2847 of the notice does not dispense with recording the claim of  
2848 lien.

2849 (7) (a) For the purpose of perfecting its lien under this  
2850 section, the airport shall record a claim of lien which shall  
2851 state:

2852 1. The name and address of the airport.

2853 2. The name of the owner of the motor vehicle, the  
2854 insurance company insuring the motor vehicle, notwithstanding  
2855 the provisions of s. 627.736, and all persons of record claiming  
2856 a lien against the motor vehicle.

2857 3. The costs incurred from reasonable towing, storage, and  
2858 parking fees, if any.

2859 4. A description of the motor vehicle sufficient for  
2860 identification.

2861 (b) The claim of lien shall be signed and sworn to or  
2862 affirmed by the airport director or the director's designee.

2863 (c) The claim of lien shall be sufficient if it is in  
2864 substantially the following form:

2865

2866 CLAIM OF LIEN

2867 State of \_\_\_\_\_

2868 County of \_\_\_\_\_

2869 Before me, the undersigned notary public, personally appeared

2870 \_\_\_\_\_, who was duly sworn and says that he/she is the

2871 \_\_\_\_\_ of \_\_\_\_\_, whose address is \_\_\_\_\_; and that the

2872 following described motor vehicle:

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2873 ...(Description of motor vehicle)...  
2874 owned by \_\_\_\_\_, whose address is \_\_\_\_\_, has accrued  
2875 \$ \_\_\_\_\_ in fees for a reasonable tow, for storage, and for  
2876 parking, if applicable; that the lienor served its notice to the  
2877 owner, the insurance company insuring the motor vehicle  
2878 notwithstanding the provisions of s. 627.736, Florida Statutes,  
2879 and all persons of record claiming a lien against the motor  
2880 vehicle on \_\_\_\_\_, ...(year)..., by \_\_\_\_\_.  
2881 ...(Signature)...  
2882 Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day  
2883 of \_\_\_\_\_, ...(year)..., by ...(name of person making statement)....  
2884 ...(Signature of Notary Public)... ...(Print, Type, or Stamp  
2885 Commissioned name of Notary Public)...  
2886 Personally Known OR Produced \_\_\_\_\_ as identification.  
2887  
2888 However, the negligent inclusion or omission of any information  
2889 in this claim of lien which does not prejudice the owner does  
2890 not constitute a default that operates to defeat an otherwise  
2891 valid lien.  
2892 (d) The claim of lien shall be served on the owner of the  
2893 motor vehicle, the insurance company insuring the motor vehicle,  
2894 notwithstanding the provisions of s. 627.736, and all persons of  
2895 record claiming a lien against the motor vehicle. If attempts to  
2896 notify the owner, the insurance company insuring the motor  
2897 vehicle notwithstanding the provisions of s. 627.736, or  
2898 lienholders are not successful, the requirement of notice by  
2899 mail shall be considered met. The claim of lien shall be so  
2900 served before recordation.

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2901       (e) The claim of lien shall be recorded with the clerk of  
2902 court in the county where the airport is located. The recording  
2903 of the claim of lien shall be constructive notice to all persons  
2904 of the contents and effect of such claim. The lien shall attach  
2905 at the time of recordation and shall take priority as of that  
2906 time.

2907       (8) A purchaser or recipient in good faith of a motor  
2908 vehicle sold or obtained under this section takes the property  
2909 free of the rights of persons then holding any legal or  
2910 equitable interest thereto, whether or not recorded.

2911       Section 47. Section 479.156, Florida Statutes, is amended  
2912 to read:

2913       479.156 Wall murals.—Notwithstanding any other provision  
2914 of this chapter, a municipality or county may permit and  
2915 regulate wall murals within areas designated by such government.  
2916 If a municipality or county permits wall murals, a wall mural  
2917 that displays a commercial message and is within 660 feet of the  
2918 nearest edge of the right-of-way within an area adjacent to the  
2919 interstate highway system or the federal-aid primary highway  
2920 system shall be located in an area that is zoned for industrial  
2921 or commercial use and the municipality or county shall establish  
2922 and enforce regulations for such areas that, at a minimum, set  
2923 forth criteria governing the size, lighting, and spacing of wall  
2924 murals consistent with the intent of the Highway Beautification  
2925 Act of 1965 and with customary use. Whenever a municipality or  
2926 county exercises such control and makes a determination of  
2927 customary use pursuant to 23 U.S.C. s. 131(d), such  
2928 determination shall be accepted in lieu of controls in the

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2929 agreement between the state and the United States Department of  
2930 Transportation, and the department shall notify the Federal  
2931 Highway Administration pursuant to the agreement, 23 U.S.C. s.  
2932 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is  
2933 subject to municipal or county regulation and the Highway  
2934 Beautification Act of 1965 must be approved by the Department of  
2935 Transportation and the Federal Highway Administration when  
2936 required by federal law and federal regulation under the  
2937 agreement between the state and the United States Department of  
2938 Transportation and federal regulations enforced by the  
2939 Department of Transportation under s. 479.02(1). The existence  
2940 of a wall mural as defined in s. 479.01(30)-(27) shall not be  
2941 considered in determining whether a sign as defined in s.  
2942 479.01(20)-(17), either existing or new, is in compliance with s.  
2943 479.07(9)(a).

2944 Section 48. This act shall take effect July 1, 2010.

2945  
2946  
2947 -----  
2948 **T I T L E A M E N D M E N T**

2949 Remove the entire title and insert:

2950 A bill to be entitled

2951 An act relating to transportation; amending s. 20.23, F.S.;  
2952 authorizing the Department of Transportation to grant a  
2953 specified pay additive to law enforcement officers assigned to  
2954 the Office of Motor Carrier Compliance who maintain  
2955 certification by the Commercial Vehicle Safety Alliance;  
2956 amending s. 212.055, F.S.; providing that the county commission

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2957 may apply the proceeds from the charter county transportation  
2958 system surtax to the planning, development, construction,  
2959 operation and maintenance of on-demand transportation services;  
2960 defining "on-demand transportation services"; amending s.  
2961 310.0015, F.S. and s. 310.002, F.S.; to conform; amending s.  
2962 310.011, F.S., revising the membership of the Board of Pilot  
2963 Commissioners; amending s. 310.151, F.S.; dissolving the  
2964 Pilotage Rate Review Board and transferring its powers and  
2965 duties to a newly constituted Pilotage Rate Review Committee  
2966 established as part of the Board of Pilot Commissioners;  
2967 providing for the composition of the committee; requiring  
2968 certain disclosures relating to a conflict of interest;  
2969 repealing s. 315.03(12)(c), F.S., relating to legislative review  
2970 of a loan program of the Florida Seaport Transportation and  
2971 Economic Development Council; amending s. 316.003, F.S.;  
2972 defining "motor carrier transportation contract"; amending s.  
2973 316.1001, F.S.; clarifying the method to be used in providing  
2974 notice following the issuance of a citation for failure to pay a  
2975 toll; providing that receipt of the citation rather than its  
2976 mailing constitutes notification; authorizing any governmental  
2977 entity, including the clerk of court, to provide specified data  
2978 to the Department of Highway Safety and Motor Vehicles regarding  
2979 outstanding violations for failure to pay tolls; amending s.  
2980 316.302, F.S.; providing that certain indemnification provisions  
2981 in motor carrier transportation contracts are against public  
2982 policy and are void and unenforceable; defining "promisee," as  
2983 used in motor carrier transportation contracts; provides an  
2984 exception to such definition; providing applicability to certain

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2985 | contracts; amending s. 316.545, F.S.; providing for a reduction  
2986 | in the gross weight of certain vehicles equipped with idle-  
2987 | reduction technologies when calculating a penalty for exceeding  
2988 | maximum weight limits; requiring the operator to provide  
2989 | certification of the weight of the idle-reduction technology and  
2990 | to demonstrate or certify that the idle-reduction technology is  
2991 | fully functional at all times; amending s. 316.550, F.S.;  
2992 | authorizing the department or local authority to issue permits  
2993 | for certain vehicles to operate on certain routes; providing  
2994 | restrictions on routes; providing conditions when vehicles must  
2995 | be unloaded; conforming a cross-reference; amending s. 318.18,  
2996 | F.S.; revising provisions for distribution of proceeds collected  
2997 | by the clerk of the court for disposition of citations for  
2998 | failure to pay a toll; providing alternative procedures for  
2999 | disposition of such citation; providing for adjudication to be  
3000 | withheld and no points assessed against the driver's license  
3001 | unless adjudication is imposed by a court; authorizing a court  
3002 | to direct the department to suspend a person's driver's license  
3003 | for violations involving the failure to pay tolls; amending s.  
3004 | 320.03, F.S.; clarifying provisions requiring that the tax  
3005 | collector withhold issuance of a license plate or revalidation  
3006 | sticker if certain fines are outstanding; amending s. 320.08,  
3007 | F.S.; providing that specified license tax provisions apply to  
3008 | wreckers used for certain purposes; amending s. 320.08058, F.S.;  
3009 | revising authorized uses of revenue received from the sale of  
3010 | United We Stand license plates; amending s. 322.27, F.S.;  
3011 | providing for assessment of points against a driver's license  
3012 | for specified violations of requirements to pay a toll only when



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3013 the points are imposed by a court; repealing s. 332.14, F.S.,  
3014 relating to the Secure Airports for Florida's Economy Council;  
3015 providing for the use of funds accrued by the Secure Airports  
3016 for Florida's Economy Council; amending s. 337.14, F.S.;  
3017 revising application procedures for the qualification of  
3018 contractors; requiring any required interim financial statement  
3019 to be accompanied by an updated application; amending s.  
3020 337.401, F.S.; revising provisions for rules of the department  
3021 that provide for the placement of and access to certain  
3022 electrical transmission lines on the right-of-way of department-  
3023 controlled roads; authorizing the rules to include that the use  
3024 of the limited access right-of-way for longitudinal placement of  
3025 such transmission lines is reasonable based upon consideration  
3026 of certain economic and environmental factors; amending s.  
3027 337.406, F.S.; prohibiting camping on certain parts of the  
3028 right-of-way of the State Highway System; amending s. 338.155,  
3029 F.S.; authorizing the department to adopt rules relating to the  
3030 payment, collection, and enforcement of tolls; amending ss.  
3031 341.051 and 341.3025, F.S.; requiring the use of universal  
3032 common contactless fare media on new or upgraded public rail  
3033 transit systems or public transit systems connecting to such  
3034 rail systems; amending s. 343.64, F.S.; authorizing the Central  
3035 Florida Regional Transportation Authority to borrow funds under  
3036 certain circumstances; amending s. 348.51, F.S.; revising the  
3037 definition for the term "bonds" when used in the Tampa-  
3038 Hillsborough County Expressway Authority Law; amending s.  
3039 348.545, F.S.; authorizing costs of authority improvements to be  
3040 financed by bonds issued on behalf of the authority pursuant to

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3041 the State Bond Act or bonds issued by the authority under  
3042 specified provisions; amending s. 348.56, F.S.; authorizing  
3043 bonds to be issued on behalf of the authority pursuant to the  
3044 State Bond Act or issued by the authority under specified  
3045 provisions; revising requirements for such bonds; requiring the  
3046 bonds to be sold at public sale; authorizing the authority to  
3047 negotiate the sale of bonds with underwriters under certain  
3048 circumstances; amending s. 348.565, F.S.; providing that  
3049 facilities of the expressway system are approved to be  
3050 refinanced by the revenue bonds issued by the Division of Bond  
3051 Finance of the State Board of Administration and the State Bond  
3052 Act or by revenue bonds issued by the authority; providing that  
3053 certain projects of the authority are approved for financing or  
3054 refinancing by revenue bonds; amending s. 348.57, F.S.;  
3055 authorizing the authority to provide for the issuance of certain  
3056 bonds for the refunding of bonds outstanding regardless of  
3057 whether the bonds being refunded were issued by the authority or  
3058 on behalf of the authority; amending s. 348.70, F.S.; providing  
3059 that the Tampa-Hillsborough County Expressway Authority Law does  
3060 not repeal, rescind, or modify any other laws; providing that  
3061 such law supersedes laws that are inconsistent with the  
3062 provisions of that law; creating pt. XI of ch. 348, F.S., titled  
3063 "Osceola County Expressway Authority"; providing a short title;  
3064 providing definitions; creating the Osceola County Expressway  
3065 Authority as an agency of the state; providing for a governing  
3066 body of the authority; providing for membership, terms,  
3067 organization, personnel, and administration; authorizing payment  
3068 of travel and other expenses; directing the authority to

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3069 cooperate with and participate in any efforts to establish a  
3070 regional expressway authority; declaring the authority is not  
3071 eligible for voting membership in certain metropolitan planning  
3072 organizations; providing purposes and powers of the authority  
3073 for acquisition, construction, expansion, maintenance,  
3074 improvement, operation, ownership, and leasing of the Osceola  
3075 County Expressway System; providing for use of certain funds to  
3076 pay or secure obligations; authorizing use of the Osceola County  
3077 gasoline tax under certain conditions; authorizing the authority  
3078 to enter into partnerships and other agreements; authorizing the  
3079 authority to construct, operate, and maintain roads, bridges,  
3080 avenues of access, thoroughfares, and boulevards, and electronic  
3081 toll payment systems thereon, outside the jurisdictional  
3082 boundaries of Osceola County; authorizing the authority to enter  
3083 into an interlocal agreement with the Orlando-Orange County  
3084 Expressway Authority to coordinate and plan for projects;  
3085 prohibiting the authority from pledging the credit or taxing  
3086 power of the state; requiring consent of local and county  
3087 jurisdictions prior to acquisition of rights-of-way; requiring  
3088 consent of local and county jurisdictions for agreements that  
3089 would restrict construction of roads; providing for bond  
3090 financing of improvements to certain facilities; providing for  
3091 issuance and sale of bonds; providing for the employment of  
3092 fiscal agents; authorizing the State Board of Administration to  
3093 act as fiscal agent; providing approval of certain facilities  
3094 that have been financed by the issuance of bonds or other  
3095 evidence of indebtedness; providing for rights and remedies  
3096 granted to bondholders; providing for appointment of a trustee

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3097 to represent the bondholders; providing for appointment of a  
3098 receiver to take possession of, operate, and maintain the  
3099 system; providing for lease of the system to the department  
3100 under a lease-purchase agreement; authorizing the department to  
3101 act in place of the authority under terms of the lease-purchase  
3102 agreement; requiring approval by the county for certain  
3103 provisions of the lease-purchase agreement; providing that upon  
3104 termination of such lease-purchase agreement title to the system  
3105 shall be transferred to the state; providing that no pledge of  
3106 Osceola County gasoline tax funds as rentals under such lease-  
3107 purchase agreement shall be made without the consent of Osceola  
3108 County; authorizing the department to expend a limited amount of  
3109 funds; providing that the system is part of the state road  
3110 system; providing for the authority to appoint the department as  
3111 its agent for certain construction purposes; authorizing the  
3112 authority to acquire property; authorizing the authority to  
3113 exercise eminent domain; limiting liability of the authority for  
3114 preexisting contamination of an acquired property; providing for  
3115 remedial acts necessary due to such contamination; authorizing  
3116 agreements between the authority and other entities; providing  
3117 pledge of the state to bondholders; exempting the authority from  
3118 taxation; providing that investment in such bonds or other  
3119 obligations constitutes legal investments; providing that such  
3120 bonds are eligible for deposit as security for state, municipal,  
3121 and other public funds; providing that pledges shall be  
3122 enforceable by bondholders; providing for application and  
3123 construction of the part; authorizing certain audits of the  
3124 authority by the Osceola County auditor; requiring reports of

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3125 such audits to be submitted to the authority and the governing  
3126 body of Osceola County; providing for dissolution of the  
3127 authority under certain circumstances; amending s. 369.317,  
3128 F.S.; clarifying mitigation offsets in the Wekiva Study Area;  
3129 amending s. 373.41492, F.S.; increasing the mitigation fee for  
3130 mining activities in the Miami-Dade County Lake Belt; suspending  
3131 an annual increase in the mitigation fee; revising the frequency  
3132 of an interagency committee report; amending s. 403.4131, F.S.;  
3133 removing provisions relating to a report on the adopt-a-highway  
3134 program; amending s. 479.01, F.S.; defining the terms "allowable  
3135 uses," "commercial use," "industrial use," and "zoning category"  
3136 and revising the definition of the terms "commercial or  
3137 industrial zone" and "main-traveled way" for purposes of  
3138 provisions relating to outdoor advertising; conforming cross-  
3139 references; amending s. 479.07, F.S., providing for regulation  
3140 of new or replacement signs in certain areas; amending s.  
3141 479.261, F.S.; removing a provision authorizing the Department  
3142 of Transportation to rotate certain logo signs relating to gas,  
3143 food, and lodging services on the rights-of-way of the  
3144 interstate highway system in the state during a specified  
3145 period; reducing the annual permit fees for businesses  
3146 participating in the interstate logo sign program; designating  
3147 pts. I and II of ch. 479, F.S., entitled "General Provisions"  
3148 and "Special Programs," respectively; creating pt. III of ch.  
3149 479, F.S., entitled "Sign Removal"; creating s. 479.310, F.S.;  
3150 providing intent relating to unpermitted and illegal signs;  
3151 placing financial responsibility for the removal of such signs;  
3152 providing the department authority to recover costs of removal

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3153 of such signs; creating s. 479.311, F.S., providing jurisdiction  
3154 to consider claims to recover costs; defining the term "venue"  
3155 for the purposes of a claim filed by the department; creating s.  
3156 479.312, F.S.; providing that costs incurred by the department  
3157 in removing certain signs shall be assessed against certain  
3158 individuals; providing presumption of a ownership; creating s.  
3159 479.313, F.S.; providing for the assessment of the cost of  
3160 removal for signs following the revocation of a sign permit;  
3161 creating s. 479.315, F.S.; providing for the assessment of the  
3162 cost of removal of signs located within a highway right-of-way;  
3163 amending s. 705.18, F.S.; removing provisions for disposal of  
3164 personal property lost or abandoned at certain public-use  
3165 airports; creating s. 705.182, F.S.; providing for disposal of  
3166 personal property found on premises owned or controlled by the  
3167 operator of a public-use airport; providing a timeframe for the  
3168 property to be claimed; providing options for disposing of such  
3169 personal property; providing procedures for selling abandoned  
3170 personal property; providing for notice of sale; providing that  
3171 the rightful owner of such property may reclaim the property at  
3172 any time prior to sale; permitting airport tenants to establish  
3173 lost and found procedures; providing that purchaser holds title  
3174 to the property free of the rights of persons then holding any  
3175 legal or equitable interest thereto; creating s. 705.183, F.S.;;  
3176 providing for disposition of derelict or abandoned aircraft on  
3177 the premises of public-use airports; providing procedures for  
3178 such disposition; requiring a record of when the aircraft is  
3179 found; defining the terms "derelict aircraft" and "abandoned  
3180 aircraft"; providing for notification of aircraft owner and all

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3181 persons having an equitable or legal interest in the aircraft;  
3182 providing for notice if the owner of the aircraft is unknown or  
3183 cannot be found; providing for disposition if the aircraft is  
3184 not removed upon payment of required fees; requiring any sale of  
3185 the aircraft to be at a public auction; providing notice  
3186 requirements for such public auction; providing procedures for  
3187 disposal of the aircraft; providing for liability if charges and  
3188 costs related to the disposition are more than that obtained  
3189 from the sale; providing for a lien by the airport for fees and  
3190 charges; providing for notice of lien; requiring recording of a  
3191 claim of lien; providing for the form of the claim of lien;  
3192 providing for service of the claim of lien; providing that the  
3193 purchaser of the aircraft takes the property free of rights of  
3194 persons holding legal or equitable interest in the aircraft;  
3195 requiring purchaser or recipient to notify the Federal Aviation  
3196 Administration of change in ownership; providing for disposition  
3197 of moneys received for an aircraft sold at public sale;  
3198 authorizing the airport to issue documents relating to the  
3199 aircraft's disposal; creating s. 705.184, F.S.; providing for  
3200 disposition of derelict or abandoned motor vehicles on the  
3201 premises of public-use airports; providing procedures; requiring  
3202 recording of the abandoned motor vehicle; defining the terms  
3203 "derelict motor vehicle" and "abandoned motor vehicle";  
3204 providing for removal of such motor vehicle from airport  
3205 premises; providing for notice to the owner, the company  
3206 insuring the motor vehicle, and any lienholder; providing for  
3207 disposition if the motor vehicle is not removed upon payment of  
3208 required fees; requiring any sale of the motor vehicle to be at

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3209 a public auction; providing notice requirements for such public  
3210 auction; providing procedures for disposal of the motor vehicle;  
3211 providing for a lien by the airport or a licensed independent  
3212 wrecker for fees and charges; providing for notice of lien;  
3213 requiring recording of a claim of lien; providing for the form  
3214 of the claim of lien; providing for service of claim of lien;  
3215 providing that the purchaser of the motor vehicle takes the  
3216 property free of the rights of persons holding legal or  
3217 equitable interest in the motor vehicle; amending s. 479.156,  
3218 F.S.; conforming a cross-reference; providing an effective date.



Amendment No. 1 to Amendment 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: Roads, Bridges & Ports Policy  
2 Committee

3 Representative(s) Glorioso offered the following:  
4

5 **Amendment to Amendment (1) by Representative Horner (with**  
6 **title amendment)**

7 Remove lines 196-438 and insert:

8 Section 6. Section 310.151, Florida Statutes, is amended  
9 to read:

10 (1) (a) For the purposes of this section, "committee"  
11 "board" means the Pilotage Rate Review Committee established  
12 under this section as part of the Board of Pilot Commissioners,  
13 and "board" means the Board of Pilot Commissioners.

14 (b) ~~1.~~ To carry out the provisions of this section, the  
15 Pilotage Rate Review Committee Board is established ~~created~~ as  
16 part of the Board of Pilot Commissioners within the Department  
17 of Business and Professional Regulation. ~~Members shall be~~  
18 ~~appointed by the Governor, subject to confirmation by the~~  
19 ~~Senate. Members shall be appointed for 4-year terms, except as~~

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20 ~~otherwise specified in this paragraph. No member may serve more~~  
21 ~~than two consecutive 4-year terms or more than 11 years on the~~  
22 ~~board. The committee board shall consist of seven members of the~~  
23 ~~board, two of whom shall be licensed state pilots who are~~  
24 ~~actively practicing their profession who shall be appointed by~~  
25 ~~majority vote of the licensed state pilots serving on the board,~~  
26 ~~two of whom shall be actively involved in a professional or~~  
27 ~~business capacity in maritime or marine shipping or the~~  
28 ~~commercial passenger cruise industry, one of whom is a certified~~  
29 ~~public accountant with at least 5 years of experience in~~  
30 ~~financial management, and two citizens of the state. No member~~  
31 ~~may have ever served as a state pilot or deputy pilot, and no~~  
32 ~~member may currently serve or have served as a direct employee,~~  
33 ~~contract employee, partner, corporate officer, sole proprietor,~~  
34 ~~or representative of any vessel operator, shipping agent, or~~  
35 ~~pilot association or organization, except that one member shall~~  
36 ~~be or have been a person licensed by the United States Coast~~  
37 ~~Guard as an unlimited master, without a first-class pilot's~~  
38 ~~endorsement, initially appointed to a 2-year term. One member~~  
39 ~~shall be a certified public accountant with at least 5 years'~~  
40 ~~experience in financial management, initially appointed to a 3-~~  
41 ~~year term. One member shall be a former hearing officer or~~  
42 ~~administrative law judge of the Division of Administrative~~  
43 ~~Hearings, as defined in s. 120.65, or a former judge who has~~  
44 ~~served on the Supreme Court or any district court of appeal,~~  
45 ~~circuit court, or county court, initially appointed to a 4-year~~  
46 ~~term. Except as otherwise provided in subparagraph 2., the~~  
47 ~~remaining members shall be appointed by the Governor from among~~

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48 ~~persons not prohibited pursuant to this paragraph. Members of~~  
49 ~~the board shall be appointed so as to be geographically~~  
50 ~~distributed, with the southern, central, northeastern, and~~  
51 ~~northwestern regions of the state having at least one member~~  
52 ~~each.~~

53 ~~2. Three members shall be the consumer members of the~~  
54 ~~Board of Pilot Commissioners serving on that board as of January~~  
55 ~~1, 1994. Of those members, one shall be appointed to a 1-year~~  
56 ~~term, one shall be appointed to a 2-year term, and one shall be~~  
57 ~~appointed to a 3-year term. Each of those members shall be~~  
58 ~~eligible for reappointment in the same fashion as other members~~  
59 ~~of the board, but, thereafter, no member of the board shall be a~~  
60 ~~current or former member of the Board of Pilot Commissioners.~~  
61 ~~The service of the consumer members of the Board of Pilot~~  
62 ~~Commissioners on this board, while they are maintaining~~  
63 ~~concurrent membership with the Board of Pilot Commissioners,~~  
64 ~~shall be considered duties in addition to and related to their~~  
65 ~~duties on the Board of Pilot Commissioners. In the event that~~  
66 ~~any of the three board members stipulated according to this~~  
67 ~~subparagraph are unable to serve, the Governor shall fill the~~  
68 ~~position or positions by appointment from among persons not~~  
69 ~~prohibited pursuant to this paragraph.~~

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

74 (d)-(e) The committee board has authority to adopt rules  
75 pursuant to ss. 120.536(1) and 120.54 to implement provisions of

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76 this section conferring duties upon it. The department shall  
77 provide the staff required by the committee board to carry out  
78 its duties under this section.

79 ~~(e)-(d)~~ All funds received pursuant to this section shall  
80 be placed in the account of the Board of Pilot Commissioners,  
81 and the Board of Pilot Commissioners shall pay for all expenses  
82 incurred pursuant to this section.

83 (2) Any pilot, group of pilots, or other person or group  
84 of persons whose substantial interests are directly affected by  
85 the rates established by the committee board may apply to the  
86 committee board for a change in rates. However, an application  
87 for a change in rates shall not be considered for any port for  
88 which rates have been changed by this committee board in the 18  
89 months preceding the filing of the application. All applications  
90 for changes in rates shall be made to the committee board, in  
91 writing, pursuant to rules prescribed by the committee board. In  
92 the case of an application for a rate change on behalf of a  
93 pilot or group of pilots, the application shall be accompanied  
94 by a consolidated financial statement, statement of profit or  
95 loss, and balance sheet prepared by a certified public  
96 accountant of the pilot or group of pilots and all relevant  
97 information, fiscal and otherwise, on the piloting activities  
98 within the affected port area, including financial information  
99 on all entities owned or partially owned by the pilot or group  
100 of pilots which provide pilot-related services in the affected  
101 port area. In the case of an application for a rate change filed  
102 on behalf of persons other than a pilot or group of pilots,  
103 information regarding the financial state of interested parties

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104 other than pilots shall be required only to the extent that such  
105 financial information is made relevant by the application or  
106 subsequent argument before the committee ~~board~~. The committee  
107 ~~board~~ shall have the authority to set, by rule, a rate review  
108 application fee of up to \$1,000, which must be submitted to the  
109 committee ~~board~~ upon the filing of the application for a rate  
110 change.

111 (3) The committee ~~board~~ shall investigate and determine  
112 whether the requested rate change will result in fair, just, and  
113 reasonable rates of pilotage pursuant to rules prescribed by the  
114 committee ~~board~~. In addition to publication as required by law,  
115 notice of a hearing to determine rates shall be mailed to each  
116 person who has formally requested notice of any rate change in  
117 the affected port area. The notice shall advise all interested  
118 parties that they may file an answer, an additional or  
119 alternative petition, or any other applicable pleading or  
120 response, within 30 days after the date of publication of the  
121 notice, and the notice shall specify the last date by which any  
122 such pleading must be filed. The committee ~~board~~ may, for good  
123 cause, extend the period for responses to a petition. Multiple  
124 petitions filed in this manner do not warrant separate hearings,  
125 and these petitions shall be consolidated to the extent that it  
126 shall not be necessary to hold a separate hearing on each  
127 petition. The committee ~~board~~ shall conclude its investigation,  
128 conduct a public hearing, and determine whether to modify the  
129 existing rates of pilotage in that port within 60 days after the  
130 filing of the completed application, except that the committee  
131 ~~board~~ may not be required to complete a hearing for more than

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132 one port within any 60-day period. Hearings shall be held in the  
133 affected port area, unless a different location is agreed upon  
134 by all parties to the proceeding.

135 (4) (a) The applicant shall be given written notice, either  
136 in person or by certified mail, that the committee board intends  
137 to modify the pilotage rates in that port and that the applicant  
138 may, within 21 days after receipt of the notice, request a  
139 hearing pursuant to the Administrative Procedure Act. Notice of  
140 the intent to modify the pilotage rates in that port shall also  
141 be published in the Florida Administrative Weekly and in a  
142 newspaper of general circulation in the affected port area and  
143 shall be mailed to any person who has formally requested notice  
144 of any rate change in the affected port area. Within 21 days  
145 after receipt or publication of notice, any person whose  
146 substantial interests will be affected by the intended committee  
147 ~~board~~ action may request a hearing pursuant to the  
148 Administrative Procedure Act. If the committee board concludes  
149 that the petitioner has raised a disputed issue of material  
150 fact, the committee board shall designate a hearing, which shall  
151 be conducted by formal proceeding before an administrative law  
152 judge assigned by the Division of Administrative Hearings  
153 pursuant to ss. 120.569 and 120.57(1), unless waived by all  
154 parties. If the committee board concludes that the petitioner  
155 has not raised a disputed issue of material fact and does not  
156 designate the petition for hearing, that decision shall be  
157 considered final agency action for purposes of s. 120.68. The  
158 failure to request a hearing within 21 days after receipt or  
159 publication of notice shall constitute a waiver of any right to

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160 an administrative hearing and shall cause the order modifying  
161 the pilotage rates in that port to be entered. If an  
162 administrative hearing is requested pursuant to this subsection,  
163 notice of the time, date, and location of the hearing shall be  
164 published in the Florida Administrative Weekly and in a  
165 newspaper of general circulation in the affected port area and  
166 shall be mailed to the applicant and to any person who has  
167 formally requested notice of any rate change for the affected  
168 port area.

169 (b) In any administrative proceeding pursuant to this  
170 section, the committee's ~~board's~~ proposed rate determination  
171 shall be immediately effective and shall not be stayed during  
172 the administrative proceeding, provided that, pending rendition  
173 of the committee's ~~board's~~ final order, the pilot or pilots in  
174 the subject port deposit in an interest-bearing account all  
175 amounts received which represent the difference between the  
176 previous rates and the proposed rates. The pilot or pilots in  
177 the subject port shall keep an accurate accounting of all  
178 amounts deposited, specifying by whom or on whose behalf such  
179 amounts were paid, and shall produce such an accounting upon  
180 request of the committee ~~board~~. Upon rendition of the  
181 committee's ~~board's~~ final order:

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

186 2. Any amounts deposited which exceed the rates sustained  
187 in the committee's ~~board's~~ final order shall be refunded, with

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188 the accrued interest, to those customers from whom the funds  
189 were collected. Any funds that are not refunded after diligent  
190 effort of the pilot or pilots to do so shall be disbursed by the  
191 pilot or pilots as the committee ~~board~~ shall direct.

192 (5) (a) In determining whether the requested rate change  
193 will result in fair, just, and reasonable rates, the committee  
194 ~~board~~ shall give primary consideration to the public interest in  
195 promoting and maintaining efficient, reliable, and safe piloting  
196 services.

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

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

201 2. A determination of the average net income of pilots in  
202 the port, including the value of all benefits derived from  
203 service as a pilot. For the purposes of this subparagraph, "net  
204 income of pilots" refers to total pilotage fees collected in the  
205 port, minus reasonable operating expenses, divided by the number  
206 of licensed and active state pilots within the ports.

207 3. Reasonable operating expenses of pilots.

208 4. Pilotage rates in other ports.

209 5. The amount of time each pilot spends on actual piloting  
210 duty and the amount of time spent on other essential support  
211 services.

212 6. The prevailing compensation available to individuals in  
213 other maritime services of comparable professional skill and  
214 standing as that sought in pilots, it being recognized that in  
215 order to attract to the profession of piloting, and to hold the



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216 best and most qualified individuals as pilots, the overall  
217 compensation accorded pilots should be equal to or greater than  
218 that available to such individuals in comparable maritime  
219 employment.

220 7. The impact rate change may have in individual pilot  
221 compensation and whether such change will lead to a shortage of  
222 licensed state pilots, certificated deputy pilots, or qualified  
223 pilot applicants.

224 8. Projected changes in vessel traffic.

225 9. Cost of retirement and medical plans.

226 10. Physical risks inherent in piloting.

227 11. Special characteristics, dangers, and risks of the  
228 particular port.

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

231 (c) The committee ~~board~~ may take into consideration the  
232 consumer price index or any other comparable economic indicator  
233 when fixing rates of pilotage; however, because the consumer  
234 price index or such other comparable economic indicator is  
235 primarily related to net income rather than rates, the committee  
236 ~~board~~ shall not use it as the sole factor in fixing rates of  
237 pilotage.

238 (6) The committee ~~board~~ shall fix rates of pilotage  
239 pursuant to this section based upon the following vessel  
240 characteristics:

241 (a) Length.

242 (b) Beam.

243 (c) Net tonnage, gross tonnage, or dead weight tonnage.

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244 (d) Freeboard or height above the waterline.

245 (e) Draft or molded depth.

246 (f) Any combination of the vessel characteristics listed  
247 in this subsection or any other relevant vessel characteristic  
248 or characteristics.

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

251 Section 6. By October 31, 2010, the Governor shall appoint  
252 to the Board of Pilot Commissioners the two members actively  
253 involved in the maritime or marine shipping or the commercial  
254 passenger cruise industry, the certified public accountant and  
255 the two citizens of the state.

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

261

Remove lines 2963-2968 and insert:

262

Commissioners; amending s. 310.0015, F.S. and s. 310.002, F.S.;

263

to conform; amending s. 310.151, F.S.; dissolving the Pilotage

264

Rate Review Board and transferring its powers and duties to a

265

newly constituted Pilotage Rate Review Committee established as

266

part of the Board of Pilot Commissioners; providing for the

267

composition of the committee; requiring certain disclosures

268

relating to a conflict of interest; providing that the decision

269

of the committee are not appealable to the board; requiring the

270

Governor to appoint certain members of the Board of Pilot

271

Commissioners by a date certain;

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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	_____	

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Aubuchon offered the following:  
4

5 **Amendment to Amendment (1) by Representative Horner (with**  
6 **title amendment)**

7 Remove lines 108-438 and insert:

8 Section 3. Paragraph (b) of subsection (3) of section  
9 310.0015, Florida Statutes, is amended to read:

10 310.0015 Piloting regulation; general provisions.-

11 (3) The rate-setting process, the issuance of licenses  
12 only in numbers deemed necessary or prudent by the board, and  
13 other aspects of the economic regulation of piloting established  
14 in this chapter are intended to protect the public from the  
15 adverse effects of unrestricted competition which would result  
16 from an unlimited number of licensed pilots being allowed to  
17 market their services on the basis of lower prices rather than  
18 safety concerns. This system of regulation benefits and protects  
19 the public interest by maximizing safety, avoiding uneconomic

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20 duplication of capital expenses and facilities, and enhancing  
21 state regulatory oversight. The system seeks to provide pilots  
22 with reasonable revenues, taking into consideration the normal  
23 uncertainties of vessel traffic and port usage, sufficient to  
24 maintain reliable, stable piloting operations. Pilots have  
25 certain restrictions and obligations under this system,  
26 including, but not limited to, the following:

27 (b) Pilots may not unilaterally determine the pilotage  
28 rates they charge. Such pilotage rates shall instead be  
29 determined by the Florida Pilotage ~~Rate Review~~ Board, in the  
30 public interest, as set forth in s. 310.151.

31 Section 4. Subsections (3) and (7) of section 310.002,  
32 Florida Statutes, are amended to read:

33 310.002 Definitions.—As used in this chapter, except where  
34 the context clearly indicates otherwise:

35 (3) "Board" means the Florida Pilotage Board ~~of Pilot~~  
36 ~~Commissioners~~.

37 (7) "Pilotage" means the compensation fixed by the Florida  
38 ~~Pilotage Rate Review~~ Board which is payable by a vessel, its  
39 owners, agents, charterers, or consignees to one or more pilots  
40 in the port where piloting is performed. The word "pilotage"  
41 also means the compensation of all types and sources derived by  
42 one or more pilots or deputy pilots for the performance of  
43 piloting at that port by licensed pilots or by certificated  
44 deputy pilots, whether such piloting is performed pursuant to  
45 this chapter or is performed by state-licensed pilots or state-  
46 certificated deputy pilots when acting as a federal pilot for

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47 vessels not required by this chapter to use a state-licensed  
48 pilot or state-certificated deputy pilot.

49 Section 5. Section 310.011, Florida Statutes, is amended  
50 to read:

51 310.011 Florida Pilotage Board of Pilot Commissioners.-

52 (1) A board is established within the Division of  
53 Professions of the Department of Business and Professional  
54 Regulation to be known as the Florida Pilotage Board of Pilot  
55 Commissioners. The board shall be composed of seven ~~10~~ members,  
56 ~~to be appointed by the Governor, 5 of whom shall be licensed~~  
57 ~~state pilots actively practicing their profession~~. The board  
58 shall perform such duties and possess and exercise such powers  
59 relative to the protection of the waters, harbors, and ports of  
60 this state as are prescribed and conferred on it in this  
61 chapter.

62 (2) In accordance with the requirements of subsection (1),  
63 the Governor shall appoint seven ~~five licensed state pilots who~~  
64 ~~are actively practicing their profession and five~~ citizens of  
65 the state, two of whom shall be licensed state pilots who are  
66 actively practicing their profession, two of whom shall be  
67 actively involved in a professional or business capacity in  
68 maritime or marine shipping or the commercial passenger cruise  
69 industry, one of whom shall be a certified public accountant  
70 with at least 5 years' experience in financial management, and  
71 two citizens of the state who are not pilots, one of whom shall  
72 ~~be actively involved in a professional or business capacity in~~  
73 ~~maritime or marine shipping, one of whom shall be a user of~~  
74 ~~piloting services, and three of whom shall not be involved or~~

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75 monetarily interested in the piloting profession or in the  
76 maritime industry or marine shipping, to constitute the members  
77 of the board. ~~For purposes of this subsection, a "user of~~  
78 ~~piloting services" may include any person with an ownership~~  
79 ~~interest in a business that regularly employs licensed state~~  
80 ~~pilots or certificated deputy pilots for the purpose of~~  
81 ~~delivering piloting services, or any person who is a direct~~  
82 ~~employee of, and who is employed in a management position for,~~  
83 ~~that business.~~ Each member shall be appointed for a term of 4  
84 years. The Governor shall have power to remove members of the  
85 board from office for neglect of duty required by this chapter,  
86 for incompetency, or for unprofessional conduct. Any vacancy  
87 which may occur in the board in consequence of death,  
88 resignation, removal from the state, or other cause shall be  
89 filled for the unexpired term by the Governor in the same  
90 manner. A majority of those serving on the board shall  
91 constitute a quorum and action by a majority of a quorum only  
92 shall be lawful and enforceable.

93 (3) In appointing members to the board who are pilots, the  
94 Governor shall appoint one member from the state at large; one  
95 member from any of the following ports: Pensacola, Panama City,  
96 ~~or~~ Port St. Joe, ~~one member from any of the following ports:~~  
97 Tampa Bay, Boca Grande, Punta Gorda, Charlotte Harbor, or Key  
98 West; and one member from any of the following ports:  
99 Fernandina, Jacksonville, ~~or~~ Port Canaveral, ~~and one member~~  
100 ~~from any of the following ports:~~ Ft. Pierce, Miami, Port  
101 Everglades, or Palm Beach.

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102 Section 6. Present subsection (3) of section 310.042,  
103 Florida Statutes, is renumbered as subsection (4), and a new  
104 subsection (3) is added to that section, to read:

105 310.042 Organization of board; meetings.—

106 (3) The business of the board shall be presented to the  
107 board in the form of a written agenda. The agenda shall be set  
108 by the chair and shall include items of business requested by  
109 the board members. The written agenda shall be provided as part  
110 of the notice required by subsection (2).

111 Section 7. Section 310.101, Florida Statutes, is amended  
112 to read:

113 310.101 Grounds for disciplinary action by the  
114 disciplinary subcommittee board.—

115 (1) Any act of misconduct, inattention to duty,  
116 negligence, or incompetence; any willful violation of any law or  
117 rule, including the rules of the road, applicable to a licensed  
118 state pilot or certificated deputy pilot; or any failure to  
119 exercise that care which a reasonable and prudent licensed state  
120 pilot or certificated deputy pilot would exercise under the same  
121 or similar circumstances may result in disciplinary action.  
122 Examples of acts by a licensed state pilot or certificated  
123 deputy pilot which constitute grounds for disciplinary action  
124 include, but are not limited to:

125 (a) Failure to make allowances for the foreseeable effects  
126 of wind, current, and tide.

127 (b) Failure to obtain or properly use information  
128 available to the pilot.

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129 (c) Failure to navigate with caution in restricted  
130 visibility.

131 (d) Navigating in channels where the depth of water under  
132 the keel is less than the prescribed bottom clearance as  
133 recommended by the licensed state pilots of that port and  
134 approved by the board.

135 (e) Excessive speed.

136 (f) Having a license or certificate to practice piloting  
137 revoked, suspended, restricted, placed on probation, or in any  
138 way acted against, including, but not limited to, the  
139 relinquishing or depositing of the license or certificate in  
140 lieu of further disciplinary action, in anticipation of the  
141 filing of charges, or in lieu of prosecution, by the regulatory  
142 authority of another state, the Federal Government, a territory,  
143 or another country for an act which would constitute a ground  
144 for discipline if the act had occurred while piloting under  
145 authority of the Florida state pilot's license or deputy pilot's  
146 certificate.

147 (g) Making or filing, or inducing another person to make  
148 or file, a report which the pilot knows to be false or  
149 intentionally or negligently failing to file, or willfully  
150 impeding or obstructing the filing of, a report or record  
151 required by state law or by rule of the disciplinary  
152 subcommittee ~~board~~ or the department. Such reports or records  
153 include only those which are signed by the pilot in his or her  
154 capacity as a licensed state pilot or certificated deputy pilot.

155 (h) Being unable to perform the duties of a pilot with  
156 reasonable skill and safety by reason of illness or use of



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157 alcohol, drugs, narcotics, chemicals, or any other type of  
158 material or as a result of any mental or physical condition such  
159 as, but not limited to, poor eyesight or hearing, heart disease,  
160 or diabetes. In enforcing this paragraph, the department shall  
161 have authority, upon recommendation of the probable cause panel  
162 of the board, to compel a licensed state pilot or certificated  
163 deputy pilot to submit to a mental or physical examination by  
164 physicians designated by the department. The failure of a pilot  
165 to submit to such an examination when so directed constitutes an  
166 admission of the allegations against the pilot, unless the  
167 failure is due to circumstances beyond his or her control,  
168 consequent upon which an emergency suspension order may be  
169 entered by the department suspending the pilot's license until  
170 he or she complies with the order for a compulsory mental or  
171 physical examination. A licensed state pilot or certificated  
172 deputy pilot affected under this paragraph must be afforded, at  
173 reasonable intervals, an opportunity to demonstrate that he or  
174 she can resume the competent practice of piloting with  
175 reasonable skill and safety.

176 (i) Practicing or offering to practice beyond the scope  
177 permitted by law or accepting and performing professional  
178 responsibilities that the pilot knows or has reason to know he  
179 or she is not competent to perform.

180 (j) Delegating professional responsibilities to a person  
181 when the pilot delegating such responsibilities knows or has  
182 reason to know that such person is not qualified by training,  
183 experience, or license to perform them.

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184 (k) Engaging in any practice which does not meet  
185 acceptable standards of safe piloting.

186 (l) Failure to maintain a valid United States Coast Guard  
187 first-class unlimited pilot's license covering the waters of the  
188 port in which the state pilot's license was issued.

189 (m) Having a license to operate a motor vehicle revoked,  
190 suspended, or otherwise acted against by any jurisdiction,  
191 including its agencies or subdivisions, for operating the  
192 vehicle under the influence of alcohol or drugs. The  
193 jurisdiction's acceptance of a relinquishment of license,  
194 stipulation, consent order, plea of nolo contendere, penalty in  
195 any form, or other settlement offered in response to or in  
196 anticipation of the filing of charges related to the license to  
197 operate a motor vehicle shall be construed as action against the  
198 license.

199 (n) Being unable to perform piloting with reasonable skill  
200 and safety by reason of illness or use of alcohol, drugs,  
201 narcotics, or chemicals.

202 (2) When the disciplinary subcommittee ~~board~~ finds any  
203 person has committed any act set forth in subsection (1), it may  
204 enter an order imposing one or more of the following penalties:

205 (a) Refusing to certify to the department an application  
206 for license or certification.

207 (b) Revoking or suspending the license or certificate.

208 (c) Restricting the practice of the violator.

209 (d) Imposing an administrative fine not to exceed \$5,000  
210 for each count or separate offense.

211 (e) Issuing a reprimand.

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212 (f) Placing the licensed state pilot or certificated  
213 deputy pilot on probation for such period of time and subject to  
214 such conditions as the disciplinary subcommittee ~~board~~ may  
215 specify, including, but not limited to, requiring the pilot to  
216 submit to treatment, submit to additional or remedial training,  
217 submit to reexamination, or undergo a complete physical  
218 examination.

219 (3) The disciplinary subcommittee ~~board~~ shall not  
220 reinstate the license or certificate of a state pilot or deputy  
221 pilot or cause a license or certificate to be issued to a person  
222 whom it has determined to be unqualified until the disciplinary  
223 subcommittee ~~board~~ is satisfied that such person has complied  
224 with all the terms and conditions set forth in the final order  
225 and that such person is capable of safely engaging in the  
226 practice of piloting.

227 (4) In any foreign vessel or foreign trading vessel  
228 movement that an individual holding a state pilot license or  
229 deputy pilot certificate is engaged in directing, whether  
230 movement of the vessel in or out of the port or movement in  
231 close proximity to a dock or any other movement undertaken in  
232 furtherance of his or her piloting duties, such individual is  
233 operating under the authority of his or her state license or  
234 certificate and is accountable to the disciplinary subcommittee  
235 ~~board~~ for his or her actions.

236 Section 8. Section 310.151, Florida Statutes, is amended  
237 to read:

238 310.151 Rates of pilotage; ~~Pilotage Rate Review Board.~~-

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239 ~~(1) (a) For the purposes of this section, "board" means the~~  
240 ~~Pilotage Rate Review Board.~~

241 ~~(b) 1. To carry out the provisions of this section, the~~  
242 ~~Pilotage Rate Review Board is created within the Department of~~  
243 ~~Business and Professional Regulation. Members shall be appointed~~  
244 ~~by the Governor, subject to confirmation by the Senate. Members~~  
245 ~~shall be appointed for 4-year terms, except as otherwise~~  
246 ~~specified in this paragraph. No member may serve more than two~~  
247 ~~consecutive 4-year terms or more than 11 years on the board. The~~  
248 ~~board shall consist of seven members. No member may have ever~~  
249 ~~served as a state pilot or deputy pilot, and no member may~~  
250 ~~currently serve or have served as a direct employee, contract~~  
251 ~~employee, partner, corporate officer, sole proprietor, or~~  
252 ~~representative of any vessel operator, shipping agent, or pilot~~  
253 ~~association or organization, except that one member shall be or~~  
254 ~~have been a person licensed by the United States Coast Guard as~~  
255 ~~an unlimited master, without a first-class pilot's endorsement,~~  
256 ~~initially appointed to a 2-year term. One member shall be a~~  
257 ~~certified public accountant with at least 5 years' experience in~~  
258 ~~financial management, initially appointed to a 3-year term. One~~  
259 ~~member shall be a former hearing officer or administrative law~~  
260 ~~judge of the Division of Administrative Hearings, as defined in~~  
261 ~~s. 120.65, or a former judge who has served on the Supreme Court~~  
262 ~~or any district court of appeal, circuit court, or county court,~~  
263 ~~initially appointed to a 4-year term. Except as otherwise~~  
264 ~~provided in subparagraph 2., the remaining members shall be~~  
265 ~~appointed by the Governor from among persons not prohibited~~  
266 ~~pursuant to this paragraph. Members of the board shall be~~

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267 ~~appointed so as to be geographically distributed, with the~~  
268 ~~southern, central, northeastern, and northwestern regions of the~~  
269 ~~state having at least one member each.~~

270 ~~2. Three members shall be the consumer members of the~~  
271 ~~Board of Pilot Commissioners serving on that board as of January~~  
272 ~~1, 1994. Of those members, one shall be appointed to a 1-year~~  
273 ~~term, one shall be appointed to a 2-year term, and one shall be~~  
274 ~~appointed to a 3-year term. Each of those members shall be~~  
275 ~~eligible for reappointment in the same fashion as other members~~  
276 ~~of the board, but, thereafter, no member of the board shall be a~~  
277 ~~current or former member of the Board of Pilot Commissioners.~~  
278 ~~The service of the consumer members of the Board of Pilot~~  
279 ~~Commissioners on this board, while they are maintaining~~  
280 ~~concurrent membership with the Board of Pilot Commissioners,~~  
281 ~~shall be considered duties in addition to and related to their~~  
282 ~~duties on the Board of Pilot Commissioners. In the event that~~  
283 ~~any of the three board members stipulated according to this~~  
284 ~~subparagraph are unable to serve, the Governor shall fill the~~  
285 ~~position or positions by appointment from among persons not~~  
286 ~~prohibited pursuant to this paragraph.~~

287 ~~(a)(c)~~ The board may ~~has~~ authority to adopt rules pursuant  
288 to ss. 120.536(1) and 120.54 to implement ~~provisions of this~~  
289 section conferring duties upon it. The department shall provide  
290 the staff required by the board to carry out its duties under  
291 this section.

292 ~~(b)(d)~~ All funds received pursuant to this section shall  
293 be placed in the account of the board ~~of Pilot Commissioners,~~

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294 and the board ~~of Pilot Commissioners~~ shall pay for all expenses  
295 incurred pursuant to this section.

296 (2) Any pilot, group of pilots, or other person or group  
297 of persons whose substantial interests are directly affected by  
298 the rates established by the board may apply to the board for a  
299 change in rates. However, an application for a change in rates  
300 shall not be considered for any port for which rates have been  
301 changed by this board in the 18 months preceding the filing of  
302 the application. All applications for changes in rates shall be  
303 made to the board, in writing, pursuant to rules prescribed by  
304 the board. In the case of an application for a rate change on  
305 behalf of a pilot or group of pilots, the application shall be  
306 accompanied by a consolidated financial statement, statement of  
307 profit or loss, and balance sheet prepared by a certified public  
308 accountant of the pilot or group of pilots and all relevant  
309 information, fiscal and otherwise, on the piloting activities  
310 within the affected port area, including financial information  
311 on all entities owned or partially owned by the pilot or group  
312 of pilots which provide pilot-related services in the affected  
313 port area. In the case of an application for a rate change filed  
314 on behalf of persons other than a pilot or group of pilots,  
315 information regarding the financial state of interested parties  
316 other than pilots shall be required only to the extent that such  
317 financial information is made relevant by the application or  
318 subsequent argument before the board. The board shall have the  
319 authority to set, by rule, a rate review application fee of up  
320 to \$1,000, which must be submitted to the board upon the filing  
321 of the application for a rate change.

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322 (3) The board shall investigate and determine whether the  
323 requested rate change will result in fair, just, and reasonable  
324 rates of pilotage pursuant to rules prescribed by the board. In  
325 addition to publication as required by law, notice of a hearing  
326 to determine rates shall be mailed to each person who has  
327 formally requested notice of any rate change in the affected  
328 port area. The notice shall advise all interested parties that  
329 they may file an answer, an additional or alternative petition,  
330 or any other applicable pleading or response, within 30 days  
331 after the date of publication of the notice, and the notice  
332 shall specify the last date by which any such pleading must be  
333 filed. The board may, for good cause, extend the period for  
334 responses to a petition. Multiple petitions filed in this manner  
335 do not warrant separate hearings, and these petitions shall be  
336 consolidated to the extent that it shall not be necessary to  
337 hold a separate hearing on each petition. The board shall  
338 conclude its investigation, conduct a public hearing, and  
339 determine whether to modify the existing rates of pilotage in  
340 that port within 60 days after the filing of the completed  
341 application, except that the board may not be required to  
342 complete a hearing for more than one port within any 60-day  
343 period. Hearings shall be held in the affected port area, unless  
344 a different location is agreed upon by all parties to the  
345 proceeding.

346 (4) (a) The applicant shall be given written notice, either  
347 in person or by certified mail, that the board intends to modify  
348 the pilotage rates in that port and that the applicant may,  
349 within 21 days after receipt of the notice, request a hearing

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350 pursuant to the Administrative Procedure Act. Notice of the  
351 intent to modify the pilotage rates in that port shall also be  
352 published in the Florida Administrative Weekly and in a  
353 newspaper of general circulation in the affected port area and  
354 shall be mailed to any person who has formally requested notice  
355 of any rate change in the affected port area. Within 21 days  
356 after receipt or publication of notice, any person whose  
357 substantial interests will be affected by the intended board  
358 action may request a hearing pursuant to the Administrative  
359 Procedure Act. If the board concludes that the petitioner has  
360 raised a disputed issue of material fact, the board shall  
361 designate a hearing, which shall be conducted by formal  
362 proceeding before an administrative law judge assigned by the  
363 Division of Administrative Hearings pursuant to ss. 120.569 and  
364 120.57(1), unless waived by all parties. If the board concludes  
365 that the petitioner has not raised a disputed issue of material  
366 fact and does not designate the petition for hearing, that  
367 decision shall be considered final agency action for purposes of  
368 s. 120.68. The failure to request a hearing within 21 days after  
369 receipt or publication of notice shall constitute a waiver of  
370 any right to an administrative hearing and shall cause the order  
371 modifying the pilotage rates in that port to be entered. If an  
372 administrative hearing is requested pursuant to this subsection,  
373 notice of the time, date, and location of the hearing shall be  
374 published in the Florida Administrative Weekly and in a  
375 newspaper of general circulation in the affected port area and  
376 shall be mailed to the applicant and to any person who has



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377 formally requested notice of any rate change for the affected  
378 port area.

379 (b) In any administrative proceeding pursuant to this  
380 section, the board's proposed rate determination shall be  
381 immediately effective and shall not be stayed during the  
382 administrative proceeding, provided that, pending rendition of  
383 the board's final order, the pilot or pilots in the subject port  
384 deposit in an interest-bearing account all amounts received  
385 which represent the difference between the previous rates and  
386 the proposed rates. The pilot or pilots in the subject port  
387 shall keep an accurate accounting of all amounts deposited,  
388 specifying by whom or on whose behalf such amounts were paid,  
389 and shall produce such an accounting upon request of the board.  
390 Upon rendition of the board's final order:

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

395 2. Any amounts deposited which exceed the rates sustained  
396 in the board's final order shall be refunded, with the accrued  
397 interest, to those customers from whom the funds were collected.  
398 Any funds that are not refunded after diligent effort of the  
399 pilot or pilots to do so shall be disbursed by the pilot or  
400 pilots as the board shall direct.

401 (5) (a) In determining whether the requested rate change  
402 will result in fair, just, and reasonable rates, the board shall  
403 give primary consideration to the public interest in promoting  
404 and maintaining efficient, reliable, and safe piloting services.

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405 (b) The board shall also give consideration to the  
406 following factors:

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

409 2. A determination of the average net income of pilots in  
410 the port, including the value of all benefits derived from  
411 service as a pilot. For the purposes of this subparagraph, "net  
412 income of pilots" refers to total pilotage fees collected in the  
413 port, minus reasonable operating expenses, divided by the number  
414 of licensed and active state pilots within the ports.

415 3. Reasonable operating expenses of pilots.

416 4. Pilotage rates in other ports.

417 5. The amount of time each pilot spends on actual piloting  
418 duty and the amount of time spent on other essential support  
419 services.

420 6. The prevailing compensation available to individuals in  
421 other maritime services of comparable professional skill and  
422 standing as that sought in pilots, it being recognized that in  
423 order to attract to the profession of piloting, and to hold the  
424 best and most qualified individuals as pilots, the overall  
425 compensation accorded pilots should be equal to or greater than  
426 that available to such individuals in comparable maritime  
427 employment.

428 7. The impact rate change may have in individual pilot  
429 compensation and whether such change will lead to a shortage of  
430 licensed state pilots, certificated deputy pilots, or qualified  
431 pilot applicants.

432 8. Projected changes in vessel traffic.

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- 433 9. Cost of retirement and medical plans.  
434 10. Physical risks inherent in piloting.  
435 11. Special characteristics, dangers, and risks of the  
436 particular port.  
437 12. Any other factors the board deems relevant in  
438 determining a just and reasonable rate.

439 (c) The board may take into consideration the consumer  
440 price index or any other comparable economic indicator when  
441 fixing rates of pilotage; however, because the consumer price  
442 index or such other comparable economic indicator is primarily  
443 related to net income rather than rates, the board shall not use  
444 it as the sole factor in fixing rates of pilotage.

445 (6) The board shall fix rates of pilotage pursuant to this  
446 section based upon the following vessel characteristics:

- 447 (a) Length.  
448 (b) Beam.  
449 (c) Net tonnage, gross tonnage, or dead weight tonnage.  
450 (d) Freeboard or height above the waterline.  
451 (e) Draft or molded depth.  
452 (f) Any combination of the vessel characteristics listed  
453 in this subsection or any other relevant vessel characteristic  
454 or characteristics.

455

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

Remove lines 2960-2968 and insert:

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460 defining "on-demand transportation services" amending s.  
461 310.0015, F.S., relating to piloting regulation; conforming  
462 provisions to changes made by the act; amending s. 310.002,  
463 F.S.; changing the name of the Board of Pilot Commissioners to  
464 the "Florida Pilotage Board"; amending s. 310.011, F.S.;  
465 providing for the membership of the board; amending s. 310.042,  
466 F.S.; providing that the business of the board must be presented  
467 to the board in the form of a written agenda; amending s.  
468 310.101,, conforming provisions to the new disciplinary  
469 subcommittee; amending s. 310.151, F.S.; eliminating the  
470 Pilotage Rate Review Board and for its duties to be assumed by  
471 the Florida Pilotage Board; authorizing the Florida Pilotage  
472 Board to adopt rules;



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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                       \_\_\_\_\_

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1 Council/Committee hearing bill: Economic Development & Community  
2 Affairs Policy Council  
3 Representative Dorworth offered the following:  
4

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (3) and paragraph  
(c) of subsection (4) of section 120.54, Florida Statutes, are  
amended to read:

120.54 Rulemaking.—

(3) ADOPTION PROCEDURES.—

(b) *Special matters to be considered in rule adoption.*—

1. Statement of estimated regulatory costs.—Prior to the  
adoption, amendment, or repeal of any rule other than an  
emergency rule, an agency is encouraged to prepare a statement  
of estimated regulatory costs of the proposed rule, as provided  
by s. 120.541. However, an agency must ~~shall~~ prepare a statement  
of estimated regulatory costs of the proposed rule, as provided  
by s. 120.541, if:

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20 a. The proposed rule will have an adverse impact on small  
21 business; or

22 b. The proposed rule is likely to directly or indirectly  
23 increase regulatory costs in excess of \$200,000 in the aggregate  
24 in this state.

25 2. Small businesses, small counties, and small cities.—

26 a. Each agency, before the adoption, amendment, or repeal  
27 of a rule, shall consider the impact of the rule on small  
28 businesses as defined by s. 288.703 and the impact of the rule  
29 on small counties or small cities as defined by s. 120.52.  
30 Whenever practicable, an agency shall tier its rules to reduce  
31 disproportionate impacts on small businesses, small counties, or  
32 small cities to avoid regulating small businesses, small  
33 counties, or small cities that do not contribute significantly  
34 to the problem the rule is designed to address. An agency may  
35 define "small business" to include businesses employing more  
36 than 200 persons, may define "small county" to include those  
37 with populations of more than 75,000, and may define "small  
38 city" to include those with populations of more than 10,000, if  
39 it finds that such a definition is necessary to adapt a rule to  
40 the needs and problems of small businesses, small counties, or  
41 small cities. The agency shall consider each of the following  
42 methods for reducing the impact of the proposed rule on small  
43 businesses, small counties, and small cities, or any combination  
44 of these entities:

45 (I) Establishing less stringent compliance or reporting  
46 requirements in the rule.

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47 (II) Establishing less stringent schedules or deadlines in  
48 the rule for compliance or reporting requirements.

49 (III) Consolidating or simplifying the rule's compliance  
50 or reporting requirements.

51 (IV) Establishing performance standards or best management  
52 practices to replace design or operational standards in the  
53 rule.

54 (V) Exempting small businesses, small counties, or small  
55 cities from any or all requirements of the rule.

56 b.(I) If the agency determines that the proposed action  
57 will affect small businesses as defined by the agency as  
58 provided in sub-subparagraph a., the agency shall send written  
59 notice of the rule to the Small Business Regulatory Advisory  
60 Council and the Office of Tourism, Trade, and Economic  
61 Development not less than 28 days prior to the intended action.

62 (II) Each agency shall adopt those regulatory alternatives  
63 offered by the Small Business Regulatory Advisory Council and  
64 provided to the agency no later than 21 days after the council's  
65 receipt of the written notice of the rule which it finds are  
66 feasible and consistent with the stated objectives of the  
67 proposed rule and which would reduce the impact on small  
68 businesses. When regulatory alternatives are offered by the  
69 Small Business Regulatory Advisory Council, the 90-day period  
70 for filing the rule in subparagraph (e)2. is extended for a  
71 period of 21 days.

72 (III) If an agency does not adopt all alternatives offered  
73 pursuant to this sub-subparagraph, it shall, prior to rule  
74 adoption or amendment and pursuant to subparagraph (d)1., file a



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75 detailed written statement with the committee explaining the  
76 reasons for failure to adopt such alternatives. Within 3 working  
77 days of the filing of such notice, the agency shall send a copy  
78 of such notice to the Small Business Regulatory Advisory  
79 Council. The Small Business Regulatory Advisory Council may make  
80 a request of the President of the Senate and the Speaker of the  
81 House of Representatives that the presiding officers direct the  
82 Office of Program Policy Analysis and Government Accountability  
83 to determine whether the rejected alternatives reduce the impact  
84 on small business while meeting the stated objectives of the  
85 proposed rule. Within 60 days after the date of the directive  
86 from the presiding officers, the Office of Program Policy  
87 Analysis and Government Accountability shall report to the  
88 Administrative Procedures Committee its findings as to whether  
89 an alternative reduces the impact on small business while  
90 meeting the stated objectives of the proposed rule. The Office  
91 of Program Policy Analysis and Government Accountability shall  
92 consider the proposed rule, the economic impact statement, the  
93 written statement of the agency, the proposed alternatives, and  
94 any comment submitted during the comment period on the proposed  
95 rule. The Office of Program Policy Analysis and Government  
96 Accountability shall submit a report of its findings and  
97 recommendations to the Governor, the President of the Senate,  
98 and the Speaker of the House of Representatives. The  
99 Administrative Procedures Committee shall report such findings  
100 to the agency, and the agency shall respond in writing to the  
101 Administrative Procedures Committee if the Office of Program  
102 Policy Analysis and Government Accountability found that the

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103 alternative reduced the impact on small business while meeting  
104 the stated objectives of the proposed rule. If the agency will  
105 not adopt the alternative, it must also provide a detailed  
106 written statement to the committee as to why it will not adopt  
107 the alternative.

108 (4) EMERGENCY RULES.—

109 (c) An emergency rule adopted under this subsection shall  
110 not be effective for a period longer than 90 days and shall not  
111 be renewable, except when the agency has initiated rulemaking to  
112 adopt rules addressing the subject of the emergency rule and  
113 either: ~~during the pendency of~~

114 1. A challenge to the proposed rules has been filed and  
115 remains pending; or addressing the subject of the emergency rule

116 2. The proposed rules are awaiting ratification by the  
117 Legislature pursuant to s. 120.541(3).

118  
119 Nothing in this paragraph prohibits ~~However,~~ the agency from  
120 adopting a rule or rules identical to the emergency rule through  
121 ~~may take identical action by the rulemaking procedures specified~~  
122 in subsection (3) this chapter.

123 Section 2. Section 120.541, Florida Statutes, is amended  
124 to read:

125 120.541 Statement of estimated regulatory costs.—

126 (1) (a) ~~A substantially affected person,~~ Within 21 days  
127 after publication of the notice required ~~provided~~ under s.  
128 120.54(3) (a), a substantially affected person may submit to an  
129 agency a good faith written proposal for a lower cost regulatory  
130 alternative to a proposed rule which substantially accomplishes

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131 the objectives of the law being implemented. The proposal may  
132 include the alternative of not adopting any rule ~~if, so long as~~  
133 the proposal explains how the lower costs and objectives of the  
134 law will be achieved by not adopting any rule. If such a  
135 proposal is submitted, the time period for filing the rule under  
136 s. 120.54(3)(e)2. ~~90-day period for filing the rule~~ is extended  
137 90 ~~21~~ days.

138 ~~(b)~~ Upon the submission of the lower cost regulatory  
139 alternative, the agency ~~shall prepare a statement of estimated~~  
140 ~~regulatory costs as provided in subsection (2), or shall revise~~  
141 its prior statement of estimated regulatory costs, and either  
142 adopt the alternative or provide ~~give~~ a statement of the reasons  
143 for rejecting the alternative in favor of the proposed rule. ~~The~~  
144 ~~failure of the agency to prepare or revise the statement of~~  
145 ~~estimated regulatory costs as provided in this paragraph is a~~  
146 ~~material failure to follow the applicable rulemaking procedures~~  
147 ~~or requirements set forth in this chapter. An agency required to~~  
148 ~~prepare or revise a statement of estimated regulatory costs as~~  
149 ~~provided in this paragraph shall make it available to the person~~  
150 ~~who submits the lower cost regulatory alternative and to the~~  
151 ~~public prior to filing the rule for adoption.~~

152 (b) If a proposed rule will have an adverse impact on  
153 small business or if the proposed rule is likely to directly or  
154 indirectly increase regulatory costs in excess of \$200,000 in  
155 the aggregate, the agency shall prepare a statement of estimated  
156 regulatory costs as required by s. 120.54(3)(b).

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157 (c) The agency shall revise a statement of estimated  
158 regulatory costs if any change to the rule made under s.  
159 120.54(3)(d) increases the regulatory costs of the rule.

160 (d) At least 45 days before filing the rule for adoption,  
161 an agency that is required to revise a statement of estimated  
162 regulatory costs shall provide the statement to the person who  
163 submitted the lower cost regulatory alternative and to the  
164 committee, and provide notice on the agency's website that it is  
165 available to the public.

166 (e) The failure of the agency to prepare or revise the  
167 statement of estimated regulatory costs as provided in this  
168 section is a material failure to follow the applicable  
169 rulemaking procedures or requirements set forth in this chapter.

170 (f)(e) A rule that is challenged pursuant to s.  
171 120.52(8)(a) because of the failure to prepare or revise the ~~No~~  
172 ~~rule shall be declared invalid because it imposes regulatory~~  
173 ~~costs on the regulated person, county, or city which could be~~  
174 ~~reduced by the adoption of less costly alternatives that~~  
175 ~~substantially accomplish the statutory objectives, and no rule~~  
176 ~~shall be declared invalid based upon a challenge to the agency's~~  
177 ~~statement of estimated regulatory costs~~ may not be declared  
178 invalid, unless:

179 1. The issue is raised in an administrative proceeding  
180 within 1 year after the effective date of the rule; and

181 2. The agency's failure to prepare or revise the statement  
182 of estimated regulatory costs materially affects the substantial  
183 interests of the person challenging the agency. ~~The substantial~~  
184 ~~interests of the person challenging the agency's rejection of,~~

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185 ~~or failure to consider, the lower cost regulatory alternative~~  
186 ~~are materially affected by the rejection; and~~

187 ~~3.a. The agency has failed to prepare or revise the~~  
188 ~~statement of estimated regulatory costs as required by paragraph~~  
189 ~~(b); or~~

190 ~~b. The challenge is to the agency's rejection under~~  
191 ~~paragraph (b) of a lower cost regulatory alternative submitted~~  
192 ~~under paragraph (a).~~

193 (g) A rule that is challenged pursuant to s. 120.52(8)(f)  
194 because the rule imposes regulatory costs on the regulated  
195 person, county, or city which could be reduced by the adoption  
196 of less costly alternatives that substantially accomplish the  
197 statutory objectives may not be declared invalid unless:

198 1. The issue is raised in an administrative proceeding  
199 within 1 year after the effective date of the rule;

200 2. The challenge is to the agency's rejection of a lower  
201 cost regulatory alternative offered under paragraph (a) or s.  
202 120.54(3)(b)2.b.; and

203 3. The substantial interests of the person challenging the  
204 agency are materially affected by the rejection.

205 (2) A statement of estimated regulatory costs shall  
206 include:

207 (a) An economic analysis showing whether the rule directly  
208 or indirectly:

209 1. Is likely to have an adverse impact on economic growth,  
210 private-sector job creation or employment, or private-sector  
211 investment in excess of \$1 million in the aggregate;

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212        2. Is likely to have an adverse impact on business  
213 competitiveness, including the ability of persons doing business  
214 in the state to compete with persons doing business in other  
215 states or domestic markets, productivity, or innovation in  
216 excess of \$1 million in the aggregate; or

217        3. Is likely to increase regulatory costs, including any  
218 transactional costs, in excess of \$1 million in the aggregate.

219        (b) A good faith estimate of the number of individuals and  
220 entities likely to be required to comply with the rule, together  
221 with a general description of the types of individuals likely to  
222 be affected by the rule.

223        (c)~~(b)~~ A good faith estimate of the cost to the agency,  
224 and to any other state and local government entities, of  
225 implementing and enforcing the proposed rule, and any  
226 anticipated effect on state or local revenues.

227        (d)~~(e)~~ A good faith estimate of the transactional costs  
228 likely to be incurred by individuals and entities, including  
229 local government entities, required to comply with the  
230 requirements of the rule. As used in this section paragraph,  
231 "transactional costs" are direct costs that are readily  
232 ascertainable based upon standard business practices, and  
233 include filing fees, the cost of obtaining a license, the cost  
234 of equipment required to be installed or used or procedures  
235 required to be employed in complying with the rule, additional  
236 operating costs incurred, ~~and~~ the cost of monitoring and  
237 reporting, and any other costs necessary to comply with the  
238 rule.

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239        ~~(e)(d)~~ An analysis of the impact on small businesses as  
240 defined by s. 288.703, and an analysis of the impact on small  
241 counties and small cities as defined in by s. 120.52. The impact  
242 analysis for small businesses must include the basis for the  
243 agency's decision not to implement alternatives that would  
244 reduce adverse impacts on small businesses.

245        ~~(f)(e)~~ Any additional information that the agency  
246 determines may be useful.

247        ~~(g)(f)~~ In the statement or revised statement, whichever  
248 applies, a description of any regulatory alternatives ~~good faith~~  
249 ~~written proposal~~ submitted under paragraph (1)(a) and either a  
250 statement adopting the alternative or a statement of the reasons  
251 for rejecting the alternative in favor of the proposed rule.

252        (3) If the adverse impact or regulatory costs of the rule  
253 exceed any of the criteria established in paragraph (2)(a), the  
254 rule shall be submitted to the President of the Senate and  
255 Speaker of the House of Representatives no later than 30 days  
256 prior to the next regular legislative session, and the rule may  
257 not take effect until it is ratified by the Legislature.

258        (4) Paragraph (2)(a) does not apply to the adoption of  
259 emergency rules pursuant to s. 120.54(4) or the adoption of  
260 federal standards pursuant to s. 120.54(6).

261        Section 3. Paragraph (a) of subsection (2) and paragraph  
262 (d) of subsection (4) of section 120.56, Florida Statutes, are  
263 amended to read:

264        120.56 Challenges to rules.—

265        (2) CHALLENGING PROPOSED RULES; SPECIAL PROVISIONS.—

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266 (a) A ~~Any~~ substantially affected person may seek an  
267 administrative determination of the invalidity of a ~~any~~ proposed  
268 rule by filing a petition seeking such a determination with the  
269 division within 21 days after the date of publication of the  
270 notice required by s. 120.54(3) (a); ~~7~~ within 10 days after the  
271 final public hearing is held on the proposed rule as provided by  
272 s. 120.54(3) (e)2.; ~~7~~ within 44 ~~20~~ days after the statement of  
273 estimated regulatory costs or revised statement of estimated  
274 regulatory costs, if applicable, has been prepared and made  
275 available as provided in s. 120.541(1) (d); ~~required pursuant to~~  
276 ~~s. 120.541, if applicable, has been provided to all persons who~~  
277 ~~submitted a lower cost regulatory alternative and made available~~  
278 ~~to the public,~~ or within 20 days after the date of publication  
279 of the notice required by s. 120.54(3) (d). The petition must  
280 ~~shall~~ state with particularity the objections to the proposed  
281 rule and the reasons that the proposed rule is an invalid  
282 exercise of delegated legislative authority. The petitioner has  
283 the burden of going forward. The agency then has the burden to  
284 prove by a preponderance of the evidence that the proposed rule  
285 is not an invalid exercise of delegated legislative authority as  
286 to the objections raised. A ~~Any~~ person who is substantially  
287 affected by a change in the proposed rule may seek a  
288 determination of the validity of such change. A ~~Any~~ person who  
289 is not substantially affected by the proposed rule as initially  
290 noticed, but who is substantially affected by the rule as a  
291 result of a change, may challenge any provision of the rule and  
292 is not limited to challenging the change to the proposed rule.



Amendment No.

293 (4) CHALLENGING AGENCY STATEMENTS DEFINED AS RULES;  
294 SPECIAL PROVISIONS.—

295 (d) If an administrative law judge enters a final order  
296 that all or part of an agency statement violates s.  
297 120.54(1)(a), the agency must ~~shall~~ immediately discontinue all  
298 reliance upon the statement or any substantially similar  
299 statement as a basis for agency action. ~~This paragraph shall not~~  
300 ~~be construed to impair the obligation of contracts existing at~~  
301 ~~the time the final order is entered.~~

302 Section 4. Subsections (1) and (3) of section 120.60,  
303 Florida Statutes, are amended to read:

304 120.60 Licensing.—

305 (1) Upon receipt of ~~an application for~~ a license  
306 application, an agency shall examine the application and, within  
307 30 days after such receipt, notify the applicant of any apparent  
308 errors or omissions and request any additional information the  
309 agency is permitted by law to require. An agency may ~~shall~~ not  
310 deny a license for failure to correct an error or omission or to  
311 supply additional information unless the agency timely notified  
312 the applicant within this 30-day period. The agency may  
313 establish by rule the time period for submitting any additional  
314 information requested by the agency. For good cause shown, the  
315 agency shall grant a request for an extension of time for  
316 submitting the additional information. If the applicant believes  
317 the agency's request for additional information is not  
318 authorized by law or rule, the agency, at the applicant's  
319 request, shall proceed to process the application. An  
320 application is ~~shall be considered~~ complete upon receipt of all

Amendment No.

321 requested information and correction of any error or omission  
322 for which the applicant was timely notified or when the time for  
323 such notification has expired. An ~~Every~~ application for a  
324 license must ~~shall~~ be approved or denied within 90 days after  
325 receipt of a completed application unless a shorter period of  
326 time for agency action is provided by law. The 90-day time  
327 period is ~~shall be~~ tolled by the initiation of a proceeding  
328 under ss. 120.569 and 120.57. Any application for a license  
329 which ~~that~~ is not approved or denied within the 90-day or  
330 shorter time period, within 15 days after conclusion of a public  
331 hearing held on the application, or within 45 days after a  
332 recommended order is submitted to the agency and the parties,  
333 whichever action and timeframe is latest and applicable, is  
334 considered approved unless the recommended order recommends that  
335 the agency deny the license. Subject to the satisfactory  
336 completion of an examination if required as a prerequisite to  
337 licensure, any license that is considered approved shall be  
338 issued and may include such reasonable conditions as are  
339 authorized by law. Any applicant for licensure seeking to claim  
340 licensure by default under this subsection shall notify the  
341 agency clerk of the licensing agency, in writing, of the intent  
342 to rely upon the default license provision of this subsection,  
343 and may ~~shall~~ not take any action based upon the default license  
344 until after receipt of such notice by the agency clerk.

345 (3) Each applicant shall be given written notice, either  
346 personally or by mail, that the agency intends to grant or deny,  
347 or has granted or denied, the application for license. The  
348 notice must state with particularity the grounds or basis for

Amendment No.

349 the issuance or denial of the license, except when issuance is a  
350 ministerial act. Unless waived, a copy of the notice shall be  
351 delivered or mailed to each party's attorney of record and to  
352 each person who has made a written request for ~~requested~~ notice  
353 of agency action. Each notice must ~~shall~~ inform the recipient of  
354 the basis for the agency decision, ~~shall~~ inform the recipient of  
355 any administrative hearing pursuant to ss. 120.569 and 120.57 or  
356 judicial review pursuant to s. 120.68 which may be available,  
357 ~~shall~~ indicate the procedure that ~~which~~ must be followed, and  
358 ~~shall~~ state the applicable time limits. The issuing agency shall  
359 certify the date the notice was mailed or delivered, and the  
360 notice and the certification must ~~shall~~ be filed with the agency  
361 clerk.

362 Section 5. This act shall take effect upon becoming a law.  
363  
364

365 -----  
366 **T I T L E A M E N D M E N T**

367 Remove the entire title and insert:

368 A bill to be entitled

369 An act relating to rulemaking; amending s. 120.54, F.S.;  
370 requiring each agency, before adopting, amending, or  
371 repealing certain rules, to prepare a statement of  
372 estimated regulatory costs of the proposed rule if the  
373 proposed rule has adverse impacts on small business or  
374 increases regulatory costs; providing an exception to  
375 circumstances under which an emergency rule shall not be  
376 effective; amending s. 120.541, F.S.; extending the time

## Amendment No.

377 period for filing a rule when a substantially affected  
378 person submits a proposal for a lower cost regulatory  
379 alternative; providing circumstances under which an agency  
380 shall prepare or revise a statement of estimated regulatory  
381 costs; providing notice requirements; providing that an  
382 agency's failure to prepare or revise the statement of  
383 estimated regulatory costs is a material failure to follow  
384 the applicable rulemaking procedures or requirements of the  
385 chapter; specifying the conditions under which a challenged  
386 rule may not be declared invalid; specifying the  
387 requirements for an economic analysis on proposed rule or  
388 rule changes; requiring that a rule impact analysis for  
389 small businesses include the agency's basis for not  
390 implementing alternatives to a proposed rule; providing  
391 circumstances under which a rule shall not take effect  
392 until ratified by the Legislature; providing that the act  
393 is not applicable to certain specified rules or standards;  
394 amending s. 120.56, F.S.; providing for revised statements  
395 of estimated regulatory costs as a basis for challenging a  
396 rule; amending s. 120.60, F.S.; authorizing an agency to  
397 provide by rule for the time period for submitting  
398 additional information needed for a license application;  
399 requiring that certain requests to receive notice relating  
400 to a license application be submitted in writing; providing  
401 an effective date.



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1603 (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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Cruz offered the following:  
4

5 **Amendment**

6 Remove lines 37-44 and insert:

7 ~~(d) A local steering committee shall be established in~~  
8 ~~each fiscal agent area to assist in conducting the campaign and~~  
9 ~~to direct the distribution of undesignated funds remaining after~~  
10 ~~partial distribution pursuant to paragraph (e). The committee~~  
11 ~~shall be composed of state employees selected by the fiscal~~  
12 ~~agent from among recommendations provided by interested~~  
13 ~~participating organizations, if any, and approved by the~~  
14 ~~Statewide Steering Committee.~~



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7203 (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                                    \_\_\_\_\_

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Bogdanoff offered the following:  
4

5                   **Amendment**

6                   Remove everything after the enacting clause and insert:  
7                   Section 1. Section 212.0315, Florida Statutes, is created  
8 to read:

9                   212.0315 Optional community development district tax on  
10 rental or license fee for use of real property.-

11                   (1) A district may levy a tax of up to 1 percent on all  
12 transactions occurring in the district that are subject to the  
13 state tax imposed under s. 212.031, if the conditions in  
14 subsection (2) are met. The tax, if levied, shall be computed as  
15 the applicable rate times the amount of taxable transactions.  
16 The amount of any such levy is not subject to tax under s.  
17 212.031.



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7203 (2010)

Amendment No. 1

18       (2) (a) The tax must first be approved by at least four  
19 members of the five-member elected board of supervisors of the  
20 district.

21       (b) The tax must then be approved by a vote of at least  
22 two-thirds of the landowners within the district, cast at a  
23 special meeting called solely for the purpose of considering the  
24 levying of the tax authorized by this section.

25       1. The special meeting shall be noticed in the same manner  
26 as is provided for in s. 190.006(2) (a) for the initial election  
27 of supervisors.

28       2. Landowners may cast their vote either in person or by  
29 proxy in writing. Votes cast by proxy must comply with the  
30 requirements for proxy votes set forth in s. 190.006(2) (b).

31       3. Each landowner shall have one vote without regard to  
32 the number of acres owned.

33       (c) The district board shall notify the department within  
34 10 days after approval under this subsection to levy a tax.

35       (3) A tax authorized under this section may take effect on  
36 the first day of any month, but may not take effect until at  
37 least 60 days after approval to levy the tax is obtained  
38 pursuant to subsection (2).

39       (4) If, pursuant to s. 190.006(3) (a)2.d., the district  
40 board determines that the district has qualified electors, the  
41 district's authority to levy a tax under this section shall  
42 expire. The district board shall notify the department within 10  
43 days after such a determination is made.

44       (5) As used in this section, the terms:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7203 (2010)

Amendment No. 1

45 (a) "Qualified elector" and "landowner" have the same  
46 meanings as provided in s. 190.003.

47 (b) "District" means a community development district  
48 established pursuant to s. 190.004 that has no qualified  
49 electors.

50 (6) The proceeds of the tax provided for in this section  
51 shall only be used to:

52 (a) Promote and support commercial activity within the  
53 district.

54 (b) Promote and support those festivals, special events,  
55 and other activities within the district that enhance commercial  
56 activity.

57 (c) Provide public services as deemed necessary by the  
58 district's board to support commercial activities, including  
59 additional public services as deemed necessary by the district's  
60 board to support festivals, special events, and other activities  
61 that enhance commercial activity within the district. As used in  
62 this paragraph, the term "public services" includes, but is not  
63 limited to, law enforcement, fire protection, emergency  
64 services, and sanitation services, and are limited to the  
65 services authorized by chapter 190.

66 (7) All expenditures of the proceeds of the tax provided  
67 for in this section must first be approved by the district board  
68 of supervisors.

69 (8) The tax authorized under this section shall be charged  
70 by the person receiving the consideration for the lease,  
71 license, or rental and shall be collected from the lessee,

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7203 (2010)

Amendment No. 1

72 licensee, or tenant at the time of payment of the consideration  
73 for such lease, license, or rental.

74 (9) All transactions that are exempt from the state sales  
75 tax imposed under s. 212.031 are exempt from the tax authorized  
76 by this section.

77 (10) (a) Any district levying a tax authorized by this  
78 section shall locally administer the tax. To the extent that  
79 such provisions are not manifestly incompatible with the  
80 provisions of this section, the same powers, duties,  
81 limitations, and privileges imposed by chapters 212 and 213  
82 apply to the assessment, payment, collection, and administration  
83 of tax levied pursuant to this section.

84 (b) Upon approval of a tax pursuant to subsection (2) and  
85 before such tax may become effective, the district board shall  
86 adopt a resolution that includes provision for, but need not be  
87 limited to:

88 1. The initial collection rate and the first day of  
89 imposition of the tax.

90 2. Designation of the district official to whom the tax  
91 shall be remitted, and that official's powers and duties with  
92 respect to such tax revenues. Tax revenues may be used only in  
93 accordance with the provisions of this section.

94 3. Requirements respecting the keeping of appropriate  
95 books, records, and accounts by those responsible for collecting  
96 and administering the tax.

97 4. Provision for payment of a dealer's credit as required  
98 under this chapter.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7203 (2010)

Amendment No. 1

99       5. A portion of the tax collected may be retained by the  
100 district for costs of administration, but such portion shall not  
101 exceed 3 percent of collections.

102       (c) A district adopting a tax authorized under this  
103 section shall assume all responsibility for administering the  
104 tax imposed by this section, including auditing the records and  
105 accounts of dealers, and assessing, collecting, and enforcing  
106 payments of delinquent taxes. The district shall be bound by the  
107 rules of the department. The district shall be bound by the same  
108 confidentiality requirements and subject to the same penalties  
109 as the department under s. 213.053. The district may use any  
110 power granted in this chapter to the department to determine the  
111 amount of tax, penalties, and interest to be paid by each dealer  
112 and to enforce payment of such tax, penalties, and interest. The  
113 district may use a certified public accountant licensed in this  
114 state in the administration of its statutory duties and  
115 responsibilities. Such certified public accountants are bound by  
116 the same confidentiality requirements and subject to the same  
117 penalties as the district under s. 213.053.

118       (11) The tax imposed by this section shall constitute a  
119 lien on the property of the lessee or licensee of any real  
120 estate in the same manner as, and shall be collectible as are,  
121 liens authorized and imposed by ss. 713.68 and 713.69.

122       Section 2. 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: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Bogdanoff offered the following:  
4

5           **Amendment (with title amendment)**

6           Remove lines 143-144 and insert:

7 production that are used for the purpose of frost and freeze  
8 protection consistent with the Department of Agriculture and  
9 Consumer

10 -----  
11

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

13           Remove lines 15-16 and insert:

14 horticulture production structures or improvements used for  
15 specified  
16

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7215 (2010)

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 \_\_\_\_\_

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Bogdanoff offered the following:  
4

**Amendment (with title amendment)**

6 Between lines 176 and 177, insert:

7 Section 7. Whistleblower reward for reporting illegal or  
8 improper homestead exemptions.-

9 (1) Any person may report to the property appraiser's  
10 office a possible homestead exemption violation if he or she  
11 believes a homestead exemption, as described in s. 196.031,  
12 Florida Statutes, has been granted to a person who is not  
13 entitled to such exemption. If the property appraiser verifies  
14 that a homestead exemption was illegally or improperly obtained,  
15 the tax collector, after collecting any back taxes and resulting  
16 penalties, shall pay the person who reported the violation a  
17 reward of 25 percent of the penalties collected, not to exceed  
18 \$500. Such reward shall be paid from the penalties recovered by  
19 the tax collector in connection with the reported violation.

Amendment No. 2

20       (2) A tax collector may pay a reward to only one person  
21 for reporting each verified homestead exemption violation. If  
22 more than one person reports a violation pertaining to the same  
23 property, the person who reported the violation at the earliest  
24 date and time via the appropriate reporting method shall receive  
25 the reward.

26       (3) The Department of Revenue shall create a form for  
27 reporting suspected homestead exemption violations. The form  
28 shall be available on the department's website, and each  
29 property appraiser shall provide printed forms upon request.  
30 Each submitted form must include the name and address of the  
31 person reporting the suspected violation, the address of the  
32 property suspected of illegally or improperly receiving a  
33 homestead exemption, and the basis for suspecting that a  
34 homestead exemption violation has occurred. The property  
35 appraiser shall stamp each submitted form with the current date  
36 and time immediately upon receipt.

37  
38  
39 -----  
40                   **T I T L E   A M E N D M E N T**

41       Remove line 23 and insert:

42 approval by referendum for each renewal; authorizing any person  
43 to report to the property appraiser a possible homestead  
44 exemption violation under certain circumstances; requiring that  
45 the property appraiser pay a specified reward to the reporting  
46 individual after the recovery of any back taxes or penalties by  
47 the tax collector; requiring that funds for such reward be taken



COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7215 (2010)

Amendment No. 2

48 from a specified source; providing that a reward may be paid to  
49 only one person for each verified violation; providing for the  
50 determination of the recipient of a reward if more than one  
51 resident reports a violation; requiring that the Department of  
52 Revenue create a form for reporting such violations and provide  
53 such form by specified means; requiring that each submitted form  
54 contain certain information; requiring that the property  
55 appraiser stamp each submitted form with the current date and  
56 time upon receipt; providing an

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 \_\_\_\_\_

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1 Council/Committee hearing bill: Economic Development &  
2 Community Affairs Policy Council  
3 Representative(s) Rader offered the following:  
4

**Amendment (with title amendment)**

5 Between lines 176 and 177, insert:

6 Section 7. Effective upon this act becoming law, Section  
7 193.1553, Florida Statutes, is created to read:  
8

9 193.1553 Assessment of properties located in an area where  
10 a cancer cluster is present.-

11 (1) As used in this section, the term "cancer cluster"  
12 means a higher than expected number of a particular type of  
13 cancer occurring in a local community over a defined period of  
14 time.

15 (2) When the existence of a cancer cluster has been  
16 confirmed by the Department of Health or the Centers for  
17 Disease Control and Prevention of the United States Department  
18 of Health and Human Services, the property appraiser, is hereby  
19 directed to take into consideration the presence of the cancer

Amendment No. 3

20 cluster when determining the assessed value of property located  
21 within the area where the cancer cluster exists. The property  
22 appraiser is hereby directed to consider the latest available  
23 information regarding the effect of the cancer cluster on  
24 assessed values, including sales occurring after January 1,  
25 prior to determining the assessed value of the affected  
26 properties.

27 (3) This section expires July 1, 2017, unless reviewed and  
28 reenacted by the Legislature on or before that date.

29

30

31

32

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

33

Remove line 23 and insert:

34

approval by referendum for each renewal; creating s. 193.1553,

35

F.S.; providing a definition; requiring property appraisers to

36

consider the existence of a cancer cluster in determining the

37

assessed value of property; directing the property appraiser to

38

consider the latest available information, including sales

39

occurring after January 1; providing an effective date.