

<p>OPERATING DIRECTIVE</p> <p>Aviation Authority</p>	<p>Number: <u>D330.00.10</u></p> <p>Effective: <u>09/25/07</u></p> <p>Revised: <u>07/19/17</u></p> <p>Page: <u>1</u> of <u>7</u></p>
<p>Subject: Derelict and Abandoned Aircraft Procedures</p>	

PURPOSE: To establish procedures for the determination, removal, and disposal of derelict and abandoned aircraft at the general aviation airports. For the purpose of this Operating Directive, the general aviation airports, Peter O. Knight, Plant City and Tampa Executive, will be referred to collectively as airports.

GENERAL: For the purpose of this Operating Directive, all definitions will be consistent as defined by Florida Statute Section 705.183.

- A. Derelict aircraft means any aircraft that is not in flyable condition, does not have a current certificate of air worthiness issued by the Federal Aviation Administration (FAA), and is not in the process of actively being repaired.
- B. Abandoned aircraft means an aircraft that has been disposed of on the airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has remained in an idle state on the airport for 45 consecutive calendar days. For the purpose of this Operating Directive, “idle state” will be defined as an aircraft not in usable condition and without a previously agreed arrangement between the owner of the aircraft and either the airport and/or Fixed Base Operator (FBO).

PROCEDURES: As directed by Florida Statute Section 705.183, derelict and abandoned aircraft removal procedures will be conducted as follows:

- A. Upon written notice by the FBO of a possible derelict or abandoned aircraft, the Chief Executive Officer (CEO) or designee will make a record of the date the aircraft was found or determined to be on the premises.
- B. The CEO or designee will investigate the claims of the FBO to determine if the aircraft meets the conditions necessary under this Operating Directive to deem the aircraft derelict or abandoned.
 1. The CEO or designee will gather visual evidence of missing or damaged parts.
 2. The CEO or designee will determine if the aircraft is currently under repair by a commercial aircraft maintenance shop or under an Authority issued Special Use Permit.

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3. The CEO or designee may enlist the assistance of Flight Standards District Office (FSDO).
- C. If it is determined that the aircraft is derelict or abandoned and not being repaired or under permit, the CEO or designee will initiate the following steps:
1. Contact the FAA, Aircraft Registration Branch, to search their database for the name and address of the last registered owner of the aircraft.
 2. In coordination with the Procurement Department and FBO, conduct a diligent personal search of appropriate records, or contact an aircraft title search company to determine the name and address of any person having an equitable or legal interest in the aircraft.
 3. Within ten business days after receipt of the information, the CEO or designee will notify the owner and all persons having an equitable or legal interest in the aircraft by certified mail, return receipt requested, of the following:
 - a. The location of the derelict or abandoned aircraft on the airport premises.
 - b. Notify that fees and charges for use of the airport by the aircraft have accrued, and the amount of the fees and charges.
 - c. Notify that the aircraft is subject to a lien for the accrued fees and charges for the use of the airport and for the transportation, storage and removal of the aircraft.
 - d. Notify that the lien is subject to enforcement pursuant to law.
 - e. Notify that the Authority may cause the use, trade, sale or removal of the aircraft within 30 calendar days after the date of receipt of such notice if the aircraft has not been removed from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage and removal of the aircraft.

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4. Such notice may require removal of the aircraft in less than 30 calendar days if the aircraft poses a danger to the health or safety of users of the airport, as determined by the CEO or designee.
- D. If the owner of the aircraft is unknown or cannot be found, the CEO or designee will post a laminated notice upon the aircraft in the form designated in Attachment 1. Such notice will be printed on paper at least 8 inches by 10 inches and will be sufficiently weatherproof to withstand normal exposure to the weather.
- E. If after 30 calendar days after receipt of the notice the owner or any person interested in the derelict or abandoned aircraft has not removed the aircraft from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so, the CEO or designee may cause the use, trade, sale, or removal of the aircraft in accordance with Florida Statue Section 705.182(2)(a), (b), (d) or (e).
1. If the airport elects to sell the aircraft, the aircraft will be sold at public auction after giving notice of the time and place of sale, at least 10 calendar days prior to the date of sale, in a publication of general circulation within the county where the airport is located and after providing written notice of the intended sale to all parties known to have an interest in the aircraft.
 2. If the airport elects to dispose of the aircraft, the airport will negotiate with the appropriate refuse, removal or salvage company for a price to be received from such company in payment for the aircraft or, if circumstances warrant, a price to be paid to such company by the airport for the costs of disposing of the aircraft. All information pertaining to the establishment of such price and the justification for the amount of such price will be prepared and maintained by the airport.
 3. If the sale price or the negotiated price is less than the airport's then current charges and costs against the aircraft, or if the airport is required to pay the salvage company for its services, the owner of the aircraft will remain liable to the airport for the airport's costs that are not offset by the sale price or negotiated price, in addition to the owner's liability for payment to the airport of the price the airport was required to pay any salvage company. All costs incurred by the

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airport in the removal, storage, and sale of any aircraft will be recoverable against the owner of the aircraft.

- F. If the airport chooses to lien a derelict or abandoned aircraft for all fees and charges for the use of the airport by the aircraft and for all fees and charges incurred by the airport for the transportation, storage, and removal of the aircraft, the CEO or designee must serve a notice in accordance with paragraph (C) under “Procedures” above on the last registered owner and all persons having an equitable or legal interest in the aircraft. Serving of the notice does not dispense with recording the claim of lien.
1. For the purpose of perfecting its lien, the airport will record a claim of lien which will include the following:
 - a. Name and address of the airport.
 - b. Name of the last registered owner of the aircraft and all persons having a legal or equitable interest in the aircraft.
 - c. Fees and charges incurred by the aircraft for the use of the airport, and the fees and charges for the transportation, storage and removal of the aircraft.
 - d. Description of the aircraft sufficient for identification.
 2. The claim of lien will be signed and sworn to or affirmed by the CEO or designee. The claim of lien will be in a form substantially similar to Attachment 2.
 3. Prior to recording, the claim of lien will be served on the last registered owner of the aircraft and all persons having an equitable or legal interest in the aircraft.
 4. The claim of lien will be recorded with the clerk of court in the county where the airport is located.

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- G. If the aircraft is sold at public sale, the airport will deduct from the proceeds of sale, the costs of transportation, storage, publication of notice, and all other costs reasonably incurred by the airport, and any balance of the proceeds will be deposited into an interest-bearing account no later than 30 calendar days after the airport's receipt of the proceeds and held there for one year. The rightful owner of the aircraft may claim the balance of the proceeds within one year after the date of the deposit by making application to the airport and presenting acceptable written evidence of ownership to the CEO or designee. If no rightful owner claims the proceeds within the one year period, the balance of the proceeds will be retained by the airport to be used in any manner authorized by law.
- H. No aircraft under active investigation by the FAA, National Transportation Safety Board, or other law enforcement agency will be removed from the airport.

APPROVED: Joe Lopano

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Attachment 1

**NOTICE TO THE OWNER AND ALL PERSONS INTERESTED
IN THE ATTACHED PROPERTY**

This property, to wit: Aircraft N# _____ Year _____ Manufacture _____ Model _____ is unlawfully upon public property known as _____ Airport and has accrued fees and charges for the use of _____ Airport and for the transportation, storage, and removal of the property. These accrued fees and charges must be paid in full and the property must be removed within 30 calendar days after the date of this notice; otherwise, the property will be removed and disposed of pursuant to Chapter 705, Florida Statutes. The property is subject to a lien for all accrued fees and charges for the use of the public property known as _____ Airport by such property and for all fees and charges incurred by the public property known as _____ Airport for the transportation, storage and removal of the property. **This lien is subject to enforcement pursuant to law. The owner will be liable for such fees and charges, as well as the cost of publication of this notice.**

Tampa International Airport
Chief Executive Officer

Post Office Box 22287
Tampa, Florida 33622

DATE: _____

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Attachment 2

CLAIM OF LIEN

State of _____

County of _____

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

(Description of aircraft)

owned by _____, whose address is _____, has accrued \$ _____ in fees and charges for the use by the aircraft of _____ and for the transportation, storage, and removal of the aircraft from _____; that the lienor served its notice to the last registered owner and all persons having a legal or equitable interest in the aircraft on _____, (year), by _____.

(Signature)

Sworn to (or affirmed) and subscribed before me this _____ day of _____, (year), by
(name of person making statement)

(Signature of Notary Public)

(Print, Type, or Stamp Commissioned name of Notary Public)

Personally Known OR Produced _____ as identification.